

FIELD OPERATIONS MANUAL

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The procedures in this manual are provided to insure consistency and guidance through out the Commonwealth of Virginia in our Food Safety Program. Additional memorandums and notices (emails) may be inserted in the section pertaining to the subject until such time the specific procedure is modified or added. This manual is subject to change and input from field personnel is strongly encouraged.

Edited July 12, 2012

FIELD OPERATIONS MANUAL

PROCEDURE I-00
Revised

FOOD SAFETY PROGRAM **VOLUNTARY COMPLIANCE APPROACH TO FOOD SAFETY**

LETTER OF WARNING

When significant violations of the Virginia Food Laws are noted on an Inspection Report and the firm is not considered to be in '**substantial compliance**' the firm is sent a Letter of Warning. On rare occasions, violations will be serious enough that, to expedite correction of conditions, this step may be skipped and a Field Hearing or an Administrative Hearing can be conducted.

A follow-up inspection is conducted within thirty days from the date of the letter.

FIELD HEARING

If significant improvements are not noted on the follow-up inspection, a decision is made by the office to either send the firm a Field Hearing Letter or if the situation warrants conduct an on-site Hearing.

The Field Hearing Letter requests a written reply from the firm as to the steps that have been taken or will be taken to bring their firm into compliance. The Letter is considered notice and warning to place the premises in a sanitary condition as required by section 3.2-5132 of the code.

An on-site Field Hearing consists of the Field Supervisor and the inspector meeting with firm management at their establishment to go over the requirements of the Virginia Food Laws and applicable regulations as well as the penalties prescribed in the code that pertain to the violations found during the inspections. During the Hearing, we request voluntary compliance.

A follow-up inspection is conducted within thirty days from the date of the letter or Hearing date.

ADMINISTRATIVE HEARING

If significant improvements are still not seen, an Administrative Hearing is held for the firm. The Administrative Hearing consists of the Compliance Officer and Regional Manager meeting with firm management. During the hearing, the Compliance Officer goes over the violative history of the firm, emphasizing the violative conditions observed during the recent inspections. The Administrative Hearing is a 'show cause' hearing, giving the firm management the opportunity to show any improvements made or planned in an attempt to show why the firm shouldn't be referred to the Commonwealth's Attorney for prosecution. This opportunity to respond to charges is required by section 3.2-5128 of the

code before any of the prohibited acts defined in 3.2-5126 of the code are brought to the attention of a Commonwealth's Attorney. If the firm management presents a reasonable explanation/plan that should remedy the objectionable conditions, the firm is generally given another opportunity to comply with the Virginia Food Laws.

A follow-up inspection is conducted within thirty days from the Hearing date.

REFERRAL TO COMMONWEALTH'S ATTORNEY

If significant improvements are still not seen on the follow-up inspection, a case folder is developed establishing a history of the violations, including copies of inspection reports, sample analysis results, pictures, memos and any other pertinent evidence to support the charges made. Proposed charges are also identified. An appointment with the local Commonwealth's Attorney is set with the Compliance Officer and inspector attending. The Compliance Officer explains to the Commonwealth's Attorney the nature of the visit, the food safety program, the voluntary compliance approach, the violative history of the firm and the applicable penalty sections of the law. The Commonwealth's Attorney then decides what approach they will take, generally bringing criminal charges against the firm managers and/or owners. They identify the charges that are supported by the evidence and the Compliance Officer and the inspector proceed to the magistrate's office to attest to the charges.

Injunctions are considered, but only in extreme cases where there is an **imminent** health hazard and there are no other viable alternatives.

The voluntary compliance effort is contingent upon some evidence that serious conditions will be corrected and the potential threat to public health removed. In absence of such evidence, charges may be brought to the attention of the Commonwealth's Attorney more quickly. Examples of these situations include the lack of response to an Administrative Hearing and the denial of entry for the purposes of making an inspection and collecting samples. In the instance of denial of entry, one Commonwealth's Attorney has resorted to the issuance of a search warrant.

The voluntary compliance effort has been successful with getting firm management to correct violative conditions without referral to the Commonwealth's Attorney. Some establishment personnel correct conditions after a Letter of Warning, some after a Field Hearing, and some after an Administrative Hearing. Prosecution is a last resort when all else fails and it has its effect on non-compliant food establishment managers and owners as most comply after legal action is brought against them. Only seldom is additional legal action necessary to achieve compliance.

Revised May 2009

FIELD OPERATIONS MANUAL

PROCEDURE I-01

INSPECTOR SAFETY

BACKGROUND

The safety of Food Safety Specialists (FSS) who have establishments perceived to be in a high crime or unsafe areas are of paramount importance to all concerned. Also, serious consideration must be given to the safety of the FSS conducting a home operation inspections/visits. The establishment of this FOM is to provide guidance and requirements for the FSS who have the aforementioned areas in their territories/inventory. This FOM is not intended to replace the use of common sense and sound personal judgment nor is it to suggest that these firms are to be excluded from services provided by this agency.

POLICY

The following basic policy will be followed. Any questions or deviations concerning this issue should be immediately directed to your Regional Manager or Field Supervisor, if the manager is unavailable, or the Central Office, if your Regional or Supervisor, is unavailable.

A. Be alert and fully aware of your surroundings in the establishment and the area outside the firm. This also applies to home operation inspections/visits. All Food Safety Specialists are to dress appropriately so as not to draw undue attention to them.

B. When visiting establishments and it is perceived as being unsafe for whatever reason, an inspection will not be conducted at that time. An Inspection Report will be completed at a later time indicating that you attempted an inspection/visit. The Inspection Report will contain the statement **“Firm appears to be unsafe at this time. Inspection will be rescheduled.”** It is suggested that firms, which appear to be unsafe, be rescheduled for the morning hours or rainy days. After two (2) attempted inspections, you will contact your Regional Manager and request that an inspector be assigned to accompany you on the inspection. In the event that the situation is still unsafe, the matter will be referred to your Regional Manager for disposition on a case by case basis. In order to reduce exposure time in such firms when an inspection/visit is made, the Inspection Report and associated paperwork will be handwritten. Firms perceived to be in a unsafe areas are not to be excluded in any way from the services provided by this agency. Every reasonable effort will be made to provide services to these communities.

C. At no time will a FSS carry any firearm during an inspection/visit or in their state vehicle unless the individual has a permit to carry a concealed firearm; has specific approval from the Commissioner of Agriculture or his designated representative; and meets all legal requirements and any training VDACS deems necessary.

D. If at any time you have concerns about safety or allegations of sexual harassment, leave immediately and document situation. Contact your Regional Manager to determine the appropriate response.

Issued new August 99

FIELD OPERATIONS MANUAL

PROCEDURE I-02
Revised

TAMPERING INVESTIGATION

1. Upon receipt of a consumer complaint alleging product tampering, the information will be forwarded immediately to the responsible Regional Manager for proper disposition. If it is determined that a “tampering” investigation is warranted, the information will be given or telephoned immediately to the Food Safety Program Tampering Coordinator so that VDACS efforts can be coordinated with FDA and/or local law enforcement authorities. The Tampering Coordinator will work in conjunction with the responsible Regional Manager in developing an appropriate response. The designated Tampering Coordinator is Chris Thackston. His contact information is as follows: Cell phone: 804-382-0933, Home phone: 434-223-4454, Pager: 540-201-2067
Email: christopher.thackston@vdacs.virginia.gov.

Additionally, upon receipt of a complaint of suspected tampering or a suspicious substance, the tampering coordinator will notify the VDACS Emergency Services Manager (who in turn will notify the Fusion Center). The Emergency Services Manager is Dr. Donald Butts. His contact information is as follows: Office number: 804.786.9600 and Cell phone: 804.432.3605.

NOTE: Dr. Butts stated that he is almost always available via his cell phone as he has it with him 24/7 and his office phone is usually forwarded to his cell phone. The Food Safety Program, Tampering Coordinator will contact one (or more) of the following FDA officials to determine who will perform the investigation when the product is manufactured out-of-state.

- a. Kevin Morrow, FDA Consumer Complaint Recall Coordinator, phone (410) 779-5414, fax (410) 779-5705.
- b. Christine Smith, Director, Investigations Branch, phone (410) 779-5430, fax (410) 779-5705.
- c. Karen Anthony, Supervisor, Richmond Residence Post, phone (804) 747-0124 Ext. 102, fax (804) 747-4054.

If the product is manufactured in Virginia, VDACS will handle the investigation.

3. If VDACS is to handle the investigation, the complaint will be worked within twenty four (24) hours.
4. If some of the product in question remains in the possession of the complainant, the Food Safety Specialist (FSS) will visit the complainant and attempt to collect the remaining portion as a service sample. If the complainant does not want to turn the product over to us, the inspector should examine it and include very detailed information/descriptions in his/her report concerning who, what, when, where, and why. DETAILS ARE OF THE UTMOST IMPORTANCE.

5. The service sample will be sent to DCLS with a copy of the inspector's completed RECORD OF COMPLAINT. DCLS will be asked to conduct whatever analyses or examinations of the service sample that are appropriate.
6. The inspector (in conjunction with his/her Regional Manager, if necessary) will determine whether an official sample of the product in question should be collected or if a field examination of the product at the retailer, distributor or manufacturer is in order. During this visit, the retailer, distributor or manufacturer will be advised that we are investigating a consumer complaint alleging tampering.
7. Samples (both official and service, sent to DCLS as the result of an alleged product tampering incident will be clearly marked **PRODUCT TAMPERING ALLEGED** at the top of the sample collection report or at the top of the paperwork accompanying the service sample.
8. If, during the course of your investigation, there is reason to believe that a food product HAS been tampered with, please advise your Regional Manager and/or the Food Safety Program Tampering Coordinator **immediately**, so that the appropriate action can be taken. Remember that if this is a real tampering situation, it is a very serious matter and it becomes a law enforcement issue. Also, the collection of your samples, service or official must strictly follow established protocol.

Updated November 2008

FIELD OPERATIONS MANUAL

PROCEDURE I-03

USE OF OFFICIAL STATE CREDENTIALS

The credentials you have been issued consist of a leather case marked with the Seal of the Commonwealth and the name of the Department, a picture identification card and a badge identifying you as a State Food Inspector. They are distinctive and unique in the Department.

Their use requires a certain amount of responsibility on your part so that it reflects in a positive manner on you, your office and your Department. Remember, you are not a policeman. Do not display your credentials in an overt or aggressive manner. To do so would, invariably, bring criticism on all of us. Your credentials are merely a distinctive method of identification. Display them in the same manner you would any other form of identification, friendly and low key. It is permissible, when working with police, fire and other emergency agencies, to remove the badge from the case and attach it to your clothing if you need to cross fire lines, etc., and be readily identifiable to emergency personnel. Only do this in exceptional circumstances.

The loss of state credentials must be reported to your Regional Manager or the Central Office IMMEDIATELY.

You are responsible for these credentials. They identify you as an official agent of the state. Do not allow them to get out of your possession. In the wrong hands they can cause considerable damage to the image we wish to project.

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE I-04
Revised

REFUSAL TO PERMIT ENTRY, INSPECTION OR SAMPLING

During the course of your work, an occasion might arise when you are refused entry into a firm or refused the right to make an inspection. In that event you should explain that you have the right to inspect the firm pursuant to state law. If that approach fails, you should get a copy of the Virginia Food Laws and read section 3.2-5102 to the person refusing your request. Section 3.2-5126(A)5) should then be read to the individual, followed by the penalty section 3.2-5126(B). If you are still refused entry after properly identifying yourself and after reading the above sections of the law, you should telephone your Regional Manager immediately. This procedure also applies to the refusal to permit the collection of a sample.

Revised May 2009

FIELD OPERATIONS MANUAL

PROCEDURE I-05
Revised

STATE BLACKBERRY CELL PHONE

In your position as a Food Safety Specialist, the State has provided you with a Blackberry cell phone to facilitate efficient communication. In an effort to promote quality customer services in a timely manner, the office will provide your cell phone number to appropriate parties when necessary.

The position of Food Safety Specialist requires you to be available when necessary to respond to emergency situations. Therefore, you are to carry your Blackberry on flex days and weekends (days and evenings) in order to facilitate a rapid response to any disaster and/or emergency situation that may occur. *Please note that the only time that you are not required to carry your Blackberry with you is when you are on leave and/or when you are at home where you can be reached by telephone.*

Currently, the state is utilizing Verizon Blackberry cell phones. All employees are expected to read the associated instruction manuals to familiarize themselves with the equipment. Any problems with the phone should immediately be brought to the attention of your Regional Manager for necessary repairs.

Usage policy

- The phone is to be used for state business only.
- The phone is not to be used while operating a vehicle. Vehicles should be parked prior to using the Blackberry.
- Each phone has been allocated 600 anytime minutes, 500 mobile to mobile minutes and 1000 night/weekend minutes. It is imperative that calls be kept to a minimum to avoid excess charges.

VOICEMAIL

Part of your responsibility in having a Blackberry is to check your messages regularly. You should check your voice mail every day, including flex days and weekends. Weekend message retrieval is very important in the event that an emergency has occurred and the Fire Department or other such agency has tried to contact you about an emergency situation involving food. *You are required to answer your Blackberry during working hours and respond to voice mail in a timely manner.*

Messages are to be responded to as quickly as possible but should not exceed 30 minutes unless there are extenuating circumstances (i.e. in a training class, inspecting a facility that does not allow a cell phone, etc).

NOTE: All cell phone calls will be answered, regardless of whether the number is known (i.e. a number other than the office), according to established timeframes.

In conjunction with checking your messages regularly, you should also make use of a standard professional recording on your voice mail that indicates your position, who you work for, and in the event of an emergency, your pager number. Your recording should mirror the following example:

Hello. You have reached (your name), Food Safety Specialist for the Virginia Department of Agriculture's Food Safety & Security Program. Please leave me a message with your name, telephone number, the best time to reach you at that number, and a brief description of why you are calling, and I will return your call at my earliest convenience. If this is an emergency and you need immediate assistance, you may call the (Richmond, Roanoke, or Tidewater) office at (office phone number).

Additionally, you may want to modify your greeting when you know you are going to be on vacation or out of the office for a particular amount of time, indicating the days that you will be "out of the office" and when you will be returning. This way, your customers will be aware of your schedule and will know to expect a delay in you returning their call or can contact the appropriate office for assistance if needed. Such a modified greeting might be as follows:

Hello. You have reached (your name), Food Safety Specialist for the Virginia Department of Agriculture's Food Safety & Security Program. I will be out of the office June 15-18th. If you wish to leave a message, please indicate your name, telephone number, the best time to reach you at that number, and a brief description of why you are calling, and I will return your call when I return to the office at my earliest convenience. If you need immediate assistance, you may contact the (Richmond, Roanoke, or Tidewater) office at (office phone number).

TETHERING APPLICATION

Blackberries can be tethered to your laptop computers. This application allows your laptop computer to access the internet anywhere there is cellular coverage from your Blackberry.

TECHNICAL SUPPORT

All requests for assistance with your blackberry should be directed to the Virginia Information Technologies Agency (VITA) Customer Care Center. You will need to create a "ticket" to get the device corrected. The Customer Care Center operates 24 hours a day/7 days per week.

To access eSupport: <http://esupport.cov.virginia.gov>

Toll free phone: 1-866-637-8482 (VITA)

Individual field personnel WILL not attempt to obtain support services outside of VITA. Such action could result in disciplinary action.

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FIELD OPERATIONS MANUAL

PROCEDURE I-06
Revised

DAILY CALENDAR, ADMINISTRATIVE FORMS, WRITTEN REPORTS AND OTHER WRITTEN CORRESPONDENCE

When submitting your required forms of written correspondence the following guidelines should be followed:

- 1) Daily correspondence such as, but not limited to, Inspection Reports, sample collection reports, complaint forms, and memorandums should be submitted no less than two times a week.
- 2) Expense vouchers should be submitted on a monthly basis, however, when overnight travel is involved, expense vouchers should be submitted within 5 working days after completion of the trip. Personnel in training status should submit their vouchers on a weekly basis.
- 3) Monthly mileage reports must be submitted promptly on the last work day of every month to the Central Office.
- 4) Timesheets are to be submitted no later than the Monday following the completion of the form.
- 5) Monthly work plans should be submitted at the end of each month but in no event later than the end of the following month.
- 6) Photographs taken in preparation for additional regulatory action must be submitted in accordance with FOM I-09.
- 7) A daily "calendar" or log **WILL** be maintained in the agency furnished "date book". In this book you will record your daily activities, e.g. inspections, complaints, visits, meetings, etc.

Any unusual circumstances concerning submission of correspondence should be discussed with your Regional Manager.

Revised November 2004

FIELD OPERATIONS MANUAL

PROCEDURE 1-07

USE OF THE INSPECTION REPORT

The inspection report was designed to be a multi-use form to help streamline some of the paperwork that Inspectors must complete.

Only factual statements are appropriate for the inspection report. You will NOT “editorialize” at any time. “The facts ... Nothing but the facts”.

For example:

An accumulation of old food product was found on the floor in the walk in cooler. Only prepacked food products are kept in this cooler.

This firm is on a private well and the waste is discharged to the public sewage system.

The firm is permitted by the Northampton District Health Department under permit number 12345.

The functions of the inspection report are: reporting inspectional violations, recording data entry information, documentation of voluntary destructions, recording **factual** information pertaining to visit, documentation of sample collection, and the writing of memos. In consideration of its many uses, following are instructions for the proper completion of this form.

WHEN USED TO REPORT INSPECTIONAL VIOLATIONS

Observations should be reported in a narrative format and in the order of relative importance. However, any food products found in violation of the laws and related regulations that will require additional regulatory action (i.e. destruction, seizure, sampling, etc.) will need to be itemized on the inspection report. **THE DISPOSITION OF THESE FOODS (DESTRUCTIONS, REMOVALS FROM SALE, REHEATING, CHILLING, REFRIGERATION, etc.) ARE NOT TO BE LISTED ON THE INSPECTION REPORT.** The inspection report when used to report inspectional violations is to be used to document objectionable conditions only. The disposition of foods and other comments will be included on the data entry section of the report. When products are destroyed the number of the observation should be listed in the space provided at the end of the report next to the phrase "The adulterated food items listed in observations ___ were destroyed with my consent."

The following is an example:

Inspection Report left with Mr. Nicky Icky, Owner by Mr. F. B Goodguy Inspector # 007

_____ **Adulterated food items listed in observations #3 were destroyed with my consent.**

_____ Witnessed the collecting, marking, or sealing of samples

WHEN USED AS A MEMO FOR VISITS

When this form is used as a memo for a visit, fill the top part of the form out as usual. In the area where it says "During an inspection of" write VISIT. Again, only factual statements will be made.

In the narrative part of the form write your memo, purpose for the visit (i.e. sampling, complaint, out of business, etc.).

Following are examples:

1. During today's complaint investigation the following products were found insect infested:
 - a. 6/12 oz. Hershey's candy bars
 - b. 15/1 lb. bags of Jimbo Jumbo's peanuts
2. Today's visit revealed this firm to be out of business.
3. During today's visit samples were collected.
4. I received a phone call from the fire department notifying me of a fire at this firm today. I found about 200 pounds of various food products damaged due to the fire. These products were buried at the county landfill.
5. I visited this firm today to destroy 200/16 oz. bottles of Sandy's ginger ale that were under seizure. Laboratory analysis of the samples revealed that the products were adulterated with mold.

When food products have been destroyed the inspection report needs to be signed and initialed in two places. The first signature indicates that they have received the original sheet and the second initial indicates that the food products listed were destroyed with their consent. In the space at the bottom of the sheet where you list the observation numbers for the food products destroyed type in the word *ABOVE* since there are no numbered observations.

Revised December 13, 1999

FIELD OPERATIONS MANUAL

PROCEDURE I-08

RECORDS NECESSARY FOR OWNERSHIP CHANGES

The inspection fee legislation effective July 1, 2002 has made it necessary to alter the way we document ownership changes. In order to ensure that the correct owner is billed the following procedure has been developed. **This procedure will be applicable regardless of whether the firm name changes.**

1. An inspection report will be filled out with the CFN and the previous owner's information. In the body of the inspection report indicate that the firm is out-of-business due to an ownership change.
2. A second inspection report will be filled out for the new owner. The CFN should be listed as "New firm". Please remember to also indicate the type of establishment and the location code.
3. The CFN on the new owner will be different from the previous owner.

Revised August 2002

FIELD OPERATIONS MANUAL

PROCEDURE I-09

Revised

DIGITAL CAMERA—USE & MOUNTING OF PHOTOGRAPHS

USE & PHOTOGRAPH COMPOSITION

The camera is an important and useful piece of inspectional equipment available to an inspector. Photographs provide an effective form of evidence collection in documenting unsanitary conditions encountered during an inspection. The camera, used by a competent photographer, can tell the complete story of the conditions in an establishment. The quality, sequence, and composition of photographs can make or break a case.

It has been said that one picture is worth a thousand words. It can likewise be said that a poor picture can be worse than no picture at all. It is imperative that Inspectors become as familiar with their camera as possible. Food Safety Specialists should know how to manipulate all the controls of their camera and have some feeling for the limitations of their camera, what it can and cannot do. Once a Food Safety Specialist learns these things he/she should begin to develop an eye for picture composition and sequencing shots. Remember, not only are you depicting unsanitary conditions but you are telling a story as well. You want the story to lead the viewer to the conclusion that the conditions you have encountered are serious, they violate the law, and they can or do contaminate the product(s). You want the conditions you depict to hold the viewers attention. For example, suppose you observed grain beetles in the flour dusting hopper of a roll machine. A simple picture of the insects would suffice. However, think of how much better two shots would be. One photo could show the roll conveyor in relationship to the other machines in the bakery with the flour dusting hopper on top of the machine and rolls traveling along the conveyor. The second shot would be a close-up showing the insects in the dusting flour. The conclusion reached by the average viewer would be that the insects in the dusting flour could very easily and most probably do fall onto the rolls. This is only one example of the importance of photograph composition and proper sequencing. There are many others. As you gain experience in photography you will be able to recognize these opportunities with greater ease. The important thing is to remember that each inspection constitutes a photographic story. What you need to do is think about the best way to tell that story and proceed from there.

There are a few items in the simple mechanics of taking photographs that need to be mentioned. First, we are currently issuing Kodak Digital Cameras. The camera is further equipped with an automatic flash unit and a zoom feature. These cameras are relatively simple to operate and are capable of excellent photographs.

Second, all photographs should be related to the objectionable conditions listed in the inspection report. This does not mean that each photo is a different objectionable condition. You may take several pictures of the same condition for clarity or emphasis, or you may

take an overview photo before zooming in for a close-up shot of a condition that was found in the area. What we wish to avoid is having a photo of an objectionable condition and then not being able to find the condition on the inspection report.

Third, try to have the ID card in each picture. The ID card is a small approximately 3"x 5" card with the name and address of the firm, the date, and the Food Safety Specialist's initials printed on it. The purpose of this card is to identify each photo as to location, date, and photographer. Identification is useful in court actions when giving testimony about photos. We realize that you may not be able to get the ID card into all photos. When you "zoom in" for a close-up shot, the ID card may be too large to include. Don't worry about it. There are exceptions to everything. If the majority of your photos are well-identified you should have no trouble getting those exceptions introduced. What you need to remember is that the ID is important and should be used wherever possible. Be sure to include your ID card when sending in your photographic evidence. When using the ID card, try not to contaminate food contact surfaces with it. In other words, don't pick up the card from a dirty floor and set it on the bandsaw; use another ID card if necessary.

Finally, to stay familiar with the camera, you should take pictures at least quarterly. If you do not have situations that require photographs during an inspection then take some practice pictures of situations that might occur. If management objects to the taking of photographs, explain that photos are an integral part of an inspection and present an accurate picture of firm conditions. Advise management that the Courts have held that photographs may lawfully be taken as part of an inspection. If management still refuses, contact your Regional Manager or Field Supervisor for appropriate guidance.

MOUNTING OF PHOTOGRAPHS

The presentation of photographic evidence, either in court or at hearings, generally has a very positive effect on getting the job done. Therefore, the proper mounting of photographs is most important.

All photographs should be mounted in the same visual plane. That is, when you look at the page you should be able to tell what each photo represents. You should not have to turn the page on its side, etc.

Each page of photographs should have the name and address of the firm, the date the photos were taken and your initials across the top as well as the page number.

Each photograph should have a caption describing what is seen in the photo. In addition, each photograph should be identified as to the objectionable condition in the Inspection Report that it depicts.

All photos should be mounted in sequential order according to listing of conditions on the Inspection Report.

The identification card used in the photos should be submitted as part of the photographic evidence.

Photographs must be submitted within seven (7) calendar days from the inspection.

PROCEDURES TRANSFERRING PHOTOS FROM CAMERA TO COMPUTER AND MOUNTING

Inspectors need to be able to manipulate and transfer the pictures from the camera onto a zip disk for submission to the office. Pictures will be printed out at the office for the files and the zip disk will be stored at the office for evidence. The following procedures should be followed in preparing pictures for submission:

EQUIPMENT PREPARATION:

- Take picture(s) with the camera.
- Connect ZIP 100 drive through USB port to your computer and insert ZIP disk
- Turn on your computer and have it show "Desktop".
- Have a "Shortcut to MyPictures" icon available on the "Desktop". (My Computer My Documents MyPictures Right click-Hold-&Drag over Desktop Release Create Shortcut Here)
- Have a "Shortcut to ZIP drive" icon available on the "Desktop". (Create it the same fashion as above.)
- Connect your camera through USB cable to your computer. PLEASE DO NOT USE THE PICTURE CARD ADAPTOR since it will use drive E:\ and it will interfere with the drive for the ZIP disc.
- Make sure that all programs are closed and you see only "Desktop" on your computer.
- Set the dial on the back of your camera to "CONNECT"
- Turn on your camera.

TRANSFERRING PICTURES TO COMPUTER:

- At "Kodak DC 240 Digital Camera" screen, select "Microsoft Scanner & Camera Wizard".
- Click OK.
- On the Scanner & Camera Wizard screen click "Advanced Users Only"
- On the "Kodak Digital Camera (#2) screen select "Edit" on the Toolbar. Click "Select All"
- Place your cursor on the highlighted area, Left click & Hold Drag over the ZIP Disk Icon Release.
- After the pictures transferred to ZIP disk, close ""Kodak Digital Camera" screen. THIS STEP IS NECESSARY TO PRESERVE THE ORIGINAL PICTURES FROM THE CAMERA FOR LEGAL CONSIDERATION.
- Click "Next"
- On the "Choose Pictures to Copy" screen, de-check the pictures you do NOT wish to copy by un-checking the green check mark(s) on the upper right corner of each picture. Only the checked pictures will be transferred. By default, all pictures are checked.
- Click "Next".
- On the "Picture name & Destination" screen, type the desired file name after the line "1."

- Click “Next” and wait until the pictures are transferred.
- On the “Other Options” screen, the “Nothing...”box should be highlighted. Click “Next”.
- Click “Finish”.
- You should have a window showing all the pictures transferred.
- Turn off your camera & disconnect it from your computer.
- On the toolbar, on the right side of “Folders” you will find a “View” button. Click on the little black down arrow and select the desired format you wish to view your pictures. (Thumbnails are preferred, but Filmstrip will also work).

MANIPULATING THE PICTURES: (Subject to change with a different camera or further instructions)

- Select the picture you would like to modify by double clicking on it.
- Below the picture on the tool bar, click on the icon just left from the “?”.
- On the toolbar, select “Image” and click “Resize”.
- Place your cursor over the small black up arrow in the upper right corner of the “Resize” screen and click it until 135% displayed in the window.
- Click OK. (You can also adjust the brightness & contrast of the picture by selecting “Image” “Balance” and moving the toggle bars until the desired brightness is achieved. Click OK).
- On the Toolbar, select “File” “Save As” and at the window where the cursor is flashing, enter the desired picture name (or just delete characters until you see “001.jpg” or similar wording in the window).
- Click “Save”
- Close the picture by clicking the red X mark on the upper right corner of the window.
- You can delete the highlighted picture, so that there will be less pictures to select from, and you will know that only the modified pictures are in “My Pictures” folder.
- Repeat the steps above until all the original pictures are gone.

MOUNTING THE PICTURES INTO A WORD DOCUMENT:

- You can create this document as follows: 1. Open a blank Word document. 2. Select File Page Setup and adjust all four margins to 0”, click OK for Windows to fix margins. 3. Select Times New Roman # 10, Select the cursor to “Center”. 4. Save as your desired file name).
- Resize both windows (Picturemount & My Pictures) by clicking “Restore” on the upper right corner, next to the red X mark so that you will see both documents side by side. (You will see a double arrow at the edges of the window once the cursor is positioned over it. Left click-& Hold-& Move cursor to the direction indicated by the arrows until the desired size is achieved).
- Use the following directions to complete the mounting of photographs into a word document.
 1. Preliminary steps for each page:

STEP 1 Hit the “Enter” key twice.

- STEP 2 Type store name & address, date, your initials, & page # on this line
 STEP 3 Hit the “Enter” key twice.

(Do not worry about this frame. It is just for illustration on how two pictures on one the page will appear.)

- This page should be side by side with the “My Pictures” folder, where the only thing should be your modified, renamed pictures.
- Select the picture which you want to install from the “My Pictures” folder.
- Left click-&Hold-& Drag the picture over the “Picturemount page” to the last line on the page (in this case where the 4th “Enter” is appearing on the top of this page).
- Release the picture.
- Delete the picture you just worked with from “My Pictures”.

Hit “Enter” twice

Type violation for observation # on this line.

Hit “Enter” twice

- Select the picture which you want to install in “My Pictures” folder.
- Leftclick-&Hold-& Drag the picture to the last line on the page.
- Release the picture.
- Delete the picture you just worked with. (It will be less confusing in determining which picture to insert next. By the time you finish with all the pictures, there should only be the modified “Word documents” in “My Pictures”.
- Once you typed the violation, select “Save As” and save the page with the “Store name 01” or similar wording. Preferably, save the page directly to “My Pictures”.
- Highlight the page with the exception of the heading.
- Delete the highlighted section, and change the page number.
- Follow steps again from the top of the page.
- Select “Save As” and change the page # (Store name 02 or similar). Repeat this until all the desired pictures are mounted.
- Close “Picturemount” & “My Pictures”
- Re-open My Pictures” (you should only have the modified pages here.)
- Select “Edit” and click “Select All”

Type violation & observation # on this line.

- Place your cursor over the highlighted area, Left click-&Hold- & Drag the selection over the ZIP 100 icon on your Desktop.
- Release the pictures. Once the ZIP drive finished with the transfer, remove the ZIP disk & submit it to your regional office for printing.
- FOR MOUNTING THE ID CARD: Keep hitting “Enter” until you come to “Page 1 Sec 1 1/1 At 7.4” (Just above the “Start” square on the bottom of your screen.)

- Type “Identification Card”.
Print the last page and staple the ID card on it. Hit “Enter” twice

Revised November 22, 2004

FIELD OPERATIONS MANUAL

PROCEDURE I-10
Revised

COMPUTER CARE AND MAINTENANCE PROCEDURES

BACKGROUND

Our computers and printers are a very important resource. Their importance will increase as we develop and improve the program. In addition to simply compiling reports, the system is an extremely important communication and information gathering tool. It is of the utmost importance that each person fully understands that they are responsible for the proper care and maintenance of their assigned equipment.

REFERENCE MATERIAL

All computer operators are **required** to review the Virginia Department of Agriculture and Consumer Services Policy and Procedure Manual Number 10.1, Ethical use of Agency Information Resources. This policy sets forth guidelines for ethical and appropriate use of VDACS information and computing resources and for preventing security compromises to those two resources. All employees are required to sign an acknowledgment form which states you have read and understood the policy as well as an IT Security Agreement which certifies you understand the terms and accept the responsibility for adhering to the same. (NOTE: VDACS Policies and Procedures can be accessed from the VDACS intranet home page).

Also, each computer and printer came with manuals. These manuals provide the novice and accomplished computer user the BASIC information they need. Although the information is basic, all field computer users are **required** to have reviewed the manuals and they must be **kept readily available** as reference material.

CARE OF THE HARDWARE

First and foremost, read your manuals and follow their instructions. Often times they will provide simple solution to routine problems and how to operate the equipment efficiently and safely. Take care of the equipment like it was your personal property.

Always consider the environmental factor you are faced with in you territory. **Do not, under any circumstances, leave the computer or printer in your car overnight.** During the day, take steps to protect the computer and printer from temperature extremes. Simple steps like keeping the equipment covered with a light colored towel to reflect the heat in the car will provide a significant degree of protection for your computer. Try to park in the shade to reduce heat accumulation in the summer or in the sun in the winter. In the event you are required to be involved in a lengthy visit at an establishment (an all day inspection for example), it may be necessary to bring your computer in from the car to avoid damage from extremes of heat and cold. Of course, when this is done, you must insure that you

leave the computer in a secure area of the firm. Make sure your equipment is on a stable surface to prevent accidental falls; do not expose the equipment to magnets; do not allow the equipment to get wet (drinking beverages over the equipment is not a good idea).

SECURITY

The laptop computer assigned to you has been identified as containing sensitive data. Encryption software has been added to your laptop, however, it is imperative that you take all steps necessary to safeguard both the physical device and the data which is contained on it. Do not invite theft or assault. Common sense goes a long way in this area. There are situations where using the computer would not be a good choice and handwriting the Inspection Report to expedite the visit is a wise choice. Consult with your regional manager for guidance in providing services in dangerous locations.

PASSWORDS

The passwords have to meet the following criteria:

Length will be 9 characters minimum
Passwords will have to be mixed letters and numbers
Passwords will expire every 90 days

When your password is getting ready to expire, you will receive a warning if you login anytime on the last 2 days prior to expiration. You will have 3 grace logins after the password expires but please change it when first notified to prevent getting locked out.

The following procedure should be followed in changing your password:

- When you are prompted that your password is going to expire and asked to change the password, press "No" and let the computer finish opening up.
- Sign into Contivity VPN as you would normally do.
- Right mouse click on the red N in the bottom right hand corner of the screen and log into Novel.
- After logging into Novel, press ALT, CTRL and DELETE simultaneously.
- Click on Change password and complete all of the information blocks to change your password.
- Once you have done all of the above, your password will be changed and you will have the same password for your computer as you do for Novell, Web Access and Microsoft Outlook.

THIS PROCESS WILL WORK THE SAME NO MATER WHICH PASSWORD EXPIRES FIRST, NOVELL OR WINDOWS, TO GET THEM BACK IN SYNC.

THE CONTIVITY VPN PASSWORD IS A SEPARATE THING ENTIRELY AND IS CHANGED WHEN PROMPTED AFTER LOGIN.

*Special Note: All requests for access or password resets must still be submitted through the [VDACS Access Request System](#) (this link can be found on the VDACS intranet home page). These items **SHOULD NOT** be submitted through VCCC.*

COMPUTER TECHNICAL SUPPORT

All requests for assistance with your computer will be directed to the Virginia Information Technologies Agency (VITA) Customer Care Center for assistance with computer-related issues. The Customer Care Center, otherwise known as the Enterprise Helpdesk, operates 24 hours a day/7 days per week.

Individual field personnel WILL not attempt to obtain computer support services outside of VITA. Such action could result in disciplinary action.

To request assistance on IT issues individuals can reach the Enterprise Helpdesk at:

Toll free phone: 1-866-637-8482 (VITA)

Local phone: 804-786-3932

email: vccc@vita.virginia.gov

ADMINISTRATIVE PROCEDURES

The help desk will validate your identity using the last four digits of your social security number (if you were an employee prior to 2003). Otherwise you will be asked for a PIN number and secret word. All employees may choose to use the PIN/secret word method for validation. Once your identity is validated, the Enterprise Helpdesk will log your call and route the "ticket" to the appropriate infrastructure technician, engineer, application developer or database administrator. Once the call is logged, you will receive several emails. The first will indicate the ticket number and will validate that the call was logged. Additional emails will be sent to you each time the ticket is updated by the technician and once it is resolved.

Additionally, you are expected to keep your regional manager informed that you are having difficulty and have contacted the Helpdesk.

Revised May 2009

FIELD OPERATIONS MANUAL

PROCEDURE I-11

FARMERS MARKETS

The following administrative procedures will be used when conducting and reporting inspections of farmers markets. In all situations, the Food Safety Specialist should encourage the market vendor to carry documentation of their home inspection with them to the various farmers markets they attend. This will help Inspectors identify who is and who is not under inspection should the vendor travel out of their “home” area to sell their products. Farmer’s Markets should be inspected one to two times annually unless otherwise instructed. The overall market and each **food service** vendor will be charged an annual inspection fee.

THE MARKET

- A. The overall market will be assigned a CFN.
- B. An Inspection Report will be issued to the manager covering the overall condition of the market. If there is not an on-site manager, determine who the responsible person is and present or mail a copy of the report to that person.
- C. The inspection report should include the following information:
 1. The name of the market manager or most responsible person.
 2. The phone number and address of the Farmers Market and the mailing address and phone number for the person in charge (if different from the market).
 3. The date the market first opens for the season.
 4. The date the market closes for the season.
 5. Hours of operation (i.e. 8-5 weekdays, weekends, etc.)

FOOD SALES BOOTHS (ALL BOOTHS EXCEPT FOOD SERVICE VENDORS)

- A. Only the actual Farmers Market will be assigned a CFN. Each individual food booth will **no longer** be assigned a CFN unless the inspection for the booth receives an OAI classification.
- B. You will need to inspect each food booth during your inspection of the market.

- C. Any objectionable conditions found at a vendor's booth will be listed on the actual farmer's market inspection report beneath the name of the vendor for all NAI and VAI inspections. Please note that you will only discuss your inspectional findings with these vendors. No report will be issued to these establishments.
- D. Food Sales Booths receiving an OAI/30 day classification will need to be issued a separate inspection report. These booths will receive a letter of warning so you will need to document on the report the name and mailing address of the owner. These inspectional findings will also need to be placed on the Farmers Market Report. The OAI classification will also include vendors selling uninspected food products. In regards to uninspected food manufacturers, unless otherwise notified that the manufacturing location has been placed under inspection, an onsite f/u inspection will need to be conducted at the market.
- E. Any vendors that were previously assigned a CFN number should be removed from your inventory by submitting an Inspection Report classifying the firm OOB, even though 'technically' they are an active business.

UNINSPECTED FOOD PROCESSING OPERATIONS

- A. If you encounter booths offering their products for sale where the processing or packaging location is not under inspection, the following protocol is to be followed:
 - 1. Document on the inspection report for the farmers market that uninspected food products are being offered for sale.
 - a. Include the name of the vendor, actual (physical) location of the manufacturing site, phone number and types of products being offered for sale.
 - 2. If there are concerns about product safety (i.e. whether the product is low acid or acidified), then contact your Regional Manager or Field Supervisor for guidance as to whether the product in question should be "pulled" from sale and/or sampled.
- B. If there is a question as to whether or not the manufacturing site may be under inspection in another Food Safety Specialist's (FSS) territory, the following protocol is to be followed:
 - 1. If you are unsure if the manufacturing site is under inspection, notify the appropriate FSS for that territory and their manager.
 - 2. The notified FSS shall provide you a response via e-mail when the firm has been placed under inspection or if the firm is already under inspection.

3. Do not document on the inspection report if you are unsure as to whether the manufacturing site is under inspection.

FOOD SERVICE VENDORS

Food service operations at Farmers Markets (that are run by governmental entities) will now be inspected by VDACS. Typically, these operations are of a temporary nature and are conducted in an “outdoor” setting. You will need to fill out an inspection report for each of these vendors. All of these vendors will be assigned a CFN. Additionally, any objectionable conditions will need to be documented on the overall market report. Include on the inspection report:

- § Name of Firm
- § Owner/Operator of Firm
- § Home Address
- § Home Phone Number
- § Description of food service operation
- § Where foods are being prepared (Processing locations must be under inspection, i.e. approved source)

The Va. Department of Health will continue to inspect all Food Service Operations at Farmers Markets run by private individuals/organizations. Additionally, conventional restaurants at all Farmer’s Markets (both government and private) will be inspected by the health department.

See attached requirements for Food Service Vendors at Farmer’s Markets.

REQUIREMENTS FOR FOOD SERVICE VENDORS AT FARMER'S MARKETS.

REGULATORY AUTHORITY: VIRGINIA FOOD LAWS, CODE OF FEDERAL REGULATIONS (110).

STRUCTURAL COMPONENTS FOR OUTDOOR COOKING

- **Floors**

Floor surfaces in a permanent outdoor cooking operation will be in accordance with the requirements for temporary food establishments. Floor must be of a suitable construction that controls dust, dirt and other similar contaminants.

- (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**

It will not be necessary to install walls in an outdoor temporary food operation. However, if conditions warrant installation of walls may be necessary.

- **Overhead Protection**

Overhead protection for each temporary food establishment must be provided. 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.

EQUIPMENT/FOOD CONTACT SURFACES

- **Food Contact and Equipment Surfaces**

Construction, maintenance, and cleaning of all equipment pieces shall be in accordance with applicable laws and regulations. All food contact surfaces used in an outdoor cooking operation shall be designed, constructed, and maintained in accordance with applicable laws and regulations. Surfaces shall be smooth, easily cleaned, free of rust, dents or pitting, and durable under normal outdoor use conditions.

- **Cooking / Hot Holding Equipment**

Hot foods should be held at 140°F or above. A continuous heat source such as electric or gas is preferred, however the use of sterno, wood, or charcoal is acceptable if consistent temperatures are achieved and/or maintained.

- **Cold Holding Equipment**

Cold foods should be held at 45°F or below. Ice or electrical/gas powered equipment may be used provided acceptable temperatures are achieved.

- **Plumbing / Water / Sewer (Wastewater) Facilities**

Potable water must be provided for all temporary food service facilities. Water and sewer may be permanently plumbed or supplied via portable tanks. Food grade water hoses are acceptable to transport water to the facility as long as backflow prevention devices are provided. The use of a garden hose to convey water is prohibited.

If not plumbed, the sizes of the tanks shall be in accordance with any applicable laws and regulations for mobile food units. The quantity of tanks provided shall be sufficient to fully accommodate the needs of the operation.

Handwash facilities must be conveniently located in all food processing and preparation areas. Heated water (90°F minimum) must be provided for handwashing. An insulated water cooler or electric coffee/tea urn with a spigot is the preferred method if a mobile hot water sink is not available.

Suitable containers must be provided for the collection of both solid and liquid waste.

Toilet facilities for employees must be convenient and easily accessible.

- **Food Storage and Display**

Open or uncovered containers of food are not allowed -- except working containers. Foods may remain uncovered during preparation, cooking, and serving for short periods of time if circumstances permit.

All food shall be protected from customer handling, coughing, sneezing, or other contamination by wrapping, the use food shields, or other effective barriers.

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.

EQUIPMENT, UTENSIL, AND WAREWASHING

A properly plumbed three compartment sink with hot and cold running water or three containers of adequate size shall be provided for washing, rinsing, and sanitizing food contact surfaces of utensils and equipment. Adequate quantities of hot wash water (should be at least 110 F), liquid detergent, and sanitizer must be provided onsite for equipment and utensil washing.

FIELD OPERATIONS MANUAL

PROCEDURE I-12

Revised

DRESS CODE

As an employee of the Virginia Department of Agriculture, you are expected to project a professional image. Appearance is an important part of a public image. Good public relations and practical common sense requires you dress appropriately for the activity in which you are engaged. A Food Safety Specialist will be neat, clean and well groomed. Clean slacks and collared shirts are appropriate for men and clean slacks and a dress top for women. You are part of a professional organization and should project a professional image.

Jeans, tee shirts, sweatpants/shirts, tank tops and sandals are not appropriate.

In certain situations, such as disaster work, a more “relaxed” dress is acceptable that could include jeans, t-shirts w/badge, etc. Check with your Field Supervisor or Regional Manager for further guidance when necessary.

Additionally, as reflected in FOM 1-01 Inspector Safety, when working in unsafe areas you are to dress appropriately so as not to draw undue attention to yourself.

PROTECTIVE CLOTHING

The office provides smocks (and coveralls) for this purpose. Smocks, as well as hair restraints, are to be worn whenever you are in a processing environment whether it is a large manufacturer, convenience store with a food service, or a home baking operation-they are all processing/preparation environments.

You do not need to wear a smock in non-processing areas as long as you are wearing a name tag (ie: identification tag) indicating you are a Food Safety Specialist. You are responsible for keeping your smock clean and in good condition. Only clean smocks are to worn during firm inspections. The Food Safety and Security Program will reimburse you for laundering costs of the smock (up to \$8.00) and for the purchase of a pair of steel toe shoes so long as the cost of the shoes does not exceed \$100.00

NOTE: If you have other situations where you believe the wearing of the smock may cause problems/difficulties, consult with your Regional Manager.

If a firm requires their employees to wear additional protective clothing, such as beard guards, hard hats, safety glasses, ear plugs, safety vests, steel toe shoes, etc., then you are expected to dress like-wise. If you do not have the specific safety gear needed, request it through your regional office. In most cases, the firm will provide it as a courtesy if you do not have the specific safety gear needed.

Revised September 25, 2007

FIELD OPERATIONS MANUAL

PROCEDURE I-13

New

EMAIL USE AND ETIQUETTE

Electronic mail, commonly referred to as “email”, has become a necessary and effective communication tool to exchange information between the offices, the field, our clients and each other.

In order to increase the efficiency of email, all field and office personnel will check and respond to their email on a DAILY basis.

All email that you receive and/or generate on your agency computer is for official use only and may be subject to a “freedom of information” (FOI) request. Simply deleting an email from your computer, does not prevent it from being recovered.

EMAIL DO’S AND DON’TS:

DO Keep email short. Be concise.

DO respond to your mail as soon as possible.

DO NOT send inflammatory comments. Be official and factual.

January 19, 2000

FIELD OPERATIONS MANUAL

PROCEDURE I-14
Revised

EMERGENCY CLOSINGS - INCLEMENT WEATHER POLICY

During inclement weather conditions the following protocol is established. The protocol is fully compliant with all HRO policies and directives relating to inclement weather. Please remember that conditions vary widely across the state and may even vary within a region:

If weather conditions, such as snow and/or ice storms, hurricanes, severe rain storms etc., are such that the field Food Safety Specialist (FSS) does not feel that he or she can perform field work **safely**, they should contact their Regional Manager to discuss the situation.

Subsequent to discussing the situation with your Regional Manager, you and the Manager should collectively determine whether or not you should stay at home or perform field work. In determining whether conditions are suitable for working at home, the FSS should utilize information from the following sources, but not limited to:

- Local weather reports
- State Police
- VDOT
- State and Local Government as well as “large employer” closings for the locality in question

Criteria, such as the general condition of roads, streets and highways in the field FSS’s **immediate** vicinity, the availability of work in their immediate vicinity and/or contiguous areas, terrain (i.e. steep hills that must be navigated in close proximity to residence) etc. should be utilized. Another critical factor is your ability and/or experience in driving in severe weather, e.g. snow and ice.

If **weather conditions improve** at some point in time during the workday the FSS should **resume his or her normal field duties** when and where possible.

Note: The FSS can also contact the Field Supervisor for a determination as to how to deal with inclement weather situations. Once a determination has been made the Field Supervisor should provide that information to the Regional Manager.

TELEWORK

Food Safety Specialists are considered to be “Teleworkers”. Weather related State Office closings, delayed openings, etc. do not affect teleworkers. Teleworkers are expected to continue working during an Agency emergency closing unless it is not possible due to power outages or other conditions that prevent them from working. Additionally, employees who telework during an authorized closing would not receive compensatory time. In the event of a power failure at the teleworker work site, the supervisor should be notified immediately.

In instances where it is impossible to perform field work then work related activities should be performed at the FSS's home office when possible (ORA-U courses, administrative paperwork, food safety research, returning phone calls, organizing files, review of Laws and/or Regulations, etc.).

TIMESHEET/LEAVE SLIP ISSUES

If weather conditions are such that field work is not possible and work is conducted from home (i.e. teleworking) the FSS would record the number of hours worked in the home office on the "VDACS Timesheet."

If a Food Safety Specialist is able to work at home and they chose not work then they must use leave and no credit should be issued.

If field work is not possible and home office work is not possible (i.e. power outage, etc) then the number of hours during that particular workday in which work was not performed should be placed in the "Holiday Hours" column of said timesheet. Directly beneath the number of hours not worked (in the same block as the listed hours) the word "weather" should be written.

****SAFETY FIRST!****

YOU MUST RECORD, IN YOUR DAILY CALENDER, THE FACT YOU WORK AT HOME DUE TO WEATHER CONDITIONS AND WHO YOU INFORMED. THIS IS FOR YOUR PROTECTION!

Revised December 2010

FIELD OPERATIONS MANUAL

PROCEDURE I-15

INSPECTION CLASSIFICATION

Inspection classification criteria are large in number and scope. Numerous factors are taken into consideration when determining inspection classifications. The major criteria in making these determinations are as follows:

- 1) Type of violations
- 2) Volume of violations
- 3) Location of violations
- 4) Public health significance of violations
- 5) Firm history

NOTE: THESE CRITERIA ARE NOT NECESSARILY LISTED IN ORDER OF IMPORTANCE.

DEFINITIONS

NAI - NO ACTION INDICATED - Establishment has no objectionable conditions or objectionable conditions found during the inspection were so minor that routine re-inspection is the only action indicated. Inspectional follow up: 6-36 months.

VAI - VOLUNTARY ACTION INDICATED - Objectionable conditions were found during the inspection that could, if not corrected, result in conditions that would support more definite follow-up action to be taken by the office. Inspectional follow up: 1-3 months.

OAI - OFFICIAL ACTION INDICATED - Regulatory or administrative sanctions will be implemented or recommended. Inspectional follow up: 30-45 days

GENERAL GUIDELINES FOR DETERMINING VARIOUS CLASSIFICATIONS

NAI - NO ACTION INDICATED

- A. **RODENT ACTIVITY** - The detection of rodent evidence in a food firm is significant. Generally, a firm must have very minimal rodent activity in a non-food processing area to be classified NAI (i.e. 20 mouse droppings on the floor along the back stockroom wall). Any indication that the problem is extensive or out of control would elicit a VAI or OAI classification. Rodent defiled foods would not be present.
- B. **INSECT ACTIVITY** - The detection of insect evidence in a food firm is significant. A firm must have very minimal insect activity to be classified NAI (i.e. 6 dead roaches on

- the floor along the back stockroom wall). Any indication that the problem is extensive or out of control would elicit a VAI or OAI classification. Insect infested foods would be minimal or inconsequential.
- C. **UNCLEAN FOOD PROCESSING INSTRUMENTS AND MACHINERY** - A firm which cleans and sanitizes all of its equipment on a daily basis is in compliance with the Virginia Food Laws and would receive an NAI classification. Evidence that the firm has inadvertently overlooked one or two types of equipment would not constitute the basis for a VAI or OAI classification. Overall, insanitary conditions with regard to processing equipment, utensils, etc., are minimal or inconsequential.
 - D. **PROPER PLUMBING AND REST ROOM FACILITIES** - In order to receive an NAI classification the firm must be properly plumbed and must have proper rest room facilities. For further clarification on this category, please see the Virginia Food LAWS, RETAIL FOOD STORE REGULATIONS, 21CFR Part 110 (GMPs), and Procedure III-10 of the Field Operations Manual.
 - E. **FOOD TEMPERATURES** - A firm in which very minimal or no time/temperature abuse of potentially hazardous foods is evidenced would receive an NAI classification. Contaminated foods from time/temperature abuse would be minimal or inconsequential.
 - F. **SANITARY CONTROLS AND HABITS** - A firm where employees demonstrate proper and careful sanitary controls and habits will receive an NAI classification. Contaminated foods resulting from improper sanitary controls and/or habits should be inconsequential.
 - G. **CLEANLINESS OF FLOORS, WALLS AND CEILINGS** - Firms which give proper attention to maintaining the floors, walls and ceilings in a clean and sanitary manner should receive an NAI classification. The lack of proper attention to a singular area or a minimal number of areas would not constitute the basis for a violative classification.

VAI - VOLUNTARY ACTION INDICATED

- A. **RODENT ACTIVITY** - Generally, the detection of rodent evidence in a food firm is significant. In determining whether a VAI classification is necessary steps must be taken to clarify the extent and location of the evidence. If the firm has an active, non-extensive rodent infestation that appears to be controlled, with no rodent defiled foods being **found by the** inspector, then the firm should be given a VAI classification. Generally, the firm appears to be taking the necessary steps to control/eliminate the problem.
- B. **INSECT ACTIVITY** - The detection of insect evidence in a food firm is significant. In determining whether a VAI classification is necessary, steps must be taken to clarify the extent and location of the evidence. If the firm has an active, non-extensive infestation that appears to be controlled, with minimal or inconsequential amounts of insect infested foods, the firm should be given a VAI classification. Generally, the firm appears to be taking the necessary steps to control/eliminate the problem.

- C. **UNCLEAN FOOD PROCESSING INSTRUMENTS AND MACHINERY** - The failure to thoroughly clean food processing equipment on a daily basis (or more often if necessary) is another violation which can lead to a VAI classification. Although gross insanitary conditions do not exist with respect to equipment cleanliness, there is enough dirty equipment to necessitate future monitoring by the inspector.
- D. **PROPER PLUMBING AND REST ROOM FACILITIES** - The lack of proper plumbing also provides grounds for a VAI classification. Specifically, the lack of a multiple compartment equipment sink (1st inspection) would necessitate a VAI classification and the issuance of an informational letter. Additionally, if the firm is properly plumbed but lacks hot water, a VAI classification would be given. For further clarification on this category, see the Virginia Food Laws, the Retail Food Store Regulations, 21CFR Part 110 (GMPs) and Procedure III-10 of the Field Operations Manual.
- E. **FOOD TEMPERATURES** - Time/temperature abuse of potentially hazardous foods provides another basis for the VAI classification. With this classification, some time/temperature abuse exists; however, gross time/temperature abuse of numerous foods does not exist. Also essential in determining the severity of the violation is whether the food is being offered for sale in the raw or ready to eat form. Due to the lack of further heating, time/temperature abuse of ready to eat potentially hazardous foods is more significant.
- F. **SANITARY CONTROLS AND HABITS** - Lack of proper sanitary, controls and habits would also constitute grounds for a VAI classification. In order to receive a VAI classification, numerous sanitary habit and control deficiencies should be noted. However, those deficiencies contributing to gross contamination of significant amounts of food provide a basis for an OAI rather than a VAI classification.

OAI - OFFICIAL ACTION INDICATED

- A. **RODENT ACTIVITY** - Generally, the detection of rodent evidence is significant. Any significant amount of this type of activity would lead to an OAI classification. Rodent evidence can take the form of live/dead rodents, rodent droppings/urine stains, and/or rodent defiled foods. Rodent defiled foods being offered for sale is one of the most significant forms of rodent evidence that would lead to an OAI classification.
- B. **INSECT ACTIVITY** - Evidence of insect activity may lead to an OAI classification if the evidence is extensive, ongoing, or if significant amounts of insect infested foods are noted. Additionally, if significant evidence is found in areas where foods are unprotected, such as delicatessens, salad bars or meat processing rooms, this too can lead to an OAI classification. Insect infested foods are one of the more significant forms of insect evidence.
- C. **UNCLEAN FOOD PROCESSING INSTRUMENTS AND MACHINERY** - The failure to thoroughly clean food processing equipment on a daily basis (or more often if necessary) is another violation worthy of an OAI classification. If a significant amount of unclean equipment is found, an OAI classification may be justified. Unclean

equipment used for processing potentially hazardous, ready-to-eat foods is of particular importance since this represents a greater public health hazard.

- D. **PROPER PLUMBING AND REST ROOM FACILITIES** - The lack of proper plumbing and/or rest room facilities would also provide grounds for an OAI classification. Firms which process food and lack hot water under pressure, a convenient hand sink, and/or a two or three compartment equipment sink should receive an OAI classification. For further clarification on this category, see the Virginia Food Laws, the Retail Food Store Regulations, 21CFR Part 110 (GMPs) and Procedure III-10 of the Food Safety Field Operations Manual.
- E. **FOOD TEMPERATURES** - Time/temperature abuse of potentially hazardous foods may also lead to an OAI classification. Generally, to receive this classification, an establishment would need to have a significant level of time temperature abuse, particularly when dealing with ready-to-eat food products.
- F. **SANITARY CONTROLS AND HABITS** - Lack of proper sanitary controls and habits by food workers would also constitute grounds for an OAI classification. Generally, evidence of this nature would need to be relatively extensive or serious.
- G. **CLEANLINESS OF FLOORS, WALLS AND CEILINGS** - Lack of proper attention to maintaining the cleanliness of the floors, walls and ceilings within areas where food products are unprotected may lead to an OAI classification, particularly if contamination of food products is likely.

OTHER FACTORS TO CONSIDER

The preceding guidelines were addressed from the standpoint of a single violation being detected, and the overall scope of that violation; in other words, if a single violation is serious enough, an inspection may be classified VAI or OAI, however, inspections generally reveal a collection of various violations. Consequently, the classification may result from the violations when they are considered in combination with one another. For example, an inspection may reveal evidence of rodents and insanitary conditions within the delicatessen processing area. These violations, if considered alone, may lead to a classification of NAI or VAI, however, the violations in combination with one another may lead to a classification of VAI or OAI. This is an example of the "Whole being greater than the sum of it's parts". Therefore, when classifying an inspection where multiple violations are found, all violations must be considered.

By the same token, there are certain types of violations that may lead to an OAI classification, based on those violations alone. Some examples of these types of violations are as follows:

- A) Extensive rodent evidence
- B) Rodent defiled foods being offered for sale
- C) Extensive insect evidence
- D) Significantly large amounts of outdated infant formula
- E) Significant "I repeat" infant formula violations

- F) Significant evidence of time/temperature abuse
- G) Significant product mishandling
- H) Various plumbing violations (see FOM Procedure III-10)

This list is not intended to be all-inclusive. The major point here is that certain violations are of a serious enough nature that immediate regulatory action is necessary.

Many inspection classifications will be obvious; the vast majority fall into the NAI category, and most OAI classifications are easily determined because of the type of violation, or violations, found. The VAI classification, however, should not be used simply to make the classification process easier. In most cases, inspections will fall into the NAI or OAI category; the VAI category should be used for the following reasons:

- A) Inspection is not quite OAI but needs a quick follow-up inspection
- B) Inspection is not NAI, but is not bad enough to warrant additional regulatory action
- C) Specific violation that automatically calls for VAI classification (first time detection of no multiple compartment equipment sink, for example)
- D) Plumbing violations (see FOM Procedure III-10)
- E) Any reason that would justify a faster follow-up than a routine re-inspection.

FOLLOW-UP TO OAI AND VAI CLASSIFICATIONS

Inspections that are classified OAI or VAI necessitate a more rapid re-inspection than what would normally be expected following an NAI classification.

Re-inspection following an OAI classification is generally scheduled within 30 days following whatever additional regulatory action is taken. For example, re-inspection should be scheduled for 30 days following a warning letter, field hearing or administrative hearing. Re-inspections following prosecutions or injunctions must be handled on a case by case basis.

Re-inspections following VAI classifications are generally scheduled for either 30, 60 or 90 days following the VAI inspection. This turn-around time will depend on the nature of the violations and how quickly the inspector feels that a re-inspection is necessary.

FIELD OPERATIONS MANUAL

PROCEDURE I-16
Revised

WORK SCHEDULES FOR FIELD PERSONNEL

Background and Policy

The Department of Personnel and Training (DPT) has authorized Alternate Work Schedules (AWS) since 1993. However, in order to avoid misuse, clarification is needed. The Food Safety Program is responsible for ensuring adequate coverage to all areas Monday through Friday from 8:15 a.m. through 5:00 p.m. Full service must be available to our consumers throughout those hours. Additionally, the AWS is a privilege, and not a right.

New Food Safety Specialists (FSS employed for less than one year), are **not** permitted to work an alternate work schedule. Generally, once personnel advance to the “Senior” level they can be eligible, but the eligibility for the AWS is at the sole discretion of the Regional Manager.

New personnel in “training” **will** follow the instructor’s working hours at all times.

Options

The following are the only options available to field personnel (Food Safety Specialists):

Ten (10) hour days, four (4) days per week

Eight (8) hour days, five (5) days per week

Ten (10) hour days, four (4) days per week

Employees electing to work four (4) day weeks must schedule those days with their supervisors. Starting hours are between 6:30 a.m. and 7:30 a.m. and ending times are between 5:15 p.m. and 6:30 p.m.

When employees are sick or on annual leave, ten (10) hours will be charged each day. **Time off for the holidays will for eight (8) hours only.** Employees scheduled to work 10-hour days on holidays must charge two (2) hours to leave. No employee is authorized to work for the two (2) hours at “home”. **OR**, the employee can revert to the regular eight (8) hour days for the week in which a holiday occurs.

Without exception, for the holidays of Thanksgiving, Christmas and New Year’s, employees WILL revert to the eight (8) hours/five (5) days work schedule.

You **MUST** obtain **pre-approval** from your Regional Manager before working the AWS,

and **before making any changes** in your work schedule. Additionally, you may be required to submit your “days off” schedule in a format and frequency designated by your Regional Manger, for their review and approval.

Eight (8) hour days, Five (5) days per week

Employees who elect to work a five (5) day week must schedule work hours with their supervisor. Flexible hours for five (5) day work weeks are from 7:00 a.m. to 6:00 p.m. Employee leave balances will be charged eight (8) hours per day when sick or annual leave is taken. Employees take holidays as scheduled.

Inclement Weather

During periods of inclement weather, Field Operations Manual I-14, applies. Your activity during inclement weather work hours is subject to verification by your Regional Manager.

Revised May 2009

FIELD OPERATIONS MANUAL

PROCEDURE I-17
Revised

TIMESHEET INSTRUCTIONS

OVERVIEW:

It is the policy of the Virginia Department of Agriculture and Consumer Services to follow the Federal Fair Labor Standards Act (FLSA) as directed by the Virginia Department of Personnel and Training and the U.S. Department of Labor. All field employees in the Food Safety Program are considered “non-exempt”, meaning they are subject to all minimum wage and overtime provisions of FLSA.

Therefore, in accordance with FLSA, the Department has required that all non-exempt personnel submit an accurate VDACS Timesheet. Once completed, the Timesheet is to be forwarded promptly to your Regional Manager, in accordance with FOM 1-06, for review, verification and filing.

LEAVE ISSUES:

Compensatory time earned and overtime earned **must have supervisory approval** and should be reserved for emergency or extraordinary work on weekends, holidays and evenings after your normal work day. Emergency situations like fires, floods and truck wrecks, will continue to have priority and approval in these situations may have to be secured after the fact. However, other extra work, which must be conducted on holidays, or on the weekends, like the inspection of farmers markets or other situations where inspections must occur in off-hours, should be approved in advance by your supervisor.

Approval process –

- Food Safety Specialists will need to submit an email to their manager with a brief explanation as to why they need to work over 40 hours (ie. earn compensatory or overtime leave).
- The manager will respond back either approving or denying the request.
- A copy of the email approving the compensatory/overtime leave will be attached to the timesheet by the Regional Manager.

Under normal circumstances, employees shall not work more than forty (40) hours in any work week. Employees are to “**schedule adjust**” at the end of their work week to avoid exceeding 40 hours.

I. General Guidelines:

- A. Bi-monthly timesheets have to be completed by all non-exempt classified employees. **Employees are to use automated timesheets.** Manually completed timesheets are not acceptable.
- B. Careful attention should be given to ensuring that the timesheet and leave slips as well as other work reports, correspond to each other.
- C. Completing the timesheet on a daily/weekly schedule will avoid errors that may occur if you are preparing them well after the hours have been worked and the leave taken.
- D. Timesheets should not be filled out in advance. The signature date should be accurate (i.e.: not postdated or predated).
- E. Timesheets and leave slips are routinely audited.
- F. Timesheets are official state documents.
- G. Types of earned leave:

1. Overtime Leave (OE)

- a. Is earned for all time **physically worked over 40 hours** (in 7 consecutive days, normal work week Saturday through Friday) at a rate of 1 ½ times the hours worked.
- b. Can earn up to a maximum of 240 hours.
- c. It remains on your leave record until it is taken.

2. Compensatory Leave (CE)

- a. Can be earned for time worked on a holiday or other hours worked outside the normal work day when the employee **has not actually worked 40 hours in that week, i.e. when a holiday occurs or you have taken other leave during the work week.**
- b. Expires one (1) year following the date on which the work was performed.
- c. Leave is earned on an hour for hour basis.

II. **Day and Date:** Start the date with Saturday's date and fill in the dates for the days of that week, ending with Friday.

III. **Time In, Lunch Time Out, Lunch Time In, Time Out:** Record actual starting and ending times. Employees must take a minimum 20 minute lunch break.

IV. **Hours Worked (Subtotal Hours and Total Hours):** Total Hours should equal the difference between the Time In and Time Out minus a lunch break. The timesheet will calculate these hours automatically

V. **Holiday:** Record number of holiday hours.

VI. **Total Leave Hours:** Indicate the hours of leave taken.

VII. **Leave Code:** Indicate the leave transaction code that is appropriate for the leave taken. (For example AT = annual leave taken. See leave activity reporting form.)

- VIII. **Totals:** The important totals are for the **Hours Worked, Leave Taken, and Holiday Taken** columns. IF THESE THREE (3) COLUMNS TOTAL MORE THAN 40 HOURS, YOU SHOULD HAVE PRE-APPROVAL FOR EITHER COMPENSATORY OR OVERTIME LEAVE. The timesheet will automatically calculate these figures based on the hours entered.
- IX. **Signatures and Dates:** The signature and date by both the employee and the supervisor are attesting to the accuracy and validity of the information contained on the sheet.
- X. **Relevant Policies:** The policies that outline core service hours, FLSA compliance, and alternate work schedules are contained in:
- A. VDACS Policy 4.9-Core Business Hours
 - B. VDACS Policy 5.10-Fair Labor Standards Act
 - C. VDACS Policy 5.12-Alternate Work Schedules

Revised December 2010

FIELD OPERATIONS MANUAL

PROCEDURE I-18

PREPARATION FOR COURT

If it is necessary to initiate legal action against a firm, the food safety specialist must be a well prepared witness. Prior to the trial date, he/she should be sure that his/her files are up to date and in chronological order according to dates of inspection, etc. The Food Safety Specialist should review his/her files and notes and become very familiar with the facts in the case. The Food Safety Specialist's file and other pertinent information should be available at the trial.

When testifying, the Food Safety Specialist should always direct his/her testimony to the judge or jurors in case of a jury trial. It is important to remember that the judge or the jury will make the final decision.

The Food Safety Specialist should give clear, distinct, concise, and positive answers on the witness stand. You should never be evasive when answering questions. You should answer the specific question asked by the court and no more. If you do not understand a question asked by the court, then you should ask for the question to be repeated.

Special Note: When testifying in court, there may be situations where the Food Safety Specialist may only be allowed to refer to his/her notes taken during the inspection and not the Inspection Report. Therefore, when performing inspections of establishments that may result in legal/court action, place the notes of the objectionable conditions you have taken during the inspection into the firm folder. Make sure that these notes are available for reference purposes when you are called upon to testify.

The following listed items are what one Virginia circuit court judge says are important in presenting a case:

1. Tell the truth.
2. Have confidence in your case.
3. Give positive answers.
4. Witness must be informed and prepared.
5. Witness must listen to the questions.
6. If you do not know the answer, say "I do not know"
7. Never get angry on the stand.
8. Must be able to prove there has been a violation through facts.
9. Impression made on the witness stand is very important.
10. Be neatly dressed.
11. Be courteous.

Issued new February 9, 2001

FIELD OPERATIONS MANUAL

PROCEDURE I-19
Revised

OPERATION OF A STATE CAR

Assignment of Automobile

- The automobile is assigned to you for the purpose of performing your regular duties and special assignments in your assigned territory and other points in Virginia. Passengers, except those directly related to the purpose of the official State business or travel, are forbidden; also any other individual shall not be permitted to operate the assigned vehicle.
- The use of a state owned automobile for purposes other than those specified above shall be only with the consent of your immediate supervisor.

Maintenance and Service of Automobile

- Drivers must call DGS Vehicle Management Control Center/TechCom Inc. 1-866-857-6866 for routine maintenance, repair or roadside assistance. Select Option # 1 to reach an operator.
- All vehicles should be kept in their original working condition as much as possible in order to prevent premature failure and personal injury. If a problem exists that you are aware of, do not neglect to get it fixed.
- Arrangements should be made with your Regional Manager to look into the feasibility of obtaining a 'loaner' vehicle if your state car will be out of service for an extended period of time.

Monthly Mileage Reports

- All operators of State automobiles are required to submit a monthly mileage report on forms furnished for this purpose to the Department. These reports are to be submitted promptly to Annie McCullough no later than the 5th of the following month (Annie.McCullough@vdacs.virginia.gov). Instructions for completing the mileage report are stated on the form.

Accidents

- **All** accidents involving any State-owned, leased, or rented vehicle must be reported immediately to the Virginia State Police regardless of severity. When an accident occurs, the operator of a State vehicle shall promptly notify a State trooper and request their cooperation in investigating and making a report on the cause of the accident. State police can be reached at the following #'s
 - Cellular: #77
 - State Police Dispatch 1-800-522-9965
- This office shall be notified promptly when an accident occurs and the operator should contact the insurance carrier immediately (Crawford and Company at 1-866-219-6120). All necessary insurance forms are to be filled out and mailed to the office **immediately**.
- When an accident occurs, the driver of a State owned automobile must file a complete and comprehensive report which will be reviewed by the Safety Committee set up by the Governor of Virginia. If this Committee decides that the accident resulted from speeding, careless or reckless driving, or any other fault of the driver, then the Department will be held liable for repairs and other damages, and the driver will be subject to penalty.
- Each operator of a State vehicle should thoroughly acquaint himself with instructions pertaining to the operation of such vehicles and the procedure for reporting accidents. These instructions are placed in each vehicle as well as forms for reporting accidents.

Safety

- Safety first - it pays! Make it a point to drive carefully and observe all traffic laws including the wearing of seat belts.
- Vehicles are to be kept locked at all times.
- Cell phone usage is prohibited while driving. Park the car when on the phone.

Appearance of State Owned Automobile

- It is essential that we exercise proper care to keep the automobile we operate clean and neat at all times. We realize that at times weather conditions make it quite impossible to keep your car clean, but there is need for realization of the importance of this matter.
- No smoking is allowed in a state car. Eating is prohibited while driving.

POLICIES AND PROCEDURES FOR FUEL PROGRAM

Mansfield/Voyager Fuel Cards are to be used for either regular unleaded gasoline or E85 (Flex-Fuel vehicles) if the vehicle is capable of using E85. This includes all Enterprise Rent-A-Cars. We do not have high performance vehicles that require premium or Mid-grade fuel.

Fuel for vehicles is to be obtained from the OFMS facility, a VDOT facility, or a Voyager accepted commercial station. A directory of VDOT motor vehicle service facilities is located in the glove compartment of each vehicle. The normal hours of operation of these facilities, unless otherwise noted in the directory, is 8:00 a.m. to 4:30 p.m., Monday-Friday excluding state holidays. A directory of Voyager locations can be found at <http://www.usbank.com/voyagerfleet/search.jsp>.

Use only unleaded regular fuel in gasoline powered CoVA vehicles. Mid-grade or premium blends are only to be used when regular is not available. E85 fuel is to be used in Flex-Fuel vehicles where available. A list of E85 locations and approved vehicles can be found at <http://www.e85refueling.com/>. Operators are expected to use self-service pumps at commercial stations, since this option is normally more economical.

Operators MUST enter correct odometer readings, no tenths, into the card readers at all VDOT and commercial self-service fueling sites. The Vehicle Management Control Center will run daily fueling reports and will contact all Agency Transportation Officers and drivers who consistently fail to enter correct odometer readings. Correct odometer readings are critical to the fleet management system, and this requirement will be strictly enforced.

Finally, it is important to realized that the unauthorized use of and/or negligence when operating a State-owned, leased, or rented vehicle may result in disciplinary action, up to and including dismissal. Employees guilty of misuse may also lose their privilege to operate a State-owned, leased, or rented vehicle.

Revised December 2010

FIELD OPERATIONS MANUAL

PROCEDURE I-20

EMPLOYEE CONDUCT

Field personnel are the first line of public contact (and in most cases the only contact) for the Department. Your actions will be the basis from which they judge the Food Safety Program. The public, as well as this Department, expect and deserve exemplary behavior and conduct. Be cognizant that the public, as well as the regulated industry, are quick to point out deficiencies in our performance.

INTEGRITY

You are entrusted with equipment and field duties under minimal supervision. You have an inherent responsibility to protect and conserve all government property including equipment and supplies. Employees may not use or permit others to use official information not available to general public for personal gain or to advance a private interest. You are expected to conduct yourself in a professional manner so that the work of the Food Safety Program is effectively accomplished. Your job is to gather and present the facts. Accurate and objective observations are mandatory.

ATTITUDE

You must be dignified, tactful, courteous and diplomatic. At no time will you display strong-arm tactics, an air of superiority, or an over-bearing nature. Demeaning comments and/or intimidation tactics toward a firm or their employees will not be tolerated or defended.

ETHICS

Employees shall not, directly or indirectly, solicit or accept a gift. Generally speaking, an employee shall avoid any action that might result in or create the appearance of:

1. holding a conflicting financial interest
2. loss of impartiality in performing official duties
3. using public office for private gain

If an employee violates this policy, he or she may be subject to disciplinary action under the Standards of Conduct and Performance, up to and including termination.

Issued August 16, 2001

FIELD OPERATIONS MANUAL

PROCEDURE I-21

New

CONTACTS WITH THE MEDIA

Over the years, the inspectional and investigational activities of the Food Safety Program have received coverage in the electronic and print media. On occasion, you may be approached by the media to comment or provide information regarding your inspectional activities. If media representatives contact you, be courteous and helpful, but refer all requests to your Regional Manager. You may be permitted to appear on camera or be interviewed, but authorization must be gained in advance. Do not solicit media interviews or on-camera appearances unless you are authorized.

There may be occasions when management of a firm you are inspecting invites representatives from the news media to observe the inspectional process. When this occurs, you are to contact your Regional Manager as soon as possible and make them aware of the situation. In most cases, the presence of outside representatives should not disrupt the inspectional process. You should continue to conduct the inspection in a reasonable fashion. The presence of these individuals should have no impact on the manner in which the inspection progresses with the exception that you will need to take precautions to preserve the confidentiality of any information you may have obtained.

In summary, whenever the media approaches you, be courteous and helpful but tactfully decline any request to be interviewed or filmed and refer them to your Regional Manager.

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FIELD OPERATIONS MANUAL

PROCEDURE: I-22

Open Reserved for Future Use

FIELD OPERATIONS MANUAL

PROCEDURE I-23

Open Reserved for Future Use

FIELD OPERATIONS MANUAL

PROCEDURE I-24
New

BIOTERRORISM/FOOD SECURITY

In light of the terrorist attacks on September 11, 2001 and the events following, bioterrorism (food security) became an important issue to the State of Virginia and the Food Safety Program in particular. Consequently, the General Assembly allocated funds dedicated to developing a food security training program for Virginia's food industry. As a result of this new focus on food security, a protocol was developed for VDACS Regional Managers to follow in the event of a bioterrorism threat or incident. Of paramount concern was the safety of all personnel involved in responding to these types of incidents.

If you receive, what you perceive to be, an ordinary complaint and begin an investigation, only to discover that the incident could be related to bioterrorism, stop what you are doing, contact your Regional Manager, and await further instruction. If you are contacted by a member of the VDACS support staff or by a consumer regarding a bioterrorism threat or incident, you should contact your Regional Manager before proceeding any further.

Bioterrorism incidents are considered to be criminal acts and are therefore handled by law enforcement agencies. VDACS will not be involved with on-site investigations or sampling where bioterrorism is suspected or confirmed.

Your Regional Manger has been supplied with a bioterrorism response protocol and will be able to further guide you in what to do, should you suspect an act of bioterrorism or in the event of a bioterrorism threat or incident. Therefore, it is important that you contact him/her as soon as you suspect a complaint may be related to bioterrorism. If you absolutely cannot get in touch with a Regional Manager and are faced with a potential bioterrorism threat or incident, you should do your best to assess the situation (i.e. contact the complainant, product manufacturer, firm management, etc. to further your evaluation). *NOTE: Keep in mind that you may also try to reach the Food Safety Program Supervisor or the Food Security Coordinator in the event that you are unable to reach a Regional Manager.* You may want to refer to the attached information at the end of this FOM which provides research results for products previously investigated for suspicious white powders. In addition, a list of products that could appear to have powder on the outside put together by the Food Marketing Institute (FMI) has been included for your reference.

If you determine that the threat or incident could be related to bioterrorism and a Regional Manager or the Food Security Coordinator is not available, you may contact the State Police Domestic Terrorism Hotline at 1-866-448-8554 and the Department of Emergency Management, Emergency Operations Center at 804-674-2400 for further follow up. In addition, you may also want to notify the local police. Please be sure to notify VDACS Food Safety Program management as soon as possible of what you have encountered and who you have contacted.

BIOLOGICAL AGENT CATEGORIES

Agents in Category A have the greatest potential for adverse public health impact with mass casualties, and most require broad-based public health preparedness efforts. Category A agents also have a moderate to high potential for large-scale dissemination or a heightened general public awareness that could cause mass public fear and civil disruption.

Most Category B agents also have some potential for large-scale dissemination with resultant illness, but generally cause less illness and death and therefore would be expected to have lower medical and public health impact. These agents also have lower general public awareness than Category A agents and require fewer special public health preparedness efforts. Biological agents that have undergone some development for widespread dissemination but do not otherwise meet the criteria for Category A, as well as several biological agents of concern for food and water safety, are included in this category.

Biological agents that are currently not believed to present a high bioterrorism risk to public health but which could emerge as future threats were placed in Category C.

Critical biological agent categories for public health preparedness

Biological agent(s)	Disease
Category A	
<i>Variola major</i>	Smallpox
<i>Bacillus anthracis</i>	Anthrax
<i>Yersinia pestis</i>	Plague
<i>Clostridium botulinum</i> (botulinum toxins)	Botulism
<i>Francisella tularensis</i>	Tularemia
Filoviruses and Arenaviruses (e.g., <i>Ebola virus</i> , <i>Lassa virus</i>)	Viral hemorrhagic fevers
Category B	
<i>Coxiella burnetii</i>	Q fever
<i>Brucella spp.</i>	Brucellosis
<i>Burkholderia mallei</i>	Glanders
<i>Burkholderia pseudomallei</i>	Melioidosis
Alphaviruses (VEE, EEE, WEE ^a)	Encephalitis
<i>Rickettsia prowazekii</i>	Typhus fever
Toxins (e.g., Ricin, Staphylococcal enterotoxin B)	Toxic syndromes
<i>Chlamydia psittaci</i>	Psittacosis
Food safety threats (e.g., <i>Salmonella spp.</i> , <i>Escherichia coli</i> O157:H7)	
Water safety threats (e.g., <i>Vibrio cholerae</i> , <i>Cryptosporidium parvum</i>)	
Category C	
Emerging threat agents (e.g., <i>Nipah virus</i> , hantavirus)	

RESEARCH RESULTS ON PREVIOUS PRODUCTS WITH SUSPICIOUS WHITE

POWDERS

1. Statement on Potential Presence of White Powder on Bananas, October 18, 2001 by the International Banana Association.

On occasion, bananas may show a white powder-like substance on their exterior peel and crown. Most likely, the presence of such powdery matter is the result from a routine processing step in banana packaging, which does not present any health risk or indicate a change in product quality.

Immediately after harvesting a banana stem, bananas are divided into clusters and placed into a tank of clean flowing water where they are thoroughly washed. Just before packing, a commonly used and U.S. government-approved preservative is applied to maintain freshness and quality. Residues from the preservative solution or from the wash water itself, due to water hardness, may form on the banana peel as it dries. After applying the preservative, bananas are immediately packed in cartons lined with plastic sheets and stored on pallets under controlled conditions for transportation to your market.

The process of washing and preserving the freshness of bananas in this manner has a long and dependable history of safe use. Of course, the edible part of bananas is further protected by the natural peel, which serves as a physical barrier in preserving the quality of the fruit.

The presence of the powder on the peel is likely from the banana producer's efforts to preserve product freshness and quality. Consumers should not be concerned. We encourage consumers to remain confident in the quality of bananas and continue to eat them as part of a nutritious diet involving at least 5 servings of fruits and vegetables a day.

2. E-mail from Jerry Williams, Field Supervisor, on White Residue on Apples.

I spoke with Keith Yoder from VA Tech Research Lab in Winchester, VA on 10-22-01. According to Keith, it is not uncommon to find a white residue on apples. This may be a wax residue or a non-harmful pesticide spray. Apples are sprayed with a product called SURROUND WP and a product called BORDEAUX. Surround is a clay related product that is sometimes sprayed with lime for insect control. Bordeaux is a copper based material that is also sometimes sprayed with lime for disease control. Surround will leave a white residue and Bordeaux will leave a bluish residue. Both are very low toxic and non-harmful. The apples may be wiped off or washed.

3. Statement on Turkey Package Residues, October 18, 2001 from the National Turkey Federation.

Recent terrorist attacks on the United States create heightened concern about residues found on any type of package. Therefore, to avoid any unnecessary fear, we'd like to explain a powdery material that may appear on the exterior of fresh or frozen whole turkey packages.

The normal chilling procedure for whole turkeys involves immersing the packaged turkey

in a solution of cold water and salt. Salt is added to lower the temperature of the chilling solution for food safety and quality reasons. Once the turkey has been removed from the solution and dried, a tacky or powdery salt residue may remain on the outside of the bag. This is a normal part of the process and is not a safety or quality issue.

The turkey industry takes great pride in providing the safest, most wholesome product possible. The industry maintains procedures designed to protect the safety of the products we produce from the farm to market; because of recent events, security procedures are receiving the utmost attention.

For more information, contact Sherrie Rosenblatt. (Phone: 202-898-0100 ext 233;

E-mail: srosenblatt@turkeyfed.org)

4. White Residue on Bell Peppers—Information provided as a result of a complaint investigation on October 17, 2001 by Kerri Martin, Food Safety Specialist, Senior.

A dusting of white powdery residue was noticed around the stem and on the outer skin of bell peppers in a local grocery store. After contacting the grower/packer of the peppers, it was found that the powder was a bacterial compound used in the fall planting season to fight off insects. The compound is called Dipel. It is a wettable powder and is a biological insecticide with the technical name of *Bacillus thuringiensis*. EPA explained that Dipel is commonly used and is not harmful to humans with no tolerance level.

PRODUCTS THAT COULD APPEAR TO HAVE POWDER ON THE OUTSIDE ¹

<p>Grocery:</p> <ul style="list-style-type: none"> • Baby food cereal • Baby powders and talcum powders • Baking powder • Baking soda • Boxed dinners • Boxed potatoes • Bread crumbs and coatings • Cake and other bake mixes • Cat litter, baking soda added or dust • Cocoa products • Coffee creamers • Croutons • Flour products • Gelatin and pudding products • Oatmeal canisters • Pancake mixes • Pasta • Powdered baby formula • Powdered carpet deodorizers • Powdered cleansers: Comet, Ajax, Bon Ami, Cameo, Spic- n- Span • Powdered drink mixes (i.e., Kool Aid, Iced Teas, Mixed Drinks) • Powdered laundry detergents, dish detergents and bleaches • Powdered milk • Protein powder and meal replacement powder containers • Rice • Rice side dishes (from the flavor packet) • Soup and meal cups • Spices/Salts • Stuffing • Sugar products, especially confectioner sugar • Wool pads: S.O.S. <p>Bulk:</p> <ul style="list-style-type: none"> • Almonds – roasted, salted • Cocktail peanuts – roasted, salted • Coconut – unsweetened no salt • Coconut flakes • Company name-brand snack mix • Flour (several varieties) • Goelitz Chocolate Toffee Almonds • Gummies – some varieties • Honey roasted cashews • Honey roasted peanuts • Honey roasted sunflower • Jaret – several varieties • Jellies – several varieties • Loose pretzels • Oat bran – fine • Peanut mix • Quick oats • Rice (several varieties) • Rolled oats • Sesame seeds hulled • Snack mixes – salted and with Coconut • Spanish peanuts • Sunflower seeds – roasted, salted • Toasted corn nuts <p>Dairy:</p> <ul style="list-style-type: none"> • Grated Cheese • Pepperoni (salt will occasionally be visible on the casing) 	<ul style="list-style-type: none"> • Shredded Cheese (anti-caking agent) <p>Frozen:</p> <ul style="list-style-type: none"> • Company name-brand Cookie Dough Company name- brand Pizza Dough and Bread Dough • Oronoque Pie Shells • Pasta • Pizza • Tiramisu <p>Dairy/Frozen:</p> <ul style="list-style-type: none"> • Activated Dry Yeast • Corn Tortillas • Flour Tortillas • Fresh Pasta • Plastic gallons of milk with dried milk residue around the caps • Refrigerated Bagels • Refrigerated Pizza <p>Deli/Prepared:</p> <ul style="list-style-type: none"> • Pizza • Salami <p>General Merchandise:</p> <ul style="list-style-type: none"> • Auto Air Fresheners • Baby Powder • Bath Powder • Broken Light bulbs • Brooms & Cleaning Brushes • Certo & Sure Gel • Chalk • Dry Pool Chemicals • Easter Eggs • Epson Salt • Face Powder • Flocking and Flaking • Foot Powder • Foot Soap • Greeting Cards • Latex Balloons • Latex Gloves • Latex Products • Magazines • Moth Balls • Newspapers • Packing Material • Padded Mailing Envelopes • Paper Products • Plant Food Packets • Plastic Housewares Packing • Powdered Sprays • Puzzle Dust • Sachets • Seeds • Silica Gel Packs • Talcum Powder
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Additional Notes

Playtex Gloves:

The powder in Playtex products is calcium carbonate and cornstarch. It is used as an aid in putting the gloves on (known as donning) and also as an anti-tack agent for the latex surface. Some powder will rub off onto hands or other surfaces. All powdered gloves have powder residue on them.

Turkey:

National Turkey Federation (Sherrie Rosenblatt, 202-898-0100, x233)

A powdery material may appear on the exterior of fresh or frozen whole turkey packages. The normal chilling procedure for whole turkeys involves immersing the packaged turkey in a solution of cold water and salt. Salt is added to lower the temperature of the chilling solution for food safety and quality reasons. Once the turkey has been removed from the solution and dried, a tacky or powdery salt residue may remain on the outside of the bag. This is a normal part of the process and is not a safety or quality issue.

Produce:

Recent events have caused some customers to be concerned about the natural bloom (a thin white or off-white haze) that appears on some fruits and vegetables. Bloom is produced by Mother Nature to protect fruits and vegetables, and it wipes off easily. Organic produce tends to have more natural bloom than conventional produce. Examples include: Apples, Artichokes, Avocados, Blueberries, Cucumbers, Fresh figs, Grapes, Mangoes, Nectarines, Oranges and other citrus items, Plums, and Tomatoes.

There may also be concerns about the wax coatings that are applied to some fruits and vegetables after washing to help maintain freshness. Some fruits and vegetables are treated with a food grade, or edible, vegetable or mineral wax to replace naturally occurring waxes that are removed during washing and processing. If the wax is not at the right temperature when applied, or if too much is applied, it can get a milky off-white appearance. It can be wiped off easily. Apples may be treated with a lac-resin instead of the vegetable or mineral wax. Lac-resin is the same product that gives sheen to chocolate. In either case, these are not “suspicious” powders or residues and should not cause undue alarm. The following items are treated to reduce moisture loss and maintain freshness: Apples, Batata, Cucumbers, Eggplant, Grapefruit, Lemons, Limes, Melons, Name, Oranges, Parsnips, Passion Fruit, Peppers, Pineapples, Rutabagas, Squash, Sweet Potatoes, Tangerines, Turnips, Yautia, Yucca.

Watermelon may be dusted with a white powder resembling baby powder to prevent the outside skin from being sunburned. It is recommended that customers wash produce before consumption.

Magazines (from the FBI):

A common practice in the publishing industry involves applying a light coating of cornstarch to the cover and pages of glossy magazines and other printed materials. This prevents the pages from sticking to each other during shipping. The fine white or light brown powder produced during this process, called printers' spray powder, is not toxic and poses no health risk. It is most closely associated with "high gloss" magazines, although recent shipments of inspirational booklets (*low gloss, I presume*) distributed by a Catholic missionary organization based in Mississippi prompted calls to law enforcement agencies.

Food Packaging...Use of Starches and Other Compounds:

From national trade associations, including: American Meat Institute, Grocery Manufacturers of America, International Dairy Foods Association, National Chicken Council, National Food Processors Association, National Turkey Federation, Snack Food Association. Manufacturers routinely "dust" packaging materials with food grade starches to prevent them from sticking together. In use for more than 25 years, this starch is approved by U.S. Dept of Agriculture and the Food and Drug Administration. In processing plants, the packaging materials can become tacky and stick to production lines. To prevent this, processors often dust lines with cornstarch, baking soda, etc. Like the dusting of packaging above, this practice is also approved by regulatory agencies. Occasionally, a trace amount of white powder may remain on a product after it has been packaged.

¹ Information provided by FMI, November 14, 2001.
FOM issued new March 14, 2003

FIELD OPERATIONS MANUAL

PROCEDURE I-25
New

WORK DAY STANDARD

The Work Schedule FOM details the options on fulfilling a 40-hour work week. This can be accomplished either by working four 10-hour days or five 8-hour days. However, the expectations of how those hours are spent are not addressed in that FOM.

In an effort to ensure that all field employees are working a full day, a minimum performance standard has been developed. The purpose of the standard is to give field staff, as well as managers, a means of monitoring performance. While this standard is not the sole tool for evaluating a person's performance, it is a starting point.

Food Safety Specialists are expected to conduct a minimum of 135 activities per quarter, barring any unusual external circumstances. This averages out to 3-4 activities per 10-hour work day or 2-3 activities per 8-hour work day. It is important to realize that this is an *average* number of activities per day. Some days, you may inspect a large processor and only have 1-2 activities for that day, but over a 3 month period, you should be able to easily obtain 135 activities. Activities include inspections, visits, complaint investigations, and other established criteria.

Please note: On occasion, you may be involved in activities that go over and above what is considered to be part of your daily routine duties. Activities such as disaster work, providing coverage to another territory, training of new hires, etc. will be taken into account when evaluating the quarterly performance standard.

Again, it is important to reiterate that this standard alone will not be a sole source of performance evaluation. For example, if you work 8-hour days and inspect 3 convenience stores every day, it doesn't necessarily mean that you have worked a full 8-hour day.

The failure to work a full work day will reflect on your performance evaluation and may result in other disciplinary actions.

It is imperative that you document your daily activities in your 'date book' (as detailed in the Written Correspondence FOM, procedure I-06). If you are questioned on your performance for certain days, the date book provides a reference you can use to recall your activities for those particular days.

Issued new June 11, 2003

FIELD OPERATIONS MANUAL

PROCEDURE I-26
NEW

HOSTILE SITUATIONS

Physical resistance to VDACS inspections and threats to, or assaults on, VDACS employees engaged in their work are extremely rare. More often than not, investigations and/or inspections are conducted in a professional and reasonable manner. However, there will be times when you are confronted by unfriendly or hostile persons.

It is important to distinguish between a hostile individual and someone who is unfriendly. An inherent part of being a FSS is dealing with people who are not happy to see you. From time to time, you are going to encounter situations where store owners/employees will say things that are going to make you feel uncomfortable. As an inspector, you need to develop a “thick skin” and continue to do your job.

Your activities must always be conducted with tact, honesty, diplomacy, and persuasiveness. Even though you must, at times, adopt a firm stance, you must not resort to threats, intimidation, or strong-arm tactics.

Many times a hostile or uncooperative attitude results from fear, timidity, or previously bad encounters with government personnel. In most cases, a calm, understanding, and persuasive attitude on your part will overcome the person’s reluctance or hostility. Often just letting the person “vent” will calm them down and make them receptive to inspectional activities.

If you are physically threatened, or if you sense the real possibility of an assault, get out of the confrontation, get to safety, and call your Regional Manager (alternatively Field Supervisor or Central Office) immediately. Make careful and exact notes of who said what to whom, who did what, and whether someone tried or succeeded in threatening, assaulting, or taking information, equipment, or samples from you. Forward your notes to your Regional Manager in the form of an e-mail or memo.

In summary, if you find yourself in a situation where you perceive violence is imminent, stop the inspection and leave. Immediately report the facts to your supervisor. Food Safety Specialists are not to call the police on their own accord. The Regional Manager will discuss the issues with the Compliance Officer before contacting the local authorities. Your supervisor can summon the local police to accompany a Food Safety Specialist if there is a reasonable fear of danger to the inspector. However, normally we want to contact the establishment owner/manager to try and resolve the problem before going to the police.

Issued new June 13, 2003

FIELD OPERATIONS MANUAL

PROCEDURE I-27
REVISED

TRAVEL EXPENSE REIMBURSEMENT VOUCHER

Field employees may incur certain travel-related expenses for items directly related to inspections or other official activities. Expenses need to be submitted on the appropriate form in order to avoid vouchers being returned. Three (3) different vouchers are used depending on the expenses incurred.

Travel Expense Reimbursement Voucher- If you are claiming hotel, meals, parking, road tolls or mileage reimbursement, you should submit those expenses on a Travel Expense Reimbursement Voucher. An electronic version is available on the LAN (ODF drive/TRAVEL/Travel Forms Master Copy---you will need to click on the right arrow at the bottom to find the tab marked “travel voucher”) or you can contact your Regional Office for a hard copy form.

Field Work Expenses Only Accounting Voucher- This voucher can only be used to get reimbursed for the specific items listed on the form. Appropriate expenses to place on this form include: the purchase of samples for testing, ice, postage or shipping costs for samples or reports and the repair/maintenance of a state vehicle. The form can be accessed off the LAN (ODF drive/TRAVEL/Accounting Voucher Field Expenses); no hard copies are available.

Requisition Form (R Form)- All other purchases requiring reimbursement that are not travel expenses or the specific field related expenses covered by the “Field Work Expenses Only Accounting Voucher” (see examples above) should be submitted on a Requisition Form (R-Form). Requisition forms are not available in an electronic format; they need to be requested through your Regional Office.

Expense vouchers are to be submitted on a monthly basis. However, when overnight travel is involved, expense vouchers should be submitted within five (5) working days after completion of the trip. Personnel in training should submit their vouchers on a weekly basis.

Lastly, expense vouchers cannot overlap fiscal years. In Virginia, the fiscal year ends on June 30th and begins on July 1st. June and July expenses can not be submitted on the same voucher.

Documentation

- All purchases must be supported by itemized invoices or receipts.

- For overnight travel, meal, and incidental travel expense reimbursement and per diem information, please refer to the attachment at the end of this FOM. *NOTE: No receipt is required for the per diem allowance.*
- Parking and toll expenses are reimbursable. For these expenses, a receipt is not required for reimbursement claims of less than \$10.

Personal Mileage Claims

It is expected that a good faith effort will be made to use the most cost beneficial means when traveling on State business. Employees are permitted to use their personally owned vehicle (POV) when a State-owned or a State contract Enterprise Rent-A-Car vehicle is not available or when the use of a POV is cost beneficial to the Agency. Use of a POV is considered cost beneficial under the following circumstances:

- When occasional travel is planned for distances up to 100 miles per day. For overnight travel, consider the average mileage over the period the State vehicle would otherwise be needed.
- A State vehicle or Enterprise vehicle is unavailable as confirmed by the Agency Transportation Officer (ATO).
- When an emergency exists and is approved by the Commissioner or designee. This justification and approval must be documented and attached to the Travel Reimbursement Voucher. The employee may be reimbursed at the higher IRS mileage rate when the circumstances meet one of the criteria above.

Employees electing to use their POV as a matter of convenience will be reimbursed at the lower POV mileage rate listed in the State Travel Regulations.

To ensure that employees who drive a personal car receive mileage reimbursements at the proper rate according to state travel regulations, the following items need to be documented on travel reimbursement vouchers:

- A specific reason for the use of a personal vehicle. For example, ‘state car out for repairs’, or ‘employee convenience’. Such information will assist the employee’s supervisor and the Finance office in verifying the proper reimbursement rate.
- Specific travel destinations should be included on the voucher under the column header “Location at which expense incurred”. For example, the description, ‘Richmond to Southside Virginia Farmer’s Market, Danville’ will assist the employee’s supervisor in determining whether or not the personal vehicle was used for valid work-related purposes. A description such as ‘used car for routine work’ is not adequate.
- All travel vouchers that contain private vehicle mileage must include the following statement **“NO PERSONAL MILEAGE CLAIMED FOR LUNCH OR PERSONAL BUSINESS”**. Place this statement in the “Purpose of Trip” block.

Consult with your supervisor or administrative support personnel for pertinent details regarding personal mileage rates.

Lodging

Lodging guidelines for in-state cities are provided in the Lodging, Meals, & Incidental Expense Per Diem Guideline Tables at the end of this FOM.

Lodging guidelines *exclude* local taxes and surcharges. However, lodging taxes and surcharges are reimbursable. Lodging expenses incurred beyond approved amounts will NOT be reimbursed. In such cases, taxes and surcharges will be prorated only for the appropriate amount.

You need to submit original, itemized hotel bills. Direct agency billing of lodging expenses incurred during overnight travel is permitted. Advise the hotel of travel plan changes as soon as possible when a confirmed reservation is being held. Since hotels can charge for non-canceled reservations, these charges will not be reimbursed if the traveler is negligent in canceling reservations.

Meals & Incidental Travel Expenses (M&IE)

Generally, meals and certain incidental travel expenses are reimbursable for overnight official business travel outside the traveler’s official station. Incidental expenses include bellhop/taxi tips, personal telephone calls, laundry, and travel between lodging and places where meals may be consumed.

Standard meal and incidental reimbursement guidelines are provided in the Lodging, Meals, & Incidental Expense Guideline Tables. Note: The \$5.00 incidental allowance is only reimbursable during overnight, official business travel.

The Meal and Incidental Expense Rate Table below provides individual meal amounts for various per diem allowances.

TOTAL	\$41	\$46	\$51	\$56	\$61	\$66	\$71
Breakfast	7	7	8	9	10	11	12
Lunch	11	11	12	13	15	16	18
Dinner	18	23	26	29	31	34	36
Incidentals	5	5	5	5	5	5	5
75% Travel Days	\$32	\$36	\$40	\$44	\$47	\$51	\$55

The following reimbursement policies apply:

- The M&IE per diem must correspond to the location specified for the overnight lodging.
- Direct agency billing of meal expenses incurred during overnight travel, including charging meals to direct billed hotel rooms, is NOT permitted.
- On a travel departure or return day, 75% of the per diem is allowable.

Overtime Meals

In an approved exception to the State Travel Regulations, breakfast and dinner meal allowances will be paid during overtime work periods at a fixed dollar amount of \$4.00 for or \$8.00 for dinner. No receipt is required.

To qualify for reimbursement, the employee must, out of business necessity, leave home prior to 6:00 AM or return after 7:30 PM. This does not include normal commuting time for employees not on official overnight travel status. Time of departure or return must be stated on the travel reimbursement voucher. Employees who leave home prior to 6:00 AM and return after 7:30 PM will be reimbursed a fixed dollar amount of \$12 for overtime meals for that day.

The employee’s scheduled hours AND actual hours worked including lunch break must be documented on the Travel Expense Reimbursement Voucher or as an attachment to the Voucher.

For Example:

Monday, November 29, 2010

Scheduled Hours: 8:00 AM to 4:45 PM with 45 min. for lunch

Actual Hours: 8:00 AM to 8:45 PM with 45 min. lunch

Lodging, Meals, & Incidental Travel Expense Guideline Table (In-State)

(If a location is not listed, the standard rate applies.)

In-State Location	Lodging Rate (excludes taxes & surcharges)	Meals & Incidental Rate (includes tips, taxes, personal telephone calls, laundry, & transportation to where meals are consumed)
STANDARD	\$77	\$41
Exceptions		
<i>Abingdon (Washington)</i>	<i>86</i>	<i>46</i>
<i>Blacksburg (Montgomery)</i>	<i>95</i>	<i>46</i>
<i>Charlottesville (Albemarle & Greene County)</i>	<i>113</i>	<i>56</i>
<i>Chesapeake / Suffolk (10/1 – 5/31)</i>	<i>78</i>	<i>56</i>
<i>Chesapeake / Suffolk (6/1 – 8/31)</i>	<i>88</i>	<i>56</i>
<i>Chesapeake / Suffolk (9/1 – 9/30)</i>	<i>78</i>	<i>56</i>
<i>Chesterfield / Henrico Counties</i>	<i>87</i>	<i>51</i>

<i>Fredericksburg (Spotsylvania & Stafford County)</i>	89	56
<i>James City / York Co / Williamsburg (10/1 – 3/31)</i>	77	51
<i>James City / York Co / Williamsburg (4/1 – 8/31)</i>	91	51
<i>James City / York Co / Williamsburg (9/1 – 9/30)</i>	77	51
<i>Loudoun County</i>	111	61
<i>Lynchburg (Campbell County)</i>	79	51
Manassas (City Limits)	82	46
Norfolk / Portsmouth	92	61
Prince William County	89	56
<i>Richmond (City Limits)</i>	114	66
<i>Roanoke (City Limits)</i>	99	51
<i>Virginia Beach (10/1-5/31)</i>	89	56
<i>Virginia Beach (6/1-8/31)</i>	144	56
<i>Virginia Beach (9/1-9/30)</i>	89	56
<i>Wallops Island (Accomack County) (10/1-6/30)</i>	84	56
<i>Wallops Island (Accomack County) (7/1-8/31)</i>	125	56
<i>Wallops Island (Accomack County) (9/1-9/30)</i>	84	56
<i>Warrenton (Fauquier County)</i>	93	46
Washington, DC (1) (10/1-10/31)	211	71
Washington, DC (1) (11/1-2/28)	181	71
Washington, DC (1) (3/1-6/30)	211	71
Washington, DC (1) (7/1-8/31)	157	71
Washington, DC (1) (9/1-9/30)	211	71

(1) Washington, DC, includes: Virginia Cities of Alexandria, Falls Church, Fairfax; Virginia counties of Arlington, Fairfax; and, Maryland counties of Montgomery and Prince George’s.

FIELD OPERATIONS MANUAL

PROCEDURE II-01

CONSUMER COMPLAINT INVESTIGATIONS

The investigation of consumer complaints are a very important aspect of a Food Safety Specialists duties. All complaints must be thoroughly investigated, regardless of its nature. Often times it is the consumer that will identify a problem, perceived or otherwise, in an establishment or product.

When a complainant alleges:

1. poor food quality, or
1. poor sanitary conditions, or
2. Poor food handling conditions, or
3. injury or illness from or unusual experience with a food product without substantial medical evidence.

The complaint will be investigated within ten (10) working days from the date the complaint was received by the office.

Under unusual circumstances your regional manager or their designated representative will assign a complaint which will require immediate investigation, e.g. confirmed and documented food borne illnesses or injury, or a reported suspected tampering (FOM I-02 applies).

AGENCY RESPONSIBILITIES

Although another agency may have regulatory cognizance for a particular food product, we are required to determine if the establishment is or is not responsible for the subject complaint. The following general guidelines are provided:

Milk: If the complaint relates to conditions at the retail firm (spoiled, warm, improper rotation, etc) we will investigate. If the complaint does not relate to the conditions at the retail firm (chemical taste, foreign matter, etc.) We refer the complaint to the Health Department Milk Sanitation Program in Richmond.

Ice Cream: If the complaint relates to conditions at the retail firm we investigate. If the complaint does not relate to conditions at the retail firm, we refer it to VDACS Dairy Services.

Meat product: If the complaint concerns a store-packaged product or is related to store practices, we investigate. If the product is pre packaged, and is from a USDA inspected firm, we refer it to the USDA Compliance Officer in Richmond. However, we may collect appropriate samples at the retail firm, and forward the results to USDA to aid their investigation.

Food products under the cognizance of the Food & Drug Administration (FDA): If the complaint concerns a prepackaged product manufactured or processed outside of Virginia, the matter may be referred to the FDA for follow up.

When another agency is found to be responsible for the complaint, you will note in your complaint investigation summary and make sure it is highlighted so the office staff knows to refer the complaint.

COMPLAINT INVESTIGATION

ALL COMPLAINTS WILL BE INVESTIGATED! The who, what, when, where, why and how will be considered. The scope of the investigation must be complete enough to determine the scope and extent of the adverse conditions. A “limited” inspection of the responsible area may be required to determine a cause. Determine if any objectionable conditions may have contributed to the complaint, e.g. dirty equipment, personal hygiene, temperature abuse, etc. Always collect a sample if it pertains to the complaint and supports your findings. FOM I-02, Tampering Investigations, and FOM III-05, Retail store inspection criteria may apply. Investigation at the manufacturing level requires the same attention to detail. **You will always determine from management if they are of aware of the specific or similar complaints.**

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE II-02

SERVICE SAMPLES (UNOFFICIAL SAMPLES)

An increase in public awareness concerning food safety has resulted in a rising number of requests from consumers to have their suspect products tested.

Persons requesting service sample (unofficial sample) analyses should be handled as follows:

- 1) Listen to the problem they have encountered with the product and determine if we need to handle the information as a consumer complaint.
- 2) In some instances meeting with the consumer at the firm, to examine the product in question, may be appropriate. The inspector and/or supervisor should first determine if such a meeting is necessary, and then decide if the service sample should be collected. The complainant must be advised that no regulatory action can or will be taken based on the results of a service sample; the results are for informational purposes only.
- 3) When you collect a service sample you must follow the steps on the attached page entitled "Preparation of Service Samples Collection Form".

If other state or local officials take custody of a service sample, you should handle that person in the same manner as outlined above. You should also advise these officials that it is not our standard policy to collect unofficial samples.

YOU SHOULD NOT TAKE CUSTODY OF A SERVICE SAMPLE, UNLESS IT HAS BEEN DETERMINED THAT IT WILL PROVIDE USEFUL INFORMATION IN YOUR INVESTIGATION OF THE MATTER AS A CONSUMER COMPLAINT.

Revised July 1999

FIELD OPERATIONS MANUAL

PROCEDURE III-01

SEAFOOD HACCP INSPECTIONS

Background

The Virginia Department of Agriculture and the Food and Drug Administration have entered into an annual contract whereby the State will conduct inspections of selected food establishments for FDA to determine compliance with the food provisions of the Federal Food Drug and Cosmetic Act and/or state laws. Under the terms of the contract a set number of Seafood HACCP inspections must be conducted.

Seafood HACCP inspections shall be conducted to determine compliance with the Seafood HACCP regulation as well as to address violations of other regulations that relate to food sanitation (GMP's) and labeling. The Seafood HACCP Regulation can be found at 21CFR Part 123.

It is important to note that Virginia has not adopted the Seafood HACCP regulation. The only time Seafood HACCP inspections are to be conducted is when indicated under the contract. Routine inspections of seafood facilities do not involve Seafood HACCP reviews. Seafood HACCP inspections shall only be performed by inspectors that are Seafood HACCP trained and certified.

NOTE: If you are assigned a Seafood HACCP inspection and feel you need additional training contact your Regional Manager.

FDA Contract Work---Identifying Seafood HACCP Inspections

Once the FDA/VDACS contract planning session is completed, inspectors will receive the assignment log for their respective territory. On your assignment log, Seafood HACCP inspections are identified by the PAC code 03S002 and highlighted in yellow.

CONDUCTING THE INSPECTION

The inspections must be based on the Seafood HACCP regulation and FDA recommendations as opposed to Virginia requirements. *NOTE: Since Virginia has not adopted the Seafood HACCP regulation regulatory (enforcement) responsibilities for the Seafood HACCP Program rest with FDA.*

The Seafood HACCP inspection is to be performed in a manner consistent with the Seafood HACCP Regulator Training Manual. Inspectors should refer to and use the Fish and Fisheries Products Hazards and Controls Guidance (Third Edition) manual during the HACCP evaluation.

The inspector's role includes evaluating the adequacy of the firm's HACCP plan, the adequacy of the implementation of the plan, the presence or absence of adequate controls when there is no written plan, and sanitation monitoring.

For firms producing both high and low risk potential products, the HACCP inspection should focus on the high risk products being produced. High risk potential products include the following: Refrigerated seafood products packed in Reduced Oxygen Packaging (ROP), ready-to-eat fish or fishery products (ie: cooked/smoked product), seafood mixes, scombrototoxin-forming species, aquacultured seafood, stuffed seafood products, and salt-cured and/or air-dried, un-eviscerated fish.

In the event an investigator arrives at a firm prepared to do a HACCP inspection and the firm is not in operation, the inspection should be rescheduled if possible. If it is not feasible to reschedule (e.g., the firm is at a distant location), an inspection that includes a **complete HACCP Records Review** should then be conducted. The inspector should attempt to answer HACCP questions as completely as possible. HACCP records (HACCP plans, Critical Control Point (CCP) monitoring and corrective action records) and sanitation monitoring records covering previous production days should be reviewed. Any sanitation defects observed should still be noted on the inspection report.

PAPERWORK

Writing the Inspection Report

On the Inspection Report beneath (i.e. segregated from) the recorded GMP deficiencies the discrepancies in complying with the Seafood HACCP regulation should be documented. The HACCP deficiencies will be listed under the heading "THE FOLLOWING DEFICIENCIES WERE NOTED IN THE FIRM'S HACCP PLAN"

For firms that state a HACCP plan is not required, verification by the inspector is required. If the inspector disagrees and feels that a HACCP plan is needed, it should be documented under the "Deficiencies Noted" heading.

Completing FDA contract paperwork

You are also required to fill out the Domestic Seafood HACCP report. (Form FDA 3501). This Seafood HACCP report is included in with your cover sheet.

On the FDA cover sheet under the Products Covered section, the HACCP and non-HACCP (i.e. sanitation/GMP inspection) components of the inspection need to be documented separately. The GMP portion of the inspection will be reported under the PAC code 03S001. The HACCP evaluation will be reported under PAC code 03S002.

The information that has traditionally been filled out in relation to the PAC code (i.e.: Product Description, Product Code, Inspection Classification, Hours and Reschedule Date) must be filled out for both codes. It is important to note that for the time expended during the inspection, PAC code 03S001 will include time for the GMP inspection, and administrative work. PAC code 03S002 will record only the time spent on the HACCP evaluation. See example below.

PRODUCTS COVERED & INSPECTION TIME

<u>PAC</u>	<u>PRODUCT DESCRIPTION</u>	<u>PROD CODE</u>	<u>INSP CLSSF.</u>	<u>HOURS</u>	<u>RESCH DATE</u>
03S001	striped bass	16 A F C 75	NAI	4.00	11/2008
03S002	striped bass	16 A F C 75	NAI	2.00	11/2008

In addition, you are also required to fill out the Domestic Seafood HACCP report. (Form FDA 3501). This Seafood HACCP report is included in with your cover sheet.

CLASSIFICATION

Initial Inspection

The GMP component (03S001) of the inspection would be classified as you normally do, NAI, VAI or OAI depending on the significance of the violations found during the inspection.

The Seafood HACCP component (03S002) of the inspection should be classified either NAI or VAI depending on whether there are adequate controls in place to address food safety hazards.

The following information should be used as a guide in classifying Seafood HACCP deficiencies:

1. VAI classification would include:

- a. The absence of a HACCP plan when one is needed, failure to identify a hazard or list a critical control point
- b. Deficiencies associated with monitoring procedures, including inadequate monitoring programs, failure to maintain monitoring records, or failure to implement monitoring procedures
- c. Deficiencies associated with critical limits, such as, failure to list a critical limit, inadequate critical limits and critical limits not validated

Note: Inadequate and un-validated critical limit charges must be supported by inspectional observations, such as internal temperatures, or analytical results that demonstrate that the critical limits are inadequate to control the identified hazard

d. Failure to have an appropriate corrective action plan (when included in the HACCP plan), take a corrective action when a critical limit is exceeded, or document the corrective action

e. Failure to perform sanitation monitoring in facilities that process Ready-To-Eat products.

2. Assign a NAI classification to inspections that reveal:

a. Hazards other than those listed above

b. Failure to perform sanitation monitoring in facilities that do not process Ready-To-Eat products

The overall inspection report would be given the most serious classification of the GMP and Seafood HACCP portions of the inspection. If the inspection is violative, a follow-up inspection should be scheduled for thirty (30) days.

Follow-up Inspection

If the initial inspection was found to be violative, the follow-up inspection will be CONTRACT and all the associated paperwork, including the Domestic Seafood HACCP Report, must be completed.

The follow-up inspection will “target” the GMP violations and the HACCP deviations noted on the previous inspection, i.e. the inspector will only inspect the conditions written up on the previous Inspection Report and then review the HACCP plan to verify that the necessary corrections have been made.

If the follow-up inspection finds the HACCP plan still without adequate controls in place the inspection will be classified VAI-F. The firm will be forwarded to FDA for further regulatory action. This will end VDACS involvement relative to the HACCP deficiencies.

Other situations (ie: GMP inspection violative) should be handled according to established criteria.

Revised July 2010

FIELD OPERATIONS MANUAL

PROCEDURE III-02
Revised

IN-HOME FOOD MANUFACTURING OPERATIONS

An opinion by the Assistant Attorney General assigned to this Department indicates that the Virginia Food Laws and related regulations do not prohibit the home manufacture of food products for sale to the public. Each home operation is to be evaluated on its individual merits as to its suitability for the commercial production of food products.

When you evaluate a home operation you will use the Virginia Food Laws and which ever of the Federal regulations we have adopted that is applicable. For the most part you will use Part 110, Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food. There will be instances where other regulations will apply. Many of the other regulations set general standards of identity for products. When you are inspecting a home manufacturer producing a product covered by one of the regulations be sure you are entirely familiar with that regulation and utilize it when making your evaluation and/or inspection.

The below regulations may apply to home operations of certain foods. Each Food Safety Specialist is responsible for being familiar with these regulations.

Part 110, Current Good Manufacturing Practice In Manufacturing, Packing or Holding Human Food

Part 114, Acidified Foods

Note: The processing of low acid canned foods and water bottling are considered as not feasible in a home.

We have put together an information package containing the Virginia Food Laws, Part 110-Good Manufacturing Practices, a “Starting Your Food Business” guide (included as an attachment to this FOM), food safety literature and other information deemed necessary for prospective home operators.

NOTE: The home operator is required to provide the Office or the Inspector with certain process documentation (as enumerated in the Starting Your Food Business guide) for evaluation prior to receiving an inspection of their facility.

ADMINISTRATIVE GUIDELINES

Home Operations that produce a low volume of food product (this would apply to most home operations) which are also exclusively processing non-potentially hazardous foods may be scheduled for a **24-36 month follow-up**. Of course this is optional and depends on the existing circumstances within each Food Safety Specialist's territory. Any inspection

precipitating a 24-36 month follow-up should be classified NAI. Furthermore, you may only assign a 24-36 month follow-up to your home processor after you have performed an inspection of the operation and have provided the required information indicated in the following paragraph.

After completing an inspection of a home operation you will need to place the phrase, “home operation” directly beneath the CFN in the upper left hand corner of the inspection report. Please note that this requirement applies to **all** home operations and not just those which meet the low volume/non-potentially hazardous foods requirement noted above. Not only does supplying this information allow you to initiate the 2 year follow-up protocol-it also allows us the **capability to separate typical food processors from “home operation” food processors on our mainframe system.** In addition to providing the Food Safety Specialist with greater rescheduling flexibility, this alteration to our system will allow us to more accurately assess the food processors in the Commonwealth and will provide for a greater degree of refinement during territory restructuring.

Finally, as you are inspecting your home processing operations please take note of the assigned CFN. If the CFN prefix does not accurately reflect the nature of the home operation (i.e. retail CFN vs the appropriate processor CFN), alert us via a short note directly beneath the CFN in the upper left hand corner of the inspection report. The note should state, “Change CFN” and should further indicate why the CFN should be changed.

The above will allow all of you an additional allotment of time that can be directed towards monitoring those establishments that are more “critical” with respect to potential impact on public health.

DETERMINING FIRM STATUS-OUT OF BUSINESS

Generally speaking, most home operations do not operate during traditional business hours. Many of these firms may only operate in the evening, on weekends or be seasonal in nature. Consequently, finding the firm open for inspection and/or determining its status can be difficult.

The following protocol should be followed prior to placing a firm out of business (i.e. OOB). The Food Safety Specialist should make several attempts to inspect the firm, including calling the firm to set up an appointment. Inspectors should call at different times, including the evening, when attempting to contact firms. If contacting the firm is unsuccessful and there is no evidence that the firm is in business (i.e. none of their product seen in commerce) then place the firm OOB.

Attachment: Starting Your Food Business Guide

Revised March 7, 2002

FIELD OPERATIONS MANUAL

PROCEDURE III-03
Revised

SEAFOOD PEDDLERS

In order to more uniformly regulate those persons who sell seafood from the back of trucks, etc., please use the following guidelines:

- a. All seafood peddlers must have adequate means to refrigerate their products.
- b. Seafood products must be adequately protected from possible contamination. No open display of raw product.
- c. Seafood peddlers who do not have adequate cleaning equipment and hand washing facilities can sell the following:
 - Whole uncleaned fish.
 - Prepackaged units of seafood products.
 - Oysters in the shell from approved sources.
 - Live Crabs.
 - Unshelled bulk raw shrimp.

They may not:

 - Dress or fillet fish.
 - Dip oysters.
 - Shuck oysters.
 - Handle unpackaged peeled and de-veined raw or cooked shrimp.
 - Handle or sell unpackaged fish fillets.
- d. Seafood peddlers who process seafood must have on board their vehicles the same general sanitary facilities as are usually found in retail seafood markets, i.e. hot and cold running water, equipment sink, handwashing facilities, proper drainage and wastewater holding facilities. They must have convenient access to a functional rest room facility.
- e. All seafood peddlers who deal in prepackaged products must meet the customary labeling requirements of the Virginia Food Laws.
- f. Dressed fish or headed raw shrimp can be sold unpackaged, if it is procured from their vendor in that condition. If the product is processed in a home operation, IN HOME MANUFACTURING OPERATIONS, FOM III-02 will apply.

NOTE: Outdoor cooking (ie: crab steaming) associated with roadside seafood operations would fall under the jurisdiction of VDH.

These guidelines are to be used as an aid in interpreting the Virginia Food Laws as they apply to seafood peddlers. If any unusual circumstances are encountered, please discuss them with your Regional Manager.

Revised December 2010

FIELD OPERATIONS MANUAL

PROCEDURE III - 04

SWOLLEN CANS

If you encounter swollen canned food products, you should:

- 1) have them voluntarily destroyed
or
- 2) seize and sample them

It is preferable to have the product voluntarily destroyed since laboratory analysis does not always reveal the cause of the abnormality. Swollen canned food products should never be consumed, since they indicate improper processing and/or handling. Such improper processing or handling could allow the formation of *C.botulinum* toxin.

During inspections of any establishment if multiple cases of swollen canned food products are encountered, or if you encounter a canned food product that has had a repeated history of being found in a swollen condition, the following information should be obtained:

- 1) The name and identification of the product.
- 2) The name and address of the manufacturer or distributor.
- 3) The code/codes of the products.
- 4) The approximate date of when the products were received.

This information is necessary so that the FDA can follow up at the manufacturer/distributor.

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE III-05

RETAIL STORE INSPECTION CRITERIA

To promote uniformity in the conduct of retail store inspections, the attached list of inspection criteria has been developed. The criteria are based on the requirements of the Virginia Food Laws and related regulations and are the basis for our on-the-job retail store training. The order of department is not meant to mean that the departments are to be inspected in the order listed in this FOM.

Meat/Delicatessen Departments

- 1) General state of repair of meat processing equipment and utensils and the sanitation of the same.
- 2) Rodent activity in the meat area.
- 3) Insect activity in the meat area.
- 4) Cleanliness and state of repair of food contact surfaces, general work surfaces and storage surfaces.
- 5) Daily thorough cleaning of processing equipment and cleanliness of same.
- 6) Condition of floors, walls and ceilings and cleanliness of same.
- 7) Adequate refrigerated holding facilities maintaining proper temperatures.
- 8) Avoidance of time-temperature abuses of potentially hazardous products.
- 9) Proper facilities for maintaining correct temperatures for hot serve foods.
- 10) Proper protection of raw product from possible contamination in storage.
- 11) Avoidance of cross contamination of prepared product by raw product such as beef by pork or chicken.
- 12) The intentional adulteration of raw product with fillers such as pork spleens in ground beef.
- 13) Potable water supply.
- 14) Hot and cold running water available for cleaning.
- 15) Proper hand-washing facilities and necessary soap and towels.

- 16) Proper equipment cleaning facilities.
- 17) Proper plumbing.
- 18) Proper drainage of meat room and meat walk-in cooler floors.
- 19) Protective covering on overhead lights.
- 20) Proper cleaning of cooling equipment, fans, guards and grills.
- 21) Correct use of rodenticides and insecticides.
- 22) Correct use of cleaning agents.
- 23) Correct use of food additives and the detection of the use of illegal food additives.
- 24) Compliance with applicable food product standards, such as maximum % fat in ground beef.
- 25) Smoking, eating or drinking in food processing areas.
- 26) Adequate employee hygiene.
- 27) Proper hair restraints.
- 28) Clean clothing.
- 29) No infections, diseases, or skin conditions.
- 30) Proper labeling and packaging.
- 31) Truthful advertising.

Bakery Department

- 1) General sanitation of floors, walls, ceilings, utensils and equipment.
- 2) Insect or rodent contamination of raw ingredients.
- 3) Proper use of food and/or color additives.
- 4) Proper use of rodenticides and insecticides.
- 5) Adequate cleaning of equipment and utensils and adequate cleaning facilities.
- 6) Proper handling and refrigeration of bakery products containing ingredients which support rapid microbial growth.

- 7) Proper employee practices including frequent hand washing, proper hair restraints and clean clothing.
- 8) Adequate hand washing facilities properly serviced.
- 9) Proper labeling of pre-packaged items.

Produce Preparation Area

- 1) General sanitation of floors, walls, ceilings and equipment in the produce preparation area and all produce coolers.
- 2) Proper cleaning and storage of produce preparation utensils.
- 3) Daily removal of all waste materials subject to decomposition and fermentation.
- 4) Rodent and/or insect activity.

General Stockroom Area

- 1) Rodent and/or insect defiled products.
- 2) Rodent and/or insect activity.
- 3) Rodent and/or insect entry points along walls, doors and receiving docks.
- 4) General sanitation of floors, walls, ceilings and shelves.
- 5) Springers, swells or leakers in canned goods.
- 6) Proper storage of merchandise off the floor and away from walls.
- 7) Broken or damaged product spilling onto floors or other product.
- 8) Segregation of toxic or hazardous products away from food products.
- 9) Storage of animal feeds away from human foods which are susceptible to insect attack.
- 10) Orderly morgue (also called reclaims and/or returns) area maintenance and procedures.
- 11) Adequate pest control practices and proper use of insecticides and/or rodenticides.
- 12) No domestic animals present.
- 13) Adequate and convenient washrooms and toilet separate from areas used to manufacture and store foods.

- 14) Proper waste and trash storage and disposal.

Dairy and Egg Products Storage Cooler

- 1) General sanitation of cooler floor, walls, ceiling, shelves and refrigeration units.
- 2) Maintenance of proper storage temperatures.

Walk-in Freezer Storage

- 1) Proper temperatures for frozen products.
- 2) No build-up of ice on products, floors, freezer unit.

Retail Sales Area

- 1) General sanitation of floors, walls, shelves, refrigerated display cases.
- 2) Check grain products for possible insect infestation.
- 3) Check canned products for leakers, swells and flippers.
- 4) Check produce areas for roaches, fruit flies and other pests.
- 5) Check dairy display for proper temperature and leakers.
- 6) Check prepackaged meat display for proper temperatures, swells, blown vacuums, off color or off odor products.
- 7) Check frozen foods display for proper temperature, defrost cycle problems, freezer burn and load limit abuses.
- 8) Check infant formula for outdated product.
- 9) Check prepackaged products for proper labeling.
- 10) Check to ensure that hazardous or toxic products are displayed away from human foods.
- 11) Check soft drinks for the presence of mold, foreign material.
- 12) Check bulk displayed products for actual contamination, proper protection from contamination, proper rotation and adequate customer handling utensils.

Exterior of Store

- 1) Check for possible rodent and/or insect entry points.
- 2) Check for weed growth and other potential rodent harborage.

- 3) Check for adequate trash storage and removal.

Miscellaneous

- 1) Sleeping quarters separate and apart from food manufacturing, storage and sales area.

Inspection Criteria for Food Service Operations in Retail Food Stores

- 1) Check to see that sanitizing solutions are being used at least once a day on equipment, utensils and work surfaces used in the preparation, storage, and sale of potentially hazardous ready to eat food products and in every instance where there is a change from raw, unprocessed product to ready to eat food products.
- 2) Check to see if sanitizing solutions are being used properly:

2/1	Hot water	- 170°F	- 30 seconds
2/2	Chlorine	- 50 ppm	- 1 minute
2/3	Iodine	- 12.5 ppm	- 1 minute
2/4	Quaternary ammonium	- 200 ppm	- 1 minute

2/5 Any other sanitizer recognized by public health authorities as being safe and effective.
- 3) Check to see if refrigeration facilities are holding product at an internal temperature of 45 degrees F. or below and are equipped with an accurate thermometer.
- 4) Check to see if management has a stem type thermometer available and uses it to check the internal temperatures of hot and cold potentially hazardous, ready to eat food products.
- 5) Determine if self-service displays of unpackaged or unwrapped foods, other than unprocessed raw fruits and vegetables, are equipped with sneeze guards or other suitable devices which protect the food from contamination.
- 6) Determine if all self-service displays of unpackaged or unwrapped food products, other than unprocessed raw fruits and vegetables, are equipped with appropriate serving utensils which eliminate consumer contact with the food product and are stored in a manner which prevents contamination of the food contact surface of the utensils.
- 7) Determine if self-service displays of unpackaged or unwrapped foods, other than unprocessed raw fruits and vegetables, are being monitored continuously by a store employee.

- 8) Check salad bars to determine if sulfite is being used to preserve the produce by either the retailer or the packer of the produce. If sulfite is being used, make sure a placard declaring its use is at point of display.

INSPECTION CRITERIA FOR FOOD HANDLING PRACTICES

- 1) Where applicable determine if frozen potentially hazardous food is being properly thawed by one of the following methods;
 - 1/1 Placed in a refrigerator at 45 degrees F or below for a length of time sufficient to thaw the product.
 - 1/2 Immersed in cold running water for a time sufficient to thaw the product.
- 2) Check to see that potentially hazardous cold foods are held at 45 degrees F or below during storage and display.
- 3) Check to see that potentially hazardous hot foods are handled properly in that:
 - 3/1 Hot foods are placed directly from cooking operations into a pre-warmed display case and held at an internal temperature of 140 degrees F.
 - 3/2 Hot foods which are to be stored for use later are removed from cooking operations or the display case and rapidly cooled in shallow vessels to 45 degrees F or less. Cold foods to be displayed hot are reheated to at least 165 F and then placed in a pre-heated hot display case. In no instance is the display case to be used to reheat foods.
- 4) Check to ensure that potentially hazardous foods being processed in the retail store by cooking are cooked to heat all parts of the food to at least 140 degrees F except that:
 - 4/1 Poultry, poultry stuffing, stuffed meats and stuffing containing meat are cooked to heat all parts of the food to at least 160 degrees F.
 - 4/2 Pork and pork products are cooked to heat all parts of the food to at least 150 degrees F.

CRITICAL ITEM INSPECTIONS HACCP

"Critical Item Inspections" (CII) are HACCP type inspections done in retail establishments. An inspector should evaluate several key factors concerning the firm before doing this type of inspection. Some of these key factors are as follows:

1. inspectional history
2. management

3. employee turnover
4. turnover of food in the store
5. store temperature (air conditioned or not)

If during **your** evaluation of these or any other factors **you** believe there could be problems in the store then **you** should decide on how detailed **you** want to make the inspection. However, if **your** evaluation indicates no problems then **you** may want to do a critical item inspection.

CII's are inspections where emphasis is placed on the critical areas of the store. Listed below are some examples of PRIMARY and SECONDARY areas of concern. Some of these areas could switch from secondary to primary and visa versa depending of the **store's situation**.

<u>PRIMARY</u>	<u>SECONDARY</u>
ALL PROCESSING AREAS PERIMETER OF THE STOCKROOM ALL REFRIGERATION AND FREEZER UNITS (retail and backroom) RESTROOMS INFANT FORMULA BAKERY INGREDIENTS (flour, corn meal, mixes, etc.) GRAIN PRODUCTS/DRIED BEAN AND FRUIT REDUCED/QUICK SALE SPECIALTY ITEMS	PRODUCE EGGS CAN GOODS ALL PACKAGED BEVERAGES (soft drinks, juices, beer, wine, tea, coffee, etc.) CONDIMENTS/DRESSINGS PASTA BREADS CEREAL COOKIES/SNACK FOOD ANIMAL FEED

If anytime during a critical item inspection you find evidence that there could be problems in secondary areas of the store then you should make a more detailed inspection.
 Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE III-06

VACUUM PACKAGING SYSTEMS IN RETAIL FOOD ESTABLISHMENTS

The adoption of vacuum-packaging systems (otherwise known as a reduced oxygen system) by food establishments have caused concern over the monitoring and maintaining of critical controls that would prevent the growth of Clostridium botulism and other pathogenic organisms within vacuum-packaged food products. Since vacuum-packaging of foods produces an environment conducive to the growth of such organisms, constant monitoring of the adherence to these controls is essential to assure the production of safe and wholesome food products. Consequently, we have adopted the following guidelines (recommended by the U.S. Food and Drug Administration) to be enforced in retail food establishments where vacuum-packing systems are in use.

In addition, since vacuum-packaged food products are "food in packaged form", they must bear the information required by the labeling provisions of the Virginia Food Laws. This would include the name of the product, a list of ingredients in descending order of predominance, the net weight declaration, and the name and address of the responsible firm.

ENFORCEMENT PROVISIONS

Whenever vacuum-packaging violations are encountered, they should always be listed on the inspection report as objectionable conditions. In many cases, vacuum-packaging violations may not be serious enough to justify taking direct or immediate regulatory action. In these cases, the violations will be taken into consideration along with any other objectionable conditions in order to determine the classification of the inspection. However, some violations may be serious enough so that immediate corrective action will be necessary. Following are guidelines to assist inspectors when serious vacuum-packaging violations are encountered:

Violation	Action To Be Taken
1. Foods that are unacceptable for vacuum-packaging.	Vacuum-packaging of these foods should be discontinued immediately. The products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled for pH and Aw. (SEE NOTE C BELOW)
2. Products that are held or offered for sale past the <u>acceptable</u> expiration date (see control step 4 on page 2 of this FOM procedure to determine acceptable expiration date).	Products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled to verify the expiration date. The samples should be sent directly to your regional manager along with any necessary documentation to verify the violation. After verification, the firm will be notified in writing that the product will be destroyed. (SEE NOTE C BELOW)
3. Temperature abuse has been documented.	Temperature abuse should never exceed 4 hours. If it does, the products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled for bacteriological analyses, to include <i>Listeria monocytogenes</i> analysis. (SEE NOTE C BELOW)

4. Inadequate processing guidelines or failure to follow proper processing guidelines.	If processing has been inadequate to the point that finished products may be harmful or injurious to health, vacuum-packaging should be discontinued until proper processing guidelines can be established and/or implemented, and the products should be removed from sale. The firm should be requested to voluntarily destroy the products; if they refuse, the products should be seized and sampled for pH, Aw, and bacteriological analyses, to include <i>Listeria monocytogenes</i> . (SEE NOTE C BELOW)
5. Untrained/unknowledgeable operators.	Vacuum-packaging should be discontinued until trained operators are available.
6. Inadequate processing conditions (i.e. general insanitary conditions; inappropriate location of vacuum-packaging operation such as in a stockroom, or packaging ready-to-eat products in a raw meat cutting area; etc.)	Vacuum-packaging should be discontinued immediately until this condition is corrected. Products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled for pH, Aw and bacteriological analyses, to include <i>Listeria monocytogenes</i> (SEE NOTE C BELOW)

NOTE C - If it is necessary to seize and sample any of these products, the samples, including any collected and sent directly to your regional manager, must be official samples.

A food establishment that packages potentially hazardous food (Time/Temperature Control for food safety) using a vacuum-packaging system shall have a HACCP Plan that:

(1) Identifies the food to be packaged;

(2) Except as specified under (C) and (E) and as specified in (D) of this section, requires that the packaged food shall be maintained at (41°F) or less and meet at least one of the following criteria:

(a) Has an AW of 0.91 or less,

(b) Has a PH of 4.6 or less,

(c) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact package, or

(d) Is a food with a high level of competing organisms such as raw meat or raw poultry;

3-502.12 VACUUM PACKAGING SYSTEMS CRITERIA.*

(A) Except for a food establishment that obtains a variance as specified under 3-502.11 and except as specified under (C) and (E) and as specified in (D) of this section, a food establishment that packages potentially hazardous food (time/temperature control for food safety) using a reduced oxygen packaging method shall ensure that there are at least two barriers in place to control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.

(B) A food establishment that packages potentially hazardous food (time/temperature control for food safety) using a reduced oxygen packaging method shall have a HACCP Plan that contains the information specified under 8-201.14(D) and that:

(1) Identifies the food to be packaged;

(2) Except as specified under (C) and (E) and as specified in (D) of this section, requires that the packaged food shall be maintained at (41°F) or less and meet at least one of the following criteria:

(a) Has an Aw of 0.91 or less,

(b) Has a pH of 4.6 or less,

(c) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact package, or

(d) Is a food with a high level of competing organisms such as raw meat or raw poultry;

(3) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:

(a) Maintain the food at (41°F) or below, and

(b) Discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;

(4) Limits the refrigerated shelf life to no more than 14 calendar days from packaging to consumption, except the

time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;

(5) Includes operational procedures that:

(a) Prohibit contacting food with bare hands,

(b) Identify a designated work area and the method by which:

(i) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and

(ii) Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation, and

(c) Delineate cleaning and sanitation procedures for food-contact surfaces; and

(6) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:

(a) Concepts required for a safe operation,

(b) Equipment and facilities, and

(c) Procedures specified under Subparagraph (B)(5) of this section and 8-201.14(D).

FISH

(C) Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.

COOK-CHILL OR SOUS VIDE

(D) Except as specified under (C) of this section, a food establishment may package food using a cook-chill or sous vide process without obtaining a variance if:

(1) The food establishment implements a HACCP plan that contains the information as specified under 8-201.14(D);

(2) The food is:

(a) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or the consumer,

(b) Cooked to heat all parts of the food to a temperature

and for a time as specified under 3-401.11,

- (c) Protected from contamination after cooking as specified under Part 3-3,
 - (d) Placed in a package or bag with an oxygen barrier before cooking, or placed in a PACKAGE or bag immediately after cooking and before reaching a temperature below 135°F,
 - (e) Except for frozen food that is not shelf life restricted, cooled to 41°F in the package or bag as specified under 3-501.14 and then cooled to 34°F or less within 48 hours of reaching 41°F, and:
 - (i) Held at 34°F and consumed or discarded within 30 days after the date of preparation, or
 - (ii) If removed from a storage unit that maintains a 34°F food temperature, held at 41°F or less for no more than 72 hours before consumption.
 - (f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,
 - (g) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation, and
 - (h) Labeled with the product name and the date packaged; and
- (3) The records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP Plan, are maintained and are:
- (a) Made available to the regulatory authority upon request, and
 - (b) Held for 6 months; and
- (4) Written operational procedures as specified under Subparagraph (B)(5) of this section and a training program as specified under Subparagraph (B)(6) of this section are Implemented.

CHEESE

A food establishment may package cheese using a vacuum packaging system (reduced oxygen packaging method) without obtaining a Variance if it:

- (1) Limits the cheeses packaged to those that are

commercially manufactured in a food processing plant with no ingredients added in the food establishment and that meet the Standards of Identity as specified in 21 CFR 133.150

Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;

Hard Cheese	Pasteurized Process Cheese	Semisoft Cheese
Romano	Pasteurized Process American Cheese	Muenster
Gjetost	Pasteurized Process Gruyere Cheese	Port du Salut
Cheddar	Pasteurized Process Swiss Cheese	Primost
Colby	Pasteurized Process Limburger Cheese	Monterey Jack
Gouda	Pasteurized Process Cheddar Cheese	Mozzarella
Provolone	Pasteurized Process Swiss Cheese blended with American Cheese	Bleu
Swiss(Emmentaler)	Pasteurized Process Brick Cheese	Gorgonzola
Gruyere	Pasteurized Process Mozzarella Cheese	Roquefort
Edam		Stilton

(2) Has a HACCP Plan

(3) Except as specified under Subparagraphs (B)(2), (B)(3)(b), and (B)(4), complies with(B) of this section;

(4) Labels the package on the principal display panel with a “use by” date that does not exceed 30 days or the original manufacturer’s “sell by” or “use by” date, whichever occurs first; and

(5) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.

12-02-05

FIELD OPERATIONS MANUAL

PROCEDURE III-07

RETAIL APPLE and APPLE CIDER INSPECTIONS

Packages should be conspicuously marked with: (1) the grower or packer's name and address, (2) correct variety, (3) one of official standard grades (4) correct size, and (5) net contents. The Virginia Apple Marking Law requires this information to be conspicuously marked on each package "in plain words and figures on the outside, or a durable stuffer within and readily readable from the outside"; however, if the tie closure on bagged apples list part of this information it will be acceptable. Any placards or signs advertising bulk or packaged products should be factual, or removed.

A statement on the Inspection Report will list the number and type of packages which are in violation, the reason(s) for the failure, as well as the approximate net weight. If the packages are not packed by the store, the name and address of the packer should also be included to allow for follow-up at the packer level, if deemed necessary. Violations that are corrected will be so indicated on the Inspection Report.

Example (a): 65/3 lb. bags of apples marked, "Peaks of Otter Orch., Bedford, VA 24523, Red Delic., 2 1/4 in. min." were misbranded and offered for sale in the retail area as they did not indicate a grade.

Example (b): 20 various weight packages of apples were misbranded and offered for sale in the retail area, in that no packer's name, variety, grade or size shown.

APPLE JUICE/APPLE CIDER - Proper Washing of Apples to Remove E.coli 0157:H7

Processors of apple juice and apple cider should be inspected regularly, in accordance with our inspection frequency of food manufacturers. During these inspections, you should observe the apple washing procedures to insure that they are effective. Regulatory authority to require the washing of raw ingredients containing soil exists in CFR Part 110 - Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food. (Subpart E, Section 110.80, paragraph (a) Raw Materials and Other Ingredients.)

Check the washing of apples to insure that the procedure is sufficient to remove soil. This is especially important in processors who produce unpasteurized cider and juice. Also be sure to ask the processor if they are using dropped apples in their product. If they do, make note of this practice so we can include it in the firm file.

Water used in the washing of apples should come from a potable supply and water used in a common wash should be of adequate sanitary quality. If the washing operation itself is not sufficient to remove all soil from the apples brushing may be necessary. Raw apples should be thoroughly examined to make sure all soil and soil residue is removed. If the firm is not washing their apples, urge them to do so, citing the dangers of unwashed product and the dangers of E.coli 0157:H7. If you observe soil present on apples that are to be pressed and processed into apple products, document this condition on your inspection report as an objectionable condition with a reinspection date of two weeks. When you reinspect the firm, if they are still not adequately washing their apples, classify the inspection as OAI, collect a sample of the finished product, and have it analyzed for E.coli 1057:H7. The product should be shipped in a refrigerated condition since competing organisms may suppress E.coli. Of course pasteurization is highly recommended for any apple cider products. ***If the apple cider product is NOT pasteurized, you must collect a sample of the product for E. coli 0157:H7 (laboratory code 226-74 XMECOLIH7). THIS IS MANDATORY!***

Thereafter, we will handle the matter administratively under our voluntary compliance guidelines. (i.e.: Letter of Warning, etc.)

Revised April 5, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-08
REVISED

HOT AND COLD HOLDING TEMPERATURES

The failure to hold potentially hazardous foods (time/temperature for safety [TCS] foods) at proper temperatures has been identified as one of the top five risk factors responsible for foodborne illness outbreaks. Proper temperature control is a fundamental element of food safety in limiting the growth of disease causing bacteria. Hot and cold holding temperatures, time/temperature control, as well as cooling time and temperatures, of potentially hazardous foods should be thoroughly checked during each inspection.

The center of a product is usually the point of measurement for product temperatures particularly when checking cold holding temperatures.

Hot holding temperatures may need additional measurements taken at points farthest from the heat source, e.g., near the product surface for food held on a steam table. In large holding units, e.g. salad bars and steam tables, inspectors should take the temperatures of foods in various locations to ensure that the equipment is working properly. If improper holding temperatures are noted, it is important to take extra steps to find out whether the problem is the result of equipment failure or whether a breakdown in a process such as cooling or reheating is the reason for the problem.

It is important that Inspectors calibrate their thermometers on a regular basis. The following method is effective in calibrating a probe food thermometer:

- Insert sensing area into a cup of ice slush.
- Allow indicator to stabilize.
- Adjust calibration nut to 32°F while in ice.
- Digital thermometer and thermocouple units can be checked for accuracy by assuring they read 32°F while in ice using this method.

COOLING

The requirement for cooling cooked potentially hazardous foods (time/temperature control for safety foods), is that the food must be cooled from 135F to 41F or less in 6 hrs provided that the food is cooled from 135F to 70F within the first 2 hours. For example, if a facility cools chili from 135F to 70F in 1.5 hours; they then have 4.5 hours to get it from 70F to 41F or less (or to 45°F or less if existing refrigeration equipment does not support the 41°F temperature requirement – see note below).

REHEATING

One on-site correction used in the field is reheating. A common misconception is that reheating is a "magic step" for eliminating hazards resulting from improper

holding or cooling. If a ready-to-eat, potentially hazardous food is improperly held or cooled, the potential for spore- or toxin-forming bacteria growth increases. If items are found "reheating" on the steam table, further inquiry is needed to assess whether the equipment in question is capable of reheating the food to the proper temperature (165°F) within the allowable time limit.

NOTE: For cold holding of PHF's, foods may be held at 45°F or between 45°F and 41°F in existing refrigeration equipment that is not capable of maintaining the food at 41°F or less if:

- 1. The existing equipment is already in place and in use in the food establishment; and*
- 2. Before January 1, 2012, the equipment is upgraded or replaced to maintain food at a temperature of 41°F or less.*

CORRECTIVE ACTION

Cold Holding Temperatures:

Greater than 55°F for more than 4 hours---destroy

Greater than 55°F for less than 4 hours---refrigerate

41° (45°)-55°F---refrigerate

Hot Holding Temperatures:

130°F-135°F----reheat to 165°F*

Less than 130°F, greater than 4 hours---destroy

Less than 130°F, less than 4 hours---reheat to 165°F*

**** It is acceptable for the firm to elect to rapidly chill the product to 41°(45°) or below within six (6) hours.***

Improper Product Cooling:

Cooked hot food may be reheated to 165 °F for 15 seconds and the cooling process started again using a different cooling method if the food is:

- § Above 70 °F and two hours or less into the cooling process; and
- § Above 41 °F (45°) and six hours or less into the cooling process.

Cooked hot food should be discarded immediately if the food is:

- § Above 70 °F and more than two hours into the cooling process; or
- § Above 41 °F (45°) and more than six hours into the cooling process.

Frozen Foods:

Thawed frozen foods are generally a quality issue, not a food safety matter. Destruction of thawed product is not generally necessary. However, if the product falls within the parameters for cold foods, take the appropriate action indicated

above. The disposition of the affected foods is a “*judgment call*”.

Time as a Public Health Control:

Our Retail Food Establishment Regulations section 2VAC5-585-850 allows potentially hazardous food (time/temperature control for safety food) that is ready-to-eat to be stored without temperature control for up to 4 hours, after which it must be discarded or consumed or for up to 6 hours for refrigerated food, if the food is 41 °F when initially removed from temperature control, and as long as the food temperature does not exceed 70 °F.

Refer to 2VAC5-585-850 Time as a Public Health Control for more detailed information on the requirements. *Please note that firms will no longer need to submit a written HACCP plan to the office prior to using time as a public health control.*

CLASSIFICATION

Inspections will generally be given an “NAI” designation unless the firm needs to be monitored for compliance. The decision as to whether an establishment should be given a “VAI” designation for monitoring purposes will depend on a number of factors (i.e. product temperature, amount of product out of temperature, assessment of firms desire to comply). If the Food Safety Specialist feels that the firm needs to be monitored then they should classify the inspection “VAI” and request that a *temperature informational letter* be sent to the firm. This letter will indicate the dangers of holding potentially hazardous foods at inappropriate temperatures and will request the firm to initiate corrective action.

An “OAI” designation should only be given in circumstances where there have been repeated violations.

Revised August 2010

FIELD OPERATIONS MANUAL

PROCEDURE III-09

SELF-SERVE POTENTIALLY HAZARDOUS FOODS

If a retail food store wishes to offer ready to eat potentially hazardous foods on a self-serve basis, they should be informed that they take on added risks and responsibilities and these operations are evaluated on a case by case basis. The parameters used in evaluating these operations include the monitoring of product temperatures, a sanitary method of dispensing the product, and a proper display that will discourage consumers from touching and/or contaminating the product. The display should also be conducive to constant monitoring of these operations by store personnel to insure that utensils and dispensers are properly used and that food is not contaminated by consumers. Equipment and display facilities should be designed, constructed, installed and maintained consistent with good public health principles.

Raw foods of animal origin, such as meat, chicken, or seafood, usually contain pathogens. By offering these foods for consumer self-service (typically found in imported food stores), a consumer could cross contaminate other foods stored in the same display or in nearby displays. Because raw animal foods are assumed to be contaminated and provide an ideal medium for growth of pathogenic organisms, they shall not be available for consumer self-service. Cross contamination of other foods in the store would be a serious violation of the Virginia Food Laws.

If you encounter raw foods of animal origin being offered for consumer self-service, insist that the firm discontinue this practice. Instead, the firm must place these foods behind a counter or in a glass case so that only qualified employees within the establishment have access to these products. These employees should package the product and hand it to the consumer in a manner that would prevent contamination of other foods in the same display or in nearby displays. Additionally, stress that employees should use clean utensils and dispensers and practice proper hand washing procedures when handling raw foods of animal origin.

Document the situation on your inspection report as an objectionable condition. If the firm does not comply, request that your Regional Manager send a Raw Meat and Seafood Letter of Information to the firm.

NOTE: FROZEN SHRIMP AND LOBSTER will be permitted for consumer self service. In the case of raw/uncooked frozen shrimp, the product should be displayed in a method that will not contaminate other food products. The product should be displayed high enough to discourage children from touching it and a sanitary scoop should be available to dispense the product. The display equipment should be capable of maintaining the product in a frozen state and should be placed in an area that is conducive to constant monitoring by employees. **All other raw/uncooked potentially hazardous food products shall not be offered for sale as self-service.**

Revised 7-3-03

FIELD OPERATIONS MANUAL

PROCEDURE III-10

SINK REQUIREMENTS IN FOOD ESTABLISHMENTS

To help clarify the inspectional classification of various plumbing deficiencies within food establishments, the following guidelines have been developed in order to keep enforcement consistent across the state.

Generally speaking, hand sinks and equipment sinks, in sufficient numbers, properly located and plumbed, are required in any establishment where food products are manufactured, processed or otherwise handled in an unpackaged form*. These sinks must be equipped with hot and cold water under pressure. (The size of the food handling/manufacturing operation has nothing to do with whether or not these sinks are required).

The failure of a firm to provide the required plumbing will always be documented. However, it is important to note that not all plumbing deficiencies will warrant an OAI classification. In some situations, the significance of the violation does not support regulatory action and the plumbing deficiency will be considered “objectionable but not actionable”.

Due to the complexity of plumbing issues our regulatory approach will be routinely reviewed and updated when appropriate. Therefore, for proper evaluation, please provide full and complete documentation on any plumbing deficiency.

Finally, the following list of plumbing examples is not meant to be all-inclusive. As new situations arise and a regulatory approach determined, they will be added to the list.

NOTE: SUPPLY ALL PERTINENT INFORMATION IN REFERENCE TO THE
PLUMBING AND FOOD SERVICE ON THE INSPECTION REPORT TO THE
OFFICE.

March 11, 2002

EXAMPLES OF PLUMBING CLASSIFICATIONS

NOTE: For purposes of this document, establishments with beverage service only or those with limited non-potentially hazardous products such as pickled products, bulk candies or dried foods are not subject to the requirements of food processors/packagegers noted in the examples below.

1. No running water at all in a firm (regardless of whether processing foods). **OAI. If processing, place statement on Inspection Report that “Firm must discontinue food processing and sale of prepared food”. Prepared food is to be destroyed.**
2. Firm does not have a functional restroom, accessible to employees, on premises (regardless of whether processing foods). **OAI. Note: *An outdoor port-a-potty can be acceptable if it meets local code.***
3. No hot water at all in a firm processing and/or packaging food products. **OAI. Place statement on Inspection Report that “Firm must discontinue food processing and sale of prepared food”.**
4. No hot water at all in a firm without a processing/packageging operation. **NAI. Document but not actionable.**
5. Hot water is temporarily out of order (ie: hot water heater is broken) in a firm processing/packageging food products. **OAI. Place statement on Inspection Report that “Firm must discontinue food processing and sale of prepared food”.**
6. No cold running water at any required sink. **OAI if evidence that employees are not using a required sink because of the hot water (ex: water too hot to wash hands). Otherwise NAI, document but not actionable.**

NOTE: Provide temperature of the water.

7. No functional handsink at all in a firm (excluding restroom) processing/packageging food products. In addition, firm is not using the 3rd compartment of the equipment sink as a handsink. **OAI. Place statement on Inspection Report that “Firm must discontinue food processing and the sale of food”.**
8. No convenient handsink to the processing/packageging area but another handsink is available for use inside the firm (including restroom). **NAI. Document but not actionable.**
9. No functional handsink located in or immediately adjacent to the restroom. **OAI.**
10. Firm using 3rd basin of the equipment sink as a handsink. (Restroom handsink must be functional). **NAI. Document but not actionable.**
11. No hot water at a necessary handsink and no other handsink available at the firm. **OAI. If another handsink has hot water available then NAI.**

12. No hot water at a required equipment sink in a firm processing/packaging food products. **OAI. Note: Firms are only required to have one (1) equipment sink available for use.**
13. No multiple compartment equipment sink and firm has a single compartment sink available for use on site in a firm with food processing/packaging.

Minimal processing (ie: knife, tongs, scoops,...), NAI

Complex processing (frying, salads, raw/ready-to-eat), OAI.

NOTE: Classification is based on the food safety risk (ie: hazard) involved.

Provide documentation on the extent of food service.

14. No equipment sink at all in a firm with food processing/packaging. **OAI. Place statement on Inspection Report that “Firm must discontinue food processing and sale of prepared foods”.**
15. Inadequate hot water supply for firm’s needs (at any necessary sink).
 - a. Hot water turned off at the start of the inspection in a firm with food processing/packaging. **OAI, if evidence can be established over time that firm is not using hot water. Otherwise NAI, document but not actionable.**
 - b. Hot water cut on/off at the valve due to a leaking faucet (firm processing/packaging foods). **OAI, if evidence indicates that firm is not using the water (ie: rust in water). Otherwise NAI, document but not actionable.**
17. Faucet reaches only (1) one compartment of the equipment sink (i.e.: does not extend to all compartments of the sink). **OAI, if documentation indicates that firm is only using 1 basin of the sink and “complex processing” is occurring. Otherwise NAI, document but not actionable.**
18. Drain line is disconnected from the sink (ie: sink is not functional). **OAI, if no other properly plumbed sink available for use. Otherwise NAI.**
19. Two (2) restrooms in the firm, one does not have running water available at the handsink. **OAI, unless firm restores water to the handsink or shuts down the restroom entirely. If restroom is shut down then the other restroom needs to be converted to uni-sex until the water is corrected.**

Revised March 11, 2002

FIELD OPERATIONS MANUAL

PROCEDURE III-11

RISK-BASED APPROACH TO TERRITORY MANAGEMENT

As with most governmental programs, the Food Safety Program is faced with an ever increasing workload and limited resources. In an effort to focus resources on establishments with the greatest food safety risk, Food Safety Specialists will utilize a risk-based approach when managing their territorial workload.

There are two aspects to a risk-based approach. First, there is the type of firm to consider. Does it fall into a high, medium or low risk category? Then there is the inspection itself to consider. Is it necessary to perform a comprehensive inspection, risk based inspection (previously known as a critical item inspection), or a limited inspection? What types of firms call for each type?

The Food safety Program has developed definitions for each inspection type, as well as, criteria for deciding whether or not a firm falls into a high, medium, or low risk category. Additionally, a corresponding inspectional frequency range has been developed for each category. Definitions of key terms used in evaluating which category a firm's operation falls into are provided for reference purposes.

RISK CATEGORIES AND INSPECTIONAL FREQUENCIES

A firm has the potential to fall into one of three risk categories based on the types of operations that take place within the establishment. All firms will be rated as either high, medium or low risk. Each category has a corresponding inspectional frequency range. These categories and frequencies are listed below.

<u>CATEGORY</u>	<u>INSPECTIONAL FREQUENCY</u>
High	6 – 10 months
Medium	10 – 14 months
Low	24 – 36 months

Please note that the inspectional frequencies indicated above are target frequencies for our program. It may be that in certain instances (larger inspectional inventory, etc.) you may not be able to achieve these frequencies. If that is the case then you should confer with your supervisor to determine an appropriate frequency for establishments in your territory. However, keep in mind that the general pattern with regards to risk should always be followed with high risk firms being inspected more frequently than medium or low risk firms. Please note that the stated frequencies are for those firms with a good compliance history. If a firm's inspection indicates poor compliance and/or unusual situations, then "stepping up" the frequency of inspection should be considered.

TYPE OF ESTABLISHMENT OPERATION AND RISK CATEGORY

In order to decide whether a firm is high, medium or low risk, you must look at the establishment's type of operation. Types of operations include preparing and processing potentially hazardous foods, preparing and processing ready-to-eat potentially hazardous foods, offering only prepackaged food items for sale, etc. Sometimes a firm may have several operations that would cause the firm to fall into different risk categories (i.e. a market with a meat department and deli). **In those situations, the overall risk category will correspond to the highest risk operation in that establishment.**

Below are some guidelines for types of operations located in retail firms, food warehouses, processors, home operations, etc. and which types of firms fall into a high, medium or low risk category. Additionally, there are inspection frequencies listed for farmer's markets and other seasonal operations, regardless of the firm's type of operation. Lastly, you may want to refer to the "Definitions of Key Terms" located at the end of this FOM for clarification of the terms used in describing the various types of operations.

RETAIL SECTOR

<u>Type of Establishment Operation Category</u>	<u>Risk</u>
1. Potentially Hazardous Ready-To-Eat Foods, Preparation/Processing (Full Food Service)	High Risk
2. Potentially Hazardous Ready-To-Eat Foods, Preparation/Processing (Limited Food Service)	Medium Risk
3. Potentially Hazardous Raw Foods, Preparation/Processing	Medium Risk
4. Non-Potentially Hazardous Foods Only, Preparation/Processing	Medium Risk
5. No Processing (Pre-packaged PHF and/or non-phf products)**	Low Risk

****Firms with Beverage Service only (Coffee, Soda Fountain, etc) are also included in this category.**

NON-RETAIL PROCESSORS AND WAREHOUSES

Commercial Manufacturers

1. Potentially Hazardous Food Products	High Risk
2. Non-Potentially Hazardous Food Products	Medium Risk

Home Operations

- | | |
|---|-------------|
| 1. Potentially Hazardous Food Products | High Risk |
| 2. Non-Potentially Hazardous Food Products, High Volume | Medium Risk |
| 3. Non-Potentially Hazardous Food Products, Medium - Low Volume | Low Risk |

Warehouses

- | | |
|--|-------------|
| 1. Potentially Hazardous Food Products | Medium Risk |
| 2. Non-Potentially Hazardous Food Products | Low Risk |

Farmer's Markets 1 – 2 times /season

Seasonal Manufacturers 1 – 2 times /season

Definitions of Inspection Types

Now that we've defined the different risk categories, their corresponding inspectional frequency, and the different types of establishment operations, let's take a look at the different types of inspections and when each should be conducted.

Comprehensive – Traditional based inspection that covers **all** areas and departments within an establishment for sanitary and structural conditions.

Comprehensive inspections should be performed in food processing establishments, food warehouses, and when necessary, in retail food stores. With increasing workloads and limited resources, it is best to limit comprehensive inspections conducted in retail food stores to only those firms that warrant a closer look. Consider if a firm has a poor inspectional history or compliance issues, poor management or a high turnover rate or a low food turnover rate. If enough of these conditions exist, you should go ahead and conduct a comprehensive inspection.

Risk Based – An inspection of **only those critical areas** where conditions are likely to contribute to direct food contamination, illness, or environmental health hazards in retail food stores.

Critical

All processing areas
Perimeter of the stockroom
All refrigeration and freezer units
Restrooms
Infant Formula

Non-Critical

Produce
Packaged Beverages
Condiments/Dressing
Bread
Pasta

Bakery ingredients (flour, corn meal, etc)
Grain Products/Dried Beans
Reduced/quick sale food items
Eggs

Cereal
Cookies/Snacks
Animal Feed
Canned Foods

Typically, risk based inspections will be performed only in retail firms. Again, when deciding whether or not to perform a risk based inspection, consider if the firm has a decent inspectional history, good management and low employee turnover, a high turnover rate of food in the store, and if the temperature of the store is adequately controlled. If most of these conditions are met, chances are you can start off by conducting a risk based inspection.

When conducting a risk based inspection, start by focusing on the critical areas of concern. If at any time during a risk based inspection, you find evidence that there could be problems in the non-critical areas of the firm, you should perform a more detailed inspection.

Risk based inspections can save time, while still focusing on those areas of a firm that have the potential to cause a foodborne illness or are of a food safety concern.

Limited (specific) – An inspection of an establishment conducted to observe only specific objectionable conditions. (Follow-up inspection of specific observation and/or investigating certain conditions noted in a consumer complaint).

Limited inspections should really only be conducted for compliance follow up inspections where a single item or issue was in violation or possibly for a specific complaint in which the firm was recently inspected. An example would be if the hot water was not working at the hand sink in the deli area of a retail store, which caused the inspection to be classified as VAI. When you return for the follow up inspection, it would not be necessary to re-inspect the entire store. A simple check to see that the hot water was restored at the dysfunctional sink would be all that was necessary.

DEFINITIONS OF KEY TERMS

Full Food Service – Preparing or processing meats, poultry, sandwiches, soups, salads, with a large variety and/or large quantities of food being prepared/processed and offered for sale. It can involve a lot of preparation time.

Limited Food Service – Preparing/processing small quantities and/or a limited number of foods.

No Food Service – No processing and/or food service.

Potentially Hazardous Food (PHF) – A food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms.

Pre-Packaged Foods – Food items already wrapped or packaged prior to being received in a food establishment.

Raw – Uncooked; being in a natural condition; not processed or refined.

Ready-to-Eat Food – Food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

FIELD OPERATIONS MANUAL

Procedure III-12
New

FOODS, INCLUDING "PIES" ACCEPTABLE FOR UNREFRIGERATED RETAIL DISPLAY

Some food products and especially pies, e.g. pumpkin, sweet potato, custard type pies etc., traditionally, due to formulation, have been classified as "potentially hazardous" food products requiring refrigeration. However, some manufacturers, again, by formulation, have made their product "shelf stable" and can no longer be considered as potentially hazardous.

For a questionable food product, by any manufacturer, including home operators, to be considered "shelf stable", they must submit the appropriate data to the Food Safety Central Office for review and acceptance. When their product is accepted as "shelf stable", the product will be included in the attached table.

Note: Our agency does not "approve" food products. We only "accept" the product/process.

January 31, 2000

Name / Address	Pie Type / Shelf Life / Code	Other Information
American Products Co., Inc 101741 Miller Rd. Dallas, TX	Pumpkin Pie, Pecan Pie, Chocolate Chess Pie, Lemon Chess Pie – 5 day shelf life Buttermilk Chess Pie – 3 day shelf life	Labeled "Refrigerate after Purchase" "SSP" on bottom of pie tin.

Name / Address	Pie Type / Shelf Life / Code	Other Information
Best Foods Baking Co. 30 Inez Drive Bay Shore, NY 11706	Entenmann's Deluxe French Cheesecake Entenmann's Pumpkin Pie: 3 day shelf life	Labeled "Sell By" Y pumpkin pie may also be sold under the label "General Foods Corporation 250 North St. White Plains, NY 10625."
Blue Bird Baking Company 521 Kiser Street	Pre-baked Pumpkin Pies: 22 oz and 32 oz sizes	3 day shelf life. May also be labeled with Holmes Apple

Dayton, OH 45404		Farms or Family Secret Labeled "Refrigerate after opening"
Bonerts Slice of Pie 3144 West Adams Street Santa Ana, CA 92704	Sweet Potato pie and No Sugar Added Pumpkin Pie: 5 day shelf life	<u>NOTE:</u> 8" Egg Custard and 8" Coconut Custard Pies are not shelf stable.
CGI Desserts, Inc. 5065 Westheimer, Ste. 700 Houston, TX 77056 phone: 713-439-1000 Sold at Food Lion	7" Layer - 5 day shelf stable Black Forest Cake, Carrot Cake, Sinfully Chocolate, Red Velvet Cake, Coconut Delight, Sinfully White, and Golden Vanilla Cake	<u>CAKES THAT ARE NOT SHELF STABLE:</u> Irish Mist, German Chocolate, Carmel Apple Cheese Tart, Candy Mountain with Reese's Peanut Butter Cups, Vesuvius.
Country Home Bakers 302 28th ., S.E. Grand Rapids, MI 49548	Pumpkin Pie: 3 day shelf life Sweet Potato Pie: 2 day shelf life (post bake) Note: Both pies sold raw, cooked at store and sold in store containers. Prebaked pumpkin pies: 3 day shelf life	Also sold under Jessie Lord, Read-Bake, and Sanders Labeled "Refrigerate After Opening" coded: JLCHB on bottom of pie tin
Davis Bakery, Inc. 1600-C Roseneath Road Richmond, VA 23230	Lemon, Pecan, and Chocolate Fudge Pies	
H. C. Brill Co., Inc 1912 Montreal Rd. Tucker, GA 30084	Ready-to-use Fillings: Bavarian Cream, Lemon, Chocolate, Key Lime, and Powdered Meringue Mix	All fillings are acidified foods <u>NOTE:</u> The meringue mix must be prepared in accordance to the labeled instructions
Kyger's Bakery, Inc. 3825 Street Road 38 E. P.O. Box 4731 Lafayette, IN 47903	Lemon, Banana, Butterscotch, Coconut, and Chocolate Filling and Meringue Pies	
M. L. Dessert Corporation T/A Michele's Family Bakery 7746	Pre-baked Pumpkin Pie: 3 day shelf life	Side of box has "REG. PENNA. DEPT. AGR (MLD)" and "CONN. LIC.

Dungan Road Philadelphia, PA 19111		1662" Pies found mostly in Safeway Stores, Inc in Northern VA
Mrs. Smith's Bakeries, Inc. 2900 Flowers Industrial Way Suwanee, GA 30024	Coconut, Chocolate, and Lemon Meringue Pies Pumpkin Pie and Sweet Potato Pie: coded on bottom of tin "CT3934" Pre-baked Pumpkin pie: 3 day shelf life after thawing	Also sold under Pies Inc. and Our Special Touch Bakeries, Inc NOTE: Sweet potato and Pumpkin pies
Pies Incorporated 300 Lake Hazeltine Drive Chaska, MN 55318	Pumpkin Pie: 3 day shelf life	Must be packaged in Pies, Inc. labeled Container
Plush Pippin Corporation 21331 88th Place South Kent, Washington 98031	Pumpkin Pie: 8" pre-baked code -44214 9" pre-baked code -24214 10" pre-baked code -54514 8" un-baked code -43214 9" un-baked code -23214/ 51214 10" unbaked code -58514 Lemon Meringue Pies: 8" pre-baked code -42340 9" pre-baked code -22340	First five digits on bottom of pie tin are the manufacturer's code 33764. The last five digits are the codes listed to the left of this column. Lemon Meringue and Pumpkin pies have a 4 day shelf life.
Rich Products Corporation 1150 Niagara Street Buffalo, NY 14213	Pumpkin pie: 5 day shelf life 8" pre-baked code -30390 10" pre-baked code -30453 8" un-baked code -04482 10" un-baked code -14760 Buttercreme: 7 day shelf life	Label may not contain Rich Products as manufacturer therefore look for the code listed to the left of this column.

<p>Sara Lee Bakery / Country Commons 3727 Ventura Dr. Arlington Heights, IL 60004</p>	<p>Sweet Potato Pie: 8" un-baked code -5827 10" un-baked code -5870 8" pre-baked code -5826 10" pre-baked code -5834 Pumpkin Pie: 8"un-baked code -5302 9"un-baked code -5835 10" un-baked code -5804 8" pre-baked code -5301 10" pre-baked code -5805 8" Pre-baked "no sugar added" Pumpkin Pie: code on bottom of tin NPH-AT-3 0652</p>	<p>All pies will have the following on the bottom of the tin: NPH-AT-3 + four digit number NPH = non potentially hazardous AT = ambient temperature display and sale 3 = shelf life AND the UPC code will display the four digits listed</p>
<p>Sarsfield Foods Limited P.O. Box 368, 15 Roscoe Dr. Kentville, N.S. B4N 3X1 Canada</p>	<p>Pumpkin Pie: 8" ; 24 oz Code 16123 9"; 37 oz Code 47923 10" ; 44 oz Code 61223</p>	<p>All pies will have the following on the bottom of the tin: NPH-AT-3 + five digit number NPH = non potentially hazardous AT = ambient temperature display and sale 3 = shelf life</p>
<p>Western Country Pies 250 West Crossroads Sq. Salt Lake City, UT 84115</p>	<p>Pumpkin, Sweet Potato, Lemon Meringue, Chocolate Meringue, Coconut Meringue Pies</p>	<p>Coded with "WCP S/S" on the bottom of tin WCP = firm name S/S = shelf stable</p>

PRODUCTS, OTHER THAN PIES, THAT HAVE BEEN TESTED for pH and Aw, or other documentation has been received concerning shelf stability of the product

<p>Dawn Food Products, Inc.</p>	<p>Ruhl Fondant</p>	<p>Product used as a glaze or an ingredient in icing and contains > 90 sugars pH: 0.79 Aw: Undetermined due to the nature of the product.</p>
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Unilever (Lipton)	“Country Crock Churnstyle Spread”	Product maybe unrefrigerated, but is labeled with a conservative “Keep Refrigerated” to maintain quality.
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FIELD OPERATIONS MANUAL

PROCEDURE III-13
NEW

EXPIRATION DATES – INFANT FORMULA AND GRADE A DAIRY PRODUCTS

With the exception of infant formula and fluid milk products, the Virginia Food Laws (adopted regulations) do not require sell-by dates on food products. This is a voluntary practice utilized by industry as a means to maintain product quality. **Product dating is a food quality issue not a food safety issue.** As long as the product is wholesome and fit for human consumption it can be sold regardless of the product date.

INFANT FORMULA

Each and every time you find outdated infant formula (or infant formula without an open code date) being offered for sale, list this noncompliance as an objectionable condition on the inspection report indicating both the number of containers involved and the actual dates on the containers. In addition request and witness the voluntary destruction of the violative containers. If the firm refuses to voluntarily destroy the infant formula place it under seizure. List the pounds destroyed or seized on the data entry section of the inspection report.

Example: Five/13 oz. cans of Similac Infant Formula were observed outdated (1 NOV 2011) and being offered for sale on the retail shelf.

GRADE A DAIRY PRODUCTS

The Virginia Dairy Services regulations prohibit the sale of grade “A” dairy products after their pull date. 2VAC5-490-40(2)(q) of the Regulations Governing Grade "A" Milk states, “No person may sell or offer for sale any packaged grade A pasteurized milk, grade A pasteurized milk product, or milk product after the date of the ‘pull date’ on the package.” Grade “A” dairy products include, but are not limited to, whole milk, skim milk, nonfat milk, buttermilk, chocolate milk and similar products, half and half, table cream, sour cream, cottage cheese and yogurt.

To address this regulation, Food Safety Specialists are to incorporate a check of grade “A” dairy products as part of their retail store inspection. If you find outdated product, list it as an objectionable condition on the inspection report and have it removed from sale. It will not be necessary to have the product destroyed.

It is important to point out that there is no public health concern with the consumption of pasteurized dairy products after their code date has expired. Pasteurization is a process that completely eliminates all pathogens from dairy products during processing. Pull dates are established with an allowance of time after the date has expired to give the consumer time to consume the product after purchase. For fluid products like whole milk the product should maintain its

quality for four days after the expiration date. For cultured products like yogurt the time is more likely a couple of weeks.

June 2012

FIELD OPERATIONS MANUAL

PROCEDURE III-14
Revised

RETAIL EGG INSPECTION

The inspection of eggs on the retail level is to be incorporated into your routine inspection of retail establishments. Three lots of eggs will be inspected at each firm, several cartons of each lot. The inspection will consist of temperature check and visual examination of the eggs for checks, loss eggs. (dirty eggs and leakers).

If the eggs are not refrigerated at less than 45 degrees F., you should have the firm refrigerate the eggs immediately.

If you encounter a problem with dirty eggs and/or leakers in excess of 2%, or with checked eggs in excess of 9%, management should be notified and given an opportunity to re-work the eggs. If this can not be done by the time the inspection is completed, the eggs will have to be seized until the inspector has an opportunity to return to the establishment to re-inspect the eggs. If the firm does not wish to re-work the eggs, the lot should be removed from sale and returned to the processor for re-working. Actual candling of eggs is not necessary except in situations where it could assist in the determining a violation involving check eggs. (i. e. When checks are approaching 10%).

In all instances where violations are encountered, documentation on the Inspection Report should include a description of the violation, the number of dozens of eggs in violation and the producer's name or P-number.

Revised April 5, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-15

WILD GAME AND CUSTOM (UNINSPECTED) MEAT PROCESSING

When inspecting any meat processing area you should determine if the meat has been previously inspected. Meat and/or containers that have a USDA plant # or Virginia Meat Inspection #, should be considered as inspected. If this is the case, then treat the inspection like you would any other inspection of a meat processing area.

If you determine that the meat is **uninspected**, you should determine if it is wild game such as, squirrel, opossum, deer, muskrat, beaver, and/or rabbit, etc., or it is meat that falls under jurisdiction of the Wholesome Meat Act such as pork, sheep, goat, horse, cow, and/or poultry.

Any establishment that processes the (non-wild game) uninspected meat should be permitted by State Meat Inspection. "Uninspected meat" processing means the cutting, slicing, grinding, etc. of meat or poultry (non-wild game) that has not been inspected by either USDA or VDACS. ***Establishments can not sell uninspected meats of traditional animals, such as pork, beef, sheep, goat, poultry, and horse. (An example of this is Farmer Brown raises his hogs and sets aside one for fattening at the end of the year. After that hog is fattened with grain it is slaughtered. It is then cut, ground, sliced, and packaged the way Farmer Brown wants it at his local store that has a meat department with a custom processing permit from Meat Inspection. When the hog has been totally processed, Farmer Brown comes back to the store and picks up his packages of meat and takes them home for him to use throughout the year. These products are not sold at the firm, but a fee is paid for the actual processing of them.)*** If you find a firm that is conducting this type of "uninspected meat" processing operations - you should do the following:

1. Ask to see the ***custom processing exemption certificate*** issued by VDACS Meat Inspection. If they have one, then refer to the MOU between Dairy and Foods and Meat Inspection dated April 24, 1998. It details the inspectional responsibilities between the two offices and is attached.
2. If they do not have one, then advise the owner/operator/manager to contact State Meat Inspection and apply for a permit of exemption, ***or*** they can discontinue processing that particular kind of meat. ***The responsibility for contacting State Meat Inspection (804.786.4569) to obtain a permit of exemption lies with the management of the firm.*** The Food Safety Specialist will also report the findings in the Inspection Report.
3. Advise the owner/operator/manager that, when he processes uninspected meat, he must ***thoroughly*** clean and sanitize all of the equipment (that came in contact with the uninspected meat) prior to using it again to process inspected meat.

In addition to Meat Inspection handling the processing of the traditional meats such as beef, pork, and poultry, they also conduct inspections on some exotic meats **on request** - such as emu, ostrich, and buffalo.

Any establishment that processes wild game such as deer, rabbits, opossums, etc... will fall under the jurisdiction of the Office of Food Safety. *(An example of this would be Hunter Jane kills a prize buck deer and not only wants to mount the head, but also wants to get the meat cut into some steaks, roasts, and some ground into burger meat-and then packed for freezing. After she beheads, eviscerates, and removes the hide she takes it to the local market that has a meat department that is inspected by OFS. She leaves the deer and returns to pick up the packed products and pays the butcher for the service. In this situation the butcher is being paid for the service-not for the meat.)* The meat is not required to be inspected and the Office of Food Safety (OFS) **cannot prohibit this activity.** Additionally, the processing facility would not have to apply for a permit of exemption since **wild game is not covered by the Wholesome Meat Act.** There are some guidelines that must be adhered to:

1. Advise the owner/operator/manager that, when he/she processes uninspected meat, he/she must thoroughly clean and sanitize all of the equipment (that came in contact with the uninspected meat) prior to using it again to process inspected meat. If this is a facility that utilizes the same processing area for inspected meats - **it should be strongly recommended that the processing of non inspected meats take place at the end of the day, just prior to cleanup.**
2. **Keep in mind that the above mentioned meats may harbor serious communicable diseases, such as tularemia in rabbits, hares, muskrats, beavers and some domestic animals. Caution should be exercised when handling these products.**
3. The actual slaughter (killing, gutting, bleeding, and skinning) of the animals should be done outside of the actual processing area in an area designated as a “kill room” or “kill floor”. This processing step will greatly reduce the risk of contamination by bacteria from the guts, feces and hair from the hide.
4. **There is no problem with the facility getting a monetary fee for processing the animals, but generally speaking, it is unlawful to sell the actual wildlife (any non-domesticated member of the animal kingdom) meat EXCEPT as specifically permitted by law or regulation.** The problem is in the exception. It seems there are any number of specific exceptions or authorized avenues for the sale of various wild life species. Some are more far reaching than others. Since this matter is so complex, it is recommended that if you encounter the **SALE** of wild game of any type, you contact a representative of the Virginia Department of Game and Inland Fisheries or the Marine Resources Commission, to determine if the product is “legal” in the first place. Locations and phone numbers of the Department’s office are listed below:

To obtain additional information for wild game and fresh water fish:

Generally, fish caught by recreational fishermen can not be sold for retail sale. Only fish caught by fishermen who have a commercial fishing license can sell their catch for resale.

Call 1-800-237-5712

or

E-mail: wildcrime@dgif.state.va.us

When requesting information, be sure to have available the below information in the event a violation has occurred:

What type of activity is taking place?

Where is it taking place-city, county, name of facility?

Who was involved, describing persons(names if known)vehicles (license numbers are crucial)-if applicable, names of other witnesses.

When did it happen (date and time are very important!)

What specific animals are being sold?

Regional Offices

Region I

5806 Mooretown Road
Williamsburg, VA 23188
Phone: (757) 253-7072
Fax: (757) 253-4182

Region II

910 Thomas Jefferson Road
Forest, VA 24551-9223
Phone: (804) 525-7522
Fax: (804) 525-7720

Region III

1796 Highway Sixteen
Marion, VA 24354
Phone: (540) 783-4860
Fax: (540) 783-6115

Region IV

4725 Lee Highway
P.O. Box 996
Verona, VA 24482
Phone: (540) 248-9360
Fax: (540) 248-9399

Region V

1320 Belman Road
Fredericksburg, VA 22401
Phone: (540) 899-4169
Fax: (540) 899-4381

District Offices

Ashland

12108 Washington Highway
Ashland, VA 23005
Phone:(804)752-5502 (game)

Phone:(804)752-5503 (Fish.)
Fax: (804) 752-5505

Blacksburg

Draper Aden Building
2206 S. Main Street, SuiteC
Blacksburg, VA 24060
Phone: (540) 951-7923
Fax: (540) 951-8011

Charlottesville

900 Natural Resources Drive
Suite 1060
Charlottesville, VA 22903
Phone: (804) 296-4731
Fax: (804) 979-0927

Farmville

HC 6, Box 46
Farmville, VA 23901
Phone: (804) 392-9645
Fax: (804) 392-1415

Suffolk

5268 Godwin Boulevard
Suffolk, VA 23434
Phone: (757) 255-0523
Fax: (757) 255-0626

Vinton

209 East Cleveland Avenue
Vinton, VA 24179
Phone: (540) 857-7704
Fax: (540) 857-7532

To obtain additional information concerning salt water fish and crabs:

Generally, fish caught by recreational fishermen can not be sold for retail sale. Only fish caught by fishermen who have a commercial fishing license can sell their catch for resale.

Marine Resource Commission

2600 Washington Avenue
Newport News, VA 23607-0756
Office Hours: Monday through Friday, 8:15 A.M. - 5:00 P.M.
Main Office (757) 247-2200

V/TDD (757) 247-2292

Information and Emergency Hotline 1-800-541-4646 V/TDD

Revised February 28, 2000

FIELD OPERATIONS MANUAL

Procedure III-16
Revised

PRELIMINARY INSPECTIONS OF PROPOSED WATER BOTTLING SITES

Whenever you are requested to conduct a preliminary inspection of a proposed water bottling operation (i.e. inspection of a spring site for approval/disapproval as a water source) you should first obtain as much information as possible concerning the proposed operation to assure that the operation will be within our area of jurisdiction. If the proposed operation is within our jurisdiction, you should then contact the appropriate Field Office of the Virginia Department of Health-Office of Drinking Water (ODW) for the particular county where the water source is located (see http://www.vdh.virginia.gov/drinking_water/contacts/). You should arrange a joint visit with the ODW district engineer to the site of the proposed operation. The district engineer will make recommendations on whether the site will be acceptable as a water source, and will advise us on source protection (i.e. how to build the spring cistern to prevent surface water contamination, how far down in the ground to place the sides of the spring box to preclude surface water seeping into the supply, should the ground be sloped away from the spring box, etc.). These recommendations are advisory. However, these engineers have the expertise in protection of water sources, and it is unlikely that we would ever seriously modify these recommendations. In addition to these recommendations, the engineers may require that specific tests be performed, some of which may take a considerable amount of time, and they may recommend various treatments for the water supplies to be considered safe.

If it is determined that the site will be unacceptable for water bottling purposes, the person proposing the bottling operation should be informed of this decision. However, if the site is acceptable, the proposed operator should be informed of what modifications are necessary to properly protect the water source, and recommendations should be made for setting up the water bottling operation in compliance with the Virginia Food Laws and applicable regulations. To that end, you should review and leave with the operator CFR Parts 110, 129 and 165. Part 110 addresses good manufacturing practices, Part 129 addresses the construction of the water bottling operation and Part 165 deals with water quality standards. (Copies of these parts can be obtained from the office; in many cases, copies of these parts will have already been mailed to the proposed operators).

If the proposed site needs modification to be acceptable for bottling purposes, a water sample need not be taken until the modifications have been completed (it makes no sense to collect a sample of water for bacteriological analysis from an unprotected source). If the site does not need modification, a sample should be collected by the firm to determine the quality of water prior to treatment.

As with any visit, a memorandum should be completed to fully document these meetings and any recommendations that you make.

Revised September 25, 2007

FIELD OPERATIONS MANUAL

PROCEDURE III-17

New

NOTICE OF SEIZURE

A Food Safety Specialist should only issue seizure notices when it becomes necessary to hold a suspect food product for further investigation. Examples:

- 1) Seizure can be used to hold food pending laboratory analysis.
- 2) Seizure can be used to hold food for other agencies until they have time to take action.
- 3) Seizure can be used to hold food that has been in a disaster until it can be salvaged or destroyed.
- 4) Seizure can be used to detain food when shipping product to another state for salvage purposes.

The original copy of the seizure notice should be left with person in charge of the operation. A copy should be sent to the office and the Food Safety Specialist should retain a copy for his/her files.

In conjunction with the issuance of the seizure notice (or release notice)an Inspection Report must also be completed, documenting the situation. When filling out the Inspection Report make sure to put in the data entry section that the product was seized or released and the amount.

THE SEIZURE FOR SHOULD BE FILLED OUT ACCORDINGLY:

Date: Date the seizure was made.

Issued to: Person in charge of operation.

Firm: Name of establishment.

Address: Address of establishment.

Product: Name of the product seized. The product code should be recorded here, if practical.

Amount: Amount in pounds.

Manufacturer: Name of the manufacturer.

Address: Address of the manufacturer.

Reason for Seizure: (Example: The corn being ground contained rodent pellets.)

Remarks: The following statement should be typed in this section if it is not preprinted: **THIS PRODUCT IS NOT TO BE MOVED, SOLD, OR DESTROYED UNTIL RELEASED IN WRITING BY A REPRESENTATIVE OF THE VDACS FOOD SAFETY PROGRAM.**

Also, any samples taken should be typed in this section.

Receipt Acknowledged By: The name and title of the most responsible person involved in the operation. This information should be typed and the person should sign it.

NOTE: The refusal of the firm representative to sign the form does not negate the seizure. The referenced products are still under seizure.

Food Safety Specialist: The Food Safety Specialist name should be typed and then signed.

If the product has to be released, a "Release" form will be filled out. This form is identical to the "Seizure" form and should be filled out using above information. The "Reason" section should state the reason for the release. (Example: Laboratory analysis reveals that the product complies with the Virginia Food Laws. This product is released from seizure.)

If the products seized are found to be in violation of the Virginia Food Laws they need to be destroyed or denatured. In this case an Inspection Report will be filled out stating that the products were voluntarily destroyed or denatured. (See FOM 1-08, Use of the Inspection Report, the section titled "When Used As A Memo For Visits"). A Notice of Release need not be filled out as the Inspection Report serves as a release.

The power to seize food products on our own initiative without recourse to the courts is unusual. Few agencies have this amount of power. Therefore, you should exercise this option judiciously. Only seize product which you have good reason to believe is contrary to the law. Be able to support your reasons with logical facts. Once you have satisfied yourself that you are justified, proceed.

As a general rule of thumb you must sample any products that you seize. Exceptions would be in instances where the damage to the product is so noticeable any reasonable person would conclude the product is unfit for food or where large lots are involved and you must hold the product until you can return to supervise salvage operations such as a disaster. During your training you will be exposed to situations that will give you a feel for when to sample and when not to. If you encounter situations where you have doubts discuss your options with your Field Supervisor.

When you do sample seized products please list the sample number(s) in the remarks section of the seizure notice. Also, on the Collection Report type **PRODUCT UNDER SEIZURE** in the 'customer notes' section.

Issued new August 16, 2001

FIELD OPERATIONS MANUAL

PROCEDURE III-18
NEW

INSPECTIONS OF FIRMS PRODUCING FOOD PRODUCTS SUSCEPTIBLE TO CONTAMINATION WITH ALLERGENIC INGREDIENTS

INTRODUCTION

Each year regulatory agencies receive reports of consumers who experienced adverse reactions following exposure to an allergenic substance in foods. Food allergies are abnormal responses of the immune system, especially the production of allergen-specific IgE antibodies to naturally occurring proteins in certain foods that most individuals can eat safely. The food protein fragments responsible for an allergic reaction are not broken down by cooking or by stomach acids or enzymes that digest food. These proteins can cross the gastrointestinal lining, travel through the bloodstream and cause allergic reactions throughout the body. Some foods can cause severe illness and, in some cases, a life-threatening allergic reaction (anaphylaxis) that can constrict airways in the lungs, severely lower blood pressure, and cause suffocation by the swelling of the tongue or throat.

Frequently such reactions occur because the presence of the allergenic substance in the food is not declared on the food label. Current regulations require that all added ingredients be declared on the label, yet there are a number of issues that have arisen in connection with undeclared allergens that are not clearly covered by label regulations.

There is scientific consensus that the following foods can cause serious allergic reactions in some individuals and account for more than 90% of all food allergies: Peanuts, Soybeans, Milk, Eggs, Fish, Shellfish, Tree nuts and Wheat.

If you are requested to do a follow-up investigation involving an allergic reaction, which appears to be caused by an undeclared food other than the eight foods listed above, contact your Field Supervisor or Regional Manager for further guidance.

OVERVIEW

The purpose of this guide is to provide the Food Safety Specialist with guidance in the area of inspectional methods, techniques and procedures to use during on-site inspections. This guide covers the following problem areas:

1. Products that contain one or more allergenic ingredients, but the label does not declare the ingredient in the ingredient statement;
2. Products that become contaminated with an allergenic ingredient due to the firm's failure to exercise adequate control procedures, e.g. improper rework practices,

allergen carry-over due to use of common equipment and production sequencing, inadequate sanitation;

3. Products that are contaminated with an allergenic ingredient due to the nature of the product or the process; i.e., use of common equipment in chocolate manufacturing where interim wet cleaning is not practical and only dry cleaning and product flushing is used;
4. A product containing a flavor ingredient that has an allergenic component, but the label of the product only declares the flavor, e.g., natural flavor. Under current regulations, firms are not required to declare the individual components of flavors, certain colors, and spices. However, firms are encouraged to specifically label allergenic components/ingredients that are in spices, flavors, and colors;
5. Products that contain a processing aid that have an allergenic component, but the label does not declare it. Processing aids that contain allergenic ingredients are not exempt from ingredient declaration under the incidental additives regulation (21 CFR 101.100(a)(3)), and therefore, must be declared.

Note: Processing aids are generally considered to be substances that are added to a food for their technical or functional effect during processing but are present in the finished food at insignificant levels and do not have any technical or functional effect in that food. See 21 CFR 101.100(a)(3) for more information.

INSPECTION PROCEDURES

PRODUCT DEVELOPMENT

Determine whether the firm identifies potential sources of allergens starting in the product development stage. For example, do they identify for each product all ingredients, ingredient components, processing aids, rework, processing steps, environmental conditions, and product carry over due to use of common equipment? Are potential sources of allergen contamination identified at each step?

Determine whether the products contain allergenic ingredients. For the most frequently produced products, request formulas. If formula information is refused, construct formulations by observing production.

Determine if the firm has assessed whether the packaging material used in direct contact with the product contains an allergen; e.g., foil coated with wheat ingredient as releasing agent.

Does the firm use processing aids in the manufacture of the food? If so, do the processing aids contain allergenic ingredients? If so, what are the allergenic ingredients?

Does the firm use spices, flavors, or colors contain allergenic components? If so, do these spices, flavors or colors contain allergenic ingredients? If so, what are the allergenic ingredients?

RECEIVING

Determine whether the firm uses allergenic ingredients.

Determine how these allergenic ingredients are handled at receiving and how they are identified and/or segregated in raw material storage.

Determine if the firm stores any of these allergenic ingredients in bulk tanks. If yes, how are the contents of the bulk tanks identified?

Determine what the firm's procedure is for receiving ingredients into the bulk tank and what controls are in place to ensure proper product identity at all times.

Determine if the firm receives any raw materials that are labeled with a statement, such as "this product was processed on machinery that was used to process products containing (allergen)" or "may contain (allergen)". If so what ingredients? How are such statements reflected on the label of the firm's finished product?

Determine whether a label from each incoming lot of finished product labels is visually checked, either upon receipt or during production, to ensure the ingredient statement is correct for the intended product and that it is not a carton of mixed labels.

EQUIPMENT

Try to inspect the equipment before processing begins and document the adequacy of clean up. For example, is there a build up of residual materials or pockets of residue in corners that may contain an allergen from previous runs? What is the condition of the conveyor belts? Is there any product build-up above processing zones? Also observe whether the firm checks the processing lines for cleanliness prior to production and whether they maintain a record of the check. Is this simply a visual check or does the firm use another method?

Determine whether the firm uses a Clean-In-Place system for cleaning fixed lines, e.g. pipelines and tanks. If so, how do they ensure that the interior surfaces of the welds in the lines are smooth and will not entrap material during operation? Are the pipes free from dents?

Determine if equipment is cleanable, e.g. stainless steel, accessible for cleaning.

Determine if the firm has a written procedure for cleaning. Does the cleaning procedure include how to clean and at what frequency the equipment is cleaned? Describe procedure.

Determine if equipment and production lines are shared to process different products.

§ Determine if shared equipment is cleaned in between production of a product that contains allergens and one that does not, e.g. full clean-up with detergent and water.

PROCESSING

Determine what control measures, if any, are used by the firm to prevent the contamination of products that do not contain allergens? What control measures does the firm employ? At what steps in production are the control measures instituted?

§ Determine how the firm separates the production of those products that contain allergens from those that do not contain such ingredients. Is cross-contact likely to occur, e.g., airborne food particles, dust, allergen product residues from equipment, etc.?

Determine if unpackaged, exposed product on the processing line is handled in a way that protects it against contamination.

Determine if shared processing lines (equipment) are used. If yes, is allergen-containing product processed first or last?

Determine what is done with the portion of the product that is a mixture of the non-allergen product and allergen product, e.g., is it sent to waste or for animal feed or reworked?

Determine whether the firm reworks product, and if they only rework like products. How is rework controlled? Is rework inventory reconciled at the end of the day?

Determine how product to be reworked is stored and identified. Are rework containers clearly labeled?

Determine how such rework holding vessels and containers are cleaned and stored.

FINAL PRODUCT TESTING

Determine if the firm performs final product testing for the presence of allergens in products not intended to contain allergens. If so, for which allergens, and how is the testing documented?

Determine what method of analysis is used and the sensitivity of that method.

Determine if the testing is routine or periodic.

LABELING

Determine if finished product label controls are employed, e.g., how are labels delivered to the filling and/or packaging area?

Determine if product labels with similar appearances but different ingredients are controlled to ensure that the correct label is applied to correct product.

Determine if finished product packages are inspected prior to distribution to ensure that an allergen containing product is labeled properly, or that labels are inspected during production. Is that inspection documented?

Determine if secondary ingredients are incorporated in the final product ingredient statement, e.g. the raw material mayonnaise, which contains eggs, oil and vinegar.

Determine if the firm uses a statement such as "this product was processed on machinery that was used to process products containing (allergen)" or a statement such as "may contain (allergen)" if the firm uses shared equipment for products that contain and products that do not contain allergens. Any other such statement? Ask the firm why they believe they have to use the precautionary statement.

Determine if the finished product label reflects any precautionary statements that were on the raw material labels, e.g., "this product was processed on machinery that was used to process products containing (allergen)".

Determine if the firm has a system to identify finished products made with rework containing allergenic ingredients. Does the final product label identify the allergens that may have been in the reworked product?

SUMMARY

Allergens may be unintentionally added to food as a result of practices such as improper rework addition, product carry-over due to use of common equipment and production sequencing, or the presence of an allergenic product above exposed product lines. Such practices with respect to allergenic substances may be insanitary conditions that may render the food injurious to health and adulterate the product.

Therefore, it is extremely important that the inspector attempt to fully identify or demonstrate the likely sources of and possible routes of contamination of the product with undeclared allergen ingredients. The critical points in the food manufacturing operations should be identified and special attention given to those areas.

Questions that arise should be directed to your Field Supervisor and/or Regional Manager for resolution. If needed, additional information on allergens can be found at the FDA (www.fda.gov) and National Food Processors Association (www.nfpa-food.org) web sites.

Issued new March 7, 2002

FIELD OPERATIONS MANUAL

PROCEDURE III-19
NEW

FOOD LABELING GUIDE

Introduction

The VDACS-Food Safety Program is responsible for assuring that foods sold in Virginia are safe, wholesome and properly labeled. The purpose of our labeling program is twofold, to prevent the economic deception of the consumer and to provide the consumer the necessary information to make an informed choice. Food manufacturers (including home operations) must provide full and complete labeling.

It is impractical in this guide to address every food label question that might arise. When you encounter a problem you may submit a label to the Regional office for review, call the office if immediate assistance is needed, or check the FDA computer web site at: www.cfsan.fda.gov/dms/lab-cat.html

The following Food Label requirements must be met in accordance with FDA Code of Federal Regulations and Virginia Food Laws 3.1-396 (e):

A) Identity Statement (Name of food) – 21 CFR 101.3

- Must be on principal display panel (front of container)
- Must be an accurate description of product (common or usual name)
- Must be one of the principal features on the label (prominent on the label)
- If sold in optional forms (whole., sliced, etc.) must be part of identity statement or visible through container
- Must be LARGEST TYPE on principal display panel

B) Ingredient Statement - 21 CFR 101.4

- **Required if food is fabricated from 2 or more ingredients.**
- Must be declared by common or usual name (ie: sugar instead of sucrose)
- Colorings, Additives, Preservatives must be declared (common or usual name)
- Must be in descending order of predominance by weight.
- Type size must be at least 1/16 of an inch.
- May be on principal display or information panel.
- Ingredients that are fabricated from 2 or more sub components must list the sub-components.

****Allergens - A complete breakdown of ingredients will be necessary if the product contains an allergen (such as peanuts, tree nuts, milk, soy, shellfish, fish, and wheat).**

C) Net Weight /Quantity of Contents – All inspection reports should contain the following statement:

For information on the declaration of the net weight or content, please contact the Department of Weights & Measures at 804/786-2476.

D) Name & Address of Manufacturer, Packer or Distributor – CFR 101.5

- May be on principal display panel or information panel.
- Must be conspicuous.
- Unless the name given is the actual manufacturer it must be accompanied by a qualifying phrase. For example: “manufactured for” or “distributed by.”
- Street address if the firm’s name/address are not listed in a current city directory or telephone book.
- City or town, state and zip code.

LABELING OF SPECIFIC FOOD PRODUCTS

Eggs – See Virginia Egg Law

- All egg cases or retail containers in which eggs are kept for the purpose of sale, or offered or exposed for sale shall be marked (labeled) according to one of the grades and sizes, or marked ungraded.
- The labeling shall appear on the principal display panel of the package.
- The retail containers shall bear the name and address of the packer or distributor when the eggs are kept, offered, or exposed for sale or sold at any place other than on the premises where packed.
- The grade and size, or ungraded status shall be spelled out in full.
- When loose eggs are on display for sale, a sign shall be attached showing the grade and size, or the ungraded status, in plain view to the public.
- Safe Handling Statement - Effective September 4, 2001 all shell eggs that have not been treated to destroy salmonella must bear the following statement:

SAFE HANDLING INSTRUCTIONS: To prevent the illness from bacteria; keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly. Statement must appear on the principal display panel (PDP), information panel, or inside portion (top lid) of egg carton.

Ground Beef

If the firm elects to voluntarily put a sell-by date on any packaged meat, poultry or seafood product they **can not** remove, alter, destroy or obscure the original sell-by date. If the product is repackaged, the replacement label shall bear the original sell-by date. One note, this does not apply to meat, seafood or poultry that is canned or cured.

When qualifying terms (ie: lean, extra lean, premium,...) are used in the advertising/labeling of ground beef products it is necessary to state the maximum %fat in the product. This information can either be stated on the product label or on a placard in reasonable proximity to the ground beef display.

Apples - See Virginia Apple Law

Marking (labeling) – Each closed package shall be marked in a conspicuous manner on the outside thereof, or upon a durable stuffer placed within, but readily readable from the outside, with the information hereafter listed:

- The correct size of apples;
- The minimum quantity of apples;
- The correct variety or varieties of apples;
- The official grade of apples; and
- The name and address of the grower or packer.

Organically Grown Foods

For information regarding Organic Food Labeling and/or 3rd party certification please contact Tom Smith @804/786-3549.

Sell-By dates on packages

With the exception of infant formula and fluid milk products, the Virginia Food Laws do not require sell-by dates on food products. This is a voluntary practice utilized by industry as a means to maintain product quality. **Product dating is a food quality issue not a food safety issue.** As long as the product is wholesome and fit for human consumption it can be sold regardless of the product date.

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FIELD OPERATIONS MANUAL

PROCEDURE III-20
NEW

NUTRITION LABELING AND EDUCATION ACT – (NLEA)

The Nutrition Labeling and Education Act requires most foods to bear nutritional labeling and requires food labels that bear nutrient content claims and certain health messages to comply with specific requirements. Suggest firms interested in NLEA contact FDA at:

**Office of Food Labeling
HFS-810
Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20740
301/436-2373**

Nutrition Facts Panel 21 CFR 101.9 (d)

May be placed on Principal Display Panel or Information Panel and must meet specific requirements.

Mandatory Nutrients Needed on Nutrition Facts Panel 21 CFR 101.9 (d) (7) (ii)

- Calories
- Total Fat
- Cholesterol
- Total Carbohydrates
- Sugars
- Vitamin A
- Calcium
- Calories from Fat
- Saturated Fat
- Sodium
- Dietary Fiber
- Protein
- Vitamin C
- Iron

Percent Daily Values (DV) based on a 2,000 calorie diet
(not required on foods for children less than 4 years of age)

Voluntary Nutrients

- Calories from Saturated Fat,
- Polyunsaturated Fat, Potassium
- Insoluble Fiber
- Other Carbohydrates.
- Monounsaturated Fat
- Soluble Fiber
- Sugar Alcohol

Serving Size 21 CFR 101.12

- 1) Based on Reference Amounts
- 2) Common Household Measurements
- 3) Discrete Units.

Nutrition Label Formats 21 CFR 101.9

Several different formats can be used and is based on available package space and size of package.

Nutrient Claims – Must be approved by FDA & Listed Below

If a nutrient content, health or implied claim is made on a label then Nutritional Labeling is mandatory and the firm loses their exemption. A claim directly or by implication characterizes the level of a nutrient in the food (ie: lowfat).

Nutrient Content Claims – General Requirements 21 CFR 101.54 (a)

- Calories - 21 CFR 101.60
- Sodium - 21 CFR 101.61
- Fat, Fatty Acids - 21 CFR 101.62 (b)
- Fatty Acids - 21 CFR 101.62 (c)
- Cholesterol - 21 CFR 101.62 (d)

Core Descriptors (Approved by FDA)

- High – 21 CFR 101.54 (b)
- Good Source - 21 CFR 101.54 (c)
- Fiber - 21 CFR 101.54 (d)
- Low -21 CFR 101.62 (b) (2)
- Lean - 21 CFR 101.62 (5) (e)
- Extra Lean - 21 CFR 101.62
- Reduced/Less -21 CFR 101.62 (4)
- No Fat - 101.62 (b)
- More/Added - 21 CFR 101.54 (e)
- Light/Lite – 21 CFR 101.56
- High Potency - 21 CFR 101.54 (f)

Synonyms For Core Descriptors (Approved by FDA)

- Free – No, zero, without, trivial source of, insignificant source of, negligible source of
- Low – Little (few for calories), contains a small amount of, low source of
- High – Rich in, Excellent Source of
- Good Source – Contains, Provides

****Please note: Companies that manufactured/processed foods under brand names that used terms that were undefined prior to 10/25/89 are exempt and allowed to use those undefined terms (ex – Diet Coke - Diet is not on the list approved by FDA)****

Health Claims General Requirements - 21 CFR 101.14

Authorized by Regulation 21 CFR 101.71

- Dietary Saturated Fat & Cholesterol and Coronary Heart Disease 21 CFR 101.75
- Dietary Fat and Cancer - 21 CFR 101.73
- Sodium and Hypertension – 21 CFR 101.74
- Calcium and Osteoporosis - 21 CFR 101.72
- Sugar Alcohols and Dental caries – 21 CFR 101.80
- Soy protein and Coronary Heart Disease (CHD)

- Soluble Fiber from whole oats or psyllium and CHD – 21 CFR 101.81
- Fruits, Vegetables, and Grain Products for cancer - 21 CFR 101.76
- Fruits, Vegetables, and Grain Products for CHD – 21 CFR 101.77
- Folate and Neural Tube Defects - 21 CFR 101.79
- Sterol/stanol esters and Coronary Heart Disease (**TENTATIVE – Interim Rule**)

Implied Claims - 21 CFR 101.65

An implied claim is one that suggests that a nutrient or ingredient is absent or present in a certain amount or claims about a food that suggests a food may be useful in maintaining healthy dietary practices. The requirements for labels with health symbols (vignettes) is considered the same as making an implied claim (EX. - heart shape symbol).

Exemptions to Nutritional Labeling - 21 CFR Part 101.9 (j)

These exemptions deal only with the necessity of having the "Nutrition Facts" panel, and has no effect on the mandatory labeling information (i.e., common name of product, net contents, ingredient statement, name and address of responsible firm).

EXCEPTION - If any nutrient content claim (e.g., "low fat") or health claim is made, the exemption is not applicable.

Automatic Exemption

Establishments **are not required to apply/file for a Small Business Exemption** if they have less than < 10,000 units sold and less than < 10 employees.

Small Business Food Labeling Exemptions

Under 21 CFR 101.9(j)(1), a business may be exempt from the requirement of including a "Nutrition Facts" panel on its food packages. This exemption is based on number of employees and number of product units sold.

Currently, a business must apply with FDA for a Small Business Exemption.

The exemption includes businesses with fewer than 100 employees and annual sales of less than 100,000 units. No exemption may be taken if a company has more than the number of employees listed regardless of number of units produced.

The exemption also applies to retailers with annual gross sales of less than \$500,000, or with annual gross sales of food to consumers of less than \$50,000. The number of employees is based on the average number of full time equivalent employees.

- 1) A "product" is a food with the same brand name and statement of identity.
- 2) A "unit" is a package or, if unpacked, the form in which the product is offered for sale.
- 3) "Company" includes domestic and international affiliates.

Businesses must file an annual notice with FDA that they are claiming an exemption based on number of employees and units of product. The web site available to find information regarding Small Business Exemptions and the necessary forms is: www.cfsan.fda.gov/dms/sbel.html

Other Exemptions - Nutritional Labeling - 21 CFR Part 101.9 (j)

Foods served for immediate consumption.

- 1) Restaurants, delis, bakeries, etc. with facilities for immediate consumption.
 - a) Situations where food is consumed immediately or while customer walking away.
 - b) Ready-to-eat foods not for immediate consumption.
 - c) Primarily prepared on-site.
 - d) Not offered for sale outside that location.

Probably the biggest area of concern will be in deciding whether a R-T-E food not for immediate consumption was primarily processed/prepared on-site.

Administratively, it is impossible to identify each type of food sold and the exact amount of processing or preparation that would be needed to say that the food was “processed and prepared primarily” on site. Circumstances at the retail level must be the deciding factor.

To provide guidance in this area:

When food is processed or prepared (including portioning) primarily on premises and sold there, as in the prepared food sections of supermarkets, nutritional labeling is not required. Therefore, nutritional labeling would not be required on bread that is shaped, filled, decorated, assembled or customized and baked in the retail establishment. Cheese that is sliced and portioned according to directions given by the consumer and pudding that is portioned according to directions given by the consumer need not be nutrition labeled.

Conversely, if the food arrives at a store in a form to be sold directly to the consumer (ie: it is standardized) then nutritional labeling must be required. In this situation, preparation or processing of the food is accomplished primarily at another establishment and the same food is then shipped to a retail food store in a form that requires minimal or no further processing (ie: thawing the product).

Donated foods- NLEA covers “food offered for sale” only.

Foods shipped in bulk form – 21 CFR 101 .24, 101.100

- 1) Used in the manufacture of other foods.
- 2) To be processed, labeled, or repacked at another site.

Raw fruit, vegetable and fish - 21 CFR 101.42, 101.43, 101.44, 101.45

- 1) Voluntary nutrition labeling program.

Nutritional Labeling of Dietary supplements - 21 CFR 101.36

- 1) Require Supplement Facts Panel.

Foods of no nutritional significance (ex: coffee beans, tea leaves) 21 CFR 101.100

- 1) All nutrients must be at a level that allows a declaration of “zero”.
- 2) Incidental Additives.
 - A) Incidental additives are substances that have no technical or functional effect but are present in a food by reason of having been incorporated into the food as an ingredient of another food, in which the substance did have a functional or technical effect.
- 3) Processing Aids.
 - A) Substances that are added to a food during the processing of such food but are removed in some manner from the food before it is packaged in its finished form.
 - B) Substances that are added to a food during processing, are converted into constituents normally present in the food, and do not significantly increase the amount of the constituents naturally found in the food.
 - C) Substances that are added to a food for their technical or functional effect in the processing but are present in the finished food at insignificant levels and do not have any technical or functional effect in that food. (iii) Substances migrating to food from equipment or packaging or otherwise affecting food that are not food additives.

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FIELD OPERATIONS MANUAL

PROCEDURE III-21

Open Reserved for Future Use

FIELD OPERATIONS MANUAL

PROCEDURE III-22

INSPECTION OF SPROUT PROCESSORS

Raw sprouts present unique food safety problems because conditions under which they are produced—growing time, temperature, water activity, pH, and nutrients---are ideal for the rapid growth of bacteria.

All parties involved in the production of sprouts -- seed producers, seed conditioners and distributors, and sprout producers -- should be aware that seeds and sprouted seeds have been recognized as an important cause of foodborne illness. Sprouts have been identified as a special problem because of the potential for pathogen growth during the sprouting process. If pathogens are present on or in the seed, sprouting conditions may favor their proliferation. There is no inherent step in the production of raw sprouts to reduce or eliminate pathogens. Contaminated seed is the likely source for most reported sprout-associated outbreaks. Research has been initiated on methods to reduce or eliminate pathogenic bacteria on seeds and sprouts and some treatments show promise. However, to date, no single treatment has been shown to completely eliminate pathogens under experimental conditions used.

To counter this risk, FDA guidance recommends seed disinfection combined with microbial testing of used irrigation water from each batch or production lot to determine whether the pathogens Salmonella and E. Coli 0157:H7 are present.

SPROUT-ASSOCIATED OUTBREAKS

In 1997, an outbreak of 108 cases of *E. coli* O157:H7 in Michigan and Virginia was epidemiologically associated with sprouts. Traceback revealed that all implicated alfalfa sprouts were produced at a single sprouting facility in each state. Sprouts grown by the Michigan sprouter at the time of the outbreak came from two lots of seeds; one from Idaho and the other from Australia. The Virginia sprout manufacturer used the same lot of Idaho seeds as one of the lots used in Michigan. Cultures from this seed lot did not yield *E. coli* O157:H7.

Further investigations revealed that seed may have been contaminated at the farm where the alfalfa was grown. On the alfalfa farm in Idaho where the seeds were harvested, several possible sources of contamination from cow and deer manure were noted. Some fields were irrigated with water drained from neighboring fields where manure was applied and some alfalfa fields were directly adjacent to cattle feed lots. Some alfalfa was grown next to a deer refuge, and deer were observed in these fields daily.

Outbreak investigations identified several factors that affect the microbial safety of sprouted seeds. To date, contaminated seeds have been the likely source for most, if not all, outbreaks. Seed contamination could have occurred at the farm, seed processor, or sprouting facility. The processes used for the production of sprouted seeds offer ample opportunity for cross contamination from a few seeds or sprouts to the entire production

lot. Most seeds used for sprouting are not grown for human consumption. The seeds are generally grown, milled, and stored under conditions where contamination can readily occur. Frequent failures to isolate pathogens from implicated seeds suggest that seed contamination may be intermittent, at very low levels, or unequally distributed within seed lots. However, even low levels of pathogens are a concern. Conditions during sprouting (time, temperature, water activity, pH, and nutrients) are ideal for growth of pathogenic bacteria such as *Salmonella* and *E. coli*.

In recent outbreaks, investigations have attempted to determine the extent to which certain practices, such as seed disinfection treatments, are being used by sprout producers associated with an outbreak. In general, facilities associated with recent outbreaks often did not apply seed disinfection treatments, applied treatments inconsistently, or used disinfectants at relatively low levels. Conversely, facilities that traceforward investigations have identified as having used seed from the same lot as an implicated facility, but that have not been associated with any reported illnesses, appear to have been consistently using seed disinfection treatments, such as 20,000 ppm calcium hypochlorite, to disinfect seed prior to sprouting. While there may be other mitigating factors (such as product volume and amount of implicated seed used) these observations support the efficacy of seed disinfection treatments as a means to reduce the potential of sprout-associated foodborne illness outbreaks.

REQUIREMENTS:

The following requirements identify the preventive controls that should be taken immediately to reduce the risk of raw sprouts serving as a vehicle for foodborne illness and ensure sprouts are not adulterated. Failure to adopt effective preventive controls can be considered unsanitary conditions which may render food injurious to health. Food produced under such conditions is considered adulterated. VDACS will consider enforcement actions against any party who does not have effective preventive controls in place, in particular, microbial testing.

These requirements are based on the information provided by the National Advisory Committee on Microbiological Criteria for Foods (NACMCF, 1999).

SEED PRODUCTION:

Contaminated seed is the likely source for most, if not all, reported sprout-associated outbreaks. Seeds for sprout production should be grown under good agricultural practices (GAPs) in order to minimize the likelihood that they will contain pathogenic bacteria.

There are multiple opportunities during seed production and harvest by which contamination with foodborne pathogenic microorganisms can occur. Once present on seeds, these pathogens are likely to remain viable for extended periods.

Seed Conditioning, Storage, and Transportation: Seeds that may be used for sprouting should be conditioned, stored, and transported in a manner that minimizes the likelihood that the seeds will be contaminated with pathogens. For example, seed should be stored in closed or covered containers in a clean dry area dedicated to seed storage. Containers should be positioned off the floor and away from walls to reduce the possibility of

contamination by rodents or other pests and to facilitate regular monitoring for pest problems.

Sprout Production: While seeds have been identified as the primary source of food borne pathogens on sprouted seeds, the procedures and practices used by sprout producers have a substantial impact on the likelihood that pathogenic bacteria will survive and proliferate in sprouts. Sprouters should implement appropriate practices to ensure that sprouts are not produced under unsanitary conditions which may render the product injurious to health. Facilities with poor sanitation can significantly increase the risk of product contamination. Inadequate water quality and poor health and hygienic practices can all increase the risk of food becoming contaminated with pathogens. Sprouters need to adhere to 21 CFR Part 110 which sets forth good manufacturing practices (GMPs) in manufacturing, packaging, or holding food for human consumption.

Seed Treatment: A number of treatments have been shown to reduce levels of pathogenic bacteria present on seeds, but none have totally eliminated pathogenic microorganisms. Their routine use is likely to reduce the level of contamination, if present, and in turn, decrease the risk for food borne disease with sprouted seeds.

Seeds for sprouting should be treated with one or more treatments (such as 20,000 ppm calcium hypochlorite) that have been approved for reduction of pathogens in seeds or sprouts. Some treatments can be applied at the sprouting facility, while others will have to be applied earlier in the seed production process. However, at least one approved antimicrobial treatment should be applied immediately before sprouting. Sprouters should carefully follow all label directions when mixing and using antimicrobial chemicals.

Testing for Pathogens: Because currently approved antimicrobials have not been shown to be capable of eliminating all pathogens from seed, sprout producers should conduct microbiological testing of spent irrigation water from each production lot to ensure that contaminated product is not distributed. Because testing for pathogens can be done with irrigation water as early as 48 hours into what is generally a 3 to 10 day growing period, producers who plan accordingly can obtain test results before shipping product without losing product shelf-life. Testing, whether done by the producer or contracted out, should be performed by trained personnel, in a qualified laboratory, using validated methods.

Traceback: Traceback cannot prevent a foodborne illness outbreak from occurring. However, being able to trace a food back to its source quickly can limit the public health and economic impacts of an outbreak, if it occurs. Information gained in traceback investigations may also help prevent future outbreaks. Sprout producers, seed producers, conditioners, and distributors should develop and implement systems to facilitate traceback and recalls in the event of a problem. All parties should test their systems in advance of a real problem.

INSPECTION REPORT DOCUMENTATION & CLASSIFICATION:

Non-compliance with the above requirements should be documented as objectionable conditions on the inspection report. Significant deviations from the subject requirements (such as failure to conduct microbiological testing of spent irrigation water) as well as other accompanying sanitary deficiencies may result in an **OAI designation.**

Identifying “Healthy” Sprouts

While it is impossible to tell if sprouts are free of pathogens by looking at them with the naked eye, there are some tips in identifying sprouts that are less likely to cause foodborne illness. Check to see if the roots are clean. The stems should appear white or cream in color. Fresh sprouts should have a clean, fresh aroma. Look for the ISGA-certified grower’s seal on packaged sprouts. This seal certifies that the grower follows the sprout sanitation and growing recommendations of the International Sprout Growers Association.

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FIELD OPERATIONS MANUAL

Procedure III-23

DIETARY SUPPLEMENTS

Overview

In October 1994, the Dietary Supplement Health and Education Act (DSHEA) was signed into law. This law created a new regulatory framework for the safety and labeling of dietary supplements. Under DSHEA, dietary supplements fall under the general umbrella of “foods”, not drugs, and require that every supplement be labeled a dietary supplement. In response to DSHEA, the state of Virginia moved to regulate dietary supplements as food products. Unfortunately, some dietary supplements have been shown to cause harm in some consumers and therefore, there is some concern regarding the consumption of certain dietary supplements. Thus, it is important that you include as part of your normal inspection routine a brief examination of the dietary supplement section of the retail food store. If labeling deficiencies, products of concern, or other problems are noted with dietary supplements, they should be documented as objectionable conditions on your inspection report. If you come across a questionable product or a labeling issue that you are unsure as to whether or not it is in violation of the Virginia Food Laws and related regulations, attach a separate memo to your Regional Manager but do not document it on your inspection report.

Currently, there are no FDA regulations that are specific to the manufacturing of dietary supplements. At present, the manufacturer is responsible for establishing its own manufacturing guidelines to ensure that the dietary supplements it produces are safe and contain the ingredients listed on the label.

It should be noted that the labeling regulation (CFR Part 101) is applicable to dietary supplements.

What is a dietary supplement

Dietary supplements are any products taken by mouth that contain a so-called “dietary ingredient” intended to supplement the diet. The dietary ingredients in these products may include: vitamins, minerals, herbs or other botanicals, amino acids, as well as substances such as enzymes, organ tissues, metabolites, extract or concentrate. Dietary supplements can be found in many forms such as tablets, capsules, gencaps, liquids, or powders. Alcohol based herbal tinctures are also considered to be dietary supplements.

All homeopathic products are considered drugs and are therefore not regulated as dietary supplements.

Product statements (claims)

Overview

Under DSHEA, dietary supplements may bear “structure/function” claims---statements that describe the effect a dietary supplement may have on the structure or function of the body---without prior FDA review. It is acceptable to make a structure/function claim, provided that the claim is backed by scientific evidence.

Disease claims, that is, claims to diagnose, cure, mitigate, treat, or prevent disease may be made only for approved drug products. A dietary supplement shall not claim to diagnose, treat, cure, or prevent any disease.

There is a fine line between an acceptable structure/function claim (such as, promotes urinary tract health) and an unacceptable disease claim (such as, prevents urinary tract infection), therefore, use discretion when reviewing product labels, focusing on the blatantly obvious disease claims (i.e. will cure cancer, etc.).

If disease claims or false structure function claims are made, document them on your inspection report as an objectionable condition.

- **What is a structure/function claim**

Structure/function claims describe the role of a nutrient or dietary ingredient affecting a structure or function in humans, for example, "calcium builds strong bones." In addition, they may characterize the means by which a nutrient or dietary ingredient acts to maintain such structure or function, for example, "fiber maintains bowel regularity," or "antioxidants maintain cell integrity," or they may describe general well-being from consumption of a nutrient or dietary ingredient.

The manufacturer is responsible for ensuring the accuracy and truthfulness of these claims; they are not approved by FDA. For this reason, the law says that if a dietary supplement label includes such a claim, it must state in a "disclaimer" that FDA has not evaluated the claim. The disclaimer must also state that the dietary supplement product is not intended to "diagnose, treat, cure or prevent any disease," because only a drug can legally make such a claim.

- ***What is a disease claim***

A statement is a disease claim if it mentions a specific disease or class of diseases. For example, “reduces the pain and stiffness associated with arthritis” or “will prevent heart disease”, etc

A statement also is a disease claim if it **implies** that it has an effect on a specific disease or class of diseases by using descriptions of the disease-state. Some claims imply

disease treatment or prevention because they are so closely tied to a disease. For example, “reduces cholesterol” is a characteristic symptom associated with stroke and

cardiovascular disease so that any claim about it would be an implied disease claim.

- ***Can symbols/pictures be used on the label***

In general, any picture or vignette or other symbol can be used if it doesn't imply a disease. For example, pictures of healthy organs would constitute an appropriate structure/function claim while a picture of an abnormal tissue or organ would be an implied disease claim. In addition, the heart symbol and EKG tracings are considered implied disease claims because they are strongly associated with heart disease.

Labeling—

1. The words “dietary supplement” must appear on the principal display panel.
Note: At this time, certain variations are permitted. If the term “dietary supplement,” “herbal supplement,” “supplement,” etc., is reasonably legible and is anywhere on the product container, we will not need to issue a report that the products are misbranded. You should, however, discuss the labeling deviation with the establishment manager and indicate that corrections should be made within a reasonable time frame.
2. A statement of identity (ex: “ginseng”) is required.
3. An ingredients statement of all other ingredients in the product is required.
4. The net quantity of contents (ex: “60 capsules”) should be displayed on the label.
5. The name and place of business of the manufacturer, packer, or distributor is required.
6. Directions for use (ex: “take one capsule daily”).
7. A “Supplement Facts” panel, which lists the serving size, amount of dietary ingredients per serving, and the active ingredient, should appear on the label.
*Note: If the container has a surface area of 12 square inches or less and the container label bears no nutrient or structure/function claims, then it is exempt from the requirement to include a supplement facts panel on the label. However, these containers **MUST** include an address or telephone number that a consumer can use to obtain the required supplement or nutrition information (ex: “for nutrition information, call...”).*
8. The assertion, “This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease” must appear on all dietary supplements that make a structure function claim, such as “promotes strong bones”.

If you encounter establishments that are, in fact, manufacturing dietary supplements, please send a memo to your Regional Manager indicating the name and address of the

establishment, the nature of the establishment (i.e. wholesale supplement manufacturer, manufactures products as part of a retail sales operation, etc.), the products produced, and the processes utilized to manufacture those products. You and your Regional Manager will decide when and if the operation should be inspected.

PRODUCTS/INGREDIENTS DETERMINED TO BE UNSAFE

1. **Gamma Butyrolactone (GBL), Gamma Hydroxybutyric Acid (GHB), and 1,4 Butanediol (BD).** These agents can cause dangerously low respiratory rates, unconsciousness/coma, vomiting, seizures, bradycardia, and death. These substances increase the effects of alcohol and are even more dangerous when consumed with other central nervous system depressant drugs. These products are often listed as “party drugs” on internet sites, are advertised in muscle building magazines, and are sold in health food stores as dietary supplements. FDA considers these products to be unapproved new drugs and have conducted seizures to prevent sales to consumers. GHB, which is legally available in the U.S. only as an investigational new drug for specified purposes (thus, it cannot be legally marketed), has been implicated as a “date rape” drug.

GBL, when ingested, rapidly metabolizes into GHB. Some of the suspect products may list 1,4 butanediol, tetramethylene glycol, gamma butyrolactone, or 2(3H)-Furanone di-hydro on the label or have no label at all. Health authorities believe manufacturers are renaming their products and substituting BD for GBL, however, the effects of ingesting BD are as dangerous as those of GHB and GBL.

GBL product names include: Longevity, Revivarant, GH Revitalizer, Gamma G, Blue Nitro, Insom-X, Remforce, Firewater, and Invigorate. Products that contain BD include Revitalize Plus, Serenity, Enliven, GHRE, SomatoPro, NRG3, Thunder Nectar, and Weight Belt Cleaner. FDA has warned consumers not to drink products named Cherry fX Bombs, Lemon fX Drops, and Orange fX Rush, as all of them contain BD.

If products containing these ingredients are found, document it as an objectionable condition on your inspection report, seize them, sample them, and sent them in to the Richmond Office for further evaluation. Your Regional Manager will need to contact the Office of Criminal Investigation, as this falls under their jurisdiction.

2. **Herbal Products for Diabetics.** There are several brands of Chinese herbal products that contain prescription drugs that could cause dangerous drops in blood sugar. Manufacturers of these products claim that they contain only natural Chinese herbs, however, it was discovered that the products also contain the prescription diabetes drugs glyburide and phenformin. Therefore, consumers of these products can receive a dangerously high amount of the drugs from the affected herbs, especially if they also take a regular diabetes medicine.

The product brand names are as follows:

1. Diabetes Hypoglucoase Capsules, sold by Chinese Angel Health Products of Santa Monica, CA.
2. Pearl Hypoglycemic Capsules, imported by Sino American Health Products Inc., of Torrance, CA, but also sold by Chinese Angel.
3. Tongyitang Diabetes Angel Pearl Hypoglycemic Capsules & Tongyitang Diabetes Angel Hypoglycemic Capsules, sold by Sino American.
4. Zhen Qi Capsules, sold by Sino American.

If these products are found, document it as an objectionable condition on your inspection report, seize them, sample them, and send them in to the Richmond Office for further evaluation. Your Regional Manager will need to contact the Center for Drug Evaluation and Research, as they have jurisdiction over these “drugs”.

3. **Triax Metabolic Acceleratory (Triiodothyroacetic acid).** FDA is warning consumers not to purchase or consume the product Triax Metabolic Accelerator, containing the active ingredient, tiratricol. The product has been marketed as a dietary supplement for weight-loss purposes by Syntrax Innovations, Inc. of Cap Girardeau, Missouri. FDA has determined, however, that the product is not a dietary supplement, but instead an unapproved new drug containing a potent thyroid hormone, which may cause serious health consequences, including heart attacks and strokes. The chemical name for the active ingredient in the product is triiodothyroacetic acid (TRIAC). The Center for Drug Evaluation and Research has jurisdiction over this product.

If these products are found, document it as an objectionable condition on your inspection report, seize them, sample them, and send them in to the Richmond Office for further evaluation. Your Regional Manager will need to contact the Center for Drug Evaluation and Research, as they have jurisdiction over these “drugs”.

4. **Aristolochic Acid.** Aristolochic acids are potent carcinogens and nephrotoxins that are present, primarily, in plants of the family Aristolochiaceae. There are at least 14 aristolochic acids known. While a product that contains a large amount of one or more of these acids may result in the rapid onset of acute toxicity symptoms in a consumer using the product, a product containing a small amount could be used for years with no apparent adverse effects, until serious, irreversible effects, such as renal failure, have occurred. See the attached list of plants known to contain aristolochic acid and of plants which may become adulterated with *Aristolochia* spp.

Currently, there is an FDA Import Alert in place for this product, which should catch most imported products containing this ingredient. However, you may still encounter it in some domestic products.

If these products are found, sample them, and send them in to the Richmond Office for further evaluation. Because there has been some confusion with various types of this product and what is considered to be safe and unsafe, your

Regional Manager will need to consult with FDA for additional analysis of the product before you seize the product. Do not document the situation as an objectionable condition on your inspection report.

5. **Comfrey.** Products containing comfrey are said to be beneficial in the treatment of a wide variety of serious diseases and health conditions and has been marketed for both internal and external treatment. However, the Federal Trade Commission (FTC) has found that comfrey contains toxic substances and, when taken internally, can lead to serious liver damage. It is commonly found in Indian ayurvedic products, which are similar to the Chinese yin and yang products.

Comfrey may also be listed as “boneset” because it used to be used to mend bones. However, there is another harmless plant that is also sometimes referred to as “boneset”.

If these products are found, document it as an objectionable condition on your inspection report, seize them, sample them, and send them in to the Richmond Office for further evaluation.

6. **Sodium Usniate/Usnic Acid.** Usnic acid or sodium usniate could cause liver damage. It is used as an antiseptic as well as an ingredient in weight loss products. It claims to increase a person’s basal metabolic rate and therefore cause them to lose weight. Some common names for Usnea are Old man’s beard, Beard lichen, and Tree hair. It is an ingredient in a weight loss product called Malibu Trim and is currently being investigated by the FTC, as this product claims to be “Safe”.

If these products are found, document it as an objectionable condition on your inspection report, seize them, sample them, and send them in to the Richmond Office for further evaluation.

As mentioned previously, when you encounter unsafe products (i.e. comfrey, GBL, etc.), document it as an objectionable condition on your inspection report, seize them, collect an official sample, and send it to the Richmond Office for further review, with the exception of Aristolochic Acid—do not seize this product without being instructed to do so by your Regional Manager. Please note that in most instances, there will be no need to collect duplicate samples of products that have significant similarities.

PRODUCTS OF CONCERN—

1. **Ephedrine.** In some instances products containing ephedrine are sold as “over the counter” (OTC) drugs, such as a bronchodilator, in which case they are legal and acceptable. OTC products are not under our jurisdiction. However, products containing ephedrine and its alkaloids (pseudoephedrine, norephedrine, and N-methyl ephedrine) can also be marketed and labeled as dietary supplements as an aid in weight loss, energy, “pep”, performance enhancement, or as a substitute for illicit drugs, such as MDMA. These supplements are commonly labeled as “natural” or “herbal” and use common names for the source of the active ingredients (ma huang, Chinese ephedra, and sida cordifolia—another plant

source with small amounts of ephedrine alkaloids). The usual recommended OTC dosage of ephedrine in bronchodilator products is 12.5 mg – 25.0 mg. Many dietary supplements contain more than 25.0 mg of ephedrine or its alkaloids per dose.

Recently the RAND study, commissioned by the National Institute of Health, found limited evidence of an effect of ephedrine on sports performance enhancement or muscle building. In light of this information on these structure function claims, now determined to be false, FDA has issued warning letters to dietary supplement manufacturers who are placing such claims on their product labels. Examples of false or misleading claims include, “enhancing your body’s own muscle-building”, “strength supplementation”, “supporting lean muscle mass growth”, “train with ultra high intensity”, etc. One of the firms who received a warning letter from FDA is located in Virginia. The name of the firm is GotSupplements.com, LLC and is located in Yorktown, VA. The products with labels making false claims were Dymetadrine Xtreme and Thermbuterol.

If you encounter products containing ephedrine or its alkaloids that are making false structure function claims relative to sports performance enhancement and muscle building, document it as an objectionable condition on your inspection report, seize them, sample them, and send them to the Richmond Office for further evaluation.

FDA has proposed a warning label for products containing ephedrine that would warn consumers about reports of serious adverse events after the use of ephedrine (including heart attack, seizure, stroke, and death). However, this label has not yet been approved.

The Food Safety Program will be following FDA’s lead with regards to products containing ephedrine or its alkaloids. Therefore, if you encounter these products during your inspection, do not seize them, sample them, or document them as an objectionable condition on your inspection report, unless they are making the false structure function claims described above. Just be aware that there are risks associated with these products.

If you encounter a “unique” or questionable product that you are unsure as to whether or not it is in violation of the Virginia Food Laws and related regulations, collect an official sample, attach a separate memo to your Regional Supervisor, and do not document it on your inspection report.

Issued new July 18, 2003

FIELD OPERATIONS MANUAL

PROCEDURE III-24
Revised

NONPROFIT ORGANIZATIONS HOLDING ONE DAY SALES

The 2003 session of the Virginia General Assembly passed legislation that exempts nonprofit organizations holding one-day food sales from inspection. This legislation became effective July 1, 2003.

Note: The exemption holds for any type of food produced by the nonprofit organization to be sold during the one day event.

INTRODUCTION

Historically, the Food Safety and Security Program has not searched for nonprofit organizations (i.e. churches, fire departments, rescue squads, etc.) which raise funds for charitable purposes by holding food sales. It has always been believed that expending resources to attempt to locate such food sales is counter-productive and an unwise use of extremely limited food safety and security resources. This continues to be the position of the Food Safety and Security Program, relative to locating and inspecting any nonprofit organizations which raise funds for charitable purposes by holding food sales.

In situations where Food Safety Specialists are requested to provide food safety guidance to nonprofit organizations, the Food Safety and Security Program will continue to provide such guidance. Otherwise, the Program will continue its longstanding policy to deal with such organizations only when it has been determined that their operations pose a substantial risk to consumers. Additionally, persons who produce food products for sale by the nonprofit organizations will typically only be inspected if they produce food products on a regular and ongoing basis; those persons who only produce food products periodically and only for sale by the charitable organizations will typically not be inspected.

OBJECTIVE AND INTENT

This FOM is established to provide guidance associated with food establishments claiming exemption from the inspection and right of entry requirements, set forth in §§ 3.2-5130 and 3.2-5102 of the Code of Virginia, as nonprofit organizations holding one-day food sales.

DEFINITIONS

For the purposes of this FOM, the following definitions will be utilized:

Organization - A number of persons or groups united for a particular purpose.

Nonprofit Organization

An organization that is:

- Organized for some purpose other than to generate income or profit, and
- Accepted as nonprofit by any state or federal agency.

If an organization is not accepted as nonprofit by any state or federal agency, then it must

- Exist to benefit persons who are not members of the organization, and
- Be capable of documenting receipts and expenses, and
- Maintain documentation to show it is an organization, or can otherwise demonstrate that it is an organization, and
- Maintain a list of organization members.

One-day Food Sales

- Not conducted on any two consecutive days.
- Conducted on a limited basis, and although it may be a recurring basis, recurrence is no more than twice per month.
- A special occurrence, and not held in the ordinary course of events.

Administrative Procedures

Nonprofit organizations participating in one day sales will be sent an informational packet with some general food safety guidelines, along with a form requesting their contact information, a list of the products they are making, their intended point of sale, and the frequency of which they plan to hold their sales. In addition, they will be asked to submit documentation supporting their claim to be “nonprofit”.

If an organization can provide documentation that it is organized for a purpose other than generating income or profit and that it is accepted as a nonprofit organization by any state or federal agency, then it will qualify as a nonprofit organization for purposes of the exemption. If such documentation is not available, then the determination of exemption will be handled on a case-by-case basis. In order to maintain uniformity and consistency with this policy, such determinations shall be the responsibility of the Program Supervisor.

A copy of the information sent in will be forwarded to the inspector for that area. A letter will then be sent to the organization indicating to them that we have received their information, that we have them on file as a nonprofit organization participating in one day sales, and that they are exempt from an inspection by VDACS.

A nonprofit CFN will then be assigned to the firm. By issuing nonprofit organizations participating in one day sales a special CFN, this will ensure that these firms will not show up on monthly inspector work plans, however, there will be a record of these firms on file, should there be questions regarding these organizations in the future.

Field Procedures

The Food Safety Specialist, when gathering information, should take precautions to ensure that they do not imply that a particular manufacturer/vendor does or does not qualify as a non-profit organization holding one-day food sales. If the Inspector encounters an ‘unregistered’ vendor who wishes to operate (or is operating) under this exemption, they should prepare a memo on an inspection report detailing the pertinent information about the business and forward it to their Regional Office. The memo should cover the same points as the form in the informational packet:

- Name, address and phone number for the vendor (i.e. contact information)
- Name of the nonprofit organization
- List of food products they intend to prepare
- Location(s) of sale
- Frequency of sales
- Documentation, as identified in the “definitions” section of this FOM, supporting their nonprofit claim
 - Include a copy of their documentation if available. If not, instruct the vendor to submit the documentation supporting their nonprofit claim to the Regional Office.
 - Upon receipt of such information, the Regional Supervisor will review the information and forward that information to the Program Supervisor. A timely determination will then be made and communicated to the vendor/manufacturer.

Inspection

- No inspection will be necessary if the vendor has adequate on-site documentation of their non-profit status or you can reasonably determine that the vendor is a nonprofit entity or closely affiliated with a nonprofit organization.
- Inspect the firm if they cannot provide the necessary documentation of their nonprofit status or if you can not reasonably determine their affiliation with a nonprofit organization. Steps should be taken to inspect the processing location, as well.
 - The firm will be assigned a retail CFN and be under inspection until such time that they provide the necessary nonprofit documentation.
 - Once the nonprofit documentation is provided, the retail CFN will be placed out-of-business and the firm will be assigned a nonprofit CFN. The firm will be sent a letter indicating that they are exempt from inspection.

Attachments: Nonprofit registration information

Revised November 28, 2004

Dear Sir or Madam:

Thank you for your inquiry regarding your desire to operate as a nonprofit organization in a one-day food sale event. Nonprofit organizations preparing food for a one day sale event are exempt from Virginia Department of Agriculture inspection.

In order to be sure that you qualify for an exemption, please submit the following information to our office.

- Documentation verifying that you are a nonprofit organization. This may be a copy of the letter you received from the IRS referencing section 501(c)(3) of the IRS code indicating that you are qualified for an exemption or simply a letter from the nonprofit organization you are supporting.
- Completion of the attached registration form.

Please send your registration form and nonprofit documentation to:

VDACS-Office of Food Safety
P.O. Box 1163, Richmond, VA 23219.

Once we have received your information, we will send you a letter indicating that you are on file with our office as a nonprofit organization preparing food for one day sale events and are exempt from our inspection.

In addition to the registration form, we have enclosed basic food safety information to help ensure that the food you prepare has been properly handled and is safe to eat.

If you have any questions regarding the registration process or about the attached food safety information, please do not hesitate to give our office a call at (804) 786-3520.

Sincerely,

F. B. Barham
Regional Supervisor
Food Safety Program

Registration Form

Name _____

Address _____

Phone # _____ (Daytime) _____ (Evening)

Name of Organization _____

List of food products you intend to prepare for the event(s) _____

Point(s) of Sale _____

How often are these “one day sale” events held? _____

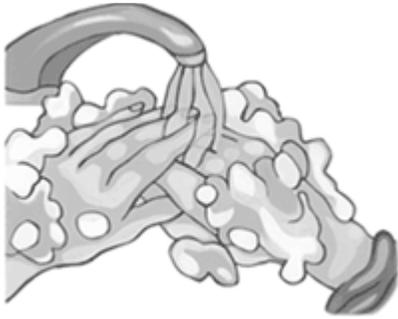
Do you plan to participate in each event? _____

Please submit this form, along with documentation supporting that you are a nonprofit organization to the address listed on the front page of this packet.

The “411” on Food Safety (Clean, Cook, Separate, Chill)*

CLEAN

Use these TIPS to keep your hands, surfaces, and utensils squeaky clean!



Wash Up!

- Make sure there is handwashing soap and paper towels or a clean cloth at every sink in your home.
- Wash your hands with hot, soapy water (for at least 20 seconds) *before* and *after* handling food and after using the bathroom, changing diapers, or handling pets. Thoroughly scrub hands, wrists, fingernails, and in between fingers. Rinse and dry hands with paper towels or a clean cloth.

Fruits & Veggies

- Rinse raw produce under running water. Don't use soap, detergents, or bleach solutions. For thick or rough-skinned vegetables and fruits, use a small vegetable brush to remove surface dirt. Try to cut away any damaged or bruised areas on produce. Bacteria can thrive in these places.



Surface Cleaning

- Consider using paper towels to clean up kitchen surfaces and throw the germs away with the towels. If you use cloth towels, launder them often, using hot water. **Note:** Don't dry your hands with a towel that was previously used to clean up raw meat, poultry, or seafood juices.
- Wash your cutting boards, dishes, utensils, and countertops with hot, soapy water after preparing each food item and before you go on to the next food. Periodically, kitchen sanitizers can be used for added protection against bacteria. You can also use one teaspoon of liquid chlorine bleach per quart of clean water to sanitize surfaces. The bleach solution needs to sit on the surface to be sanitized for about 10 minutes to be effective.

- Replace excessively worn cutting boards (including plastic, non-porous acrylic, and wooden boards). Bacteria can grow in the hard-to-clean grooves and cracks.
- In your refrigerator, wipe up spills immediately, clean refrigerator surfaces with hot, soapy water, and, once a week, throw out perishable foods that should no longer be eaten.
- Keep pets off kitchen counters and away from food.

DID YOU KNOW ?

20% of consumers don't wash hands and kitchen surfaces before preparing food. Clean hands and surfaces are your first step in safe food handling.

COOK

Cooking food safely is a matter of degrees! Food safety experts agree that foods are properly cooked when they're heated for a long enough time and at a high enough temperature to kill harmful bacteria that cause foodborne illness. This temperature can vary from food to food, too.

The best way to keep your food safe is to use these "hot" food safety TIPS.

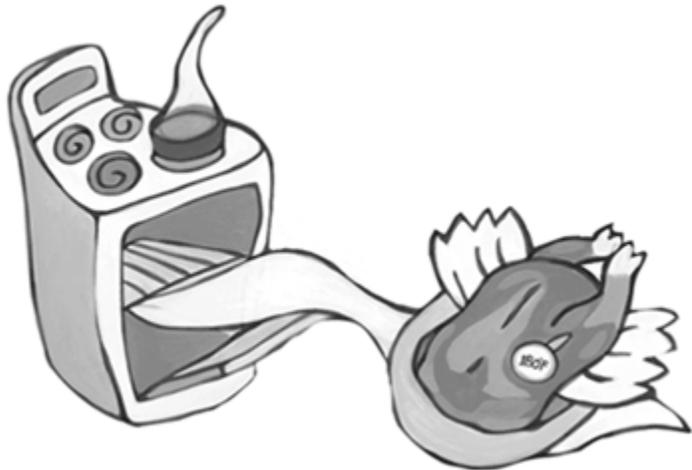
Cook It Right . . .

Color is not a sure indicator of whether food is safe to eat. The only way to know that meat, poultry, casseroles, and other foods are properly cooked all the way through is to use a clean food thermometer.

Ground Beef

Oftentimes, when meat is "ground up" to make hamburger, bacteria that may have been present on the surface of the meat can end up *inside* the burger. When this happens, bacteria are less likely to be killed by cooking if the proper temperature is not achieved.

Cook ground beef to at least 160° F (71° C). Use a food thermometer to check. The Centers for Disease Control and Prevention link eating undercooked, pink ground beef with a higher risk of illness. If a thermometer is not available, do not eat ground beef that is still pink inside.



Meat and Poultry

Cook roasts and steaks to an internal temperature of at least 145° F (63° C). Whole poultry should be cooked to 180° F (82° C) - measure the temperature in the thigh. Chicken breasts should be cooked to 170° F (77° C).

Seafood

Cook fish until it's opaque and flakes easily with a fork.

Eggs

Cook eggs until the yolks and whites are firm. Don't use recipes in which eggs remain raw or partially cooked, unless you use pasteurized eggs.

Leftovers

Leftovers should be reheated to 165° F (74° C). Bring sauces, soups, and gravies to a boil.

Did you know that improper handling of raw meat, poultry, and seafood can set the stage for cross-contamination? As a result, bacteria can spread to food and throughout the kitchen.

SEPARATE

**Here's how to prevent harmful bacteria from
S-P-R-E-A-D-I-N-G!**

Safely Separate

- Separate raw meat, poultry, and seafood from other foods in your grocery store shopping cart and in your refrigerator.

Take Two

- If possible, use one cutting board for raw meat products and another one for fresh fruits and vegetables.

Lather Up

- Always wash hands, cutting boards, dishes, and utensils with hot, soapy water after they come in contact with raw meat, poultry, seafood, eggs, and unwashed fresh produce.

Clean Your Plate

- Place cooked food on a clean plate. If you put cooked food on an unwashed plate that previously held raw meat, poultry, or seafood, bacteria from the raw food could contaminate the cooked food.

Seal It

- To prevent juices from raw meat, poultry, or seafood from dripping onto other foods in your refrigerator, place these raw foods in sealed containers or plastic bags.

Marinating Mandate

- Don't use sauce that was used to marinate raw meat, poultry, or seafood on cooked foods, unless it is boiled before applying. Never taste marinade or sauce that was used to marinate raw meat, poultry, or seafood.



Keep perishables in the refrigerator! At room temperature, pathogenic bacteria in food can double in number every 30 to 40 minutes. The more bacteria there are, the greater the chance you could become sick.

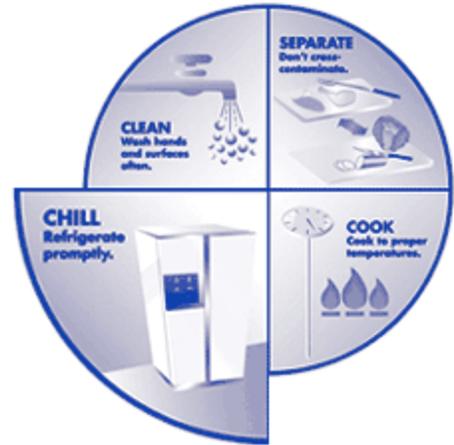
CHILL

Then, follow these **COOL** rules:

- Refrigerate food quickly because cold temperatures keep most harmful bacteria from multiplying. A lot of people think it will harm their refrigerator to put hot food inside, but it's not true. Hot food won't harm your refrigerator. More important, prompt refrigeration of foods will keep your food and you safer.
- Set your home refrigerator no higher than 40° F (4° C) and the freezer unit at 0° F (-18° C). Check the temperature occasionally with an appliance thermometer.
- Refrigerate or freeze perishables, prepared food, and leftovers within 2 hours.
- Divide large amounts of leftovers into shallow containers for quick cooling in the refrigerator.
- Marinate foods in the refrigerator.
- Don't pack the refrigerator too full. Cold air must circulate to keep food safe.
- At family outings or barbecues, use a cooler to keep perishable foods cold. Always use ice or cold packs and fill your cooler with food. A full cooler will maintain its cold temperatures longer than one that is partially filled.

For safe thawing, follow the THAW LAW:

- Never thaw foods at room temperature. You can safely thaw food in the refrigerator. 4 to 5 pounds of frozen food takes about 24 hours to thaw.
- You can also thaw food outside the refrigerator by immersing it in cold water. Change the water every half hour to keep the water cold.
- You can thaw food in the microwave, but if you do, be sure to cook the food immediately after it's thawed.



DID YOU KNOW ?

23% of consumers' refrigerators are not cold enough! To discourage the growth of foodborne bacteria, your refrigerator should be set at 40° F (4° C).

**Information provided by FDA's Center for Food Safety and Applied Nutrition.*

FIELD OPERATIONS MANUAL

PROCEDURE III-25

USE OF THE BLACKLIGHT IN IDENTIFYING RODENT ACTIVITY

An ultraviolet light (i.e. black light) can be a useful tool for detecting rodent urine contamination on packaged products. However, the black light is not infallible. Many contaminants appear similar in color; therefore, much depends on the acquired skill and interpretation of the user. In addition, stains can vary in color depending on the type of bagging/packaging material.

The key to telling the difference between rodent urine and other substances that glow is the pattern of fluorescence. Look for the typical droplet pattern, since rodents commonly urinate while moving, in contrast to large patchy areas or uniformly spread out stains.

Because it can be difficult to determine that a particular substance that fluoresces is rodent urine, it is important support your findings by looking for other indications of rodent activity such as droppings, a strong urine smell, nesting material, gnawed product, etc. to confirm the presence of rodents.

As always, evidence of rodent activity is to be documented on the Inspection Report.

Note: In determining whether a product is adulterated due to rodent urine, it is important to remember the type of packaging material. A plastic liner would act as a barrier to urine contamination. Also, there can be several layers of paper that make-up the package. An Inspector should remove each layer and re-examine whether the layers have acted as a barrier in preventing product contamination (i.e. can you detect urine stains on the immediate product layer).

FLUORESCENT PROPERTIES INDICATIVE OF RODENT ACTIVITY:

- Wet, fresh, or continually wetted runs may fluoresce poorly (but should have a strong urine odor associated with them).
- Fresh, dry urine stains will fluoresce blue-white.
- Older urine stains will fluoresce a yellowish/white color.
- Rodent hairs will fluoresce as blue/white streaks.
- Many types of bagging and threading materials will fluoresce under the black light. However, the characteristic rodent stain can be identified by its yellowish color in contrast to the usual glow of chemical stains.

Because of either natural fluorescence or "quenching" of UV rays, it may be difficult to determine if rodent activity is present by use of the black light alone, even if they are

contaminated, on the following food products:

Note: "Quenching" refers to a covering up or a decrease in the ability of a product to fluoresce.

High Gluten Flour (Natural)

Nut Meats (Natural)

Bean Flours (Natural)

Bran (Natural)

Pop & Field Corn (Natural)

Wheat (Natural)

Starch (Natural)

Spices (Natural or Quenching)

Issued New June 2, 2004

FIELD OPERATIONS MANUAL

PROCEDURE III-26

PRE-PACKAGED FOOD EXEMPTION

QUALIFYING FOR AN EXEMPTION

The Virginia General Assembly passed legislation that went into effect July 1, 2004 that exempts **retail food stores** carrying only pre-packaged food items from routine inspection by our office and from payment of an inspection fee. In order to qualify for an exemption the firm must conform to the following criteria:

- They must be a retail establishment.
- They sell only food or beverages that are sealed in packaging by the manufacturer and have been officially inspected in the manufacturing process.
- They do not prepare or serve food.
- They do not offer beverage service (i.e. coffee counter, fountain drink machines).
- They do not sell infant formula.
- They do not sell salvaged foods.
- They do not sell unwrapped produce.
- They do not offer self service of unwrapped foods (i.e. bins of snack foods, donut cases, bulk health food bins, etc.).

Firms qualifying for the exemption are still obligated to comply with the Virginia Food Laws and will still be subject to surveys and complaint investigations. If complaint investigations reveal significant violations of the Virginia Food Laws, follow up inspections will be conducted until such time as voluntary compliance has been achieved or steps have been taken to force compliance.

Establishments qualifying for this exemption must certify in writing to our department that they are exempt. Exemption certification forms will be sent out during the inspection fee billing cycles each year. Establishments who feel that they meet the exemption criteria will submit a completed exemption form to the Richmond Office. Exemption forms will then be sorted by territory and sent to each inspector for verification that the firm is truly exempt.

Note: Exemptions will only be valid for one year. Exemption notices will be sent each year with the inspection fee invoices. Exemption forms will have to be completed each year by those firms wishing to be exempt from inspection. Exemption verification procedures will also need to take place each year.

Verification Procedures

Once you receive establishment exemption forms for your territory, you will need to visit those establishments and verify that the firm does in fact meet the necessary criteria to qualify for an exemption.

Note: If it is obvious that the firm does not qualify for an exemption (i.e. the firm is a warehouse, manufacturer, etc.) then it will not be necessary to visit the establishment.

Retail firms should be visited as store operations can vary over time.

Exempt Firms. If you determine that the firm is indeed exempt, write “**EXEMPT**” in red ink at the top of the exemption form and create an inspection report memo documenting that the firm is exempt. **Give the firm a one year follow up date.** Attach the inspection report memo to the exemption form and return to your Regional Office so that the information can be keyed into the database. The exemption form will then be filed in the firm’s establishment folder.

Non-exempt Firms. If you determine that the firm does not meet the exemption criteria, document why it does not meet the exemption on an inspection report memo and return both the exemption form and memo to the Richmond Office, Attention: Sandy Linkous. Sandy will then see that the firm is sent a letter explaining why they do not qualify for an exemption, along with their invoice for the inspection fee.

Note: If you perform an inspection/visit as part of the verification process you will need to send a copy of the Inspection Report to your Regional Office as well as the Richmond Office to get inspectional credit. Regional Offices do not need a copy of the exemption forms...they should be attached to the Inspection Report and submitted directly to the Richmond Office, Attention Sandy Linkous.

A list of firms that meet the exemption requirements will be created for each territory and sent out to the respective Inspector.

NOTIFYING FIRMS OF AN EXEMPTION

As previously stated, exemption application forms will be sent out to retail establishments during the inspection fee billing cycle each year. If a firm has been sent an exemption application and the application is not received by the Richmond Office via “returned mail”, then the establishment is considered to have been notified.

If you visit a new firm that has not been notified of the exemption via an inspection fee billing cycle and you feel that the firm would qualify for an exemption (i.e. the firm opens after the exemption notices have been mailed for that fiscal year), proceed with inspecting the firm so that a file can be created for future visits, complaint investigations, etc. Give the firm a one year follow up date. The firm will be notified of the exemption legislation and be given the opportunity to apply for an exemption during the next inspection fee billing cycle.

If an establishment is notified about the exemption, qualifies for the exemption, and chooses not to file for an exemption, then they are still subject to our regular inspection.

Issued New November 2, 2004

Field Operations Manual

Procedure III-27
Revised

JURISDICTIONAL ISSUES

Convenience Store Jurisdictional Issues: Seating

Background

The 2004 General Assembly passed legislation effective July 1, 2004 that was intended to eliminate, to the greatest extent possible, any duplication of inspections in convenience stores and gas stations. This legislation has necessitated a modification of our current convenience store inspection protocol.

Law

§ 3.2-5130 of the Code of Virginia gives VDACS the responsibility of inspecting all establishments that manufacture, hold, or offer food products for sale. Title 35.1 of the Code of Virginia gives the responsibility for inspecting food service operations in restaurants to VDH. In addition, § 35.1-25 of the Code, as amended, exempts from VDH jurisdiction *convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services Retail Food Establishment Regulations for the Enforcement of the Virginia Food Laws or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain.*

Definitions

“Seating” will be defined as tables and chairs provided in locations on premises and intended to be used by customers as a dining area. This includes picnic tables and other seating located on the premises exterior to the establishment.

Standard booths or picnic tables will be counted as seating for four to six people based on size.

NOTE: If tables and chairs have price tags on them, but are still being used by customers as a dining area, then this seating will be counted.

Protocol

Some local health departments have adopted local ordinances that provide for inspection of convenience stores in addition to all restaurants. To provide a more uniform and consistent inspection program, VDACS will inspect the retail portion *and* the food service portion of *all* convenience stores or gas stations with food service operations containing 15 or fewer seats, provided that the food service operation is not associated with a national or regional restaurant chain. This includes independently owned food service operations/restaurants located within the convenience store or gas station.

If the food service operation located within a convenience store or gas station 1) has greater than 15 seats, or 2) is associated with a national or regional restaurant chain (regardless of the number of seats), then the health department will inspect the food service operation. Until otherwise notified, VDACS will continue to inspect the retail portion of these firms.

New Establishments & Food Service Additions

There will be instances where people will want to open a new convenience store or gas station that has a food service operation with 15 seats or less. In the past, the health department has given direction on what the requirements are for these firms regarding public restrooms and whether the capacity of the water supply and septic system was adequate.

With regards to restrooms, please direct the firm to their local city or county building inspector for the necessary requirements.

With regards to private water supplies and septic systems, VDACS will still defer to the health department to ensure that the firm meets the necessary requirements. The health department will determine whether or not the water supply and septic system is adequate for the proposed operation and supply this information to VDACS in writing. VDACS will enforce the determination given by the health department. If the firm is a new operation, ask the firm to supply you with a copy of their proposed menu so that the health department can use that as a guide in determining whether or not their water and septic systems are adequate.

If an existing firm is on a private water supply or septic system and they wish to modify their food service or add a food service operation with 15 seats or less, VDACS will still defer to the health department for an evaluation of their water and septic systems. VDACS will need to notify the health department of the proposed changes and have them evaluate the systems in place. Again, if you can obtain a proposed menu, this will aid the health department in their evaluation. The health department will provide VDACS with the results of their evaluation in writing, and VDACS will be responsible for enforcement of that evaluation.

Operational Changes Affecting Jurisdiction

There may be times during your inspections that you find that a firm that is currently under VDACS jurisdiction has modified their operation such that it should now be under the jurisdiction of VDH. For example the firm now has greater than 15 seats; the firm is catering; the firm has removed many or all of the retail items and is now operating as a takeout or sit down restaurant; etc.

Protocol

If during an inspection of a VDACS establishment you observe something that may now put the firm under the jurisdiction of VDH, you must let the owner/operator know and you must inform them to contact VDH. This should be documented at the bottom of the inspection report. For example: “NOTE: The owner was informed that because the firm now has a total of 16 seats, the food service portion of the firm will fall under the

jurisdiction of VDH. The owner was advised to immediately contact VDH.” Another example may be “NOTE: The owner was informed that because all retail items have been removed from the store and the firm is now operating as a takeout restaurant, the store will fall under the jurisdiction of VDH. The owner was advised to immediately contact VDH.”

After documenting this information on the inspection report, **you will need to contact the appropriate VDH office/inspector promptly, ideally within 24-48 hours, but in no case should it exceed 5 business days.** You will need to document in writing that VDH was contacted. Submit a MEMO to your Regional Manager and place a copy of the MEMO in the firm folder and include any pertinent information including who you spoke with, what was discussed, etc. If an email was sent to VDH, submit the email chain to your Regional Manager and place a copy in the firm folder.

If the firm states that they will make changes so they will not fall under the jurisdiction of VDH, you will need to note this on the inspection report as well. For example: “NOTE: The owner was informed that because the firm now has a total of 16 seats, the food service portion of the firm will fall under the jurisdiction of VDH. The owner stated the seats would be removed immediately so the firm could remain under VDACS jurisdiction.” You will need to classify the inspection report VAI and conduct a 30 day follow up inspection to assure that the firm is complying.

In some instances it may be necessary to conduct a joint visit with VDH to determine whose jurisdiction a firm will fall under. If a joint visit is conducted, a MEMO will need to be submitted to your Regional Manager and a copy placed in the firm folder. The MEMO should include any pertinent information including who was present during the visit, the results of the joint visit, and whose jurisdiction the firm will fall under.

Summary

- VDACS will inspect the retail portion *and* the food service portion of *all* convenience stores or gas stations with food service operations containing 15 or fewer seats, provided that the food service operation is not associated with a national or regional restaurant chain (McDonald’s, Blimpies, Subway, Burger King, etc).
- VDACS will inspect independently owned food service operations with 15 seats or less that are located within a convenience store or gas station.
- VDH will inspect the food service portion of convenience stores and gas stations with food service operations that contain greater than 15 seats or that are associated with a national or regional restaurant chain (regardless of the number of seats). VDACS will inspect the retail portion of these firms until otherwise notified.
- VDACS will defer to the health department for evaluations on all private water supplies and septic systems for new and existing firms wishing to install or modify a food service operation.

- VDACS will notify the firm owner if it appears the firm will now fall under the jurisdiction of VDH
- VDACS will notify VDH of any firms that now appear to fall under the jurisdiction of VDH
- VDACS will conduct a 30 day follow up inspection on all firms that state they will make the necessary changes to stay under the jurisdiction of VDACS

Revised June 2011

FIELD OPERATIONS MANUAL

PROCEDURE III-28

New

VDACS PROCEDURE FOR INSPECTIONS OF COMMUNITY CANNERIES

BACKGROUND

Historically a community cannery has been a facility owned by a municipality for use by individuals in the surrounding areas who desired to process food for their personal use.

Many community canneries now have expanded the scope of operations from the individual canning food for their family to firms manufacturing foods for commercial sale.

If processors are manufacturing food items in community canneries we have an obligation to protect the consumer and therefore will need to inspect these operations as we become aware of them.

Please be aware that all foods (low acid, acidified, acid, etc.) processed must conform to the requirements of the Virginia Food Laws and associated regulations (i.e. CFR part 110, 113, 114, etc.). Please note that the actual process as well as the equipment itself must comply.

Processors should be provided with a "Starting a Food Processing Business in Virginia" packet and be encouraged to work with a process authority to ensure that the product is produced in a safe manner.

ADMINISTRATIVE PROCEDURES

- 1) All food processors that manufacture food in a community cannery and sell product directly to the public (commercially) **MUST** be under inspection.
- 2) Individuals processing foods in a community cannery for their own use **WILL NOT** be inspected.
- 3) If non-profit organizations are manufacturing foods in a community cannery and offering the products for sale to the public they will **NOT BE EXEMPT** from inspection unless they meet the requirements of FOM III-24 - One Day Sales Events.
- 4) Acidified foods processes must be approved by an appropriate processing authority. Low acid food processes must also be approved. Remember to verify that the cannery in question is suitable to do low acid foods. Individuals producing acid foods should also have their process evaluated and should provide

documentation to the office that their process is acceptable and will render their products safe as well as shelf stable.

- 5) Each processor will be given a CFN and placed on file.

Note: Please note that although we will not be placing the cannery facility on file (i.e. no CFN) the cannery will still need to register with FDA.

When the cannery registers this generates a unique number in the CFSAN system (FCE) which identifies the facility, it's physical location and the type of processing that occurs there (i.e. LACF or Acidified).

Processors that use the cannery to produce LACF or ACF products would then use the cannery's FCE number generated by CFSAN on their process filing forms (2541a). These forms are specific for each product manufactured at a specific location.

Information regarding registration can be obtained by the cannery at the following website:

<http://www.cfsan.fda.gov/~acrobat/frm2541a.pdf>

INSPECTION PROCEDURES

The inspection of the Community Cannery will be conducted while the processor is manufacturing those food products being offered for sale to the public. The Food Safety Specialist should state on the inspection report during the first visit what commercially processed products they have been approved to process at that facility. The processor will be approved for selling those foods only.

- 1) Manufacturing equipment should be observed to determine if it is functioning as designed. If any of the manufacturing equipment is not suitable for commercial food processing then the processor should be notified they cannot manufacture products using that piece of equipment. Those products that could not be manufactured due to the inadequacy of the equipment should be listed separately from any approved products that may be on the inspection report. It is the processor's responsibility to work directly with the Community Cannery personnel to ensure the equipment is acceptable and in good working order.
- 2) The processor should be provided with a copy of the pertinent laws and regulations that pertain to the foods being manufactured for commercial sale. (i.e. Acidified Foods-CFR Part 114, Low Acid Foods-CFR Part 113, etc).

In addition, the owner/operator responsible for the operations of the Community Cannery should be informed by the Food Safety Specialist that the facility may be subject to FDA inspection. They should also be informed of the need to meet the regulatory requirements as set forth for those foods being processed

- 3) The inspection report should be provided to the processor only. The name and address information needed on the inspection report should be as follows:

The physical location and mailing address of the processor

EX. - Primary/Billing address (home residence): 3322 McFister Lane

The physical location of the community cannery

EX. - Processing Address: (Community Cannery): 2121 Old Farley Lane

Please include both of these addresses in the address section of the inspection report.

- 4) Food labels should show the name and address of the processor and not the community cannery.

PERSONNEL

All operators of processing and packaging systems used to produce acidified or low-acid foods must be under the operating supervision of a person who has attended a specialized school (i.e. Better Process Control School).

This requirement can be met by either the actual operator attending the Better Process Control School or the operation being supervised by a cannery employee who has had the requisite training.

Note: If a Food Safety Specialist is not properly trained to evaluate the equipment their Regional Manager should be contacted for further assistance.

DEFINITIONS

PROCESS AUTHORITY

The person or organization that scientifically establishes thermal processes for low-acid canned foods or processing requirements for acidified foods. The processes are based on scientifically obtained data relating to heat or acid resistance of public health and spoilage bacteria and/or upon data pertaining to heat penetration in canned foods. The process authority must have expert scientific knowledge of thermal and/or acidification processing requirements and have adequate experience and facilities for making such determinations.

Better Process Control School requirement for Acidified Food Manufacturers 21 CFR 108.25(f)

All plant personnel involved in acidification, pH control, heat treatment, or other critical factors of the operation **shall be under the operating supervision of a person who has attended a school** approved by the Commissioner for giving

instruction in food-handling techniques, food protection principles, personal hygiene, plant sanitation practices, pH controls, and critical factors in acidification, and who has satisfactorily completed the prescribed course of instruction.

ACID FOOD

A food that has a natural pH of 4.6 or below.

ACIDIFIED FOOD

A low-acid food to which acid(s) or acid food(s) are added and which has a finished equilibrium pH of 4.6 or below and a water activity (aw) greater than 0.85.

FERMENTED FOOD

A food preserved by the growth of acid-producing microorganisms in the food which lowers the pH to 4.6 or less.

LOW-ACID FOOD

Any food (other than alcoholic beverages) with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85, excluding tomatoes and tomato products having a finished equilibrium pH less than 4.7.

Issued New July 18, 2005

FIELD OPERATIONS MANUAL

PROCEDURE III-29
New

HOME KITCHEN EXEMPTION

QUALIFYING FOR AN EXEMPTION

The Virginia General Assembly passed legislation that went into effect July 1, 2008 that allows certain foods to be processed without a state inspection. The law places limitations on the types of foods that can qualify for the exemption as well as stipulations on selling the products and special labeling requirements.

1. The legislation provides for ***ONLY*** 3 (three) categories of food products that can be processed without a state inspection:
 - a. Candies,
 - b. Jams and jellies not considered to be low-acid or acidified low-acid food products and
 - c. Baked goods that do not require time or temperature control for safety after preparation.

Note: Products other than those listed are not exempt and are subject to state inspection.

2. The legislation places stipulations on selling these products as follows:
 - a. They are to be sold to an individual for his/her own consumption and not for resale (i.e. if a business wholesales the product they lose the exemption and are subject to inspection).
 - b. The products are sold at the private home or at a farmers market.
3. The legislation requires that products include the following statement on the label in order to be exempt:

“NOT FOR RESALE—PROCESSED AND PREPARED WITHOUT STATE INSPECTION”

This statement should be located on the principal display panel and be of such size as to be legible and prominently recognized. In addition, this exemption does not preclude the need for standard labeling information on the product label (name of product, name and address of the manufacturer, distributor, or packer, net weight statement, an ingredient statement and possibly nutritional information).

Note:

1. ***Internet sales are not considered “sales at the home” and those businesses engaged in internet sales would not qualify for the exemption.***
2. ***Farmers market operators can set their own requirements for participating vendors including a requirement that products sold at their facility be under inspection.***
3. ***If requested, VDACS will inspect firms that qualify for the exemption.***

INSPECTIONAL PROTOCOL AND CLASSIFICATION

1. Firms currently under inspection

For businesses that notify their Inspector of their intent to pursue the exemption status it will be necessary for the Inspector to document pertinent firm information on an inspection report form. Documentation should include the types of products manufactured, point of sale information, etc. Assuming the firm meets the exemption criteria, the firm would be classified “NS” and the word “EXEMPT” placed in the CFN block.

2. Firms not under inspection

During inspections of farmers markets, Inspectors will need to fill out an inspection report form for any uninspected food vendors who qualify for the exemption status. The inspection report should include the name and address of the firm, the address of where the food is manufactured (if different from the business address) as well as the food products offered for sale at the market. It will not be necessary to schedule an inspection of the home operation as we will base whether the firm qualifies for the exemption on the foods offered for sale at that particular location.

Note: It is important to determine how the products are marketed. This aspect needs to be discussed with the firm’s representative as internet sales and wholesaling of product falls outside the exemption criteria.

ENFORCEMENT

Firms qualifying for the exemption are still obligated to comply with the Virginia Food Laws and will still be subject to complaint investigations. If complaint investigations reveal significant violations of the Virginia Food Laws, follow up inspections will be conducted until such time as voluntary compliance has been achieved or steps have been taken to force compliance.

Lastly, Inspectors should be aware that this exemption is very specific in nature and business operations that change significantly could lose their exemption. Exempt firms whose operations change and fall outside the exemption criteria should be scheduled for an inspection.

Issued New July 2008

FIELD OPERATIONS MANUAL

PROCEDURE III-30
NEW

EMPLOYEE HEALTH POLICY

A new aspect to our recently adopted Retail Food Establishment Regulations is the issue of an Employee Health Policy (sections 2VAC5-585-80 through 2VAC5-585-120 in the Regulations). To address this issue, Food Safety Specialists should focus on 2 components during the inspection: Management awareness of the regulation and whether the firm has an actual health policy in place.

MANAGEMENT AWARENESS:

The Person-in-Charge (PIC) is aware of the regulation that conditional or food employees are required to report certain symptoms or diagnosed illnesses. The PIC is responsible for excluding or restricting employees who show certain symptoms or are diagnosed with specific illnesses (review Part 1 Article 2 – Employee Health). In addition, the PIC is responsible for notifying the department when a food employee is diagnosed with an illness due to Salmonella typhi, Shigella spp., Shiga toxin-producing E-Coli, or Hepatitis A virus.

EMPLOYEE HEALTH POLICY:

The PIC can convey knowledge of an employee health policy or have access to an employee health policy identifying what actions are necessary following a report that an employee has a certain symptom or diagnosed illness.

The policy must reflect the current provisions in the Retail Food Establishment Regulations. Verbal communication of the employee health policy must be specific to the types of illnesses and symptoms that require reporting. Nonspecific statements such as, “sick or ill employees are not allowed to work,” are not acceptable as meeting this requirement.

Employee Health Forms:

The Retail Food Establishment Regulations DO NOT require a written employee health policy. However, a written policy is recommended so that training and record keeping is easier to manage.

A firm will be in compliance when all of the above criteria are met. In the event that the PIC does not convey knowledge of the employee health requirement or have access to an employee health policy, you would document this as an objectionable condition on the inspection report.

Issued New September 2008

FIELD OPERATIONS MANUAL

PROCEDURE III-31
New

DEMONSTRATION OF KNOWLEDGE

Our new retail regulations require that the person in charge (PIC) of a food establishment be able to demonstrate to the Inspector a knowledge of foodborne disease prevention, application of Hazard Analysis Critical Control Point principles, and an overall understanding of the Retail Food Establishment Regulations as it pertains to their food operation.

The person in charge is the individual who is responsible for the operation at the time of the inspection. This can be the operator/owner of the food establishment or an individual designated as “person in charge” by the operator. A “person in charge” must be present at the food establishment during all hours of operation.

There are three (3) ways in which the person in charge can demonstrate food safety knowledge. This can be accomplished by:

1. Having no violations during the current inspection;
2. Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program;

Certification programs are available throughout the Commonwealth of Virginia. In an effort to assist firms with accessing these programs, a list of approved certification programs has been attached to this FOM. VDACS recognizes course programs completed through Servsafe, the National Registry of Food Safety Officials, and Prometric.

3. Responding correctly to the questions asked by the inspector relating to the food operation.

In the event that the food establishment does have violations during the inspection or a certified food protection manager is not at the inspected location, then a set of questions can be administered to the person in charge.

The regulation provides detailed areas of food safety in which the PIC should be able to demonstrate a level of expertise (i.e. 2VAC 5-585-60). Attached to this FOM is a list of approved questions that would be appropriate to ask in determining whether an individual can demonstrate this knowledge.

All of these questions may not be appropriate for all food service operations. The FSS should ask questions that are appropriate for the level of food service at the establishment.

Remember to make the inspection as interactive as possible. Ask questions as you conduct your inspection.

CLASSIFICATION

In the event the PIC is unable to demonstrate an appropriate level of knowledge, document this as an objectionable condition on the Inspection Report. The Inspection Report should be classified NAI. An Informational Letter has been developed and is available on an as-needed basis.

Attachment 1: Approved Certification Programs

Attachment 2: Demonstration of Knowledge Questions

Issued New January 2009

DEMONSTRATION OF KNOWLEDGE ANSWER KEY

Employee Health

1. Vomiting, diarrhea, fever, jaundice, sore throat with fever **2 VAC 5-585-80. Section 2 (a)**
2. Employees must report the following diagnosed illnesses to the PIC:
 - a. Salmonella typhi;
 - b. Shigella spp.;
 - c. Shiga toxin-producing Escherichia coli; or
 - d. Hepatitis A virus. **2 VAC 5-585-80. Section 1**
3. The operator shall be the Person in Charge (PIC) or shall designate a PIC and shall ensure that a PIC is available at the food establishment during all hours of operation.
2 VAC 5-585-50.
4. The person in charge shall notify the regulatory agency.
2 VAC 5-585-120.

Reason For Temperature Control & Approved Source

1. A food that requires refrigeration because it supports the rapid and progressive growth of bacteria. **2 VAC 5-585-40.**
2. 41°F to 135°F
3. Disease causing bacteria grow best in the temperature danger zone. The goal of time and temperature controls is to keep food entirely out of this danger zone or to pass foods through it as quickly as possible. When foods pass quickly through the danger zone, any bacteria present are not allowed an adequate time period in which to grow.
4. Any food that is from an approved source, properly labeled, and in proper condition.
2 VAC 5-585-260. & 2 VAC 5-585-270.
5. 90 days **2 VAC 5-585-410. Section A**

PHF Time and Temperature

1. 165°F for 15 seconds **2 VAC 5-585-700. Section A**
(3)
2. 155°F for 15 seconds **2 VAC 5-585-700. Section A**
(2)
3. 145°F for 15 seconds **2 VAC 5-585-700. Section A**
(1)
4. 155°F for 15 seconds **2 VAC 5-585-700. Section A**
(2)
5. 155°F for 15 seconds **2 VAC 5-585-700. Section A**
(2)

6. 165°F for 15 seconds
(3) **2 VAC 5-585-700. Section A**
7. Above 135°F at all times **2 VAC 5-585-820. Section A**
8. By using a properly calibrated probe thermometer to check the internal temperature of the food. **2 VAC 5-585-1510.**
9. 165°F for 15 seconds **2 VAC 5-585-760.**
10. 41°F or below at all times or 45°F if the equipment has been verified that it can not maintain food at 41°F. **2 VAC 5-585-820. Section A (2)**
11. Placing food in shallow pans; separating the food into smaller portions; using rapid cooling equipment; stirring the food in a container placed in an ice bath; ice paddles or other effective methods. **2 VAC 5-585-810.**
12. 2 hours **2 VAC 5-585-800.**
13. Refrigerated, ready-to-eat, PHF's prepared and held in a food establishment for more than 24 hours and refrigerated ready-to-eat foods that are commercially prepared and packaged shall be marked when the package is opened and held for more than 24 hours. (Except exemptions) **2 VAC 5-585-830.**
14. The foods must be clearly marked to indicate the date or day by which the food is to be sold, consumed on the premises, or discarded. **2 VAC 5-585-830.**
15. May not exceed 7 days if held at 41°F or less or may not exceed 4 days if held at 45°F or less. **2 VAC 5-585-830. Section A**
16. Under refrigeration; running water that is 70°F or below; in the microwave; or as part of the cooking process. **2 VAC 5-585-790.**
17. Food should be rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat; covered to retain surface moisture; heated to a temperature of at least 165°F (74°C) in all parts of the food; and allowed to stand covered for two minutes after cooking to obtain temperature equilibrium. Check the food with a thermometer to ensure that it reached at least 165°F. **2 VAC 5-585-710.**
18. Food that will not be cooked or reheated before being served to the customer. **2 VAC 5-585-40.**

19. If an animal food is served or sold raw, or undercooked then the consumer must be made aware of the risk.

2 VAC 5-585-930.

Cross Contamination/and Contact/Handwashing

1. When harmful substances or microorganisms are introduced into foods.
2. Contaminating cooked foods with drippings from raw foods; ready-to-eat food touching improperly cleaned and sanitized food contact surfaces; failure to wash hands before touching ready-to eat foods after handling raw foods or other contaminated items.
3. Proper hand washing after hands have been contaminated; proper washing and sanitizing of food contact surfaces when switching from raw to ready to eat foods, storing raw foods below and away from ready to eat foods.

ARTICLE 3 PERSONAL CLEANLINESS

ARTICLE 4 HYGIENIC PRACTICES

2 VAC 5-585-470.

4. Ready-to-eat foods.

2 VAC 5-585-450.

Section B

5. After touching bare human body parts or hair other than clean hands and clean, exposed portions of arms; after using the toilet room; after caring for or handling support animals; after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; after handling soiled equipment or utensils; during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; when switching between working with raw foods and working with ready-to-eat foods; before donning gloves for working with food; prior to donning single-use gloves if gloves are used; and after engaging in other activities that contaminate the hands.

2 VAC 5-585-160.

6. Food employees must wash hands thoroughly with hot water (100°F) and soap, rub their hands vigorously together for 20 seconds, rinse their hands and dry their hands with a disposable paper towel or automatic hand dryer.

2 VAC 5-585-140.

7. Wash hands as often as necessary and do not touch ready-to-eat foods with bare hands.

2 VAC 5-585-160. & 2 VAC 5-585-450.

8. Remove the gloves, throw the gloves away, wash your hands and put on new gloves.

2 VAC 5-585-580.

Cleaning & Sanitizing

1. Pre-scrape, wash, rinse, sanitize and air-dry.

2 VAC 5-585-1460, 2 VAC 5-585-1820, & 2 VAC 5-585-1960

2. 110°F **2 VAC 5-585-1650.**
3. The concentration must be between 50 and 100 parts per million, which can be measured with a chlorine test strip. **2 VAC 5-585-1700.**
4. Washing removes contamination and sanitizing destroys microorganisms.
5. You must properly label the container or spray bottle with what it contains. **2 VAC 5-585-3330.**
6. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; using methods, if pests are found, such as trapping devices or other means of pest control; and eliminating harborage conditions. **2 VAC 5-585-3270.**
7. Away from any food or clean equipment or utensils. **2 VAC 5-585-3340.**

DEMONSTRATION OF KNOWLEDGE QUESTIONS

EMPLOYEE HEALTH & ASSIGNMENT OF RESPONSIBILITY

1. What are the symptoms associated with foodborne illness disease?
2. What diagnosed illnesses is a food employee required to report to the person in charge?
3. Who is the person in charge and when must they be available at the food establishment?
4. Who must the person in charge notify if the food employee has been diagnosed with any of the following: Hepatis A, E. Coli (shiga toxin), Shigella spp., or Salmonella typhi?

Reason For Temperature Control & Approved Source

1. What is a Potentially Hazardous Food (PHF)?
2. What is the Temperature Danger Zone?
3. Why do PHFs need to be kept out of the “danger zone”?
4. What foods are approved for use in a food establishment?
5. Shellfish tags must be kept for _____ days?

PHF Time And Temperature

1. To what temperature do you cook poultry?
2. To what temperature do you cook ground beef?
3. To what temperature do you cook fish?
4. To what temperature to you cook chopped or ground meats and fish?
5. To what temperature to you cook raw shell eggs cooked for hot holding?
6. To what temperature to you cook stuffed fish, meat, pork, pasta and poultry?
7. Hot, cooked potentially hazardous foods must be maintained above what temperature?
8. How do you know if PHFs are cooked to the proper temperature?
9. What is the minimum temperature that should be used to reheat foods?
10. What is the minimum holding temperature for cold PHF?
11. What are effective methods of cooling hot foods?

12. Cooking potentially hazardous food must be cooled from 140°F to 70°F within _____ hours, and from 70°F to 41°F or less within 4 hours.
13. What foods are required to be date marked?
14. How are the foods to be marked?
15. What are the time and temperature combinations required for date marking?
16. What are the proper methods for thawing foods?
17. How should food be cooked in the microwave?
18. Ready-to-eat food is _____?
19. A Consumer Advisory is required when?

Cross Contamination/Hand Contact/Handwashing

1. What is cross contamination?
2. What are some examples of cross contamination?
3. What steps do you take to prevent cross contamination?
4. Bare hand contact is not allowed when handling _____?
5. When must food workers wash their hands?
6. What is the correct procedure for employees to wash their hands?
7. What is the most important personal hygiene step food handlers can take to help prevent a foodborne illness from occurring?
8. What should you do if your gloves become contaminated?

Cleaning & Sanitizing

1. What is the proper procedure for cleaning and sanitizing your equipment and utensils?
2. What is the required minimum temperature of water that is to be used for washing equipment and utensils?
3. What is the correct strength for a chlorine solution used to sanitize food contact surfaces and how do you ensure that it is the proper strength?
4. What is the difference between cleaning and sanitizing?
5. What do you need to do if you transfer a chemical to a plastic spray bottle or a different container?
6. What is the best way to control cockroaches, mice, flies and other pests?
7. Where must you store chemicals such as cleaners and sanitizers?

FIELD OPERATIONS MANUAL

PROCEDURE III-32
New

EQUIPMENT SINK REQUIREMENTS IN RETAIL FOOD ESTABLISHMENTS

To help clarify the inspectional classification of various plumbing deficiencies within food establishments, the following guidelines have been developed in order to keep enforcement consistent across the state.

The Retail Food Establishment Regulations state that unless otherwise approved a sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

The regulations do make allowances for the use of alternative manual warewashing equipment when there are special cleaning needs or constraints and its use is approved. Alternative equipment does include two-compartment sinks.

For firms utilizing a two compartment sink, the Food Safety Specialist will need to determine whether the existing set-up is adequate to meet the cleaning needs of the firm. In lieu of a formal approval process, we will base our actions on the documentation provided during the inspection.

ADMINISTRATIVE APPROACH

If the Inspector determines that the two compartment sink is adequate then the lack of a three compartment sink will not be documented on the Inspection Report, however, the Inspector will need to submit a separate memo to the office detailing the existing food preparation in the firm and that a two compartment sink was found adequate to meet the needs of the firm. No correspondence will be sent to the firm from the office acknowledging the adequacy of the two compartment sink.

NOTE: Any modifications to the foodservice/food processing operations would require the firm to upgrade their warewashing capabilities to include that of a three compartment sink.

In situations where the firm **only** has a two compartment sink and it is obvious that the sink does not meet the cleaning needs of the firm then it should be documented as an objectionable condition on the Inspection Report. The Inspection Report should be classified VAI and an Informational Letter should be requested. If the follow-up inspection finds the firm still non-compliant on this issue then the inspection should be classified OAI and a Letter of Warning should be requested. Further non-compliance will result in a Field Hearing, etc. The Inspector will need to submit a separate memo detailing the food preparation on-going in the firm.

On the other hand, if the firm has at least 1 three compartment sink available for warewashing within the firm, then the lack of a three compartment sink in a particular food preparation department (i.e. meat, seafood, deli, etc) should be documented and the Inspection Report classified NAI. This would be applicable whether the firm has an two compartment equipment sink available in the particular department or if there is no equipment sink available in that department. A memo detailing the warewashing set-up should be submitted for the firm file.

NOTE: Inspectors should verbally discuss with management the cross contamination risks involved when utilizing a common (i.e. single) three compartment sink for warewashing equipment from multiple departments.

Situations where it is questionable as to the adequacy of the two compartment sink should also be documented on the Inspection Report. The Inspection Report should be left “unclassified” with the office making the classification decision. For proper evaluation, the Inspector will need to submit a detailed description of the existing food service/food preparation so that the office can fully evaluate the needs of the operation.

CLASSIFICATION GUIDANCE

As stated previously, the Food Safety Specialist should only write-up the lack of a three compartment sink if they consider it a food safety issue. Generally speaking, if the firm is conducting a limited foodservice/food processing business with a minimal number of kitchenware items to be cleaned and sanitized than the use of a two compartment sink will be adequate to meet the cleaning needs of the firm.

Example situations

- Beverage service only. *A two compartment sink is adequate.*
- Minimal food processing involving limited kitchenware such as knives, tongs, scoops, etc.
A two compartment sink is adequate.
- Complex food processing such as frying, salads, raw/ready-to-eat products.
A two compartment sink is inadequate. A three basin sink is required.
- New firm consultations. *New firms are to be advised of the need to provide a 3 compartment sink for warewashing purposes.*
- Multiple departments utilizing 1 three compartment sink in the firm. *The regulations only require 1 three basin sink in the firm. The situation should be documented and classified NAI.*
- No multiple compartment sink in the firm with a food processing operation (i.e. the firm is utilizing a single basin equipment sink for warewashing). *A three compartment sink is required unless you determine that a two compartment sink is adequate to meet the cleaning needs of the firm. The situation should be documented, the report left unclassified, and details provided in a separate memo to your Regional Manager.*
- No equipment sink at all in the firm with a food processing operation. *A three compartment sink is required unless you determine that a two compartment sink is adequate to meet the cleaning needs of the firm. The situation should be documented, the report left unclassified, and details provided in a separate memo to your Regional Manager.*

Finally, the above list of example situations is not meant to be all-inclusive. As new situations arise and a regulatory approach determined, they will be added to the list.

Issued New January 2009

FIELD OPERATIONS MANUAL

PROCEDURE III-33
New

SMOKING RESTRICTIONS IN RETAIL FOOD STORES

The Virginia General Assembly passed legislation effective December 1, 2009 that bans smoking in restaurants with limited exceptions. This legislation impacts VDACS regulated establishments as the definition of “restaurant” means any place where food is prepared for service to the public on or off the premises, or any place where food is served. This will be applicable to our retail food stores with food service operations.

The law requires firms to:

- a. Post signs stating “No Smoking” or containing the international “No Smoking” symbol in a clear and conspicuous manner in every business where smoking is prohibited.
- b. Remove all ashtrays and other smoking paraphernalia from all areas of the business where smoking is prohibited.
- c. Ensure that no person shall smoke in any area of the restaurant in which smoking is prohibited.

Exemptions:

Although the law makes allowances for exemptions they are limited and are primarily geared toward a traditional VDH establishment. The law does not make any exemption for firms based on seating. The law applies to all “restaurants” regardless of the seating capacity.

Probably the only exemption relevant to VDACS firms will be if a portion of the building is constructed in such a manner so that the portion where smoking is permitted is structurally separated from the non-smoking portions and to which ingress and egress is through a door. In addition, the smoking area must be separately vented to prevent the recirculation of air from the area of the restaurant where smoking is allowed into the non-smoking areas. At least one public entrance into the restaurant must be into a non-smoking area of the restaurant.

The local building official will review and approve the design for compliance with all applicable provisions of the building code.

How will the ban be enforced? What role will VDCAS have in enforcing the ban?

During your routine inspections, Food Safety Specialists will evaluate a firm’s compliance with the ban. Food Safety Specialists will not document a firm’s deficiency with meeting the requirements of the smoking ban on the Inspection Report.

Your initial review of a firm’s compliance with the ban will be informational in nature. You will discuss the smoking ban with the firm management and advise them on any

deficiencies they have in meeting the requirements of the ban.

If subsequent inspections find the firm to be non-compliant with the ban then the Inspector is to compose an email to their Regional Manager describing the situation. Virginia Department of Health will conduct any follow-up investigations related to the smoking ban. (NOTE: Firms that fail to meet the requirements of the smoking ban are subject to a civil penalty of not more than \$25).

A firm's failure to meet the requirements of the smoking ban will not effect (change) the overall inspection classification.

FREQUENTLY ASKED QUESTIONS:

Can a restaurant allow smoking throughout the facility if they advertise this fact to their patrons by posting signs alerting them that smoking is allowed anywhere in the restaurant? *No. The law requires either no smoking or smoking in very specifically designated areas.*

Do restrooms need to be smoke free? *Yes. The law prohibits smoking in all restrooms in a "restaurant".*

Does the law have any provisions for smoking after hours when children are not present? *No. The law is in effect at all times the "restaurant" is in operation.*

To what extent will smoking be allowed in outdoor areas? *Smoking can be permitted in outdoor areas of a "restaurant" provided the outdoor area is not enclosed by any screened wall, roll-up doors or other temporary enclosures.*

Can employees smoke in a "break room"? *No. The law requires either no smoking or smoking in very specifically designated areas. Smoking would only be permitted if the enclosed smoking area (i.e. break room) is structurally separate from the non-smoking areas of the "restaurant" and is vented to prevent recirculation of air from the smoking area into the non-smoking area.*

Issued New December 2009

FIELD OPERATIONS MANUAL

Procedure III-34

VARIANCE PROCEDURES

Overview

The 2010 Retail Food Establishment Regulations (2VAC5-585-860) require that a food establishment obtain a variance from our department before:

1. Smoking food as a method of food preservation rather than as a method of flavor enhancement;
2. Curing food;
3. Using food additives or adding components such as vinegar: a. As a method of food preservation rather than as a method of flavor enhancement; or b. To render a food so that it is not potentially hazardous;
4. Packaging food using a reduced oxygen packaging method except as specified under 2VAC5-585-870 where a barrier to Clostridium botulinum in addition to refrigeration exists;
5. Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption;
6. Custom processing animals that are for personal use as food and not for sale or service in a food establishment; or
7. Sprouting seeds or beans; or
8. Preparing food by another method that is determined by the regulatory authority to require a variance

During each retail food establishment inspection and during pre-opening inspections, the inspector should determine if the firm is engaged in any of the above processes. If the firm carries out any of the above processes, they will need to be granted a variance.

For example, the majority of sushi operations under inspection by VDACS use food additives (vinegar) to render a food (rice) so that it is not potentially hazardous. These firms would require a variance. ***FYI: Sushi firms not wishing to apply for a variance have the option of using Time As a Public Health Control (See Procedure III-21 and 2VAC5-585-850).***

In addition the department may grant a variance by modifying or waiving the requirements of the Retail Food Establishment Regulations if in the opinion of the department a health hazard or nuisance will not result from the variance (2VAC5-585-3540).

Applying for Variance Procedure

In order to obtain a variance from VDACS, the firm must provide the following information **in writing** to the appropriate Regional Office/Regional Manager:

1. A statement of the proposed variance of the regulation requirement citing relevant

regulation section numbers;

2. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant regulation sections will be alternatively addressed by the proposal; and

3. A HACCP plan, if required, that includes the information specified under 2VAC5-585-3630 as it is relevant to the variance requested. *NOTE: HACCP plans are required when the firm engages in any process listed in 2VAC5-585-860 (see above) and if a firm wishes to serve or offer for sale raw animal foods in ready-to-eat form (see 2VAC5-585-700 D 3).*

Office Procedure

The Regional Manager will review the information submitted and determine if the variance is approved or denied. If the variance is approved a letter will be sent to the firm and the Food Safety Specialist will receive a copy of the letter as well as the information submitted when the variance was requested (See Items 1-3 above). A copy of the letter and the information will be retained in the firm's file.

Once the variance is approved and the FSS has received the letter, the FSS will need to visit the firm within 30 days of the date of the letter to assure the firm is complying with the procedures that were submitted and the HACCP plan (if one is required). If a HACCP plan is required, the inspector must request and review records pertaining to procedures for monitoring critical control points; monitoring of the critical control points, verification of the effectiveness of an operation or process; and necessary corrective actions if there is a failure at a crucial control point (See 2VAC5-585-3542 - Conformance with approved procedures and 2VAC5-585-3630 - Contents of a HACCP plan)

If the Regional Manager determines that a variance should not be granted, a letter will be sent to the firm and the inspector will receive a copy of the letter. Again, once the FSS has received the denial letter, the FSS will need to visit the firm within 30 days of the date of the letter to assure the firm is not engaging in the process in question.

Field Procedures

Classification of Inspection Reports

If an inspection reveals that a firm is engaging in processes that require a variance, the FSS should notify the firm of the need for a variance and explain the procedures for applying for a variance. The inspection will be classified VAI and given a 30 day follow up date. Depending on the severity of the situation (for example if the firm is canning low acid foods or acidified foods without process approval) the FSS shall contact their Regional Manager who will determine if the firm would be required to discontinue the process immediately. If during the follow up inspection, a variance has been granted and the firm is following the conformed procedures, the firm will be in compliance and the inspection report will be classified NAI.

If the firm has not been granted a variance before the follow up inspection and is still engaged in the process, the firm will be told to immediately discontinue the process and the inspection report will be classified OAI and given a 30 day follow up with a letter of warning and the regulatory process will be initiated.

Issued September 2011

FIELD OPERATIONS MANUAL

Procedure III-34

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Issued September 2011

Field Operations Manual

Procedure III-35
NEW

Honey Exemption

As of July 1, 2011, the General Assembly enacted Senate Bill 1108, thereby amending Section 3.2-5130 (*Inspections Required To Operate Food Establishment*) of the Code of Virginia, relating to inspections conducted by the Department of Agriculture and Consumer Services of private home processing of honey.

The portion of Section 3.2-5130 (A)(4) of the Code of Virginia, relative to home processing of honey, reads:

*Private homes where the resident processes and prepares honey produced by his own hives, if: (i) the resident sells less than 250 gallons of honey annually; (ii) the resident does not process and sell other food products in addition to honey, except as allowed by subdivision A 3; (iii) the product complies with the other provisions of this chapter; (iv) the product is labeled "**PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old.**"; and (v) the resident certifies in writing annually to the Department that he meets the requirements of this subdivision. Nothing in this subdivision shall increase or diminish the authority of the Commissioner under § 3.2-5102.*

If all of the above referenced criteria are met, the home honey processor will be exempt from inspection. Keep in mind, that the additional labeling requirement (warning statement for infants and “Processed and prepared without state inspection”) is IN ADDITION to the basic food labeling requirements (*(i) name and place of business of the manufacturer, packer, or distributor, (ii) name of the article, (iii) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count.*

Also, this warning statement should be located on the principal display panel and be of such size as to be legible and prominently recognized.

Note: The usual requirement for an ingredient listing in descending order of predominance has been omitted from the above paragraph, and will most likely not apply, because honey is typically a single-ingredient food product.

In addition, the requirement for the home honey processor to prepare honey produced by his/her own hives does not require that the hives remain on the processor’s property, all of the time. Instead, processors are permitted to move their hives around, from place to place, as part of the natural production of honey.

Annual Honey Certification

Home honey processors that are claiming an exemption under *Section 3.2-5130 (A)(4) of the Code of Virginia*, are required to certify, in writing, annually, that their respective processing operations meet all of the requirements of the exemption. In order to fulfill this requirement, processors must complete the “**Virginia Honey Processor Certification Form**”, and mail it to VDACS, at the following address:

Virginia Department of Agriculture and Consumer Services
Food Safety and Security Program
Attention: Christy Brennan

P.O. Box 1163, Suite 349
Richmond, VA 23218

Copies of the “**Virginia Honey Processor Certification Form**” can be found in the following places:

1. Listed on pp. 3-4 of this FOM
2. From your Regional Office
3. On the agency network drive at: H:\(F-o-o-d S-a-f-e-t-y and Security Program)\Honey

The Richmond office will maintain a “running” master list of all honey processors that wish to claim this exemption, and will forward this information to the field, on a routine basis. In addition, if you personally receive any of these “Virginia Honey Processor Certification Forms,” please forward them to the Richmond office, at the attention Christy Brennan.

Finally, if a home honey processor wishes to be placed under inspection, he/she may contact VDACS, at 804-786-3520, for more information.



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

Virginia Honey Processor Certification Form

Please Print or Type

Title 3.2, chapter 51 of the Code of Virginia states that honey processors must meet certain requirements in order to be eligible for an exemption from state inspection. One of these requirements is that honey processors must certify, in writing, annually to the Department that he or she meets the requirements of 3.2-5130(A)(4) Please see below for a complete listing of requirements, pertaining to this exemption.

NOTE: In order to qualify for the exemption, **ALL** aspects of the following section of the Code of Virginia must be met:

3.2-5130(A)(4)

*Private homes where the resident processes and prepares honey produced by his own hives, if: (i) the resident sells less than 250 gallons of honey annually; (ii) the resident does not process and sell other food products in addition to honey, except as allowed by subdivision A 3; (iii) the product complies with the other provisions of this chapter; (iv) the product is labeled "**PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old.**"; and (v) the resident certifies in writing annually to the Department that he meets the requirements of this subdivision. Nothing in this subdivision shall increase or diminish the authority of the Commissioner under § 3.2-5102.*

Date: _____

Business/Company Name (if applicable): _____

Address of residence where honey is being processed: _____

Owner of honey processing operation: _____

Home telephone: _____ **Cell:** _____

Approximate number of gallons of honey packed on an annual basis: _____

Is your business currently under inspection by VDACS? Yes No

If "Yes," do you wish to qualify for this exemption? Yes No

If "No," do you wish to be inspected by VDACS Food Safety and Security Program?
Yes No

Note: If you wish to be inspected by VDACS, please contact the Virginia Department of Agriculture and Consumer Services at 804-786-3520, for more information.

Please attach a copy of your product label, with this form.

In addition, all packaged food products must bear proper food labeling, as outlined in § 3.2-5123 of the Code of Virginia:

1. *The name of the food (identity statement)*
2. *Listing of ingredients, if manufactured from two (2) or more ingredients*
3. *Name and place of business of the manufacturer, packer, or distributor*
4. *Accurate statement of the quantity of the contents in terms of weight, measure, or numerical count*

Note: Even when exempt from inspection, all food products in the Commonwealth of Virginia must be processed, stored, and distributed in accordance with the Virginia Food Laws, as well as the Code of Federal Regulations, Title 21, Part 110.

I HAVE READ THE REQUIREMENTS OF THIS EXEMPTION AND HEREBY CERTIFY THAT ALL OF THE INFORMATION IS ACCURATE, AND FOOD PRODUCTS COVERED UNDER THIS EXEMPTION HAVE BEEN PROCESSED, STORED, AND DISTRIBUTED IN ACCORDANCE WITH THE VIRGINIA FOOD LAWS AND THE FDA CODE OF FEDERAL REGULATIONS, TITLE 21, PART 110.

Signature: _____

Date:

Mail application to:
Virginia Department of Agriculture and Consumer Services
Food Safety and Security Program
Attention: Christy Brennan
P.O. Box 1163, Suite 349
Richmond, VA 23218

FIELD OPERATIONS MANUAL

PROCEDURE IV-01
REVISED

VDACS SAMPLING PROGRAM

Currently, our program consists of three (3) directed sampling “schedules” as well as an overall monthly quota of samples that must be collected. Schedule I and II are tied into the FDA-VDACS Pesticide Partnership. Schedule III is our in-house monthly retail pesticide and aflatoxin sampling program.

Under the partnership, FDA and VDACS agree to jointly collect and analyze food commodities grown in the State of Virginia. Samples of food products, including fruits, vegetables, and other products will be collected by VDACS and analyzed by FDA to:

- determine if they contain unacceptable levels of pesticides and/or industrial chemicals;
- prevent or reduce the likelihood of violative products reaching the consumer;
- more efficiently use both agencies’ resources.

Schedule I Sampling Plan

Under this plan, FDA determines the products to be sampled by VDACS. Each year a sampling sheet will be issued to those Food Safety Specialists requested to collect a sample under this plan. The sheet will indicate the commodities to be sampled, sample size and requested analysis.

The following sampling guidelines are to be followed:

- All samples must be collected from lots of products grown and/or harvested in Virginia. Fish samples must come from lots of fish caught in Virginia waters or off the coast of Virginia.
- These samples are to be collected from growers, packing sheds, or wholesalers. **Do not collect these samples at the retail level.**
- The original copy of the VDACS sample collection report must accompany the sample during shipment to FDA’s Atlanta laboratory.
- A **“F”** needs to be placed **after the sample number** to indicate that the sample is being analyzed by the FDA laboratory.
- Samples must be sealed with VDACS official seals to ensure sample integrity.
- Include in the **customer notes** section of the collection report that the sample was collected for FDA (ie: schedule I sample) by VDACS.

- A 7-digit product code (refer to the FDA product code builder on your laptop computer) must be placed on the VDACS sample collection report. Place this code on the **COMMODITY** line along with the actual name of the product.
- FDA has supplied us with GARBAX bags to be used in the packing and shipping of the samples. Samples should not be placed in plastic bags. When dry ice or ice packs are used, they should be placed on the exterior of the GARBAX bag, not in direct contact with the sampled product.
- These samples are to be shipped via UPS Next Day Air to the FDA Atlanta laboratory. The laboratory address is: FDA, Southeast Regional Lab, ATTN: Sample Custodian, 60 Eighth Street, Atlanta, Georgia 30309. **Samples should be shipped the day they are collected or no later than the next day.**

UPS Shipping Instructions:

1. All Schedule I sample shipping will be done online using the website UPS Campus Ship: <https://www.campusship.ups.com/login/fda-wo>
 2. The USERNAME is: **BLT-DO** and PASSWORD is: **Baltimore21215***
 3. Ship to Address: Click on enter new address - enter the FDA Laboratory address listed above. **(Note: this info can be saved to avoid re-typing)**
 4. Shipper's Info: Click on edit and put your information here
 5. Payment Info: Click arrow on drop down menu, select "Shipper's UPS Account"
 6. Service: Click arrow on drop menu, select Next Day Air.
 7. Packaging: if using package other UPS package click "my packaging"
 8. Input weight
 9. dollar value is an option
 10. CAN # **6210204**
- **Samples can be shipped on Monday-Thursday.** Samples should not be shipped on Friday unless previous arrangements have been made.
 - When VDACS mailing coolers and/or ice packs are used for shipping samples, **be sure to include a return address** so FDA can return them to the appropriate inspector.

- Inspectors will need to notify FDA (Bill Murray and Laurissa Flowers) and the VDACS office (Rick Barham) via email when a sample is collected. Inspectors are to attach a copy of the sample collection report and include the following information in the email:
 - Name of the Inspector collecting the sample
 - The sample number
 - The product collected
 - Date collected and
 - Date shipped

Bill Murray – State Program Monitor
E-mail – william.murray@fda.hhs.gov

Laurissa Flowers – FDA Admin Support
E-mail – laurissa.flowers@fda.hhs.gov

Rick Barham
Phone – 804/225-4527
E-mail – rick.barham@vdacs.virginia.gov

- Once the inspector’s assignment has been completed, he/she should e-mail the Pesticide Program Coordinator (Rick Barham) with the pertinent information (i.e. commodity collected, sample number, date collected, and establishment where the sample was collected).

Schedule II Sampling Plan

The significant difference between the Schedule I and Schedule II plans is that under this plan the commodities sampled are determined by VDACS. In addition, sample sizes are smaller and acceptable sampling locations include retail food stores. As with the Schedule I plan, sampling assignments will be determined and forwarded to the responsible inspectors.

The following sampling guidelines are to be followed:

- All samples must be Virginia grown/harvested commodities. **It is acceptable to collect these samples at the retail level.** NOTE: Samples do not need to be collected and shipped in the GARBAX bags, regular poly bags will suffice.
- Minimum sample size is 2 - 3 lbs.
- A **“F”** needs to be placed after the sample number to indicate that the sample is being analyzed by the FDA laboratory.

- A 7-digit product code must be placed on the VDACS sample collection report. Place this code on the **COMMODITY** line along with the actual name of the product.
- Indicate in the **customer notes** section of the sample collection report that the sample being collected is for VDACS (ie: a schedule II sample).
- These samples are to be shipped by UPS-Ground (regular service...not the overnight option) to the FDA Atlanta laboratory. The laboratory address is: FDA, Southeast Regional Lab, 60 Eighth Street, Atlanta, Georgia 30309. VDACS will pay the transportation costs for the shipment of samples collected under this plan.
- Inspectors will need to notify FDA (Bill Murray and Laurissa Flowers) and the VDACS office (Rick Barham) via email when a sample is collected. Inspectors are to attach a copy of the sample collection report and include the following information in the email:
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 - The sample number
 - The product collected
 - Date collected and
 - Date shipped

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E-mail – william.murray@fda.hhs.gov

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Rick Barham
Phone – 804/225-4527
E-mail – rick.barham@vdacs.virginia.gov

- Once the Inspector’s assignment is completed, the Food Safety Specialist should e-mail the Pesticide Program Coordinator with the pertinent sampling information, as previously described in the Schedule I Sampling Plan.

Schedule III Sampling Plan

- Under this sampling plan, Food Safety Specialists collect aflatoxin and pesticide residue samples from retail establishments in their territory. A sampling schedule is developed for each region indicating what samples (residue or aflatoxin) should be collected for a particular month. Consolidated Laboratories analyzes samples collected under this plan.

Please note the following information regarding product sampling for aflatoxin and pesticide residue analysis:

- In the United States, **aflatoxin is primarily found in corn, ground corn products (such as cornmeal or certain cereals) and peanut products.**
- It can occur in figs and other dried fruit as well as tree nuts (almonds, pecans, walnuts, pistachios, brazil nuts---the holiday season may be the perfect opportunity to sample loose whole/shelled nuts of this variety).
- Ground nut products such as peanut butter, almond butter, etc. (particularly imported or off-brand items) present good sampling opportunities.
- Imported food products may carry higher risks in that sanitation standards in some countries are not as high as in this country. The climate in Africa, Asia, and Latin America is most conducive to aflatoxin contamination. Nuts and chili paste are potential sources of aflatoxin.
- Aflatoxin typically is not found in small grain products such as wheat, oats, and rice.
- Generally speaking, name brand products (such as Hershey's) have on-site aflatoxin testing and the chance of finding a problem is rare.
- The following fruits and vegetables are more likely to contain pesticide residue:
Apples, Bell Peppers, Celery, Cherries, Grapes (imported), Nectarines, Peaches, Pears, Potatoes, Red Raspberries, Spinach, and Strawberries.

Monthly quota

In addition to meeting Schedule I, II and III requirements, Food Safety Specialists need to be aware of their overall sampling proficiency. To ensure that a minimal number of samples are being collected each month a quota system was developed.

At the beginning of each fiscal year Inspectors will be provided information regarding the sampling quota. Schedule III samples (aflatoxin and pesticide residue samples) count toward your monthly quota but schedule I and II samples do not count as these samples are analyzed by FDA and not at Consolidated Labs. Also, the sampling quota can vary throughout the year as available funds are budgeted against expected expenditures.

When trying to meet your monthly sampling requirement, please ensure that the samples you are taking are valid samples that relate to complaints or to the inspectional process. Keep valid sampling opportunities in the back of your mind while conducting inspections, instead of just stopping by a firm to take an arbitrary sample.

Sampling Guidance

In an effort to increase the effectiveness of the VDACS Sampling Program, the following guidance is being presented to you. The goal of the VDACS Sampling Program is to not only routinely survey foods for pesticide and aflatoxin residues, but it is also to effectively monitor the safety of the food being manufactured and sold in Virginia.

Please read the guidance below on how to successfully achieve this goal.

Suggested Sampling Opportunities—

Acidified Foods: Sample for *pH*. Again, this is a safety control used in acidified foods such as certain salsas, barbeque sauces, pickles, salad dressings, sushi rice, etc. We should be monitoring these products to ensure that the controls are in fact in place to ensure the safety of these products.

Apple Butter: Sample for *copper* levels. If you have apple butter processors who use copper kettles to make their product, it may be a good idea to sample for the level of copper in the product since there has been some concern about copper leaching out of the kettles and into the product.

Baked Goods: Sample for *filth*. Good opportunities include bakery departments or operations that haven't been practicing good GMPs or home-ops where the owner has pets. Custard and cream filled baked goods could be sampled for *Salmonella*, *Staphylococcus*, and *E. coli*, particularly due to the possibility of post-bake contamination.

Imported Soft Cheeses: Sample for *Staphylococcus* contamination. This has been a concern and a problem with imported soft cheeses in the past.

Jerky: Sample for *moisture protein ratio*. Again, the moisture to protein ratio in jerky is the controlling factor for the safety of this product. Sampling opportunities may present themselves at jerky processors or retail stores where you notice a locally made product that perhaps isn't being made at a large commercial manufacturing facility.

Lean Ground Beef: Sample for *fat content*. It doesn't hurt to verify what the label is claiming with regards to fat content, especially in this day and age where people are very aware of the fat content of their foods.

Salted Fish: Sample for *% water phase salt*. If you find a salted fish product in a retail store, particularly ethnic food stores, that you find to be suspicious or if you have a salted fish processor, it would be a good opportunity to take a sample for percent water phase salt, since this is what is controlling the pathogen growth in this product. *Nitrites* can also be sampled for in vacuum packed smoked fish.

Spices, Coffee, and Tea: If you have a spice, tea, or coffee manufacturer, it may be a good idea to sample some of their products for *filth*. While a certain level of filth is acceptable in most of these products, it is still a good practice to monitor their level of contamination.

Sulfites: Sample dried fruit, fruit and nut mixes, fresh shrimp, imported canned goods, and salad bar items for undeclared sulfites.

Unrefrigerated PHF: Sample for *pH and Aw*. Many times home-ops will be manufacturing various icings or filled baked goods that could be potentially hazardous. Such products present a good opportunity to sample the product for pH and Aw when the home-op is not indicating that they are refrigerating the product. Also, many times ethnic

food stores will offer PHFs for sale at room temperature because that is the way those products are typically consumed within a particular culture. If the firm is not using time as a method of control or says that they don't refrigerate the products because that's the way the customers like them, then this presents a good opportunity to sample the product for pH and Aw.

Revised July 2012

FIELD OPERATIONS MANUAL

PROCEDURE IV-02

Revised

IDENTIFICATION AND PREPARATION OF SAMPLES

Identify the sample by writing on the food container with a waterproof marker the sample number, date collected, and the Food Safety Specialist's initials. (When subsamples are taken, all portions of each subsample will be identified with the same letter of the alphabet to keep the subsamples separated).

Avoid writing over or obscuring any of the pertinent wording on a labeled product (ie: name of the product, ingredient statement,...). Apply the official seal identified with the same sample number, date, and Food Safety Specialist's initials over the package opening. If a package has more than one possible opening, all openings must be sealed. Every sample collected, except for hermetically sealed cans, requires the use of a seal. Canned food samples only need to be properly identified.

All samples should be submitted to the lab in poly bags. The office carries two (2) sizes of poly sample bags to accommodate most all sample sizes.

NOTE: It is acceptable to write on the poly bag the necessary identifying information (ie: sample number, date collected and Inspector's initials) in lieu of identifying each enclosed package. A seal would be placed around/over the bag opening. *Helpful hint, write the identifying information on the poly bag when it is empty. It is difficult to get a smooth surface with food already in the bag.*

We must, by law, offer the vendor a portion of the sample we collect. Samples can be collected in 1, 2 or 3 "parts".

- **Samples collected in 1 part**---These are routine samples where the vendor does not desire a portion of the sample. All packages that comprise the sample are submitted by the Food Safety Specialist for analysis.
- **Samples collected in 2 parts**—These are routine samples where the vendor desires a portion of the sample. The Food Safety Specialist leaves a portion of the total number of packages collected (sampled) with the firm. The number of packages left with the vendor does not have to be equal to the number of packages sent to the lab. In some cases the vendor may desire a like amount, in other situations, one (1) unit may suffice. Remember to check the appropriate box on the Inspection Report as to whether the vendor desired a portion of the sample.

- **Samples collected in 3 parts (i.e. Commissioner's Reserve)**— In this situation, in addition to the lab and vendor receiving a portion of the sample a 3rd portion is collected and sent to the lab, designated as a Commissioner's Reserve.

A Commissioner's Reserve must be taken on **all** official samples collected for which regulatory action is possible/anticipated (i.e. we intend to prosecute based on its result). This would generally (but not always) apply to samples collected as a follow-up subsequent to a Letter of Warning. See FOM IV-10, Sampling in Support of Regulatory Action for additional information.

Commissioner's Reserve samples must be collected in 3 equal parts. In other words, if you collect 3 cans for lab analysis, you need to collect 3 cans for the vendor's portion and 3 cans for the Commissioner's Reserve.

Indicate in the "Customer Notes" section of the Sample Collection Report that the sample contains a Commissioner's Reserve portion.

Revised November 2004

FIELD OPERATIONS MANUAL

PROCEDURE IV-03

WATER SAMPLING

The following procedure will be used in the collection of water samples from private water supplies:

1. One sample every two (2) years will be collected from firms with private water supplies after a history of good samples, i.e. three (3) consecutive “NAI” samples (over a period of three (3) years).
2. Once it has been established that the firm is operating with a potable water supply the firm may have the option of providing an annual private laboratory analysis that verifies the continuing potability of their water supply.
3. If the analysis of a water sample is positive (+) for coliform and negative (-) for fecal use the following procedure:
 - a. An informational letter will be sent to the firm from the office and the firm will be rescheduled for an inspection and a follow-up water sample in 4 months.
 - b. If the 4 month follow-up water sample is NAI then the firm will be placed on a yearly sampling schedule.
 - c. If the 4 month follow-up water sample is violative then a 2nd informational letter will be sent and the firm will be rescheduled for an inspection and a follow-up water sample in 4 months.
 - d. If the 2nd follow-up water sample is NAI then the firm will be placed on a yearly water sampling schedule.
 - e. If the 2nd follow-up (3rd sample) is violative a letter will be sent to the firm stating that they must discontinue the food processing.
4. If the analysis of a water sample is positive (+) for coliform and positive (+) for fecal use the following procedure:
 - a. An informational letter will be sent to the firm from the office. Return to the firm within 30 working days to do a follow-up sample.

- b. If the follow-up sample analysis is again (+) coliform and (+) fecal then repeat 3a.
- c. If the 2nd follow-up (3rd sample) is adulterated then a letter will be sent to the firm to discontinue the food processing.

March 3, 2000

FIELD OPERATIONS MANUAL

PROCEDURE IV-04

SAMPLING PROCEDURES FOR POSSIBLE RODENT AND INSECT DEFILED FOODS

POSSIBLE RODENT INFESTATION

Hantavirus is a virus that is shed in saliva, urine and feces of rodents and is transmitted to humans primarily via aerosols produced when the animals sneeze or when contaminated dust particles are stirred up. Hantaviruses can present some or all of the following symptoms: fever, headache, muscle aches, nausea & vomiting, chills, dry cough, and shortness of breath. Therefore, the following precautions should be taken when collecting evidence involving rodent defiled products:

1. Minimize or eliminate direct contact when collecting these samples.
2. Wear disposable gloves and wash hands thoroughly after removing the gloves.
3. Clearly indicate on the collection report that the product is rodent defiled.

When sampling foods that have been rodent gnawed, may have been contaminated by rodent feces, urine, or filth, or that may even contain live or dead rodents, it is important to seal the product(s) being sampled in **two** poly sample bags. This helps to ensure that potential evidence is not lost during handling and transport between the sample site and arriving at DCLS.

Finally, inspectors need to minimize their exposure time when working in closed, confined spaces (i.e. a crawl space, etc.) that are rodent infested.

POSSIBLE INSECT INFESTATION

When sampling foods that may be contaminated with insect filth, frass, live or dead insects, or insect drill holes, it is important to seal the product in at least one poly sample bag. This helps to ensure that potential evidence is not lost during handling and transport between the sample site and arriving at DCLS.

Revised November 2004

FIELD OPERATIONS MANUAL

PROCEDURE IV-05

SUB-SAMPLING

Sub-sampling is the method by which we can sample a large lot and have a congruent sample all under one collection number.

The instances where we can use this technique are:

- (1) When we are taking a representative sample from a large lot of the same code and we must sample several containers. Examples would be taking a sample from a large lot of canned tomatoes or taking a sample from a large number of 25 pound bags of flour.
- (2) When we are taking a sample from a production line at varying time intervals to obtain a representative sample of a certain batch or production run. Examples would be taking a sample at 10 minute intervals from a soft drink bottling line or taking a 2 pound sample of flour from the bagging chute every 15 minutes during a batch run at a flour mill.

When identifying the sub-samples, use the sample number and then the appropriate letter of the alphabet. For example, say that we were sampling cola drinks at time intervals from the production line. The sample is to be taken in three parts. The first three bottles taken off the line would be marked as sample #31234 A, ten minutes later, the next three bottles taken would be marked sample #31234 B, ten minutes later, the next three bottles taken would be marked sample #31234 C and so on until a representative sample was collected. The same procedure would apply when sampling a large lot of canned foods in cases. At random, throughout the lot, select certain cases from which to pull the sample. The first cans selected from a case would be identified with the sample number and the sub-sample designation A, the cans selected from the second case would be identified with the sample number and the sub-sample designation B. The sub-samples would proceed sequentially until a representative sample was obtained. Completely document your sub-sampling with all pertinent information on the collection report.

Sub-sampling can be a useful technique when used appropriately. However, there are a number of instances where we would not want to use this technique:

- (1) When sampling a number of different products which may have been rodent or insect defiled because of a current problem in the establishment.
 - (3) When sampling different codes of the same product.
- (1.)When taking samples of a compounded product during different stages of its manufacture. For example, say we were collecting samples of breaded shrimp during its manufacture. We would not include the raw ingredients, the shrimp, the batter,

the shrimp during different stages of breeding, and the final product all under one sample number. We would use different sample numbers for the different stages of production and the different ingredients used.

In all of the above instances, separate sample numbers and collection reports is the best method.

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE IV-06

FOLLOWING-UP ADULTERATED SAMPLES

When you receive a copy of a letter advising a firm that a sample you collected was adulterated, you should return to the firm within ten working days from receipt of the letter of warning (LOW) and/or sample results and take the following action against any remaining product from that lot:

- 1) If the product was adulterated, ask the firm to voluntarily destroy or denature the remaining product from the lot you sampled. If the firm refuses to voluntarily destroy or denature the product, place the product under seizure.

The above action assume that there will be some of the product remaining when you return to the firm. This will not always be the case, but, even if none of the violative product remains, you will still have a job to do when you return to the firm.

Whether or not the firm has any remaining violative product when you return, you should attempt to collect a follow-up sample of the same product from a different lot. On your collection report you should state that the sample is a follow-up and that the previous sample revealed _____. (Filling in the blank with whatever the problem was before.)

You should not seize other lots of the product, unless you are directed to do so by the Food Safety Office.

NOTE: THIS PROCEDURE DOES NOT APPLY TO WATER SAMPLES

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE IV-07
Revised

COMPLAINT SAMPLING

Whenever you are collecting an official sample as the result of a consumer complaint, be sure to include the following information in the "Customer Notes" section of the collection report:

- 1) the complainant's name.
- 2) A brief explanation of the problem the complainant encountered.
- 3) Any pertinent information that would be beneficial to the laboratory analyst.

CONSUMER REPLIES

Complainants who want to be notified of sample results need to submit a written request to the appropriate regional office. Inspectors should not volunteer sample results but direct them to write a brief letter requesting the results of their complaint investigation and any samples that were collected.

Revised November 2004

FIELD OPERATIONS MANUAL

PROCEDURE IV-08

SAMPLING PROCEDURE GUIDELINES

There is no question that sampling is an extremely important aspect of the Food Safety Program. An explanation of terms is necessary so that our Food Safety Specialist better understand the requirements. Common sense and circumstances will, of course, dictate variations of the below information. Every condition can not be covered and is not intended to be a substitute for the individual Food Safety Specialist's sound judgment.

The **minimal sample size** is the amount of product that the lab **desires** for a specific analysis. A smaller sample size is acceptable, if that is all that is available.

A **representative sample size** is what is generally desired to adequately document, for legal purposes, a specific condition or adulteration. A larger or even smaller sample size may, again, be dictated by common sense and circumstances. The minimal sample size is not necessarily a representative sample.

Further questions regarding sampling and/or sample size should be directed to your Regional Manager or Field Supervisor.

Sampling Guideline Table

Commonly sampled commodities, codes, and the recommended minimal sample sizes used in the sampling program are listed below. Samples involving less than the minimum amount, can still be submitted when that it is all that is available. A more detailed list is in your laboratory analysis catalog. The minimal sample size is NOT necessarily a representative sample.

Any sample collected for analysis should be REPRESENTATIVE of the available lot size of the product being analyzed. Generally speaking, a REPRESENTATIVE sample size is as follows:

RETAIL: The square root of the available lot, NOT TO EXCEED 5 units.

MANUFACTURERS: The square root of the available lot, NOT TO EXCEED 24 units.

A "calculator" is available on your computer and the icon is located on the task bar.

A food product collected for multiple analysis, must be in separate units, e.g. ground beef for filth, fat, and bacteria, must be in three (3) separate units (packages). The laboratory will not share a unit/package for separate analysis.

The VIRGINIA FOOD LAWS also contain information regarding sampling and each Food Safety Specialist must be knowledgeable of those requirements.

ANALYSIS PRODUCT	CODE 226	MINIMAL SAMPLE SIZE	CONTAINER	NOTES
0157 H7 in Foods	74 XMECOLI H7	1 pound	Packaging as sold	
Adulteration confirmation	101 FC CONF	1 pound	Packaging as sold	Includes tampering and SERVICE SAMPLES
Aflatoxin Screen (CHARM)	115 FLAFYAGI A	10 - Whole grains; 1 pound for ground grains	Packaging as sold	All routine aflatoxin samples
Analysis undetermined. Used when the lab will assist to determine what analysis will be done.	72 FCCALL			PRIOR APPROVAL REQUIRED. Call your Regional Manager or Field Supervisor.
<i>Authenticity - Honey</i>	52 FCAUHON	16 ounces	<i>Packaging as sold</i>	
<i>Bacterial - Soft drinks</i>	57 XMSOFTDR	12 ounces	<i>Packaging as sold</i>	
<i>Bacterial - Food</i>	56 XMREGFD	1 pound	<i>Packaging as sold</i>	Routine food bacterial analysis
<i>Bacterial - Water, bottled</i>	108 XMH2O	16 ounces	<i>Packaging as sold</i>	Includes total plate count (TPC)
<i>Bacterial - Canned Foods</i>	59 XMCANFD	1 pound Can size	<i>Packaging as sold</i>	
<i>Excreta (rodent) - in foods</i>	100 FCEXCRET A	1 pound	<i>Packaging as sold</i>	Rodent contamination
<i>Fat in meats</i>	55 FATMEAT	1 pound	<i>Packaging as sold</i>	
<i>Filth - Heavy - foods</i>	24 FCFHEAVY	1 pound	<i>Packaging as sold</i>	Sand, glass, metal
<i>Filth - Beverages</i>	29 FCFBEVSO L	12 ounces	<i>Packaging as sold</i>	
<i>Filth - Ground meats</i>	27 FCFGDME T	1 pound	<i>Packaging as sold</i>	
<i>Filth - Peas, beans, grains, popcorn</i>	75 FCFUNPO P	1 pound	<i>Packaging as sold</i>	Not for cornmeal
<i>Filth - Fish</i>	35 FCFFISH	1 pound	<i>Packaging as sold</i>	Includes parasites and canned seafood
<i>Filth - Canned mixed vegetables</i>	33 FCFCNVEG	1 pound	<i>Packaging as sold</i>	
<i>Filth - Canned leafy vegetables</i>	85 FCFLEVEG	1 pound	<i>Packaging as sold</i>	Frozen vegetables included
<i>Filth - Ice</i>	45 FCFICE	5 - 8 pounds	<i>Packaging as sold</i>	Must be kept frozen - use dry ice

<i>Filth - Baked goods</i>	25 FCFBAKG D	1 pound	Packaging as sold	
<i>Histamine - foods</i>	17 FCHIST	1 pound Minimum of 100 G (~4 ounces)	Packaging as sold	<i>Not for shellfish. Most likely in Tuna</i>
<i>Organoleptic - Foods</i>	51 FCORGAN O	16 ounces	Packaging as sold	<i>May also include service samples</i>
<i>Pesticide - fruits & vegetables</i>	1 PRFRVEG	500 g	Not applicable	
<i>Pesticide - Fish</i>	2 PRFISH	500 g	Packaging as sold	
<i>pH in Foods</i>	98 FCFPH	1 pound	Packaging as sold	
<i>pH & Aw in foods</i>	23 FCPHAW	1 pound	Packaging as sold	
<i>Species - Meats</i>	20 FCSPECIES	1 pound	Packaging as sold	
<i>Water - Coliform</i>	116 MWACOLIP A	100 ml	DCLS bottle	Routine well water samples

Priorities:

CODE NUMBER	NOTES	COMMENTS
7	<i>Normal priority</i>	<i>Routine</i>
6	<i>Move ahead of other routines</i>	<i>Prior approval required *</i>
5	<i>Move ahead of all others</i>	<i>Prior approval required *</i>
4	<i>Seven (7) day turn around</i>	<i>Prior approval required *</i>
1	Emergency code	Prior approval mandatory *

**Prior approval required from your Regional Manager or Field Supervisor. Code number 1 will only be used when directed by the Regional Manager or the Central Office in Richmond.*

DCLS Contact Information: Main number (804) 648-4480

Address: 600 N. 5th Street, Richmond, VA 23219

Contact Name or Lab	Extension(s)
Debbie Paul	310
Ann Munson	280
Janet Pruitt	268 or 312
Mike Bucker	309 or 315
Food Chemistry Lab	311, 312, 313
Milk & Water Micro Lab	265, 266, 267

Feed, Fertilizer, Limestone Lab	314, 315, 316, 317
Food Micro Lab	286 or 288

Revised July 2003

FIELD OPERATIONS MANUAL

PROCEDURE IV-09

DOCUMENTING THE SEALING OF A SAMPLE

Section 3.2-5131 of the Virginia Food Laws requires that all samples be marked and/or sealed in the presence of at least one witness. In order to document this, it is necessary that at least one employee of the firm you're collecting the sample from actually see you seal and/or mark (identify) the sample. The person signing the inspection report must also initial the bottom line verifying they witness the collection, marking and sealing of the sample. This will then serve as a permanent record of our having complied with the requirements of Section 3.2-5131.

ALL SAMPLES EXCEPT HERMETICALLY SEALED CANS MUST BE OFFICIALLY SEALED AND IDENTIFIED. HERMETICALLY SEALED CANS NEED ONLY BE OFFICIALLY IDENTIFIED.

Revised August 2010

FIELD OPERATIONS MANUAL

PROCEDURE IV-10

New

SAMPLING IN SUPPORT OF REGULATORY ACTION

Inspectors need to be cognizant of the extra requirements associated with collecting samples in support of regulatory action. These samples must include a Commissioner's Reserve portion. In addition, paperwork accompanying the sample to the lab must include a completed chain of custody form.

A Commissioner's Reserve must be taken on all official samples collected for which regulatory action is possible/anticipated (i.e. we intend to prosecute based on its result). This would generally (but not always) apply to samples collected as a follow-up subsequent to a Letter of Warning.

See FOM IV-02, Identification and Preparation of Samples, for details regarding the collection of a Commissioner's Reserve sample.

Please note the following:

- The collection of a Commissioner's Reserve sample does not apply to water samples from private water supplies.
- ALL official samples of goat cheese (regardless of whether is it a follow-up) must include a Commissioner's Reserve.

Chain of Custody Form

Anytime you are collecting samples that may result in regulatory action, beginning at the Field Hearing level, complete the chain of custody form.

For example, if you are collecting samples at a firm that may lead to a Field Hearing or an Administrative Hearing, then you will need to complete the chain of custody form

The completed form should be placed inside of the cooler on the outside of the sample bag or in an envelope along with the rest of the sample collection paperwork. If you are shipping a cooler(s) via a courier service, such as UPS or the postal service, note on the chain of custody form that you are relinquishing custody of the sample(s) to the courier service. Then, seal and ship the cooler(s) to the laboratory. When the lab receives the cooler and breaks the seal, they will note on the form that they received the sample(s) from the courier service.

NOTE: The Chain of Custody Form can be accessed off the LAN if needed (ODF drive, Forms General folder, New Computer Forms for FSS folder).

Issued New November 2004

FIELD OPERATIONS MANUAL

PROCEDURE IV-11
New

PREPARATION OF SAMPLE COLLECTION REPORTS

Prepare the collection report in the following manner:

Regional Office: Located at the top of form, indicate which regional office is to receive the laboratory results. In most instances this will be the regional office for your territory.

VDACS Sample No.: The sample numbering system consists of eight numeric characters. The first three characters are your FDA number and the next five characters consist of a series of numbers starting with 00001 and ascending sequentially as samples are collected.

Inspector Code: The Food Safety Specialist's FDA number.

Collected By: Name and signature of the Food Safety Specialist.

Collected: Date & Military Time: The date the sample was collected. The military time is only needed for water samples collected for bacterial analysis.

Priority: Seven (7) is for normal priority. Any other priority requires prior approval. FOM IV-8 provides a listing of the available priority codes.

Commodity: The type of product collected (grain, vegetable, ground beef, etc.).

Related Samples: VDACS sample numbers of any samples which are directly related; such as food products from the same lot or products prepared from the same lot of raw materials. Also, the original sample number on follow-up samples.

Catalog Numbers: The number (i.e.: code) for the test that the Food Safety Specialist would like run on the sample. This number is available in the Division of Consolidated Laboratory Services Analytical Services Catalog. Additionally, FOM IV-08 provides a listing of the most commonly requested analyses. Since most of the tests that are used by the Food Safety Program begin with 226, that number is already pre-printed on the collection report.

Name of Test: The name of the test as it is listed in the Analytical Services Catalog and/or FOM IV-08 (i.e.: the acronym) followed by the actual full name of the test.

Example: FC F BAKGD (Filth in Baked Goods)

No. Of Units: The number of units that the Food Safety Specialist would like used for each test. At least one unit should be collected for each test requested. All units can be placed under one sample number.

Example: 2 packages (units) of hamburger are collected for 2 tests—one for filth and one for bacteria and are submitted under one sample number.

Total No. Of Units: The total number of units submitted under that sample number.

Seal Intact (yes/no): This is to be filled out by Consolidated Laboratory's Central Receiving.

Customer Notes: Any information that would be of assistance to the chemist or the office in the evaluation of the sample. For example:

1. If a sample is taken in response to a consumer complaint, provide a brief description of the problem the complainant encountered and any other pertinent information as per FOM IV-07.
2. If a pesticide residue sample is collected, indicate whether it is for schedule I, II or III.
3. If a water sample is collected, indicate whether it is a routine sample or a compliance follow-up sample (be specific as to whether it is the 1st or 2nd follow-up sample).
4. If it is a compliance follow-up sample, indicate the results of the previous sample.

Identification: All pertinent information from the label should be recorded such as; name of the product, name and address of the manufacturer, ingredients, net weight, USDA or state seals, and codes. For products with up to 7 ingredients the list of ingredients is to be typed. Products with more than 7 ingredients, the first few ingredients can be listed and then request that DCLS send the label to the food office.

Example: "Ingredients: Sugar, milk, eggs..." and "Send label to the food office" should be typed in the identification section.

For residue samples the list of ingredients does not have to be included in the identification of the product. If the product is not a labeled product, then it should be identified by its exact name. Ingredient statements are not necessary on labeling samples, simply type "Ingredients as stated on the label submitted for review."

Collected From a Lot of: Amount of product from which the sample was collected.

Example: Collected from a lot of "24/100 lb. bags"

Sample Consisted of: Close approximation of the amount collected. **Exact amount is preferred.** Your statement will provide information as to whether the sample was collected in 1, 2 or 3 parts, as explained in FOM IV-02. For samples collected in 2 or 3 parts you need to indicate the disposition of the sample parts not sent for analysis.

Examples:

- (1) 4/8 oz. containers taken at random from the meat display case in one part
- (2) 6/8 oz. containers taken at random from the meat display case in two parts. One part (3/8 oz. containers) left with vendor.

Prepared in the Following Manner: State exactly how the sample was sealed and identified. Remember it is necessary to place quotation marks around the pertinent identifying information (i.e.: sample number, date, and Inspector's initials).

Examples:

- (1) Packaged food that was sealed & identified:
Sample officially sealed and identified, "12345 4/10/04 A.B.C."
- (2) Food placed into a bag and then sealed/identified:
Sample placed in a poly sample bag and officially sealed and identified "12345 4/10/04 A.B.C."
- (3) Canned food item that was sampled (it is not necessary to seal canned food): Sample was officially identified "12345 4/10/04 A.B.C."

Delivered To: Exact location from which the Food Safety Specialist mailed/shipped the sample to the laboratory.

Example: U.P.S., Lynchburg 4/10/04 or Greyhound Bus Station, Lynchburg 4/10/04

Delivery Date: The date the sample was mailed and/or delivered to the laboratory.

Establishment Where Collected: The name and address of the establishment.

Central File Number: The CFN of the firm.

Distributor or Manufacturer: Name and address of the manufacturer, packer, or distributor of the product.

Shipper and Date of Shipment: Name and address of the shipper and the exact or approximate date of shipping.

Cost of Sample: Exact cost of the sample. The Virginia Food Law, section 3.1-417, requires that we **offer** to pay for samples.

One (1) copy of the collection report is submitted along with the sample to the laboratory. Another copy is submitted to the office, as part of your routine paperwork, for review and 'keying' by the clerical staff. (NOTE: Some regional offices may request that the office copy be submitted on yellow paper).

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