



Proposed Regulation Agency Background Document

Agency name	Agriculture and Consumer Services (VDACS)
Virginia Administrative Code (VAC) citation	2 VAC 5-585
Regulation title	Retail Food Establishment Regulations
Action title	Proposed/Repeal
Document preparation date	September 13, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The proposed regulation will amend the existing regulation (2 VAC 5-580) to: (1) be consistent with regulations enforced by the Virginia Department of Health in restaurants and food service operations, by adopting appropriate portions of the 2001 edition and 2003 supplement of the U.S. Food and Drug Administration's Food Code; (2) provide practical, science-based guidance and manageable, enforceable provisions for mitigating risk factors known to cause foodborne disease; (3) significantly expand the definitions section, providing much greater clarification; (4) require the demonstration of knowledge by the food establishment operator for foodborne disease prevention, application of Hazard Analysis Critical Control Point principles, and the requirements of the regulation; (5) require minimal bare-hand contact with ready-to-eat foods; (6) allow greater flexibility with respect to properly cooling hot foods; (7) require colder holding temperatures for refrigerated foods (41° F as opposed to 45° F) but allow a five year phase-in period for existing equipment that can't currently meet the 41° F requirement; (8) allow a lesser temperature for foods required to be held hot (135° F as opposed to 140° F) (9) permit the use of time as a public health control, as appropriate, in place of the typical time in conjunction with temperature; (10) require that food establishments obtain a variance from the agency if performing certain high-risk processing operations not typically performed at the retail level; (11) require the use of a disclosure statement indicating that the consumption of raw or undercooked animal foods significantly increase the risk of foodborne disease to the consumer; (12) identify requirements that are necessary to properly protect highly susceptible populations from foodborne disease; and (13) lessen the restrictions contained in the existing regulation by allowing all service animals controlled by disabled persons.

Due to the extensive amendments to the existing regulation, 2 VAC 5-580 (Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores) is being repealed and 2 VAC 5-585 (Retail Food Establishment Regulations) is being adopted concurrently.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 3.1-398 of the Code of Virginia (1950), as amended (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+3.1-398>), provides the legal basis for the promulgation of this proposed regulation. Specifically, subsections B and C identify the authority and certain requirements for the expedited adoption of the FDA's Food Code. The authority is discretionary and is assigned to the Board of Agriculture and Consumer Services. Additionally, the existing regulation, 2 VAC 5-580 (Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores) will be automatically repealed upon the effective date of the new regulation, as provided in 2004 Acts of Assembly, Ch. 802.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

This proposed regulatory action is essential to the protection of the health and welfare of citizens in that it sets the necessary standards of operation for the retail segment of Virginia's food industry to (1) provide a system of prevention and overlapping safeguards designed to minimize foodborne illness; (2) ensure employee health, industry manager knowledge, safe food, nontoxic and cleanable equipment and acceptable levels of sanitation on food establishment premises; and (3) promote fair dealings with the consumer. Additionally, section 2 VAC 5-585-20 of the proposed regulation states "The purpose of this regulation is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented."

The first goal of the proposed regulation is to maintain a scientifically sound basis for regulation of the retail food industry that is consistent with retail regulations enforced by other states. The current regulation, 2 VAC 5-580 (Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores), was adopted by the Board of Agriculture and Consumer Services on February 25, 1986. This regulation was based on a model document entitled *Retail Food Store Sanitation Code*, which was developed by the Association of Food and Drug Officials and the U.S. Food and Drug Administration and represented the most current, sound science available at the time. This model document was the forerunner to the FDA Food Code. The FDA Food Code was first published in 1993, but was not widely accepted because many within state governments and the food industry believed that it contained significant, controversial issues that still needed to be refined. Through an organization known as the Conference for Food Protection, which represents all state and many local food safety programs, the food industry, and the federal government, the controversial issues were successfully addressed, and the FDA Food Code is now receiving widespread acceptance throughout the nation as the standard for regulation of the retail segment of the food industry. The retail segment includes those establishments or locations

in the food distribution chain where the consumer takes possession of the food. Because the FDA Food Code is now being accepted as the standard for regulation of retail food establishments, versions of that model code have been adopted by state food safety agencies in 45 states. Of those states, 21 have adopted the 1999 version and 16 have adopted the 2001 version (as of March 2005). Adoption of the appropriate portions of the 2001 version of the FDA Food Code as 2 VAC 5-585 will enable VDACS to have a retail food store regulation that is based on the most current, sound science available, and that is consistent with retail food store regulations being enforced by most of the other states.

The second goal of the proposed regulation is to facilitate the shared responsibility of the food industry and the government of ensuring that food provided to the consumer is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease. Foodborne disease in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. The U.S. Centers for Disease Control and Prevention estimate that foodborne diseases cause approximately 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year. Epidemiological outbreak data repeatedly identify five major risk factors related to employee behaviors and preparation practices in retail and food service establishments as contributing to foodborne illness. Those risk factors include: (i) improper holding temperatures; (ii) inadequate cooking, such as undercooking raw shell eggs; (iii) contaminated equipment; (iv) food from unsafe sources; and (v) poor personal hygiene. The FDA Food Code addresses controls for these risk factors and further establishes five key public health interventions to protect consumer health. Specifically, these interventions are: (i) demonstration of knowledge; (ii) employee health controls; (iii) controlling hands as a vehicle of contamination; (iv) time and temperature parameters for controlling pathogens; and (v) consumer advisories. Adoption of the appropriate portions of the 2001 version of the FDA Food Code and the 2003 Supplement as 2 VAC 5-585 will provide the necessary guidance to the retail food industry for controlling risk factors and implementing intervention strategies, and will enable VDACS to more appropriately focus inspection activities on the reduction of out-of-control risk factors, and retail food store operator educational efforts on properly implementing foodborne disease intervention protocols.

The third goal of the proposed regulation is to ensure a regulatory approach that is uniform throughout the retail segment of Virginia's food industry by administering standards that are equivalent to those administered by the Virginia Department of Health (VDH) in restaurants and food service establishments. For many years, the retail segment of Virginia's food industry has expressed concern that VDACS and VDH have enforced different regulations in similar types of food establishments. Although the basic requirements of those regulations were the same, there were enough differences in the regulations to sometimes be confusing to the retail segment of the food industry. The Virginia General Assembly recently passed legislation that provides the authority for both VDACS and VDH to concurrently adopt the same version of the FDA Food Code through an expedited adoption process as long as both regulations have the same effective date. Consequently, VDH will be pursuing the process for adoption of the 2001 version of the FDA Food Code during the same time as VDACS. Once both regulations are finalized, they will have the same effective date, and at that point VDACS and VDH will be administering the same food safety standards within all portions of the retail segment of Virginia's food industry.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

The proposed regulation provides much greater detail, and in some cases much greater specificity, with respect to food safety issues, foodborne disease risk factors, and interventions to reduce foodborne disease risk factors. Additionally, the proposed regulation provides for more flexibility for the retail segment of the food industry in how they choose to alleviate food safety problems or foodborne disease risk factors. Because of the greater detail and specificity, and the level of flexibility allowed, the proposed

regulation is certainly longer than the existing regulation (2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores), but the informative nature of the document and the clarity of the information and requirements will lead to a greater ease of understanding and much less opportunity for misinterpretation. Since both VDACS and VDH will be administering equivalent regulatory requirements, a much greater level of uniformity among the two agencies should be realized by the retail segment of Virginia's food industry.

The proposed regulation contains all of the provisions of the existing regulation, only updated to reflect the most current, sound science. Additionally, there are new items contained in the proposed regulation that are not part of the existing regulation, because of the numerous innovations and advancements that have occurred in the retail segment of the food industry since the existing regulation was adopted in 1986. Those innovations and advancements have necessitated the need for additional regulatory requirements to provide assurances that the food products produced and handled through new processes at the retail level will be safe for the consumer.

The new substantive provisions contained in this proposed regulation include the following:

- A significantly expanded section of definitions, providing legal definitions for more terms, and greater clarification with respect to those terms.
- A requirement for demonstration of knowledge by the person in charge for foodborne disease prevention, application of Hazard Analysis Critical Control Point principles, and the requirements of the regulation.
- A requirement for minimal bare hand contact to preclude contamination from hands of ready-to-eat food products to be served to highly susceptible populations.
- An expansion of the time and a more flexible protocol for properly cooling hot foods.
- A reduction in the required cold-holding temperature for most foods from 45° F to 41° F. However, for those establishments whose cold-holding equipment cannot achieve a 41° F temperature, a five-year phase-in period is allowed.
- A reduction in the required hot-holding temperature for foods from 140° F to 135° F.
- An allowance to use time, rather than the typical time and temperature, as a public health control as long as appropriate procedures are followed.
- A requirement that a retail food establishment obtain a variance from VDACS if performing certain food processing operations that are typically not performed at the retail level (i.e. smoking, curing, using additives or acidifying, reduced oxygen packaging, custom processing of animals not covered by the Meat and Poultry Inspection Program, etc.)
- For foods of animal origin that are to be consumed raw, undercooked or not otherwise processed to eliminate pathogenic microorganisms, a requirement for the use of a disclosure statement indicating that the foods have not been processed to eliminate pathogens and consumption of such foods significantly increases risk of foodborne illness to the consumer.
- Special requirements that are necessary to properly protect highly susceptible populations (i.e. immunocompromised, preschool age children, or older adults) from foodborne illness.
- A relaxing of the restrictions on animals to allow all service animals controlled by any disabled persons.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

Public:

The proposed regulation will enhance the safety of food products sold through the retail segment of the food industry. Because the proposal is based on the most current sound science available, contains provisions to address the safety of food products processed at retail that have typically only been processed at the food manufacturing level, and addresses issues such as disclosure statements for undercooked foods of animal origin and demonstration of knowledge by the person in charge, consumers purchasing food products from retail establishments should develop greater confidence in the safety of the retail food supply.

There are no disadvantages to the public.

Regulated Entities:

The advantages of well-written, scientifically sound, and up-to-date retail food safety requirements have long been recognized by industry and government officials. Industry conformance with acceptable procedures and practices is far more likely where regulatory officials “speak with one voice” about what is required to protect public health, why it is important, and which alternatives for compliance may be accepted. With both VDACS and VDH administering equivalent food safety requirements in each agency’s respective portion of the retail segment of the food industry, Virginia’s regulatory officials will be “speaking with one voice”, greatly enhancing the uniform application of retail standards and requirements. The standards and requirements of this proposal can also be applied by the retail segment of the food industry in training and quality assurance programs.

The proposed regulation will also provide the retail food segment of Virginia’s food industry the alternative and the opportunity to incorporate performance standards into their processes. Such performance standards in effect define public food safety expectations for food products, usually in terms of lethality to a pathogenic microorganism of particular concern. Use of performance standards as a measure of regulatory compliance means that food establishments are free to use innovative approaches in producing safe products, in lieu of adherence to traditional processing approaches, such as specified cooking times and temperatures, that achieve the same end. Many federally and state inspected food processing establishments demonstrate compliance with performance standards by showing that their process adheres to an appropriately designed, validated Hazard Analysis Critical Control Point (HACCP) plan, and through this proposed regulation, retail processing will be provided the same opportunity. However, if the retail food establishment chooses to utilize performance standards, the retail processing operation must demonstrate that processing controls are in place to ensure that standards are being met, which is the purpose of the HACCP plan.

The proposed regulation addresses all of the food safety issues currently addressed in the existing regulation (2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores); however, the proposed regulation is more lengthy because of some very important differences: (i) much more emphasis is placed on assignment of responsibility and demonstration of knowledge by operators and employees; (ii) there is greater focus on public health protection, and awareness, control and elimination of diseases that are transmissible through food; (iii) all of the issues addressed by the current regulation have been updated and modernized; and (iv) because of the update and modernization, the language is much more informative and educational and provides much greater clarification relative to the requirements.

Another issue addressed by this proposal that is not contained in the existing regulation is the consumption of foods of animal origin that are raw, undercooked, or not otherwise processed to eliminate pathogens. This proposal requires that if such foods are served for consumption without further processing, a consumer advisory must be used to disclose that the consumption of such foods significantly increases the risk of foodborne illness to the consumer. This requirement results directly from so many foodborne illness outbreaks being caused by products such as raw oysters on the half

shell, cooked-to-order rare hamburgers, Caesar Salad dressing or mayonnaise made with raw eggs, and others.

The primary disadvantage of this proposal to the retail food segment of the food industry is the requirement that the refrigeration temperature for most potentially hazardous foods must be 41° F or below. Under the existing regulation, the required refrigeration temperature for potentially hazardous foods is 45° F or below. This 4° F reduction in temperature will require that the retail segment of the food industry maintain refrigeration equipment that can achieve the lower temperature. Based on data supplied by FDA, manufacturers of refrigeration equipment have been manufacturing for more than 20 years food refrigeration units that will maintain the 41° F temperature; the units at the upper end of that time line may require some modification, but such modification would be inexpensive. However, there are some establishments, mostly in rural or economically challenged areas of the state, where the refrigeration equipment may be 30 years old, or older and such equipment probably cannot be modified to achieve the lower temperature. If the equipment cannot be modified, it will have to be replaced. Because it would be unreasonable to adopt a regulation and expect immediate replacement of such equipment, this proposal allows the use of existing refrigeration equipment if it is in place and in use on the effective date of the regulation and if it is upgraded or replaced before January 1, 2012. Additionally, this proposal gives the agency the authority to direct the replacement of such equipment if (i) the equipment constitutes a public health hazard or nuisance, or (ii) there is an ownership change of the establishment. At any rate, those retail food establishments which cannot maintain a refrigeration temperature of 41° F will have a phase-in period of more than five years to meet that requirement.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>Since the existing regulation (2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores) is already in effect and enforced by the agency, there is no anticipated additional cost to the state to implement and enforce the proposed regulation.</p>
<p>Projected cost of the regulation on localities</p>	<p>The proposed regulation will only be implemented and enforced by VDACS, so there is no projected cost to localities.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>Entities affected by the proposed regulation include the general public and retail food establishments (i.e. grocery stores, supermarkets, convenience stores, etc.) However, there should be no cost to the general public for the implementation and enforcement of the proposed regulation. Long term, the general public should actually realize an undetermined amount of savings due to the reduction of foodborne illness risk factors within retail food establishments.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>General public – 7.1 million – no projected cost</p> <p>Total retail food stores – 8,725</p> <p>Estimated small businesses – 4,694</p>

<p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>Projected reporting, recordkeeping and other administrative costs for the retail segment of the food industry as a result of this proposal should be negligible. The only significant reporting or recordkeeping costs would be associated with variance requests (2 VAC 5-585-860) and HACCP plans (2 VAC 5-585-3620), which are not projected to be issues within the vast majority of food establishments. Costs would only be associated with these requirements if a retail food store chooses to perform certain processing operations that are not typically performed at the retail level.</p> <p>The only projected costs for the retail segment of the food industry would be related to refrigeration equipment necessary to maintain a cold holding temperature of 41° F for potentially hazardous foods. Of the 8,725 retail food establishments, it is estimated that 3,509 are major retail food store chains which already meet the lower temperature requirement. If all of the remaining 5,216 retail food stores must modify or replace their existing refrigeration equipment, which is highly unlikely, the cost would be as follows (based on a cost of \$200 to modify existing equipment, and \$2,500 to replace an average of one 49 cu. ft. refrigeration unit per establishment):</p> <table border="0"> <tr> <td>No. stores to modify equipment (80%)</td> <td>4172</td> </tr> <tr> <td>Cost to modify</td> <td><u>\$ 200</u></td> </tr> <tr> <td>Total cost to modify</td> <td>\$834,400</td> </tr> <tr> <td>No. stores to replace equipment (20%)</td> <td>1044</td> </tr> <tr> <td>Cost to replace</td> <td><u>\$ 2500</u></td> </tr> <tr> <td>Total cost to replace</td> <td>\$2,610,000</td> </tr> <tr> <td>Total Cost to Industry</td> <td>\$3,444,400</td> </tr> </table> <p>Cost to small businesses (estimate that 90% of the remaining 5,216 establishments are small)</p> <p>\$3,444,460 X 90% = \$3,099,960</p> <p>It must be remembered that the proposed regulation does not require immediate replacement or modification of existing equipment. There is a phase-in period of over five years provided for the replacement or modification of refrigeration equipment.</p>	No. stores to modify equipment (80%)	4172	Cost to modify	<u>\$ 200</u>	Total cost to modify	\$834,400	No. stores to replace equipment (20%)	1044	Cost to replace	<u>\$ 2500</u>	Total cost to replace	\$2,610,000	Total Cost to Industry	\$3,444,400
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Total Cost to Industry	\$3,444,400														

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The only alternative to the proposed regulation that was considered was to leave the existing regulation (2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores) in place, and not propose an updated regulation. However, this alternative was not selected for a number of reasons. First, the retail food segment of Virginia’s food industry has desired for many years that VDH and VDACS would implement and enforce equivalent regulations within similar types of food establishments. If VDACS were to keep the existing regulation in place, VDACS and VDH would not be implementing and enforcing equivalent regulations, which would be undesirable from an industry standpoint and would perpetuate the perception of non-uniformity.

Second, the existing regulation does not contain the public health focus of the proposal, which is based on up-to-date and scientifically sound principles. Retaining the existing regulation would not provide the opportunity to reduce or eliminate the foodborne illness risk factors that are such a major consideration of the proposal and a major goal of all government food safety agencies throughout the United States. Because the public health focus of the existing regulation is significantly less than the proposal, consumers would be the losers in efforts to significantly reduce the level of foodborne illness associated with the retail segment of the food industry.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
	The proposal will be handled through an expedited adoption process, which is authorized by Section 3.1-398 of the Code of Virginia (1950), as amended. This process does not require a NOIRA, but does require a public comment period and public hearing following publication of the proposal in the Virginia Register. Once that process has been accomplished, public comments will be reported.	

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The impact of the proposed regulatory action on the institution of the family and family stability is from the standpoints of foodborne illness and availability of safe food for the consumer. As previously stated, the proposal is based, in part, on providing practical, science-based guidance and manageable, enforceable provisions for mitigating risk factors known to cause foodborne illness. It is a goal of all government food safety agencies within the United States to reduce the incidence of foodborne illness and ensure that foods available to consumers are safe to consume. Ensuring the safety of the food supply and reducing the level of foodborne illness have direct impacts on the family and family stability by positively affecting a family’s disposable income, improving family health, reducing medical care costs, reducing absences from the work place, and reducing mental, physical and emotional pain and suffering.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

The Virginia General Assembly has expressed that the existing regulation 2 VAC 5-580 (*Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores*) must cease to exist once the proposed regulation is in effect. Thus the existing regulation and the proposed regulation are different, but have much in common. The proposed regulation covers all of the public health and food safety provisions currently covered in the existing regulation; however, the proposal revises many of those provisions to reflect scientifically sound and up-to-date public health and food safety principles, and it contains many additional public health and food safety provisions that are not contained in the existing regulation. Following are the differences in the two regulations:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
None	2 VAC 5-585-10	None	Specifically identifies establishments that the regulation does not apply to, as determined by the General Assembly in §3.1-398 B of the Code of Virginia.
None	2 VAC 5-585-15	None	Describes and defines violations that are “critical”, “non-critical”, and “swing”. Violations are categorized in order to track the reduction of violations that are more likely than others to contribute to foodborne disease.
None	2 VAC 5-585-20	None	Identifies the purpose of the regulation of safeguarding public health and providing to consumers food that is safe, unadulterated and honestly presented.
None	2 VAC 5-585-30	None	Statement that the regulation establishes definitions; sets standards for management and personnel, food operations, and equipment & facilities; and provides for inspection and employee restriction – all are public health and food safety measures.
2 VAC 5-580-10	2 VAC 5-585-40		Definitions for “bulk food”, “food service establishment”, “retail food store”, and

			<p>“transportation” have been removed as no longer necessary. Adds definitions for “accredited program”, “additive”, “adulterated”, “approved”, “a_w (water activity)”, “beverage”, “board”, “bottled drinking water”, “casing”, “certification number”, “CIP”, “CFR”, “Code of Federal Regulations”, “commingle”, “comminuted”, “commissioner”, “confirmed disease outbreak”, “consumer”, “critical control point”, “critical item”, “critical limit”, “department”, “disclosure”, “drinking water”, “dry storage area”, “easily movable”, “egg”, “EPA”, “exclude”, “FDA”, “fish”, “foodborne disease outbreak”, “food employee”, “food establishment”, “food processing plant”, “game animal”, “general use pesticide”, “grade A standards”, “HACCP plan”, “hazard”, “highly susceptible population”, “imminent health hazard”, “injected”, “juice”, “kitchenware”, “linens”, “meat”, “mg/L”, “molluscan shellfish”, “operator”, “personal care item”, “pH”, “physical facilities”, “plumbing fixture”, “plumbing system”, “poisonous or toxic materials”, “poultry”, “premises”, “primal cut”, “public water system”, “ready-to-eat food”, “reduced oxygen packaging”, “refuse”, “reminder”, “restrict”, “restricted egg”, “restricted use pesticide”, “risk”, “service animal”, “servicing area”, “sewage”, “shellfish control authority”, “shellstock”, “Shiga toxin-producing Escherichia coli”, “shucked shellfish”, “slacking”, “smooth”, “table-mounted equipment”, “tableware”, “temperature measuring device”, “temporary food establishment”, “USDA”, “variance”, “vending machine”, “vending machine location”, and “whole-muscle, intact beef”. Additionally, the existing definitions for “easily cleanable”, “equipment”, “packaged”, “person”, “potentially hazardous food”, “regulatory authority”, “sanitization”, “single-service articles”, “single-use articles”, and “utensil” have all been expanded and brought up-to-date to reflect current, scientifically sound significance. The additional definitions, along with the updated and expanded definitions, will provide greater clarification and understanding to the users of this document.</p>
None	2 VAC 5-585-50	None	Requires assignment of responsibility to a person in charge during all hours of operation of a food establishment. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC5-585-60	None	Requires that the person in charge demonstrate knowledge of foodborne disease prevention, application of Hazard Analysis Critical Control Point principles, and the other requirements of the regulation. This section provides for numerous options for the demonstration of this knowledge. Necessary for the control of

			foodborne disease and assurance of food safety.
None	2 VAC 5-585-70	None	Identifies the responsibilities of the person in charge. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-80	None	Requires person in charge to require employees or applicants who have been offered employment to report to the person in charge their health and activities as they relate to diseases that are transmissible through food. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-90	None	Requires exclusion or restriction within a food establishment by the person in charge of employees diagnosed with certain, identified diseases. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-100	None	Identifies when exclusions or restrictions of food employees diagnosed with certain diseases can be removed by the person in charge. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-110	None	Requires food employee or applicant to report certain diseases to person in charge, and to abide by exclusion and restriction requirements. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-120	None	Requires person in charge to report to VDACS employees diagnosed with certain diseases. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-140	None	Identifies specific cleaning procedures of hands and arms. Necessary to prevent contamination of foods by hands.
None	2 VAC 5-585-180	None	Identifies acceptability for use of hand sanitizers and chemical hand sanitizing solutions. Necessary to prevent contamination of foods by hands.
None	2 VAC 5-585-200	None	Prohibits the wearing of jewelry, except wedding bands, while preparing foods. Necessary to prevent physical contamination of food.
None	2 VAC 5-585-230	None	Prohibits employees with discharges from the eyes, nose and mouth from working with exposed food and clean equipment. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-270	None	Identifies conditions necessary for food products to comply with all applicable laws and regulations. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-280	None	Requires food in a hermetically sealed container to be obtained only from a food processing plant that is regulated by the regulatory agency having jurisdiction over the plant. Necessary for the control of foodborne disease and assurance of food safety.

None	2 VAC 5-585-295	None	Requires pre-packaged juice to be obtained from a processor with a HACCP system, pasteurized or otherwise treated to eliminate microorganisms of public health significance, or bear a warning statement that the juice may contain pathogens that may cause foodborne disease. Necessary for the control of foodborne disease and assurance of food safety, or to fully inform the consumer of the dangers associated with consuming unpasteurized or untreated juice.
None	2 VAC 5-585-300	None	Requires that fish received for sale or service be commercially and legally caught, or approved for sale or service by a regulatory authority. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-320	None	Requires that wild mushrooms be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-330	None	Requires appropriate handling and processing of game animals received for sale or service. Necessary for the control of foodborne disease and assurance of food safety.
2 VAC 5-580-30 A	2 VAC 5-585-340	Holding temperatures of potentially hazardous foods: 140° F for hot; 45° F for cold.	Requires receiving temperature of 41° F for refrigerated potentially hazardous foods, unless 45° F is otherwise permitted; receiving temp. of 135° F for potentially hazardous foods requiring hot holding; 45° F receiving temperature for raw shell eggs. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-350	None	Requires compliance with food additive amounts allowed by Code of Federal Regulations. Necessary for the assurance of food safety.
None	2 VAC 5-585-370	None	Requires that liquid, frozen, and dry eggs and egg products; fluid and dry milk and milk products; frozen milk products; and cheese be obtained pasteurized (for cheese – unless alternative procedures to pasteurization are provided for by law). Necessary for the control of foodborne disease and assurance of food safety.
2 VAC 5-580-20 B 2	2 VAC 5-585-410	Provides for minimal unshucked shellfish identification.	Significantly expands shellstock identification requirements to be consistent with the requirements of the National Shellfish Sanitation Program. Necessary for the prevention of foodborne disease associated with consuming raw shellfish.
None	2 VAC 5-585-420	None	Requires that shellstock, when received, be reasonably free of mud, dead shellfish and shellfish with broken shells. Necessary for the prevention of foodborne disease associated with consuming raw shellfish.
2 VAC 5-580-20 B 2	2 VAC 5-585-430	Fresh & frozen shell-fish required in nonreturnable	Expands requirements to allow removal of molluscan shellfish from original container under

		packages with proper identification. All molluscan shellfish should be kept in original container until sold.	certain conditions. Provides more flexibility to the industry, and is consistent with industry practices.
2 VAC 5-580-20 B 2	2 VAC 5-585-440	Requires retention of shellstock tags for a period of 90 days.	Expands the shellstock identification maintenance requirements, but allows for additional flexibility in retaining shellstock tags. Provides more flexibility to the industry.
2 VAC 5-580-50 A	2 VAC 5-585-450	Food shall be prepared with a minimum of manual contact.	Expands the requirements to prevent contamination of foods from hands and adds that under most conditions, ready-to-eat foods may not be contacted with bare hands. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-460	None	Requires that a food employee may not use a utensil more than once to taste food that is being sold or served. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-490	None	Requires that pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods that are not thoroughly cooked, unless the food is not served to a highly susceptible population, and a consumer advisory is issued warning consumers about the dangers of consuming raw or undercooked animal foods. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC5-585-500	None	Provides additional guidance to prevent contamination of foods with unapproved additives. Necessary for the assurance of food safety.
2 VAC 5-580-40 A 4	2 VAC 5-585-530	Packaged foods shall not be stored in contact with water or undrained ice.	Expands this requirement, but allows for flexibility when contamination is of minimal concern. Provides additional guidance and flexibility to the industry.
None	2 VAC 5-585-560	None	Allows use of linens and napkins in contact with food as a container liner as long as they are replaced each time the container is refilled. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-580	None	Addresses the use of gloves for handling food products and identifies the limitations of such use. Necessary to prevent contamination from bare hands.
None	2 VAC 5-585-590	None	Requires the use of clean tableware when returning to a self-service operation to obtain second portions or refills. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-600	None	Specifies requirements for refilling take-home food containers. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-630	None	Requires that potentially hazardous food dispensed through a vending machine be in the package in which it was placed at the food

			establishment or food processing plant where it was prepared. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-660	None	Requires proper protection of condiments for use by consumers. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-670	None	Prohibits consumer self-service of raw, unpackaged food of animal origin, but allows for exceptions. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-680	None	Prohibits reservice or resale of unused food returned by a consumer, with a few exceptions. Necessary for the control of foodborne disease and assurance of food safety.
2 VAC 5-580-50 C	2 VAC 5-585-700	Requires cooking of food products to an internal temperature as follows: poultry to 165°F; pork to 150° F; beef roasts to various temperatures dependent upon size of roast, cooking method and holding time at various temperatures.	Significantly expands cooking temperature requirements and addresses not only the internal temperatures, but also the length of time those temperatures must be maintained. Also expands the cooking time and temperature matrix for beef roasts. This provides some additional flexibility to the industry, but is also necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-710	None	Requires specific protocol for microwave cooking of raw animal foods. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-730	None	Requires appropriate freezing of fish before the sale or service of ready-to-eat raw, raw-marinated, partially cooked, or marinated-partially cooked fish (sushi) to destroy parasites. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-740	None	Requires maintenance of proper records to verify appropriate freezing of ready-to-eat raw, marinated, raw-marinated, partially cooked, or marinated-partially cooked fish. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-750	None	Allows cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, to be served at any temperature. Allows industry flexibility without compromising food safety or public health.
2 VAC 5-580-50 E	2 VAC 5-585-760	Requires potentially hazardous foods that have been cooked and then refrigerated to be reheated to 165° F before being placed in hot food storage holding units.	Reheating temperature of 165° F is still required for most foods, but additional flexibility is allowed with respect to commercially processed, hermetically sealed containers of food, intact packages of food from an appropriately inspected processing plant, and unsliced portions of roasts. Allows industry flexibility without compromising food safety or public health.
None	2 VAC 5-585-765	None	Requires juice packaged in a food establishment to be treated to eliminate the most resistant microorganisms of public health significance, or

			to be labeled with a warning statement that the juice has not been treated and may contain harmful bacteria that can cause serious illness. Necessary for the control of foodborne disease and assurance of food safety, and for proper consumer notification of risk associated with untreated juice.
2 VAC 5-580-40 B 2	2 VAC 5-585-800	Requires rapid cooling to an internal temperature of 45° F of potentially hazardous foods following preparation.	Requires that cooked, potentially hazardous foods be cooled within two hours from 135°F to 70°F, and within a total of six hours from 135°F to 45°F, or 41°F. This allows more flexibility to the industry, as standard operating procedure under existing regulation requires cooling within four hours. Allows industry flexibility without compromising food safety or public health.
None	2 VAC 5-585-830	None	Requires date marking of refrigerated, ready-to-eat potentially hazardous food that is prepared and held by a food establishment for more than 24 hours, and establishes maximum holding times for such foods, based on storage temperature. Also provides for additional flexibility with certain food products. Necessary for the control of foodborne disease and assurance of food safety, but provides flexibility without compromising public health.
None	2 VAC 5-585-840	None	Requires that ready-to-eat potentially hazardous food that exceeds acceptable time/temperature combinations, is not appropriately marked with a date, or marked with a date that exceeds the appropriate time/temperature combination be discarded. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-850	None	Allows time to be used as a public health control in lieu of the traditional time and temperature, as long as proper procedures are followed. Allows industry flexibility without compromising public health or food safety.
None	2 VAC 5-585-860	None	Requires a food establishment to obtain a variance from the Department if performing certain high-risk food operations that are traditionally not performed at the retail level. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-870	None	Outlines the requirements necessary to package foods using a reduced oxygen packaging method when Clostridium botulinum is identified as a microbiological hazard in the final packaged food. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-880	None	Requires that packaged foods comply with the standards of identity requirements established by Titles 21 and 9 of the Code of Federal Regulations. Necessary to ensure honest presentation of standardized foods to the consumer.

None	2 VAC 5-585-890	None	Requires that food must be offered for human consumption in a way that does not mislead or misinform the consumer. Necessary to ensure honest presentation to the consumer.
None	2 VAC 5-585-900	None	Requires labeling of most food products in packaged form, but allows for some flexibility. Necessary to ensure honest presentation to the consumer.
None	2 VAC 5-585-910	None	Addresses other forms of label or consumer notification information, if required by law. Necessary to ensure honest presentation to the consumer.
None	2 VAC 5-585-930	None	Requires the use of a consumer advisory if food of animal origin is sold or served raw, undercooked, or without otherwise being processed to eliminate pathogens and is in a ready-to-eat form. Necessary to inform consumers about the significantly increased risk of foodborne disease associated with consuming such foods.
None	2 VAC 5-585-940	None	Requires that unsafe, adulterated or contaminated food be discarded unless it can be safely reconditioned. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-950	None	Identifies specific requirements and prohibitions for foods in a food establishment that serves a highly susceptible population. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-980	None	Specifies the maximum levels of lead content allowed in various categories of food utensils. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-990	None	Specifies copper use limitations in food contact surfaces. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1000	None	Specifies galvanized metal use limitations for food contact surfaces. Necessary for the control of foodborne disease and assurance of food safety.
2 VAC 5-580-150 B	2 VAC 5-585-1010	Permits the use of sponges for cleaning food contact surfaces.	Limits the use of sponges on food contact surfaces. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1020	None	Limits the level of lead in pewter alloys used as food contact surfaces. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1050	None	Requires use of nonscoring or nonscratching utensils and cleaning aids on perfluorocarbon nonstick cooking surfaces. Necessary for the assurance of food safety.
None	2 VAC 5-585-1130	None	Specifies required characteristics of hot oil filtering equipment. Necessary for the assurance of food safety.

None	2 VAC 5-585-1140	None	Specifies characteristics and cleaning of can openers. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1200	None	Specifies characteristics for pressure measuring devices in mechanical warewashing equipment. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1220	None	Specifies characteristics for equipment openings, closures and deflectors. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1230	None	Specifies characteristics for dispensing equipment to protect the equipment and food. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1240	None	Specifies characteristics for self-closing of the dispensing compartment of a vending machine located in outside areas and available for self-service during hours when not under the full supervision of a food employee. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1260	None	Specifies characteristics for beverage tubing and cold-plate beverage cooling devices. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1270	None	Requires that liquid waste drains may not pass through an ice machine or ice storage bin. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1280	None	Requires separation with a dustproof barrier of a condenser unit and the food and food storage space. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1290	None	Requires protection from manual contact, dust, insects, rodents or other contamination of cutting or piercing parts of can openers on vending machines. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1300	None	Requires a variance and a HACCP plan for food establishments to use molluscan shellfish life support system display tanks. Necessary for the control of foodborne disease associated with shellfish and assurance of food safety.
None	2 VAC 5-585-1310	None	Specifies characteristics and requirements for automatic shutoff of vending machines that vend potentially hazardous foods. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1330	None	Requires data plate that displays machine and operating specifications for mechanical warewashing machine. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1410	None	Specifies requirements for vending machines to

			dispose of liquid waste products. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1430	None	Specifies requirements for vending machine doors and openings. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1440	None	Specifies that equipment that is certified or classified for sanitation by an American National Standards Institute accredited certification program will comply with the requirements of this regulation. This provides additional clarification, guidance and flexibility to the industry.
None	2 VAC 5-585-1590	None	Requires that microwave ovens meet the requirements of Part 1030.10 of Title 21 of the Code of Federal Regulations. Necessary to protect consumers and employees from exposure to microwave radiation.
None	2 VAC 5-585-1650	None	Requires a temperature of the wash solution of 110° F in manual warewashing equipment. Necessary for the control of foodborne disease and assurance of food safety.
2 VAC 5-580-150 C 8	2 VAC 5-585-1700	Specifies temperature and concentration requirements for chemical sanitizing solutions.	Provides much more specificity and flexibility with respect to temperature, pH, concentration, and water hardness for chemical sanitizing solutions, based on sound scientific data. Necessary for the control of foodborne disease and assurance of food safety without compromising public health.
None	2 VAC 5-585-1740	None	Requires the use of single-service and single-use articles in food establishments without facilities for cleaning and sanitizing. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1760	None	Requires that mollusk and crustacea shells used as serving containers may not be used as such more than one time. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-1870	None	Specifies requirements for cleaning of returnable containers for refilling. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-2030	None	Requires removal and proper handling of soiled tableware from consumer eating and drinking areas. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-2040	None	Specifies requirements for preset tableware. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-2160	None	Specifies requirements for the use of an alternative water supply. Necessary for the control of foodborne disease and assurance of food safety while providing flexibility to the food industry.
None	2 VAC 5-585-2270	None	Specifies circumstances for use of a backflow prevention device with a carbonator. Necessary

			for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-2330	None	Requires that water system devices, such as water treatment devices or backflow preventers, shall be scheduled for inspection in accordance with manufacturer’s instructions and as necessary to prevent device failure. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-2340	None	Requires scheduled cleaning and sanitizing of reservoirs used to supply water to devices such as produce foggers. Necessary for the control of foodborne disease, the assurance of food safety, and protection of employee and consumer health.
None	2 VAC 5-585-2450	None	Identifies requirements for mobile food establishment water tank inlet. Necessary for appropriate water flow to facilitate cleaning and sanitizing.
None	2 VAC 5-585-2500	None	Identifies requirements for mobile food establishment sewage holding tank. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-2550	None	Specifies requirements for removing mobile food establishment wastes from the establishment. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-2560	None	Specifies requirements for flushing and draining a tank for liquid waste retention. Necessary for the control of foodborne disease and assurance of food safety.
None	2 VAC 5-585-3045	None	Requires that signs notifying employees to wash their hands be provided at all handwashing lavatories. Necessary to control contamination of food products by hands.
None	2 VAC 5-585-3510	None	Identifies requirements for the Department to apply this regulation to promote public health protection. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3540	None	Identifies conditions under which the Department may grant a variance. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3541	None	Identifies the information that must be provided to the Department for a proposed variance. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3542	None	Identifies requirements for an operator if a variance is granted or a HACCP plan is required. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3600	None	Specifies when plans and specifications are

			required to be submitted to the Department for construction, conversion or remodeling of food establishments. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3610	None	Specifies the contents of the plans and specifications required under the preceding section. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3620	None	Specifies when a HACCP plan is required. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3630	None	Specifies the contents of a HACCP plan. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3540	None	Requires confidentiality of trade secrets in accordance with law. Necessary to protect confidential trade secret records submitted by a food establishment to the agency.
None	2 VAC 5-585-3650	None	Requires preoperational inspections of food establishments. Necessary for the control of foodborne disease, the assurance of food safety and protection of public health.
None	2 VAC 5-585-3800	None	Addresses the Department's inspectional frequency for food establishments. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3810	None	Outlines evaluation criteria for determining need of performance-based or risk-based inspections by the Department. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3815	None	Requires that Department personnel who inspect food establishments or conduct plan reviews have the necessary knowledge, skills and ability to adequately perform the required duties. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3820	None	Requires the person in charge to allow access to the food establishment by the Department's authorized representative during hours of operation and at other reasonable times. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3830	None	Outlines procedures to follow if access to the food establishment is denied. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.

None	2 VAC 5-585-3840	None	Requires that details of refused entry be provided on an inspection report form. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3850	None	Grants authority for the Department to apply for an inspection order to gain access as provided by law. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3860	None	Identifies information and observations to be provided on an inspection report form by the authorized representative of the Commissioner. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3870	None	Requires authorized representative of the Commissioner to specify on the inspection report the timeframe for correction of violations. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3880	None	Requires authorized representative of the Commissioner to provide a copy of the inspection report and notice to correct violations to the person in charge, and to request a signed acknowledgement of receipt. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3890	None	Outlines procedures to follow if person in charge refuses to sign the acknowledgement. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3900	None	Specifies that Department shall treat the inspection report as a public document and make it available for disclosure as provided in law. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3910	None	Requires an operator to immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency such as a fire, flood, etc. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3920	None	Requires operator to obtain approval from the Department before resuming operations following an imminent health hazard. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3930	None	Requires timely correction of critical violations. Necessary to ensure compliance with public

			health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3940	None	Requires the authorized representative of the Commissioner to enter corrective action on the inspection report after observing correction of a critical violation. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-3950	None	Requires correction of non-critical violations within 90 days or in accordance with a compliance schedule approved by the Department. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-4040	None	Requires the Department to act when it has reasonable cause to believe that a food employee has possibly transmitted disease; may be infected with a disease in a communicable form that is transmissible through food; may be a carrier of infectious agents that cause a disease that is transmissible through food; or is affected by a boil, an infected wound or acute respiratory infection. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-4050	None	Grants authority for the Department to request the restriction or exclusion of a food employee based on an investigation related to the food employee who is suspected of being infected or diseased. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-4060	None	Requires that the Department's request for restriction or exclusion must state the reasons for the requested restriction or exclusion, and the evidence that the food employee or operator shall provide to demonstrate that the reasons for restriction or exclusion are eliminated. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.
None	2 VAC 5-585-4070	None	Outlines the conditions under which the Department shall release the food employee from restriction or exclusion. Necessary to ensure compliance with public health, foodborne disease and food safety provisions of the regulation.

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