

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 June 15, 2006

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 Field Hearing is conducted. The 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 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 Supervisor 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 3.1-392 of the code before any of the prohibited acts defined in 3.1-388 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 too 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.

Issued new February 2, 2001

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 judgement 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

TAMPERING INVESTIGATIONS

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 Regional Manager. The designated Tampering Coordinator is Mr. Jerry Williams, Cell phone: 804-840-0291/540-955-9374, State phone: 540-955-9374, Office phone: 540-428-0424, Home phone: 540-955-3514, Email: Jerry.Williams@vdacs.virginia.gov.
2. 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. Roberta Wagner, 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 June 2006

FIELD OPERATIONS MANUAL

PROCEDURE I-03
Formerly 024

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
Formerly 005

REFUSAL TO PERMIT ENTRY OR INSPECTION

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 3.1-399 to the person refusing your request. Section 3.1-388, paragraph (e) should then be read to the individual, followed by the penalty section 3.1-390. If you are still refused entry after properly identifying yourself and after reading the above sections of the law, you should telephone the Food Office immediately. This procedure also applies to the refusal to permit the collection of a sample.

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE I-05
Revised

State pager

In your position as a Food Safety Specialist, the State has provided you with a pager to facilitate efficient communication. In an effort to promote quality customer services in a timely manner, the office will provide your pager 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 pager 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. However, you are not required to stay in your territory on those days and it will not be necessary to carry your pager when outside your territory, while on annual leave or when at home where you can be reached by telephone.

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

PAGER RESPONSE CODES

The following codes and response times should be used when sending and/or receiving a page:

- 01 - This code is to be used when the person being paged needs to be contacted immediately. The response time for this code is immediately if possible and in no event should the return call exceed 30 minutes.

- No Code No code is to be used when the person paging needs to speak to the paged person but it is not an emergency. The response time for this code is immediately if possible and in no event should the return call exceed 2 hours.

Codes are added to the digital phone message by pressing * then the code after entering the phone number. If you want the person to know who is paging you can enter * and then your FDA number after the code. When done, press the pound key (#).

Revised November 3, 2004

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 Formerly
029

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
Formerly 035

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

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.
- Leftclick-&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”
- Place your cursor over the highlighted area, Leftclick-&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.

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for recording violation and observation data.

Hit "Enter" twice
Type violation & observation # on this line.

Revised November 22, 2004

FIELD OPERATIONS MANUAL

PROCEDURE I-10
Formerly 037

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 understand 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, Subject: Ethical use of Agency Computing Resources and Number 10.2, Subject: Network Services. These policies provide information and guidance to VDACS employees who use computer. 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). Another important consideration is security. Do not invite theft or assault. Common sense goes a long way in this area. There are situations that 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.

Hardware Service and Support

There is a broad spectrum of computer expertise among the field Food Safety Specialists. Situations will arise where in house or external assistance will be needed to solve a particular problem. The VDACS Information Systems office will assist field personnel directly with the care and maintenance of their computers and will coordinate repairs and outside services when necessary.

All requests for assistance with your computer will be directed to the Information Systems office. Additionally, you are expected to keep your regional manager informed that you are having difficulty and have contacted the Information Systems office. Information Systems will determine if the problem is hardware or software related. Every attempt will be made to correct the situation over the phone or via email. But, if assistance from outside our office is needed, you will be provided the necessary instruction (repair shop, VDACS Information Systems, manufacturer). Information Systems has been asked to keep the regional manager informed via phone or email of what is being done to correct the situation. **Individual field personnel WILL not attempt to procure computer support services outside our office. Such action could result in disciplinary action.**

COMPUTER TECHNICAL SUPPORT.

In the event you need computer hardware and Microsoft program technical support, such as internet connections and Microsoft Word, you should contact the VDACS Information Systems (IS) office directly. When you contact IS you must be able to describe the problem accurately, including what you were doing when the problem occurred, any error messages received, etc. You must also be able to tell IS when and where they can contact you via phone, if

necessary.

POINTS OF CONTACTS

Information Systems

Jeff Hansen
Information Systems
Virginia Department of Agriculture & Consumer Services
1100 Bank St. - Suite 301
Richmond, VA 23219

Help Desk - (804) 786-4711
Fax - (804) 786-2110
Voice mail - (804) 786-1345

E-mail addresses

helpdesk@vdacs.state.va.us
jhansen@vdacs.state.va.us

Attachments: (2)
06/26/98

- (1) Virginia Department of Agriculture and Consumer Services Policy and Procedure Manual Number 10.1, Subject: Ethical use of Agency
- (2) Computing Resources end Number 10.2, Subject: Network Services.

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.

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.

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. 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.

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, safety glasses, ear plugs, 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.

Issued new August 16, 2001

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

INCLEMENT WEATHER

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 should 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

You may use the Internet to obtain some of the aforementioned information.

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.

In instances where it is impossible to perform field work then work related activities should be performed at the FSS's home office where possible (food safety research via the Internet, special projects conducted over the phone as assigned by supervisor, organizing files, review of Laws and/or Regulations, etc.).

If it is deemed that the FSS should work in their home office then they should place the actual number of hours in which work (in the home office) was performed in the "Hours Worked" column of the "VDACS Timesheet." 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.

The Commonwealth will **only allot 8 hours of weather related leave per day**. However, if the FSS works a ten (10) hour day, and is at home for the entire day they must work for at least two (2) hours at their home office if they wish to avoid having to take two (2) hours of annual leave.

The closing of a "State office" building only relates to those employees who travel to and work in that particular building. It does not automatically entitle other employees of the

Commonwealth who do not work in that building to "time off".

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.

****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!

February 2, 2000

FIELD OPERATION MANUAL

PROCEDURE I-15

New

EMERGENCY DATA UPDATING

In the event you are injured while at work and you are unable to provide the needed information to emergency personnel, the Agency may have to make a notification or provide the information for you. Therefore, you shall periodically make certain that your emergency notification information, maintained by our Human Resource Office (HRO) in Richmond, is current.

In the event your emergency notifications needs to be updated, you will submit the changes to HRO, electronically as an attachment, or via (snail) mail, your current notification requirements. The form utilized for this purpose, developed by HRO, is attached to this FOM and should be retained on your computer for easy use.

The form should be submitted to:

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
HUMAN RESOURCE OFFICE
1100 BANK STREET SUITE 306
RICHMOND, VIRGINIA 23219
Fax (804) 371-8879

Or

VIA EMAIL TO

Ms. Linda Cole lcole@vdacs.state.va.us

February 9, 2000



EMERGENCY INFORMATION
VIRGINIA DEPARTMENT OF AGRICULTURE &
CONSUMER SERVICES

Please Print or Type

Name:

Division: Consumer Protection

Date: 12/15/06

PERSON(S) TO CONTACT IN CASE OF EMERGENCY:

Name:

Home Address:

Work Address:

Telephone: (h)

(w)

Pager #

Name:

Home Address:

Work Address:

Telephone: (h)

(w)

Pager #

PREFERRED HOSPITAL:

PERSONAL PHYSICIAN: TELEPHONE:

***SPECIAL INSTRUCTIONS/CONDITIONS/NOTES:**

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 Office of Food Safety 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 Specialist (employed for less than one (1) year), hired after the issuance of this Field Operation Manual I-16, are **not** permitted to work the ten (10) hour days, four (4) days per week. Generally, personnel advanced to Grade 10 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) h

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 June 11, 2003

FIELD OPERATIONS MANUAL

PROCEDURE I-17

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 be approved 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.

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 time sheets have to be completed by all non-exempt classified employees.

- 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 (ie: 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. Week Ending: Should be the Friday's date for the week just completed.

III. Day and Date: Start the date with Saturday's date and fill in the dates for the days of that week, ending with Friday. Friday's date should correspond to the Week Ending date.

IV. Time In and Time Out: Record actual starting and ending times.

V. Hours Worked: Should equal the difference between the Time In and Time Out minus a lunch break. The Fair Labor Standards Act (FLSA) requires a minimum 20 minute lunch break.

- VI. CE, Comp Paid, OE, Overtime Paid:** These are informational columns for your use in tracking the days on which you actually worked the compensatory or overtime leave. SEE NOTE AT THE BOTTOM OF THE TIMESHEET REGARDING APPROVAL BY THE SUPERVISOR.
- VII. Leave taken:** Indicate the hours taken and the leave transaction code that is appropriate for the leave taken.
- VIII. Totals:** The important totals are for the **Hours Worked, Leave Taken, and Holiday Hours** columns. IF THESE THREE (3) COLUMNS TOTAL MORE THAN 40 HOURS, YOU SHOULD HAVE PRE-APPROVAL FOR EITHER COMPENSATORY OR OVERTIME LEAVE.
- 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 August 10, 2001

FIELD OPERATIONS MANUAL

Procedure I-18
NEW

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
NEW

Operation Of State Owned Automobile

I. GENERAL OPERATION

A. Assignment of Automobile

- a. 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.
- b. The use of a state owned automobile for purposes other than those specified above shall be only with the consent of your immediate supervisor.

B. Maintenance and Service of Automobile

- a. All automobiles shall be serviced at State Department of Transportation shops. This shall include gasoline, oil, lubrication, and washing.
- b. All maintenance and repair work shall be performed at State Department of Transportation Shops. This shall include minor and major repairs.
- c. 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.
- d. Arrangements should be made 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.
- e. In case of emergency, when it is impractical to reach a State Shop, "Voyager" commercial fuel cards, which have been supplied may be used.
 1. The cards are for use with Pool Vehicles only and are vehicle specific.
 2. The input of a pin number (the last 5 digits of the pool car number) is required to obtain fuel. In some cases, the odometer reading may also be required.
 3. Notify your Regional Manager immediately if the card is lost or stolen.

C. Monthly Mileage Reports

- a. All operators of State owned automobiles are required to submit a mileage report on forms furnished for this purpose to the Department. Per FOM I-06, this report should be submitted directly to the Richmond Office at the end of each month

(must be in Richmond by the 5th day of the following month). All bills and statements relative to purchases must be attached to the report.

- b. Instructions for completing mileage reports are stated on the form. A reference copy is provided for you.

D. Accidents

- a. 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.
- b. 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
 - 1. Cellular: #77
 - 2. 24 hr. response: 804-674-2000
- c. 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**.
- d. 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.

E. Safety

- a. Safety first - it pays! Make it a point to drive carefully and observe all traffic

laws including the wearing of seat belts.

- b. Vehicles are to be kept locked at all times.

F. Appearance of State Owned Automobile

- a. It is essential that we exercise proper care to keep the automobile we operate clean and neat at all times.
- b. A clean automobile reflects good judgement and adds to the confidence other people have in us. 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.

Issued new February 9, 2001

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 New 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.

Issued New August 16, 2001

State Phone Line

Being a Food Safety Specialist requires you to have a home office. As part of your home office, you are supplied with a state phone line. This phone line serves as a way for your customers to contact you directly, as well as, a simpler and more direct way for you to return calls.

It is important to understand that contacting clients is a shared responsibility that does not rest totally with the clerical staff. Although calls will not be routinely passed directly to the Inspector, in many cases, direct contact between the Inspector and client is the most prudent approach to resolving an issue.

Part of your responsibility in having a state phone line and an office in your home 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 state phone line during working hours and respond to voice mail received on that line in a timely manner.*

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). If this is an emergency and it is after normal working hours, a weekend, or holiday, you may page me at (your pager 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). If this is an after hours emergency you may page (Field Supervisor/Regional Manager) at (Field Supervisor's or Regional Manager's pager number).

The inclusion of your pager number in your modified greeting is optional, as you may be on vacation and not available by pager. Additionally, if you are attending a work related meeting, your Regional Office will be aware of how to contact you or who to contact in your absence in the event of an emergency.

No State Phone Line in your Home

If you have elected not to have a state phone line in your home, you will be required to have a message similar to those above after your personal message on your home answering machine. It might start something like this:

(Personal message.) If this is in regards to the Virginia Department of Agriculture's Food Safety & Security Program, please leave a message...

or, I will be out of the office...

In this instance, you would substitute the verbiage outlined above for the rest of your message, being sure to include office and pager numbers in your message.

Additionally, if you have elected not to have a state phone line in your home, you are still required to respond to voice mail messages in a timely manner, and respond to emergency calls after hours or on the weekend as previously outlined in this procedure.

Issued new November 3, 2004

FIELD OPERATIONS MANUAL

Procedure I-23
New

VDACS-FOOD SAFETY PROGRAM TRAINING MANUAL

Introduction

The primary purpose of this Training Manual is to promote uniformity in the training of new hires. This manual describes conditions and practices that should be addressed in developing an effective and meaningful training experience. The criteria in this training manual are based on the requirements of the Virginia Food Laws and related regulations. While this manual should be used as a guide in deciding what areas to stress and/or de-emphasize during training it is not to say you can not deviate from it to expose a trainee to unusual situations that will warrant their attention.

The training program and this manual are designed to prepare new hires to effectively apply the appropriate laws and regulations in the performance of their duties. This training will emphasize that the Food Safety Specialist (FSS) is not just an inspector who identifies, and reports food safety violations, but a SPECIALIST who can base decisions not only on what is in the “book”, but also on sound scientific food safety principles. Additionally, they will develop the ability to offer constructive corrective recommendations, based on the aforementioned, to the establishments under our jurisdiction. Every effort will be made to insure that the new individual is exposed to the widest range of activities and scope of our responsibilities. With the skills obtained through this training, the new employee will be a credit to himself or herself and the Department and who can take deserved pride for a job well accomplished.

Goals of the Training Program

1. To develop the ability to interpret and apply applicable laws and regulations in diverse situations.
2. To develop the ability to make autonomous decisions and to take appropriate actions in diverse circumstances and environments.
3. To develop the ability to effectively communicate, both orally and written.
4. To develop the ability to provide quality customer service.
5. To develop the ability to use computerized equipment and applications.
6. To develop a thorough knowledge of the Virginia Food Laws and related laws/regulations.
7. To develop a thorough knowledge of Food Law inspectional and enforcement procedures.
8. To develop a thorough knowledge of food safety practices and principals.

9. To develop a thorough knowledge of food processing theory and practice.

Training Program Overview

Our training program is built around a three to four month on-the-job training period. During this time, the new employee will work with various Food Safety Specialists and managers throughout the state on a weekly basis. Monthly training schedules will be set up and supplied to all parties involved in advance so that all necessary arrangements (meeting time and place, hotel accommodations, etc.) can be made.

Initially, the new employee will spend one or two days in the Richmond office for indoctrination purposes and procuring his/her needed supplies. The rest of the week will be spent working with the Training Coordinator familiarizing themselves with the Virginia Food Laws (VFL) and related regulations enforced by the Food Safety Program. Additionally, time will be spent going over pertinent Department and Agency Policies and Procedures, as well as various forms of paperwork. The following week the new employee will begin their field training with an experienced Food Safety Specialist. During this time, the trainers will be explaining the various operations, the conditions observed and how these conditions relate to the Virginia Food Laws and/or regulations.

As the new employee becomes familiar with these activities, they will begin to handle portions of the inspection and paperwork on their own under the supervision of the Food Safety Specialist. At this time the new employee begins to move into the “second stage” of their training. During this period, the new employee will be working along side and comparing notes with the Food Safety Specialist concerning the observed objectionable conditions. The new employee should also be composing the majority of the paperwork at this stage with some assistance from the Food Safety Specialist. This should be a time for the “pieces of the puzzle” to begin really falling into place as far as inspection, paperwork and how conditions relate to the Virginia Food Laws.

During the “final stage” of training, the new employee will be handling all aspects of the inspection, including discussions with management, with little or no assistance from the Food Safety Specialist. The Food Safety Specialist, however, will be observing the actions, techniques and knowledge developed by the new employee in order to determine when they will be ready to be released from training and able to assume her/his own territory. Also during this period, arrangements will be made for the trainee to “tour” Consolidated Labs. This will be an opportunity to get a “behind the scenes” look at what goes on in the analysis of a food sample as well as meeting some of the chemists involved in the work.

Finally, every effort will be made to have the trainee work in their new territory during the last week of training. This will allow a chance for them to become somewhat familiar with their territory before officially taking over inspectional responsibility.

Once training is completed, the newly trained Food Safety Specialist will, by no means be a “polished professional” but should be able to adequately carry out the duties of a Food Safety Specialist. The fine points of the job can be learned only by gaining experience while working alone and the experience can only come with time and patience.

Field Training Overview

All trainers should emphasize quality rather than quantity during the workweek. This should not be a rushed week. There should be ample time allowed in each processing area and part of the inspection for questions and discussion. Take the time to explain and see that they understand what they see and what or why something is being done. In order to expose the trainee to all aspects of a firm’s operation, comprehensive firm inspections should be performed vs. the risk based approach.

The main focus during firm inspections will be to identify potential food safety issues that may arise and the measures needed to prevent and control those hazards. We want to stress those risk factors that could contribute to a foodborne illness. Those risk factors include: improper holding temperature, inadequate cooking, contaminated equipment, unsafe food sources and poor personal hygiene.

II. FOODBORNE ILLNESS RISK FACTORS

Following are the conditions to review relative to a particular risk factor. Items found out of compliance should be documented on the Inspection Report.

1. Improper Hold

a. Proper Cooling Procedures

1. Potentially hazardous foods (PHF) cooled from 140 to 70F within 2 hrs and from 70 to 45F or less within 4 hrs.

b. Cold Holding

1. PHF maintained at 45F or less except during preparation, cooking, cooling or when time used as a public health control
2. thermometers, used and calibrated (thermometers should read 32 degrees F in an ice slurry bath)

c. Hot Holding

1. PHF maintained at 140F or above except during preparation, cooking, cooling or when time used a public health control

2. thermometers, used and calibrated

d. Ambient Holding of PHF

1. Food is cooked and served within 4 hrs. (Food discarded after 4 hrs.)

2. If a firm wants to use time/temperature as a control they must submit a written HACCP plan to the Regional Office.
 - e. Proper Thawing Procedures
 1. Refrigerator
 2. Cold Running Water
 3. Microwave

2. **Inadequate Cooking**
 - a. Proper Cooking Temperature
 1. thermometers-used and calibrated
 - b. Reheating
 1. rapid reheating to 165 degrees F.

3. **Contaminated Equipment**
 - a. Cross contamination
 1. separation of raw animal foods from ready-to-eat (RTE) foods during processing and storage.
 - b. Food contact surfaces
 - c. Equipment sink
 1. proper sanitizing procedures
 2. proper sanitizing concentrations

4. **Unsafe Food Sources**
 - a. All foods from inspected facilities
 - b. Potable water supply
 1. private supply (well)-up to date water sample
 - b. Receiving
 1. proper temperature
 2. free from contamination
 3. properly labeled

5. **Poor Personal Hygiene**
 - a. Handwashing
 - b. Good Hygienic Practices
 1. eating, drinking and smoking issues
 2. employees with signs of illness (sneezing, coughing, runny nose,...)
 - c. Handwash Facilities
 1. conveniently located and accessible for use
 2. properly plumbed with hot and cold running water
 3. properly supplied with soap and towels (or hand dryer)
 - d. Restrooms
 1. functional toilet
 2. toilet tissue available
 3. properly plumbed handsink in or immediately adjacent to restroom

6. Other

- a. Unapproved food or color additives
- b. Poisonous or toxic materials
 1. properly identified, stored and used
- c. Pest Control
 1. inside/outside premises
 2. storage areas
 3. control program in place
 4. entrances/doors
- d. Product disposition
 1. infant formula
 2. compromised food products
 3. data entry sheet

III. Pre-Inspection protocol

1. Be on time when meeting the trainee. Show respect for trainee. Emphasize to the trainee the need to be on time and properly attired.
2. Have a clean and organized vehicle.
3. Have a schedule/plan for the day's activities.
4. Review previous reports in preparation for the inspection.
5. Have all necessary equipment/supplies available to conduct the inspection.
 - a. computer/printer
 - b. forms/paper
 - c. thermometer (calibrated)
 - d. alcohol swabs
 - e. flashlight
 - f. sanitizer test strips
 - g. sampling equipment (ie: poly bags and seals)
 - h. coolers/ice-paks
 - i. digital camera
 - j. pager
 - k. blacklight
 - l. FOM manual
 - m. CFR (Code of Federal Regulations)
6. Proper attire. Clean smocks and hair restraints will be worn in processing environments. (See FOM I-12 Dress Code).

IV. Retail Inspection Protocol

1. Introductions made to the most responsible person at the firm. Show credentials whenever the situation allows.

2. Processing departments. As mentioned previously, the main focus of the inspection will be to address those risk factors that are known to contribute to foodborne illness (see section II-Foodborne Illness Risk Factors).
 - a. Equipment sanitation. Time should be spent showing trainee how to break down equipment or asking a store employee to take apart.
3. Retail sales area.
 - a. Rodent and/or insect activity
 1. perimeter of stockroom (and coolers) for rodent activity
 2. grain products (corn meal, dried beans,...) for insect infestation (weevils, insect frass/webbing, drill holes..)
 3. produce area for insects (fruit flies, roaches,...)
 4. pet food area for insects and rodent activity
 - b. Refrigerated display cases
 1. proper temperature
 2. temperature abused products
 3. load limit abuses
 - c. Canned food items
 1. swollen cans
 2. leakers
 3. flippers
 - d. Egg inspection. Adherence to FOM III-14.
 1. temperature check
 2. visual examination for checked and loss eggs
4. Labeling issues.
5. Floors/walls/ceiling issues should be de-emphasized unless severe (ie: roof leaks, flaking paint over processing equipment,...).

V. Processor Inspection Protocol

As previously stated, the main focus of the inspection will be to address those risk factors that are known to contribute to foodborne illness (see section II-Foodborne Illness Risk Factors).

1. Introductions made to the most responsible person at the firm. Show credentials whenever the situation allows.
2. Follow the process flow. Start at the beginning (raw materials) and follow the process through to the end product.
3. Be knowledgeable of and follow the applicable CFR. Remember that the retail regulations are not relevant to manufacturers.
4. FDA paperwork. When time permits, preferably at least once during the week, complete “mock” contract paperwork (coversheet, GMP checksheet, NLEA) if you are unable to perform an actual contract inspection. It is desirable that “mock” contract paperwork be performed for food processors not warehouses. Expose the trainee to all aspects of the FDA paperwork, including the use of the Product Code Builder.
5. NLEA/labeling issues should be discussed.
 - a. NLEA-size/volume exemptions, health claims,...

- b. Need to list sub-components of ingredients.
- c. Net weight issues referred to Weights and Measures Office

VI. _____ *Training Specifics*

Field Operations Manual

1. Trainers need to review FOMs on a daily basis. In order to ensure that all FOM's are covered, the trainee will choose the FOM's for discussion.
2. Every effort should be made to explain any FOM used during a particular inspection.
3. Temperature and Plumbing FOMs should be heavily emphasized.

Laws and Regulations

1. The VFL and related regulations will be reviewed from the onset of training. Trainers need to take the time to ensure that the trainee is knowledgeable and can apply the laws/regulations appropriately.
2. Trainees should be "quizzed" on their ability to apply the laws and regulations. For example:

he/she should be asked to show application of the particular law and/or regulation to the objectionable conditions observed during an inspection.

Equipment review

Train with as much different equipment as possible. Please provide training experiences with equipment such as the blacklight whenever possible.

Digital cameras—Have the trainee take and mount any pictures taken or just do a set of 'sample pictures' weekly so that they develop a comfort level with the camera.

The training coordinator will determine when "sample pictures" should be taken. If asked to provide said training, go through the entire process from taking the pictures to transferring the finished document on to the zip disk.

Paperwork

1. Correct grammar and sentence composition. You have spell check on the computer, it needs to be used.
2. Prioritizing violations.
3. Explain the importance of the violations
4. Assist trainee in determining what conditions are 'objectionable but not actionable'
5. Grading the inspection. What is NAI/VAI/OAI and why. Explain appropriate follow-up dates.
6. Wording observations using the general format of 'how many, what, where'. Some flexibility in the wording of observations is to be expected and is acceptable.
7. Establishment Profile Form. Stress "risk assessment" and the related "inspection frequency".
8. Adherence to FOM I-06 regarding submittal of paperwork (at least 2X per week).

Communication

1. Demonstrate effective communication skills
 - a. Provide courteous customer service
 - b. Provide prompt/timely responses to client requests
 - c. Professional rapport with management
 - d. Follow directions
 - e. Accept constructive criticism
2. Ask open-ended questions vs. leading questions during inspections
 - a. What concentration is your sanitizer? Vs. Your sanitizer strength is 200ppm isn't it?
3. Discuss inspection report with management (don't just hand it to them).
4. Encourage questions/discussions with trainee.
5. If the trainee makes mistakes - provide immediate feedback - give the trainee a chance to correct the mistake during the week.
6. *Adherence to FOM I-05 (pager response times)*
7. At the beginning of the week, have the trainee discuss their perceived strengths and weaknesses and what they would like to work on during that week.

Sampling

1. Follow the requirements of VFL and procedures in the FOM Manual
 - a. Samples sealed and/or identified in the presence of firm management.
 - b. Shipped within appropriate time frames. *Ship within 24-48 hours.*
 - c. Commissioner's Reserve sample taken when appropriate (ie: regulatory action probable).
 - d. Sample size requirements.
 - e. Discuss pesticide residue sampling program (schedule I, II and III)
 - f. Explain the sample collection report form, including:
 1. Use of the laboratory analysis catalog.
 2. The significance of the "priority code".
 3. The meaning of collecting samples in "1, 2 or 3 parts".

Complaints

1. Discuss timeframes involved in working a complaint.
2. When it is appropriate to collect samples.
3. Official samples vs. service samples.
4. Thoroughness of investigation and written summary
5. Review and discuss complaint related FOMs
6. The need to inform supervisor when a confirmed foodborne illness.
7. Review tampering protocol (ie: FOM I-02)

Disasters

Obviously we can't "plan" for this type of situation during training but we can do several things to address this issue. If a disaster or emergency situation should arise in an adjacent territory then you should notify the Training Coordinator about shifting the trainee to that area. Otherwise, take the time to review/discuss previous disasters you were involved with. Insights into dealing with insurance adjusters, law enforcement, landfill operators,...would be beneficial.

Compliance Process

1. Review applicable FOMs (ie: I-00, I-18)
2. Documentation
 - a. when to sample
 - b. when to take photographs

Evaluation

1. Don't wait until the last minute in deciding what to discuss in the trainee's evaluation.
2. Make notes all through the week so nothing is forgotten.
3. Discuss all faults or areas needing improvement. If the trainee makes mistakes - provide immediate feedback - give the trainee a chance to correct the mistake during the week.
4. Use diplomacy...don't be demeaning. Do not criticize the trainee in front of management.
5. Allow ample time for discussion and review of the evaluation. Encouragement or praise if doing a good job.
6. Utilize the FSS Progress Review form for evaluation purposes (see attached). The evaluation is to be completed on the last day of the work week. E-mail the completed evaluation to the training coordinator(s) as well as the trainee's Regional Manager.
8. If you have serious concerns about the trainee's ability, call the training coordinator directly.

Attachment: FSS Progress Review form

Issued New March 8, 2002

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 Manager 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 an 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 OUTSIDE¹

Grocery:

- 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.

Bulk:

- 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

Dairy:

- Grated Cheese
- Pepperoni (salt will occasionally be visible on the casing)
- Shredded Cheese (anti-caking agent)

Frozen:

- Company name-brand Cookie Dough
- Company name-brand Pizza Dough and Bread Dough
- Oronoque Pie Shells
- Pasta
- Pizza
- Tiramisu

Dairy/Frozen:

- Activated Dry Yeast
- Corn Tortillas
- Flour Tortillas
- Fresh Pasta
- Plastic gallons of milk with dried milk residue around the caps
- Refrigerated Bagels
- Refrigerated Pizza

Deli/Prepared:

- Pizza
- Salami

General Merchandise:

- 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

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.

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6

1 **Turkey:**

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

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

8
9 **Produce:**

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

15
16 There may also be concerns about the wax coatings that are applied to some fruits and vegetables after washing to
17 help maintain freshness. Some fruits and vegetables are treated with a food grade, or edible, vegetable or mineral
18 wax to replace naturally occurring waxes that are removed during washing and processing. If the wax is not at the
19 right temperature when applied, or if too much is applied, it can get a milky off-white appearance. It can be wiped
20 off easily. Apples may be treated with a lac-resin instead of the vegetable or mineral wax. Lac-resin is the same
21 product that gives sheen to chocolate. In either case, these are not “suspicious” powders or residues and should not
22 cause undue alarm. The following items are treated to reduce moisture loss and maintain freshness: Apples, Batata,
23 Cucumbers, Eggplant,
24 Grapefruit, Lemons, Limes, Melons, Name, Oranges, Parsnips, Passion Fruit, Peppers, Pineapples, Rutabagas,
25 Squash, Sweet Potatoes, Tangerines, Turnips, Yautia, Yucca.

26
27 Watermelon may be dusted with a white powder resembling baby powder to prevent the outside skin from being
28 sunburned. It is recommended that customers wash produce before consumption.

29
30 **Magazines (from the FBI):**

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

37
38 **Food Packaging...Use of Starches and Other Compounds:**

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

47
48
49 ¹ Information provided by FMI, November 14, 2001.

50
51
52 FOM issued new March 14, 2003

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

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

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.

- 1 • For overnight travel, meal, and incidental travel expense reimbursement and per diem
2 information, please refer to the attachment at the end of this FOM. *NOTE: No receipt is*
3 *required for the per diem allowance.*
- 4
- 5 • Parking and toll expenses are reimbursable. For these expenses, a receipt is not required
6 for reimbursement claims of less than \$10.
- 7
- 8

9 **Personal Mileage Claims**

10 To ensure that employees who drive a personal car receive mileage reimbursements at the proper
11 rate according to state travel regulations, the following items need to be documented on travel
12 reimbursement vouchers:
13

- 14
- 15 • A specific reason for the use of a personal vehicle. For example, ‘state car out for repairs’,
16 or ‘employee convenience’. Such information will assist the employee’s supervisor and the
17 Finance office in determining the proper reimbursement rate.
- 18
- 19 • Specific travel destinations should be included on the voucher under the column header
20 “Location at which expense incurred”. For example, the description, ‘Richmond to
21 Southside Virginia Farmer’s Market, Danville’ will assist the employee’s supervisor in
22 determining whether or not the personal vehicle was used for valid work-related purposes. A
23 description such as ‘used car for routine work’ is not adequate.
- 24
- 25 • All travel vouchers that contain private vehicle mileage must include the following statement
26 “**NO PERSONAL MILEAGE CLAIMED FOR LUNCH OR PERSONAL BUSINESS**”.
27 Place this statement in the “Purpose of Trip” block.
- 28

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

31 **Lodging**

32
33
34 Employees whose work requires an overnight stay must receive approval in advance of the travel
35 dates. It will be necessary to submit a “Request for overnight travel” memo to your supervisor
36 prior to the trip. Although there is no formal form per se, the memo should state the reason for
37 the trip and a best estimate of the related travel costs (i.e. lodging and meal costs, mileage
38 reimbursement if driving your personal car, etc.).

39
40 The approved memo should be submitted along with any necessary receipts and the related travel
41 voucher in order to be reimbursed for those expenses.

42
43 *NOTE: The state has secured contracts with 3 hotels in the Northern Virginia region. Be sure*
44 *to reference the Commonwealth of Virginia contract when calling.*

- 45 a. *Quality Inn Iwo Jima, 15012 Arlington Blvd, Arlington. Phone 703-524-5000, ext 511*

- 1 b. *Holiday Inn Fair Oaks, 11787 Lee Jackson Memorial Hwy., Fairfax. Phone 703-352-*
 2 *2525*
 3 c. *Washington Suites Alexandria, 100 S. Reynolds Street, Alexandria. Phone 703-370-9600*
 4

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

7
 8 Lodging guidelines *exclude* local taxes and surcharges. However, lodging taxes and surcharges
 9 are reimbursable. Lodging expenses incurred beyond approved amounts will NOT be
 10 reimbursed. In such cases, taxes and surcharges will be prorated only for the appropriate
 11 amount.

12
 13 You need to submit original, itemized hotel bills. Direct agency billing of lodging expenses
 14 incurred during overnight travel is permitted. Advise the hotel of travel plan changes as soon as
 15 possible when a confirmed reservation is being held. Since hotels can charge for non-canceled
 16 reservations, these charges will not be reimbursed if the traveler is negligent in canceling
 17 reservations.

18
 19 **Meals & Incidental Travel Expenses (M&IE)**

20
 21 Generally, meals and certain incidental travel expenses are reimbursable for overnight official
 22 business travel outside the traveler’s official station. Incidental expenses include bellhop/taxi
 23 tips, personal telephone calls, laundry, and travel between lodging and places where meals may
 24 be consumed.

25
 26 Standard meal and incidental reimbursement guidelines are provided in the Lodging, Meals, &
 27 Incidental Expense Guideline Tables. Note: The \$3.00 incidental allowance is only
 28 reimbursable during overnight, official business travel.

29
 30 The Meal and Incidental Expense Rate Table below provides individual meal amounts for
 31 various per diem allowances.

Total	\$31	\$35	\$39	\$43	\$47
Breakfast	\$6	\$7	\$8	\$9	\$9
Lunch	\$6	\$7	\$8	\$9	\$11
Dinner	\$16	\$18	\$20	\$22	\$24
Incidentals	\$3	\$3	\$3	\$3	\$3
75% Travel Days Total	\$24.00	\$27.00	\$30.00	\$33.00	\$36.00

32
 33
 34 The following reimbursement policies apply:

- 35 • The M&IE per diem must correspond to the location specified for the overnight lodging.
- 36 • Direct agency billing of meal expenses incurred during overnight travel, including
 37 charging meals to direct billed hotel rooms, is NOT permitted.
- 38 • On a travel departure or return day, 75% of the per diem is allowable. [Ex: (\$31 - \$3) x
 39 0.75 + \$3] = \$24

1
2 **Overtime Meals**
3

4 In an approved exception to the State Travel Regulations, breakfast and dinner meal allowances
5 will be paid during overtime work periods at a fixed dollar amount. In instances where overtime
6 resulted in starting work earlier than normal, an allowance of \$4.00 for breakfast is permitted. In
7 instances where overtime resulted in working late, an allowance of \$8.00 for dinner is permitted.
8 In instances where both starting work early and working late apply, a fixed amount of \$12.00
9 would apply for breakfast and dinner that day. No receipt is required.

10
11 The following criteria must be met to qualify for either breakfast or dinner meal reimbursement.
12 Keep in mind that one of the first two bullets must be met in addition to the third bullet before
13 you can receive meal reimbursement.

- 14
- 15 • Breakfast-You must begin work prior to 6 am and your start time must be at least two hours
16 before your normal day begins.
 - 17 • Dinner-You must return home after 7:30 pm and your ending time must be at least two hours
18 after your normal quitting time.

19 **AND**

- 20 • You must work at least 10 consecutive hours between the hours of midnight to midnight.

21
22 This does not include normal commuting time for office employees not on official overnight
23 travel status. Time of departure or return must be stated on the travel reimbursement voucher.
24

25
26
27 **Lodging, Meals, & Incidental Travel Expense Guideline Table (In-State)**

28 (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	\$60	\$31
Exceptions		
Charlottesville (Albermarle)	\$65	\$47
Fredericksburg (Spotsylvania & Stafford Co.)	\$61	\$31
Lynchburg (Campbell)	\$65	\$43
Manassas	\$70	\$39
Petersburg	\$63	\$35
Richmond (1)	\$74	\$43

Roanoke (City Limits)	\$68	\$39
Shenandoah (Page) (4/1-11/30)	\$84	\$31
Shenandoah (Page) (12/1-3/31)	\$60	\$31
Tidewater (2) (4/1 – 5/31)	\$101	\$43
Tidewater (2) (6/1-8/31)	\$133	\$43
Tidewater (2) (9/1-3/31)	\$67	\$43
Wallops Island (Accomack Co.) (7/1 – 8/31)	\$93	\$39
Wallops Island (Accomack Co.) (9/1– 6/30)	\$71	\$39
Warrenton (Fauquier)	\$73	\$31
Williamsburg (3) (4/1 – 8/31)	\$101	\$43
Williamsburg (3) (9/1-3/31)	\$79	\$43
Wintergreen (Nelson)	\$76	\$47
Woodbridge (Prince William)	\$70	\$39
Washington D.C. Area (4)	\$153	\$51

- (1) Richmond includes: City of Richmond, Chesterfield, Goochland and Henrico Counties.
- (2) Tidewater includes: Norfolk, Chesapeake, Portsmouth, Suffolk and VA Beach.
- (3) Williamsburg includes: James City, Hampton, Newport News, Poquoson and York County.
- (4) Washington D.C. includes: Cities of Alexandria, Falls Church, Fairfax, & Counties of Arlington, Loudoun, and Fairfax.

REVISED October 29, 2004

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FIELD OPERATIONS MANUAL

PROCEDURE II-01
Formerly 022

CONSUMER COMPLAINT INVESTIGATIONS

The investigation of consumer complaints are a very important aspect of a Food Safety Specialist's 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
2. poor sanitary conditions, or
3. poor food handling conditions, or
4. 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.

1
2 Meat product: If the complaint concerns a store-packaged product or
3 is related to store practices, we investigate. If the product is
4 pre packaged, and is from a USDA inspected firm, we refer it to the
5 USDA Compliance Officer in Richmond. However, we may collect
6 appropriate samples at the retail firm, and forward the results to
7 USDA to aid their investigation.

8
9 Food products under the cognizance of the Food & Drug
10 Administration (FDA): If the complaint concerns a prepackaged
11 product manufactured or processed outside of Virginia, the matter
12 may be referred to the FDA for follow up.

13
14 When another agency is found to be responsible for the complaint,
15 you will note in your complaint investigation summary and make sure
16 it is highlighted so the office staff knows to refer the complaint.

17
18 Complaint Investigation:

19
20 ALL COMPLAINTS WILL BE INVESTIGATED! The who, what, when, where,
21 why and how will be considered. The scope of the investigation
22 must be complete enough to determine the scope and extent of the
23 adverse conditions. A Alimited@ inspection of the responsible area
24 may be required to determine a cause. Determine if any
25 objectionable conditions may have contributed to the complaint, e.g
26 dirty equipment, personal hygiene, temperature abuse, etc. Always
27 collect a sample if it pertains to the complaint and supports your
28 findings. FOM I-02, Tampering Investigations, and FOM III-05,
29 Retail store inspection criteria may apply. Investigation at the
30 manufacturing level requires the same attention to detail. **You**
31 **will always determine from management if they are of aware of the**
32 **specific or similar complaints.**

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36 Revised November 17, 1999

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FIELD OPERATIONS MANUAL

PROCEDURE II-02
Formerly 012

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

54 VDACS AND FDA SEAFOOD HACCP PROGRAM

56 Background

58 The U.S. Food and Drug Administration (FDA) has fully implemented
59 the SEAFOOD HACCP Program under the provisions of the Code of
60 Federal Regulations (CFR) Part 123. Under the terms of the
61 contract with the Virginia Department of Agriculture and Consumer
62 Services (VDACS), we have specific responsibilities to address FDA
63 concerns, e.g. the deviations in the establishment=s seafood HACCP
64 plan. **Regulatory (enforcement) responsibilities for the SEAFOOD**
65 **HACCP Program are that of the FDA.** Responsibilities for Good
66 Manufacturing Practices (GMP) under the contract are that of VDACS
67 and/or FDA.

69 *Some firms may not need a FDA required HACCP plan. Regulations*
70 *require the firm to perform a hazard analysis, but do not require*
71 *it to be in writing. If no hazards have been identified, no HACCP*
72 *plan is needed.*

74 Inspection Procedure

76 • Currently, establishments (within the Commonwealth of Virginia)
77 that process fish and/or fishery products may be subject to
78 Seafood HACCP inspections by VDACS Food Safety Specialists.

80 • According to the Seafood HACCP regulation, the term Aprocessing@
81 includes the following types of operations: handling, storing,
82 preparing, heading, eviscerating, shucking, freezing, changing
83 into different market forms, manufacturing, preserving, packing,
84 labeling, dockside unloading, or holding.

86 • The HACCP regulations do not apply to: (a) Harvesting or
87 transporting fish or fishery products, without otherwise
88 engaging in processing (b) Practices such as heading,
89 eviscerating, or freezing intended solely to prepare a fish for
90 holding on board a harvest vessel (c) The operation of a retail
91 store.

93 • Additionally, for fish and fishery products that are subject to
94 the requirements of the low acid canned foods (LACF) regulation
95 21 CFR 113 or the acidified foods regulation 21 CFR 114, the

96 HACCP plan need not list the food safety hazard associated with
97 the formation of the Clostridium botulinum toxin in the
98 finished, hermetically sealed container, nor list the controls
99 to prevent that food safety hazard. A HACCP plan for such fish
100 and fishery products shall address any other food safety hazards
101 that are reasonably likely to occur.
102

103 • The inspection will be divided into two (2) parts, the GMP
104 inspection and the HACCP evaluation. The criteria you use for
105 the GMP inspections has not changed. Detailed HACCP
106 evaluations of seafood establishments will only be performed
107 by VDACS Food Safety Specialists when performing contractual
108 inspections for the USFDA.
109

110 • Under a **contract** inspection, VDACS will conduct a traditional
111 GMP inspection and a complete evaluation of the firm=s HACCP
112 plan.
113

114 • Under an **agreement** inspection, VDACS will conduct a
115 traditional GMP inspection and will only verify the presence
116 or absence of the firm=s HACCP plan.
117

118 Writing the Inspection Report

119

120 For a contract inspection:

121

122 • On the Inspection Report beneath (i.e. segregated from) the
123 recorded GMP deficiencies the HACCP plan discrepancies should
124 be documented. The HACCP deficiencies will be listed under
125 the heading ATHE FOLLOWING DEFICIENCIES WERE NOTED IN THE
126 FIRM=S HACCP PLAN@
127

128 • For firms that state a HACCP plan is not required,
129 verification by the Inspector is required. If the Inspector
130 agrees that a HACCP plan is not required then the statement
131 AFirm reports that a hazard analysis was made and no hazards
132 were identified@ should be put on the report (segregated from
133 the GMP deficiencies). If the Inspector disagrees and feels
134 that a HACCP plan is needed, it should be documented under the
135 Adeficiencies Noted@ heading.
136

137 • It is acceptable for the firm to make Aon the spot@
138 corrections to the HACCP plan. The HACCP deviations still
139 need to be documented, but note that the correction was made.
140 Corrected HACCP deviations will not be considered when
141 evaluating the firm for follow-up.

142

143 • Only the seafood products processed or handled by the firm
144 since December 18, 1997, will be covered on the HACCP plan
145 review. If the firm=s HACCP plan includes a species of
146 seafood that has yet to be handled or processed by the firm,
147 that portion of the plan should not be considered in the
148 evaluation.

149

150 For an agreement inspection:

151

152 • On the Inspection Report beneath (ie: segregated from) the
153 recorded GMP deficiencies the presence/absence of the HACCP
154 plan should be documented. A simple statement that the firm
155 either does/does not have a HACCP plan is all that is needed.
156

157

158 • When encountering a seafood establishment for which no HACCP
159 plan is required place the following statement on your
160 inspection report (segregated from the GMP violations). AFirm
161 reports that a hazard analysis was made and no hazards were
162 identified@

163

164 • No additional paperwork is required, only the Inspection
165 Report and agreement coversheet.

166

167

168 Completing FDA contract paperwork

169

170 • For each HACCP inspection, in addition to the Aregular@ FDA
171 contract forms, e.g. Coversheet, NLEA, GMP check list, etc., a
172 will need to be completed and filed with the VDACS Inspection
173 Report. (Note-In addition to the Inspection Report a
174 completed copy of the Domestic Seafood HACCP Report must be
175 left with firm management at the end of the inspection).

176

177 • For firms with HACCP deficiencies, the Inspector **MUST** get from
178 management a date when the deficiencies will be corrected.
179 This date should be no more than thirty (30) days from the
180 date of the inspection. The Inspector will document this in
181 the ADISCUSSION WITH MANAGEMENT= block on the back of the GMP
182 check sheet.

183

184 • PAC codes. On the front page of the FDA coversheet, the HACCP
185 and non-HACCP (ie: GMP sanitary inspection) components of the
186 inspection need to be documented **separately**. The GMP portion of
187 the inspection will be reported under PAC code 03S001. The
HACCP evaluation will be reported under PAC code 03S002. The

188 information that has traditionally been filled out in relation
189 to a PAC code (ie: Process Code, Est Typ, Insp Basis, Empl &
190 product) must be filled out for both codes. It is important
191 to note, that for the time expended during the inspection, PAC
192 code 03S001 will include time for the GMP inspection, travel,
193 and administrative work. PAC code 03S002 will record only the
194 time spent on HACCP evaluation.

195

196 Classification Issues (For the Initial Inspection)

197

198 FDA Agreement Inspection

199

- 200 • The classification of the inspection is ONLY relevant to the
201 GMP portion of the inspection. The presence or absence of a
202 HACCP plan will not affect the overall inspection
203 classification.

204

205 FDA Contract Inspection

206

207 The FDA has grouped HACCP deficiencies into three (3) categories:
208 critical, serious, and other (refer to the attachment DOMESTIC
209 FISH AND FISHERY PRODUCTS INSPECTIONS COMPLIANCE PROGRAM 7303.842
210 for a list of specific deviations).

211

- 212 • **Critical deviations** refer to the absence of controls which are
213 likely to result in an adverse health consequence. This type
214 of deviation tends to involve performance (e.g., monitoring a
215 critical control point).

216

- 217 • **Serious deviations** refer to conditions which, if left
218 uncorrected, jeopardize the operational or performance aspects
219 of the HACCP system and can be expected to lead to critical
220 deviations. These deviations tend to involve paper-type
221 problems (e.g., inadequate written HACCP plan; record keeping
222 inadequacies) rather than performance.

223

- 224 • **Other deviations** are those that are neither critical or
225 serious.

226

227 If the HACCP plan is acceptable (no serious or critical
228 deviations) and the GMP inspection is NAI, the inspection is NAI.

229

230 If the HACCP plan has serious or critical deviations present and
231 the GMP inspection is NAI, the inspection is VAI. A follow-up
232 inspection should be scheduled for thirty (30) days.

233

234 If the HACCP plan is acceptable (no serious or critical
235 deviations) and the GMP inspection is violative, the inspection
236 is VAI/OAI, depending on the severity and significance of the GMP
237 portion of the inspection. A follow-up inspection should be
238 scheduled in accordance with current practices.

239

240 If the HACCP plan has serious or critical deviations present and
241 the GMP inspection is violative, the inspection is VAI/OAI (OAI
242 is relevant only to the GMP portion of the inspection). A
243 follow-up inspection should be scheduled for thirty (30) days.

244

245 *For classification purposes, when you encounter establishments*
246 *that do not require a HACCP plan, you will consider the firm as*
247 *AHACCP plan is acceptable@ IF your evaluation agrees with the*
248 *firm=s analysis. If your inspection and evaluation indicates*
249 *that a HACCP plan is needed, you will consider the firm as AHACCP*
250 *plan has serious or critical deviations@.*

251

252 Follow-Up Inspections Due To HACCP Deficiencies

253

254 • For firms (contract inspections) with serious and/or critical
255 HACCP deficiencies, the follow-up inspection will be conducted
256 by VDACS.

257

258 • The follow-up inspection will be CONTRACT and all the
259 associated paperwork, including the Domestic Seafood HACCP
260 Report, must be completed.

261

262 • The follow-up inspection will Atarget@ the GMP violations and
263 the HACCP deviations noted on the previous inspection, e.g.
264 the inspector will only reinspect the conditions written up on
265 the previous Inspection Report and then review the HACCP plan
266 to verify that the necessary corrections have been made.

267

268

269 Classification Issues (for the follow-up inspection)

270

271 • If the follow-up inspection finds the HACCP plan still with
272 serious and/or critical deviations, the inspection will be
273 classified VAI-F. The firm will be forwarded to FDA for
274 further regulatory action. This will end VDACS involvement
275 relative to the HACCP deficiencies.

276

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

279

280 We realize that this FOM will not include all situations that you
281 will encounter in performing Seafood HACCP inspections.
282 Questions that arise should be directed to your Regional Manager
283 for resolution.

284

285

286 Pending revision August 99

287

288 Dear Sir or Madam:

289

290 Thank you for your inquiry regarding starting a food business.

291

292 The following materials are enclosed: a step by step guide to starting your food business, the
293 Virginia Food Laws, Good Manufacturing Practices, and other appropriate information
294 pertaining to your food business.

295

296 If after reading the materials you have any questions, please contact Rick Barham at (757) 363-
297 3909. If you wish to proceed further and are ready to send in the required information from Step
298 1 in the *Starting Your Food Business* guide, please mail your packet to:

299

300 VDACS-Office of Food Safety
301 ATTN: Rick Barham
302 1444 Diamond Springs Road
303 Virginia Beach, VA 23455-3363.

304

305 Please be advised that section 398.1 of the Virginia Food Laws **requires** that your firm be
306 **inspected prior to starting your food operation**. Be sure to include the **Information Request**
307 **Sheet** with your packet so that your assigned Food Safety Specialist will know how to contact
308 you for a follow up inspection.

309

310 Please remember that we are here to assist you in any way.

311

312 Sincerely,

313

314

315 R. W. Davis
316 Program Supervisor
317 Office of Dairy & Foods

318

319

320 Enclosures

321

322 **STARTING YOUR FOOD BUSINESS**

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The Virginia Department of Agriculture’s Food Safety Program is charged with ensuring a safe, wholesome and properly labeled food supply for the citizens of the Commonwealth. The Program discharges this responsibility through conducting periodic unannounced inspections of food processors, food storage warehouses, and food retail stores. The Program monitors the food supply by making these inspections and through the collection of food samples to be analyzed for pesticide residues, mycotoxins, microbiological contamination, filth, standards, and labeling.

If you wish to begin a food processing operation the following information will need to be supplied to our office or to the inspector for evaluation prior to receiving an inspection.

STEP 1 (Required Information)

1. **Diagram:** A complete diagram of your processing area including location of storage areas, processing equipment, sinks, and location of wells and/or drainfield, if applicable.
2. **Recipe of Your Product:** List the exact measurements of ingredients for **each product** proposed. Include where the raw material is obtained, i.e., from a supermarket or fresh grown/harvested and indicate the name of the supply source. Please mark this sheet “Trade Secret” if you do not want this information subject to disclosure under the Virginia Freedom of Information Act. See Example 1.
3. **A Process Flow Sheet:** This should be a **detailed** description of the processing steps in sequential order from raw material to finished product, including cooking times and temperatures. See Example 2.
4. **List of Finished Products:** Include how the finished products are stored, transported and/or displayed (refrigerated or held at room temperature and how packaged) until it reaches the consumer, and where it is to be distributed.
5. **Labels of Your Product:** Please submit samples of your labels. If you have not yet ordered labels, a proposed mock label will suffice. It is recommended that you have your labels reviewed prior to ordering, to avoid financial loss if revision of the labels is required. For net weight requirements, please call Weights and Measures at (804) 786-2476. Additional labeling information can be obtained from www.fda.gov. See labeling requirements and Examples 3, 4, & 5.
6. **Water Sample:** A current bacteriological sample analysis of your water indicating potability if you are on a private supply, such as a well. If you are on a public (municipal) supply, a sample analysis will not be necessary.
7. **Acidified Foods Only:** If your proposal involves acidified foods (pickled products, salsa, pumpkin/sweet potato butter, barbecue sauces, chow-chow, relishes, hot pepper jelly, hot sauces, etc.), or products containing garlic in oil, your process must be reviewed and

368 approved by a competent processing authority, for safety purposes, and a copy of the
369 approval letter furnished with your application. A list of process approval sources is
370 available upon request from the Office of Food Safety. Virginia Tech also provides this
371 service. The contact person is Brian Yuan, who can be reached at 540/231-8697. **See**
372 **example 6 and 7 regarding process approval.** If your products are deemed acidified then
373 you must attend a Better Process School for certification.
374

375 8. **Product Code:** A product code should identify the product, production facility, date and
376 year packed, and batch number. Any method of coding that is recognizable by the processor
377 is acceptable. The product code allows record keeping and tracking of products in case of a
378 recall. An explanation of your product coding plan, if one is used, should be provided. A
379 product code plan is required for acidified foods.
380

381 9. **Information Request Sheet:** Please submit the Information Request Sheet for a Food
382 Processing Operation along with **TWO COPIES** of the above requested information on 8 ½”
383 x 11” sheets of paper to the Food Office. Include your name, the name of the proposed
384 business, address, daytime phone number and time when you can be reached, in person. The
385 submitted information must be reviewed before an inspection can be scheduled.
386

387 ****IMPORTANT: TWO COPIES OF THE ABOVE REQUESTED INFORMATION,**
388 **ALONG WITH THE INFORMATION REQUEST SHEET FOR A FOOD PROCESSING**
389 **OPERATION, MUST BE SENT IN ON 8 ½” X 11” SHEETS OF PAPER TO THE FOOD**
390 **OFFICE.**
391

392 **STEP 2**

393
394 Provided the requested material has met proper requirements, a Food Safety Specialist will
395 arrange a visit to your establishment and conduct an inspection based on the applicable laws and
396 regulations. The general procedure is as follows:
397

398 1. **Overall Sanitation:** Processing, storage, and any adjacent areas will be inspected for general
399 sanitation, including for insects, rodents and pets.
400

401 2. **Raw Materials:** The raw materials storage areas will be inspected to ensure that the raw
402 materials are adequately protected from possible contamination. The Food Safety Specialist
403 will also check raw ingredients for wholesomeness. For operation from a home kitchen, it is
404 recommended that separate storage for commercial raw ingredients from domestic or
405 personal use ingredients be provided. Raw ingredients that are capable of supporting the
406 rapid and progressive growth of microorganisms (potentially hazardous foods, such as meats,
407 eggs, dairy products, and seafood) will need to be maintained at an internal temperature of
408 45°F or below.
409

410 3. **Refrigeration:** Domestic use of your home refrigerator along with the added burden of

411 commercial use often overloads the cooling capacity of the unit so that it is unable to render
412 rapid and complete cooling. A separate refrigerator of adequate capacity is often the best
413 solution for the home processor. The refrigerator you use should be equipped with an
414 accurate thermometer for monitoring holding temperatures of food products, and such
415 thermometers may be purchased at most hardware stores.
416

417 4. **Utensil/Equipment Storage:** Cleaning and sanitizing your equipment and utensils prior to
418 using them is recommended. In addition, we recommend a separate storage area for those
419 utensils and equipment you plan to use for your home business from those you would use in
420 your personal kitchen.
421

422 5. **Processing Control:** The Food Safety Specialist would like to be able to watch you as you
423 process. This would enable him/her to detect places in the process where the safety of the
424 product might be compromised and suggest corrections. The following are some of the
425 general items the Food Safety Specialist will check for while observing your operation:
426 cross contamination; time/temperature abuses of potentially hazardous foods; improper
427 thawing; failure to rapidly cool cooked potentially hazardous foods; failure to properly
428 sanitize equipment and utensils; failure to wear the proper attire; failure to properly process
429 or seal finished product; etc.
430

431 6. **Plumbing:** Food manufacturing operations must be properly plumbed with hot and cold
432 water under pressure and have adequate facilities for cleaning equipment. For proper
433 sanitization, a 3-compartment sink is recommended, although, a 2-compartment sink can
434 suffice. A conveniently located hand washing sink and a toilet facility of sanitary design is
435 also required.
436

437 7. **Finished Product Storage:** Adequate storage that will protect the finished product from
438 contamination should be provided. Example: Raw vs. Cooked.
439

440 8. **Record Keeping, Package & Label Review:** Where required by regulation, the appropriate
441 records and labels should be maintained in good order and readily accessible for the Food
442 Safety Specialist's review.
443

444 9. **Changes in Process/Addition of Products:** If you would like to make and sell additional
445 food items, please send **TWO** copies of the new items, along with how the product is made,
446 to the Virginia Department of Agriculture at the address listed on the cover page of this
447 packet **PRIOR** to selling the said items. The same would hold true for any changes in your
448 original process.
449

450
451 **Product Liability Insurance---** This is not required by any law or regulation, but is something no
452 processor especially smaller ones should be without.
453

454 Example 1

455

456 **1A.** Trade Secret

457

458 Recipe: Toll House Chocolate Chip Cookies

459

460 2 ¼ c. all purpose flour

461 1 tsp. Baking soda

462 1 tsp. Salt

463 1 c. shortening

464 ¾ c. granulated sugar

465 ¾ c. brown sugar

466 1 tsp. Natural vanilla

467 2 eggs

468 2 c. semi-sweet chocolate morsels

469 1 c. chopped nuts

470

471 **2A.** Recipe: Dill Pickles

472

473 2 ¼ lbs of 4 inch pickling cucumbers

474 3 ¾ c. water

475 3 ¾ c. white vinegar

476 6 Tbsp. Pickling salt

477 6-8 Tbsp. dill seed

478 1 Tbsp. Mustard seed

479

479 **Example 2**

480

481 **2A. Flow Chart of Method of Making Toll House Cookies**

482

483

1. Wash and sanitize utensils and preparation area.

484

2. Assemble ingredients and equipment.

485

3. Preheat oven to 375°F.

486

4. Combine flour, baking soda, and salt in small bowl.

487

5. Beat butter, granulated sugar, brown sugar, and vanilla in large mixer bowl.

488

6. Add eggs one at a time to butter/sugar mixture, beating well after each addition.

489

7. Gradually beat in flour mixture.

490

8. Stir in chocolate morsels and nuts.

491

9. Drop by rounded tablespoons onto greased baking sheet.

492

10. Bake at 375°F for 9-11 minutes or until golden brown.

493

11. Let cool for 2 minutes, then remove to wire racks to cool completely.

494

12. After cookies have cooled, place in packages.

495

496 **2B. Flow Chart of Method of Making Dill Pickles**

497

498

1. Wash and sanitize utensils and preparation area.

499

2. Assemble ingredients and equipment.

500

3. Wash cucumbers thoroughly with a vegetable scrub brush, remove stems and cut off a slice from each end.

501

502

4. Combine water, vinegar, and pickling salt in a saucepan and heat until the mixture boils to prepare the brine.

503

504

5. Pack the cleaned cucumbers loosely into hot, clean pint canning jars, leaving ½ inch of headspace.

505

506

6. Add 3-4 tsp. of dill seed and a ½ tsp. of mustard seed to each jar.

507

7. Using a wide-mouth plastic funnel, ladle the hot brine over the cucumbers.

508

8. Remove the funnel and work a narrow rubber spatula around the jar's sides to release trapped air bubbles.

509

510

9. Add additional brine if needed to maintain the ½ inch headspace.

511

10. Wipe the jar and rim with a clean, damp paper towel.

512

11. Place a prepared lid and screw band on the jar and tighten.

513

12. Place each jar into the canner as it is filled. The jars should not touch.

514

13. Cover the canner and process filled jars in boiling water for 10 minutes...begin counting the processing time when the water is boiling.

515

516

14. Let jars cool and then check lids for proper sealing.

517

15. Label and let stand one week before using.

518

518 **Example 3**

519

520

3A. Label for Toll House Chocolate Chip Cookies

521

522

523

TOLL HOUSE CHOCOLATE CHIP COOKIES

524

525

Ingredients: Bleached, enriched wheat flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, milkfat, soy lecithin-an emulsifer, natural and artificial flavor), pecans, vegetable shortening (partially hydrogenated soybean and cottonseed oils, mono and diglycerides), sugar, brown sugar (sugar, cane molasses), eggs, sodium bicarbonate, salt, vanilla.

526

527

528

529

530

531

Grannie's Cookies, 111 Happy Lane, Anytown, VA 22554

532

533

534

Net wt. 10 oz (283 grams)

535

536

537

3B. Label for Dill Pickles

538

539

DILL PICKLES

540

541

Ingredients: Cucumbers, water, white distilled vinegar (5%, 50 grain acidity), pickling salt, dill seed, mustard seed.

542

543

544

Just Like Mom's, 12345 Memory Lane, Hometown, VA 22319

545

546

547

Net wt. 16 oz. (454 grams)

548

549

550

551

552

552 **Example 4: Nutritional Labeling Exemptions for Small Businesses**

553

554 *You are exempt if:*

555

# of Full Time Employees	Units of Food
<300	<600, 000
<300	<400, 000
<200	<200, 000
<100	<100, 000
<10	<10,000**

556

557 *****You do not need to file for an exemption.***

558

559 If you meet the above criteria and do not wish to put nutritional labeling on your product, you
560 will need to file for an exemption. To do this, you must submit:

561

562 1. The name and place of business

563 2. The number of employees

564 3. A product by product list of food items with the number of units produced for each

565

566 to the following address:

Office of Food Labeling

567

HFS-810

568

FDA

569

5100 Paint Branch Prkwy

570

College Park, MD 20740

571

571 **Example 5: Labeling Requirements**

572

573 **Product Name:**

574 Must be on the *front* panel.

575 Must be an accurate description of the product.

576 Must be in bold print.

577 Must be the largest type on the panel.

578

579 **Net Weight:**

580 Please contact Weights and Measures for net weight quantity requirements at (804) 786-
581 2476.

582

583 AGAIN, PLEASE NOTE THAT THE PRODUCT NAME AND THE NET WEIGHT
584 STATEMENT ARE THE TWO ITEMS THAT ARE **REQUIRED** TO BE ON THE FRONT
585 PANEL.

586

587 **Ingredients Statement:**

588 Can be on the front panel if desired. If the vendor elects not to place the statement on the
589 front panel, then it must be on the panel or display area directly to the right of the front
590 panel. In extreme instances where this space is not available or where it is not feasible to
591 place the information to the right (i.e. the package is extremely thin, with little of no side
592 panel), one may proceed directly to the right of the unavailable panel.

593

594 There must be a parenthetical listing of ingredients in most instances.

595

596 Ingredients must be listed in descending order of predominance (most first and least last).

597

598 Minimum size for ingredients is 1/16 of an inch in height. There is no maximum size
599 limit.

600

601

602 **Name and Address of Manufacturer, Distributor, or Packer:**

603 Can be on the front panel, if desired. If the vendor elects not to place the statement on
604 the front panel, then it must be on the panel or display area directly to the right of the
605 panel. In extreme instances where this space is not available or where it is not feasible to
606 place the information to the right (i.e. the package is extremely thin with little of no side
607 panel), one may proceed directly to the right of the unavailable panel.

608

609 Minimum size for manufacturer name and address is 1/16 of an inch. There is no
610 maximum size limit.

611

612 Manufacturer name and address must be placed together (they must not be separated).

613

614 **Nutritional Labeling Information:**

615 Can be on the front panel, if desired. If the vendor elects not to place the information on the
616 front panel, then it must be on the panel or display area directly to the right of the front panel.
617 In extreme instances where this space is not available or where it is not feasible to place the
618 information to the right (i.e. the package is extremely thin with little or no side panel), one may
619 proceed directly to the right of the unavailable panel. **See example #4 to see if the product
620 qualifies for an exemption from this labeling.**
621

622 **Example 6: Acidified Food Process Approval**
623

624 The Acidified Foods Regulations require that a qualified person who has expert knowledge
625 establish the scheduled process for an acidified food.
626

627 **An approved process can be obtained in the following way:**
628

629 1. *Submission to a competent processing authority:*
630

631 If a processor has an unapproved recipe and process, he should submit that recipe and
632 process to a competent processing authority for their review. The processing authority, if he
633 determines that the process is safe, should furnish a letter stating that fact. The processor
634 must then follow the approved process exactly. The processor may contact a commercial
635 establishment that reviews processes and tests products for pH. We have compiled a list of
636 laboratories and processing authorities that offer food product testing. We will provide this
637 to you, the processor, upon request. The processor may contact these establishments to
638 inquire about the cost and availability of a process review.

639 A viable alternative to a commercial process review is to request a process review via the
640
641 Food Science Department at Virginia Tech. For further information concerning this service,
642 you may contact Mr. Brian Yaun at 540-231-8697 (please see Example 7).

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Information Request Sheet for a Food Processing Operation

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698

Name _____
(First) (Middle) (Last)

Address _____
(Physical Street Address) (City) (State) (Zip Code)

Mailing Address, if different from above _____

Phone# _____
(Home) (Work)

Please circle daytime phone number where you can be reached.

E-mail address _____

Name of firm _____

List of all products produced _____

Place and location of product distribution _____

Water supply (please check one): Private well _____ Public _____

If you have a private well, what type (bored, drilled, etc.) _____

Sewage disposal (please check one): Private _____

FIELD OPERATIONS MANUAL

699

700

701 PROCEDURE III-02

702

Formerly 13

703

704 IN-HOME FOOD MANUFACTURING OPERATIONS

705

706

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

711

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

722

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

726

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

729

730 Part 114, Acidified Foods

731

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

734

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

739

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

743

744 **ADMINISTRATIVE GUIDELINES**

745

746 Home Operations that produce a low volume of food product
747 (this would apply to most home operations) which are also
748 exclusively processing non-potentially hazardous foods may be
749 scheduled for a **24-36 month follow-up**. Of course this is
750 optional and depends on the existing circumstances within each
751 Food Safety Specialist’s territory. Any inspection
752 precipitating a 24-36 month follow-up should be classified
753 NAI. Furthermore, you may only assign a 24-36 month follow-up
754 to your home processor after you have performed an inspection
755 of the operation and have provided the required information
756 indicated in the following paragraph.

757

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

773

774 Finally, as you are inspecting your home processing operations
775 please take note of the assigned CFN. If the CFN prefix does
776 not accurately reflect the nature of the home operation (i.e.
777 retail CFN vs the appropriate processor CFN), alert us via a
778 short note directly beneath the CFN in the upper left hand

779 corner of the inspection report. The note should state,
780 "Change CFN" and should further indicate why the CFN should be
781 changed.
782

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

786

787 **DETERMINING FIRM STATUS-OUT OF BUSINESS**

788

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

793

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

800

801

802

803

804 **Attachment:** Starting Your Food Business Guide

805

806

807 Revised March 7, 2002

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FIELD OPERATIONS MANUAL

PROCEDURE III-03
Formerly 18

825 **SEAFOOD PEDDLERS**

826

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

830

831 a. All seafood peddlers must have adequate means to refrigerate
832 their products.

833 b. Seafood products must be adequately protected from possible
834 contamination. No open display of raw product.

835 c. Seafood peddlers who do not have adequate cleaning equipment
836 and hand washing facilities can sell the following:

837

838 i. Whole uncleaned fish.

839 ii. Prepackaged units of seafood products.

840 iii. Oysters in the shell from approved sources.

841 iv. Live Crabs.

842 v. Unshelled bulk raw shrimp.

843 **They may not:**

844 i Dress or fillet fish.

845 ii Dip oysters.

846 iii Shuck oysters.

847 iv Handle unpackaged peeled and de-veined raw or cooked
848 shrimp.

849 v. Handle or sell unpackaged fish fillets.

850

851 d. Seafood peddlers who process seafood must have on board
852 their vehicles the same general sanitary facilities as are
853 usually found in retail seafood markets, i.e. hot and cold
854 running water, equipment sink, handwashing facilities,
855 proper drainage and wastewater holding facilities. They
856 must have convenient access to a functional rest room/toilet
857 facilities.

858 e. All seafood peddlers who deal in prepackaged products must
859 meet the customary labeling requirements of the Virginia
860 Food Laws.

861 f. Dressed fish or headed raw shrimp can be sold unpackaged, if
862 it is procured from their vendor in that condition. If the
863 product is processed in a home operation, IN HOME
864 MANUFACTURING OPERATIONS, FOM III-02 will apply.

865

866

867 **Crab vendors** are classified as SEAFOOD PEDDLERS and are cover
868 under this Field Operations Manual (FOM) III-3. Your attention is
869 invited to paragraph d. for peddlers who process seafood.
870 Basically, they should comply with the same standards that apply
871 to a retail seafood market with or without food service. Unless
872 the vendor or operator is able to fully comply with this FOM,
873 they should not steam crabs on the roadside. Also, in order for
874 an individual to sell crabs he has caught, they must possess a
875 license issued by the Virginia Marine Resource Commission (VMRC)
876 and should be able to show their license. In fact, any person who
877 sells raw seafood product should be licensed by VMRC. This
878 applies equally to fresh and salt-water seafood products. VMRC
879 has requested that if you encounter any operators, who are
880 unlicensed, they will investigate and take appropriate action.
881 VMRC has expressed an interest in this matter of licensing. As
882 a matter of information, the crab steamer operator, will be
883 unable to come under the jurisdiction of the health department
884 since their requirements essentially mirror ours for a retail
885 operation's food service.

886 When an inspection of crab vendors who are steaming crabs on the
887 road side, be sure to document the vehicle license number, the
888 operators phone number, the VMRC license number, and ask for the
889 individuals driver's license to insure that you properly identify
890 the individual. *Remember that the individual is not required to*
891 *show his driver's license to you.* Simply indicate to the
892 operator that you want to be sure to have all the correct
893 information for your report.

894 The compliance action for crab vendors is as follows:

895
896 a. The first encounter that is not in compliance will be
897 classified as VAI, and the cognizant regional office will issue a
898 letter of information (attached to the end of this FOM). A
899 follow up visit will be in thirty (30) days.
900

901 b. If the firm is still operating after thirty (30) days,
902 the cognizant field supervisor will make a visit to discuss the
903 operation.
904

905 c. If the firm still continues to operate, all the **COOKED**
906 product will be seized.
907

908 These guidelines are to be used as an aid in interpreting the
909 Virginia Food Laws as they apply to seafood peddlers. If any
910 unusual circumstances are encountered, please discuss them with
911 your Regional Manager.
912

913 Revised July 14, 2000
914

914 The below information letter is a sample that will be sent to the crab vendors who are not in
915 compliance.

916
917
918 Mr. *****, Owner/Operator
919 *****, Virginia *****

920 Dear *****:

921
922 On *****, Senior Food Safety Specialist *****, of this
923 Department conducted an inspection of your retail crab steaming
924 operation, located at *****, *****, Virginia. During that
925 inspection, it was observed that the operation was not in
926 compliance with the VIRGINIA FOOD LAWS. Additionally, other
927 state agencies and laws may have legal powers over your
928 operation.

929
930 The proper storage, preparation, serving and the cleaning and
931 sanitizing of food contact surfaces is essential to insure a safe
932 and wholesome food product. Please be advised that failure to
933 properly protect your food product from contamination with filth,
934 or cause the product to be injurious to health is a serious
935 violation of the VIRGINIA FOOD LAWS.

936
937 For your information, we have enclosed copies of the VIRGINIA
938 FOOD LAWS, the RULES AND REGULATIONS PERTAINING TO THE SANITARY
939 AND OPERATING REQUIREMENTS IN RETAIL FOOD STORES, and our
940 brochure on SANITIZING.

941
942 This letter of information is being provided to you with the
943 purpose of achieving future and continuous compliance with the
944 provisions of the VIRGINIA FOOD LAWS and applicable regulations.
945 Should compliance not be forthcoming, additional regulatory
946 action may be necessary.

947
948 If you have any further questions, please feel free to contact
949 Inspector or me ***** at (***)***-****.

950
951 Sincerely

952
953
954 *****
955 *****
956 Food Safety Program

957
958 Enclosures

959
960 cc:
961 Inspector *****
962 ***** , Regional Manager
963 Establishment file
964
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FIELD OPERATIONS MANUAL

PROCEDURE III - 04
Formerly 001

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1008 SWOLLEN CANS

1009
1010 If you encounter swollen canned food products, you should:

- 1011
1012 1) have them voluntarily destroyed
1013 or
1014 2) seize and sample them

1015
1016 It is preferable to have the product voluntarily destroyed
1017 since laboratory analysis does not always reveal the cause of the
1018 abnormality. Swollen canned food products should never be consumed,
1019 since they indicate improper processing and/or handling. Such
1020 improper processing or handling could allow the formation of
1021 *C.botulinum* toxin.

1022
1023 During inspections of any establishment if multiple cases of
1024 swollen canned food products are encountered, or if you encounter a
1025 canned food product that has had a repeated history of being found
1026 in a swollen condition, the following information should be
1027 obtained:

- 1028
1029 1) The name and identification of the product.
1030
1031 2) The name and address of the manufacturer or distributor.
1032
1033 3) The code/codes of the products.
1034
1035 4) The approximate date of when the products were received.

1036
1037 This information is necessary so that the FDA can follow up at the
1038 manufacturer/distributor.

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1046
1047 Revised November 17, 1999

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FIELD OPERATIONS MANUAL

PROCEDURE III-05
Formerly 020

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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.

- 1097
1098 12) The intentional adulteration of raw product with fillers such
1099 as pork spleens in ground beef.
1100
1101 13) Potable water supply.
1102
1103 14) Hot and cold running water available for cleaning.
1104
1105 15) Proper hand-washing facilities and necessary soap and towels.
1106
1107 16) Proper equipment cleaning facilities.
1108
1109 17) Proper plumbing.
1110
1111 18) Proper drainage of meat room and meat walk-in cooler floors.
1112
1113 19) Protective covering on overhead lights.
1114
1115 20) Proper cleaning of cooling equipment, fans, guards and grills.
1116
1117 21) Correct use of rodenticides and insecticides.
1118
1119 22) Correct use of cleaning agents.
1120
1121 23) Correct use of food additives and the detection of the use of
1122 illegal food additives.
1123
1124 24) Compliance with applicable food product standards, such as
1125 maximum % fat in ground beef.
1126
1127 25) Smoking, eating or drinking in food processing areas.
1128
1129 26) Adequate employee hygiene.
1130
1131 27) Proper hair restraints.
1132
1133 28) Clean clothing.
1134
1135 29) No infections, diseases, or skin conditions.
1136
1137 30) Proper labeling and packaging.
1138
1139 31) Truthful advertising.
1140
1141 Bakery Department
1142
1143 1) General sanitation of floors, walls, ceilings, utensils and
1144 equipment.

- 1145
1146 2) Insect or rodent contamination of raw ingredients.
1147
1148 3) Proper use of food and/or color additives.
1149
1150 4) Proper use of rodenticides and insecticides.
1151
1152 5) Adequate cleaning of equipment and utensils and adequate
1153 cleaning facilities.
1154
1155 6) Proper handling and refrigeration of bakery products
1156 containing ingredients which support rapid microbial growth.
1157
1158 7) Proper employee practices including frequent hand washing,
1159 proper hair restraints and clean clothing.
1160
1161 8) Adequate hand washing facilities properly serviced.
1162
1163 9) Proper labeling of pre-packaged items.
1164
1165

1166 Produce Preparation Area
1167

- 1168 1) General sanitation of floors, walls, ceilings and equipment in
1169 the produce preparation area and all produce coolers.
1170
1171 2) Proper cleaning and storage of produce preparation utensils.
1172
1173 3) Daily removal of all waste materials subject to decomposition
1174 and fermentation.
1175
1176 4) Rodent and/or insect activity.
1177

1178 General Stockroom Area
1179

- 1180 1) Rodent and/or insect defiled products.
1181
1182 2) Rodent and/or insect activity.
1183
1184 3) Rodent and/or insect entry points along walls, doors and
1185 receiving docks.
1186
1187 4) General sanitation of floors, walls, ceilings and shelves.
1188
1189 5) Springers, swells or leakers in canned goods.
1190
1191 6) Proper storage of merchandise off the floor and away from
1192 walls.

- 1193
1194 7) Broken or damaged product spilling onto floors or other
1195 product.
1196
1197 8) Segregation of toxic or hazardous products away from food
1198 products.
1199
1200 9) Storage of animal feeds away from human foods which are
1201 susceptible to insect attack.
1202
1203 10) Orderly morgue (also called reclaims and/or returns) area
1204 maintenance and procedures.
1205
1206 11) Adequate pest control practices and proper use of insecticides
1207 and/or rodenticides.
1208
1209 12) No domestic animals present.
1210
1211 13) Adequate and convenient washrooms and toilet separate from
1212 areas used to manufacture and store foods.
1213
1214 14) Proper waste and trash storage and disposal.
1215

1216 Dairy and Egg Products Storage Cooler

- 1217
1218 1) General sanitation of cooler floor, walls, ceiling, shelves
1219 and refrigeration units.
1220 2) Maintenance of proper storage temperatures.
1221

1222 Walk-in Freezer Storage

- 1223
1224 1) Proper temperatures for frozen products.
1225
1226 2) No build-up of ice on products, floors, freezer unit.
1227

1228 Retail Sales Area

- 1229
1230 1) General sanitation of floors, walls, shelves, refrigerated
1231 display cases.
1232
1233 2) Check grain products for possible insect infestation.
1234
1235 3) Check canned products for leakers, swells and flippers.
1236
1237 4) Check produce areas for roaches, fruit flies and other pests.
1238
1239 5) Check dairy display for proper temperature and leakers.
1240

- 1241 6) Check prepackaged meat display for proper temperatures,
1242 swells, blown vacuums, off color or off odor products.
1243
- 1244 7) Check frozen foods display for proper temperature, defrost
1245 cycle problems, freezer burn and load limit abuses.
1246
- 1247 8) Check infant formula for outdated product.
1248
- 1249 9) Check prepackaged products for proper labeling.
1250
- 1251 10) Check to ensure that hazardous or toxic products are displayed
1252 away from human foods.
1253
- 1254 11) Check soft drinks for the presence of mold, foreign material.
1255
- 1256 12) Check bulk displayed products for actual contamination, proper
1257 protection from contamination, proper rotation and adequate
1258 customer handling utensils.
1259
- 1260 Exterior of Store
1261
- 1262 1) Check for possible rodent and/or insect entry points.
1263
- 1264 2) Check for weed growth and other potential rodent harborage.
1265
- 1266 3) Check for adequate trash storage and removal.
1267
- 1268 Miscellaneous
1269

- 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 stuffings, stuffed meats and stuffings 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**.

PRIMARY

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

SECONDARY

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

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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
Formerly 030

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)

<p>4. Inadequate processing guidelines or failure to follow proper processing guidelines.</p>	<p>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)</p>
<p>5. Untrained/unknowledgeable operators.</p>	<p>Vacuum-packaging should be discontinued until trained operators are available.</p>
<p>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.)</p>	<p>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)</p>

87
88 NOTE C - If it is necessary to seize and sample any of these
89 products, the samples, including any collected and sent directly to
90 your regional manager, must be official samples.

91
92 A food establishment that packages potentially hazardous food
93 (Time/Temperature Control for food safety) using a vacuum-packaging
94 system shall have a HACCP Plan that:

- 95
96 (1) Identifies the food to be packaged;
97
98 (2) Except as specified under (C) and (E) and as specified
99 in (D) of this section, requires that the packaged food shall
100 be maintained at (41°F) or less and meet at least one of

101 the following criteria:

102

103 (a) Has an AW of 0.91 or less,

104

105 (b) Has a PH of 4.6 or less,

106

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

111

112 (d) Is a food with a high level of competing organisms

113 such as raw meat or raw poultry;

114

115 3-502.12 VACUUM PACKAGING SYSTEMS CRITERIA.*

116

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

126

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

132

133 (1) Identifies the food to be packaged;

134

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

139

140 (a) Has an Aw of 0.91 or less,

141

142 (b) Has a pH of 4.6 or less,

143

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

148

(d) Is a food with a high level of competing organisms

149 such as raw meat or raw poultry;

150

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

154

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

156

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

160

161 (4) Limits the refrigerated shelf life to no more than 14
162 calendar days from packaging to consumption, except the
163 time the product is maintained frozen, or the original
164 manufacturer's "sell by" or "use by" date, whichever occurs
165 first;

166

167 (5) Includes operational procedures that:

168

169 (a) Prohibit contacting food with bare hands,

170

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

172 which:

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

175

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

179

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

182

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

186

187 (a) Concepts required for a safe operation,

188

189 (b) Equipment and facilities, and

190

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

193

194

195 FISH

196

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

200

201 COOK-CHILL OR SOUS VIDE

202

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

206

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

209

210 (2) The food is:

211

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

216

217 (b) Cooked to heat all parts of the food to a temperature
218 and for a time as specified under 3-401.11,

219

220 (c) Protected from contamination after cooking as specified
221 under Part 3-3,

222

223 (d) Placed in a package or bag with an oxygen barrier
224 before cooking, or placed in a PACKAGE or bag immediately after
225 cooking and before reaching a temperature below 135°F,

226

227 (e) Except for frozen food that is not shelf life
228 restricted, cooled to 41°F in the package or bag as specified
229 under 3-501.14 and then cooled to 34°F or less
230 within 48 hours of reaching 41°F, and:

231

232 (i) Held at 34°F and consumed or discarded within
233 30 days after the date of preparation, or

234

235 (ii) If removed from a storage unit that maintains a 34°F
236 food temperature, held at 41°F or less for
237 no more than 72 hours before consumption.

238

239 (f) Held in a refrigeration unit that is equipped with an
240 electronic system that continuously monitors time and temperature
241 and is visually examined for proper operation
242 twice daily,

243

244 (g) If transported off-site to a satellite location of the

245 same business entity, equipped with verifiable electronic
246 monitoring devices to ensure that times and temperatures
247 are monitored during transportation, and

248
249 (h) Labeled with the product name and the date packaged;
250 and

251
252 (3) The records required to confirm that cooling and cold
253 holding refrigeration time/temperature parameters are required
254 as part of the HACCP Plan, are maintained and are:

255
256 (a) Made available to the regulatory authority upon
257 request, and

258
259 (b) Held for 6 months; and

260
261 (4) Written operational procedures as specified under
262 Subparagraph (B)(5) of this section and a training program as
263 specified under Subparagraph (B)(6) of this section are
264 implemented.

265
266 Cheese

267
268 (E) A food establishment may package cheese using a reduced
269 oxygen packaging method without obtaining a variance if it:

270
271 (1) Limits the cheeses packaged to those that are
272 commercially manufactured in a food processing plant with
273 no ingredients added in the food establishment and that
274 meet the Standards of Identity as specified in 21 CFR 133.150
275 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese
276 or 21 CFR 133.187 Semisoft cheeses;

277
278 (2) Has a HACCP plan that contains the information specified
279 under ¶ 8-201.14(D);

280
281 (3) Except as specified under Subparagraphs (B)(2), (B)(3)(b),
282 and (B)(4), complies with ¶ (B) of this section;

283
284 (4) Labels the PACKAGE on the principal display panel with a
285 "use by" date that does not exceed 30 days or the original
286 manufacturer's "sell by" or "use by" date, whichever occurs
287 first; and

288
289 (5) Discards the reduced oxygen packaged cheese if it is not
290 sold for off-premises consumption or consumed within 30
291 calendar days of its packaging.

292

293 CHEESE

294

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

298

299 (1) Limits the cheeses packaged to those that are
300 commercially manufactured in a food processing plant with
301 no ingredients added in the food establishment and that
302 meet the Standards of Identity as specified in 21 CFR 133.150
303 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese
304 or 21 CFR 133.187 Semisoft cheeses;

305

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

- 306
307 (2) Has a HACCP Plan
308
309 (3) Except as specified under Subparagraphs (B)(2), (B)(3)(b),
310 and (B)(4), complies with(B) of this section;
311
312 (4) Labels the package on the principal display panel with a
313 "use by" date that does not exceed 30 days or the original
314 manufacturer's "sell by" or "use by" date, whichever occurs
315 first; and
316
317 (5) Discards the reduced oxygen packaged cheese if it is not
318 sold for off-premises consumption or consumed within 30
319 calendar days of its packaging.

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FIELD OPERATIONS MANUAL

PROCEDURE III-07
Formerly 025 & 36

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 pasturized, 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. (ie: Letter of Warning, etc.)

Revised November 17, 1999 Edited April 5, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-08
Formerly 002

TEMPERATURES OF READY TO EAT POTENTIALLY HAZARDOUS FOODS

The following protocol to determine the classification and deposition of potentially hazardous ready-to-eat foods:

Hot Foods:

130°F-140°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 45° or below within six (6) hours.*

Cold Foods:

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

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

45°-55°F---refrigerate

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 "*judgement call*".

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 an *information 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. Place "INF LTR" on the line next to the "REG FU" section of the inspection report.

If a firm wants to use time/temperature as a control they must submit a written HACCP plan to the Regional Office/Manager.

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

Edited April 5, 2000

January 19, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-09
Formerly 027

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.**

FOR REFERENCE ONLY - FOOD CODE 3-306.13

Revised 7-3-03

FIELD OPERATIONS MANUAL

PROCEDURE III-10
Formerly 026

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/packagers 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/packaging operation. **NAI. Document but not actionable.**
5. Hot water is temporarily out of order (ie: hot water heater is broken) in a firm processing/packaging 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/packaging 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/packaging 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 (ie: 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-13
Formerly 010

COMPLIANCE ACTIONS FOR OUTDATED 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 an 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 98) and being offered for sale on the retail shelf.

REVISED July 1999

FIELD OPERATIONS MANUAL

PROCEDURE III-14

New

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 August 99 Edited April 5, 2000

Originally drafted by JAM

138 FIELD OPERATIONS MANUAL

139
140 PROCEDURE III-15
141 Formerly 015
142

143 WILD GAME AND CUSTOM (UNINSPECTED) MEAT PROCESSING
144

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

151
152 If you determine that the meat is **uninspected**, you should determine
153 if it is wild game such as, squirrel, opossum, deer, muskrat,
154 beaver, and/or rabbit, etc., or it is meat that falls under
155 jurisdiction of the Wholesome Meat Act such as pork, sheep, goat,
156 horse, cow, and/or poultry.

157
158 **Any establishment that processes the (non-wild game) uninspected**
159 **meat should be permitted by State Meat Inspection.** "Uninspected
160 meat" processing means the cutting, slicing, grinding, etc. of meat
161 or poultry (non-wild game) that has not been inspected by either
162 USDA or VDACS. ***Establishments can not sell uninspected meats of***
163 ***traditional animals, such as pork, beef, sheep, goat, poultry, and***
164 ***horse.*** (An example of this is Farmer Brown raises his hogs and sets
165 aside one for fattening at the end of the year. After that hog is
166 fattened with grain it is slaughtered. It is then cut, ground,
167 sliced, and packaged the way Farmer Brown wants it at his local
168 store that has a meat department with a custom processing permit
169 from Meat Inspection. When the hog has been totally processed,
170 Farmer Brown comes back to the store and picks up his packages of
171 meat and takes them home for him to use throughout the year. These
172 products are not sold at the firm, but a fee is paid for the actual
173 processing of them.) If you find a firm that is conducting this
174 type of "uninspected meat" processing operations - you should do
175 the following:

- 176
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
Formerly 028

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 Regional Office of the Virginia Department of Health-Office of Water Programs for the particular county where the water source is located (see the attached map). You should arrange a joint visit with the Water Programs engineer to the site of the proposed operation. The Water Programs 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.

Edited January 30, 2001

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

**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.

Issued new March 8, 2002

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

- Calories from Fat

- Total Fat
- Saturated Fat
- Cholesterol
- Sodium
- Total Carbohydrates
- Dietary Fiber
- Sugars
- Protein
- Vitamin A
- Vitamin C
- Calcium
- 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,
- Monounsaturated Fat
- Polyunsaturated Fat, Potassium
- Soluble Fiber
- Insoluble Fiber
- Sugar Alcohol
- Other Carbohydrates.

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 (5)(e) |
| - 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.

Issued new March 8, 2002

Field Operations Manual

Procedure III-21
New

Time as a Public Health Control

NOTE: It is important that this method **not be solicited openly** to food establishments. It should be **limited** to those firms that will act responsibly and limited to certain types of foods, for example sliced pizza or potentially hazardous ethnic foods that are customarily served at room temperature. **This procedure should NOT be used in place of malfunctioning hot cases or heat lamps.**

The following would be required for an establishment to use time as a public health control for potentially hazardous foods:

1. The establishment must **submit a detailed written plan** to your regional manager for approval. A copy of this approved procedure must be kept and followed in each establishment. In addition, written charts/logs of the date and time the food was removed from temperature control and the time they were removed from sale and destroyed must be maintained.
2. Each packaged unit or tray of food offered for sale at room temperature must be marked with the date and time that the product is removed from temperature control and the date and time that the product is to be pulled and thrown away, which is not to exceed 4 hours from the time the product was removed from temperature control. **It is important that all food meet the proper cooking temperature specific for that food PRIOR to being removed from temperature control.**
3. Once the unsold portions of food have exceeded the 4-hour time limit, they must be discarded.

Special Circumstances

If one firm (*Firm A*) plans to manufacture/process a food item and deliver it to another firm (*Firm B*) to be sold, the following guidelines must be met:

1. *Firm A* must cook the product and allow it to reach the proper temperature, label each packaged unit or tray of food with the date and time that the product was removed from temperature control and with the date and time the product is to be removed from sale by *Firm B*, which is not to exceed 4 hours from the time the product was removed from temperature control.

2. *Firm B* must remove the packaged units or trays of food from sale at the time indicated on the label (no more than 4 hours after the food was removed from temperature control) and discard them.
3. A written procedure and charts/logs of the date and time the food was removed from temperature control and the date and time the food should be discarded must still be maintained at *Firm A*. In addition, *Firm B* should maintain a chart/log of the date and time the food is received from *Firm A*, the date and time the food was removed from temperature control, and the date and time the food should be discarded (the latter two should be already be provided on the label by *Firm A*).

Issued new March 8, 2002

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* O157: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.

Issued new July 2, 2003

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, gelcaps, 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 Hypoglucose 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

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 §§ 3.1-398.1 and 3.1-399 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, Room 510
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,

Pam Miles
Regional Manager
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.

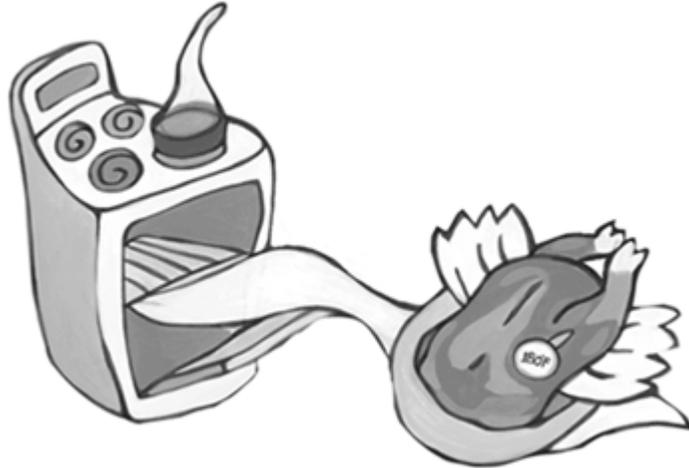
The best way to keep your food safe is to use these "hot" food safety TIPS.

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

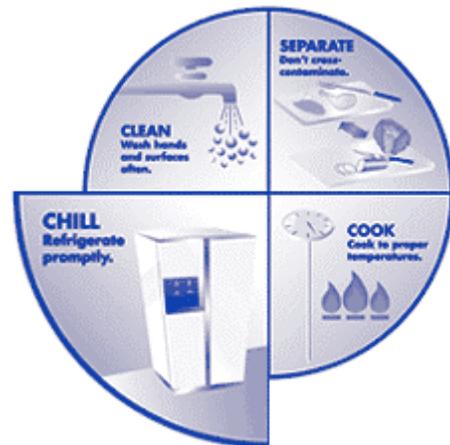
- Don't use sauce that was used to marinate raw meat, poultry, or seafood on cooked foods, unless it is boiled before applying. Never taste marinade or sauce that was used to marinate raw meat, poultry, or seafood.

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 Inspection Service*

FIELD OPERATIONS MANUAL

Procedure III-25

New

Use of the Blacklight in Identifying Rodent Activity

An ultraviolet light (i.e. blacklight) can be a useful tool for detecting rodent urine contamination on packaged products. However, the blacklight 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 blacklight. 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 blacklight 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)

Wheat (Natural)

Nut Meats (Natural)

Starch (Natural)

Bean Flours (Natural)

Spices (Natural or Quenching)

Bran (Natural)

Pop & Field Corn (Natural)

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3 Issued New June 2, 2004

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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

54 exemption.

55

56 *Note: If it is obvious that the firm does not qualify for an exemption (i.e. the firm is a*
57 *warehouse, manufacturer, etc.) then it will not be necessary to visit the establishment. Retail*
58 *firms should be visited as store operations can vary over time.*

59

60 Exempt Firms. If you determine that the firm is indeed exempt, write “**EXEMPT**” in red ink at
61 the top of the exemption form and create an inspection report memo documenting that the firm is
62 exempt. **Give the firm a one year follow up date.** Attach the inspection report memo to the
63 exemption form and return to your Regional Office so that the information can be keyed into the
64 database. The exemption form will then be filed in the firm’s establishment folder.

65

66 Non-exempt Firms. If you determine that the firm does not meet the exemption criteria,
67 document why it does not meet the exemption on an inspection report memo and return both the
68 exemption form and memo to the Richmond Office, Attention: Sandy Linkous. Sandy will then
69 see that the firm is sent a letter explaining why they do not qualify for an exemption, along with
70 their invoice for the inspection fee.

71

72 *Note: If you perform an inspection/visit as part of the verification process you will need to send*
73 *a copy of the Inspection Report to your Regional Office as well as the Richmond Office to get*
74 *inspectional credit. Regional Offices do not need a copy of the exemption forms...they should be*
75 *attached to the Inspection Report and submitted directly to the Richmond Office, Attention Sandy*
76 *Linkous.*

77

78 A list of firms that meet the exemption requirements will be created for each territory and sent
79 out to the respective Inspector.

80

81 Notifying Firms of an Exemption

82 As previously stated, exemption application forms will be sent out to retail establishments during
83 the inspection fee billing cycle each year. If a firm has been sent an exemption application and
84 the application is not received by the Richmond Office via “returned mail”, then the
85 establishment is considered to have been notified.

86

87 If you visit a new firm that has not been notified of the exemption via an inspection fee billing
88 cycle and you feel that the firm would qualify for an exemption (i.e. the firm opens after the
89 exemption notices have been mailed for that fiscal year), proceed with inspecting the firm so that
90 a file can be created for future visits, complaint investigations, etc. Give the firm a one year
91 follow up date. The firm will be notified of the exemption legislation and be given the
92 opportunity to apply for an exemption during the next inspection fee billing cycle.

93

94 If an establishment is notified about the exemption, qualifies for the exemption, and chooses not
95 to file for an exemption, then they are still subject to our regular inspection.

96

97 Issued New November 2, 2004

Convenience Store Jurisdictional Issues

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

§ 3.1-398.1 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 Rules and Regulations Pertaining to the Sanitary and Operating Procedures in Retail Food Stores 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 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.

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.

142

143 If the food service operation located within a convenience store or gas station 1) has
144 greater than 15 seats, or 2) is associated with a national or regional restaurant chain
145 (regardless of the number of seats), then the health department will inspect the food
146 service operation. Until otherwise notified, VDACS will continue to inspect the retail
147 portion of these firms.

148

149 ***Existing Firms***

150 Some of the local health departments have notified the Richmond Office of convenience
151 stores and gas stations containing food service operations with 15 seats or less.

152 Convenience stores or gas stations containing a food service operation with 15 seats or
153 less not associated with a national or regional restaurant chain should be placed under
154 VDACS inspection immediately. Many of you will already have convenience stores with
155 15 seats or less on file that have the restaurant portion inspected by the local health
156 department. If this is the case, we will need you to begin incorporating the food
157 service/restaurant portion of the operation into your regular inspections of the retail
158 portion of the store.

159

160 ***New Establishments & Food Service Additions***

161 There will be instances where people will want to open a new convenience store or gas
162 station that has a food service operation with 15 seats or less. In the past, the health
163 department has given direction on what the requirements are for these firms regarding
164 public restrooms and whether the capacity of the water supply and septic system was
165 adequate.

166

167 With regards to restrooms, please direct the firm to their local city or county building
168 inspector for the necessary requirements.

169

170 With regards to private water supplies and septic systems, VDACS will still defer to the
171 health department to ensure that the firm meets the necessary requirements. The
172 health department will determine whether or not the water supply and septic system is
173 adequate for the proposed operation and supply this information to VDACS in writing.
174 VDACS will enforce the determination given by the health department. If the firm is a
175 new operation, ask the firm to supply you with a copy of their proposed menu so that the
176 health department can use that as a guide in determining whether or not their water and
177 septic systems are adequate.

178

179 If an existing firm is on a private water supply or septic system and they wish to modify
180 their food service or add a food service operation with 15 seats or less, VDACS will still
181 defer to the health department for an evaluation of their water and septic systems.
182 VDACS will need to notify the health department of the proposed changes and have
183 them evaluate the systems in place. Again, if you can obtain a proposed menu, this will
184 aid the health department in their evaluation. The health department will provide
185 VDACS with the results of their evaluation in writing, and VDACS will be responsible for
186 enforcement of that evaluation.

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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.

Issued New November 2004

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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 Va. Tech 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.

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4) Acidified foods processes must be approved by an appropriate processing authority (such as Joell Eifert with Virginia Tech). 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 will not be placing the cannery facility on file (i.e. no CFN) the cannery will still need to register with FDA.

Information regarding registration can be obtained by the cannery at the following website:

<http://www.cfsan.fda.gov/~acrobat/frm2541.pdf>

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

318 manufactured due to the inadequacy of the equipment should be listed
319 separately from any approved products that may be on the inspection report. It is
320 the processor's responsibility to work directly with the Community Cannery
321 personnel to ensure the equipment is acceptable and in good working order.
322

- 323 2) The processor should be provided with a copy of the pertinent laws and
324 regulations that pertain to the foods being manufactured for commercial sale.
325 (i.e. Acidified Foods-CFR Part 114, Low Acid Foods-CFR Part 113, etc).
326

327 In addition, the owner/operator responsible for the operations of the Community
328 Cannery should be informed by the Food Safety Specialist that the facility may
329 be subject to FDA inspection. They should also be informed of the need to meet
330 the regulatory requirements as set forth for those foods being processed
331

- 332 3) The inspection report should be provided to the processor only. The name and
333 address information needed on the inspection report should be as follows:
334

335 The physical location and mailing address of the processor
336

337 EX. - Primary/Billing address (home residence): 3322 McFister Lane
338

339 The physical location of the community cannery
340

341 EX. - Processing Address: (Community Cannery): 2121 Old Farley Lane
342

343 Please include both of these addresses in the address section of the
344 inspection report.
345

- 346 4) Food labels should show the name and address of the processor and not the
347 community cannery.
348

349 **Personnel**

350
351 All operators of processing and packaging systems used to produce acidified or low-
352 acid foods must be under the operating supervision of a person who has attended a
353 specialized school (i.e. Better Process Control School).
354

355 This requirement can be met by either the actual operator attending the Better Process
356 Control School or the operation being supervised by a cannery employee who has had
357 the requisite training.
358

359 Note: If a Food Safety Specialist is not properly trained to evaluate the equipment their
360 Regional Manager should be contacted for further assistance.
361
362

363 **DEFINITIONS**

364 **PROCESS AUTHORITY**

365 **The person or organization that scientifically establishes thermal processes for**
366 **low-acid canned foods or processing requirements for acidified foods.** The
367 processes are based on scientifically obtained data relating to heat or acid resistance of
368 public health and spoilage bacteria and/or upon data pertaining to heat penetration in
369 canned foods. The process authority must have expert scientific knowledge of thermal
370 and/or acidification processing requirements and have adequate experience and
371 facilities for making such determinations.

372

373 **Better Process Control School requirement for Acidified Food Manufacturers 21**
374 **CFR 108.25(f)**

375 All plant personnel involved in acidification, pH control, heat treatment, or other critical
376 factors of the operation **shall be under the operating supervision of a person who**
377 **has attended a school** approved by the Commissioner for giving instruction in food-
378 handling techniques, food protection principles, personal hygiene, plant sanitation
379 practices, pH controls, and critical factors in acidification, and who has satisfactorily
380 completed the prescribed course of instruction.

381

382 **ACID FOOD**

383 A food that has a natural pH of 4.6 or below.

384

385 **ACIDIFIED FOOD**

386 A low-acid food to which acid(s) or acid food(s) are added and which has a finished
387 equilibrium pH of 4.6 or below and a water activity (a_w) greater than 0.85.

388

389 **FERMENTED FOOD**

390 A food preserved by the growth of acid-producing microorganisms in the food which
391 lowers the pH to 4.6 or less.

392 **LOW-ACID FOOD**

393 Any food (other than alcoholic beverages) with a finished equilibrium pH greater than
394 4.6 and a water activity greater than 0.85, excluding tomatoes and tomato products
395 having a finished equilibrium pH less than 4.7.

396 Issued New July 18, 2005

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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 products to be collected during the specified quarter, the sample size, and the number of samples of each product to be collected.

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.

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- 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 by Fed Ex--Standard Overnight to the FDA Atlanta laboratory. The laboratory address is: FDA, Southeast Regional Lab, 60 Eighth Street N.E., Atlanta, Georgia 30309. **Samples should be shipped the day they are collected or no later than the next day.**
 - **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.
 - FDA will pay the transportation costs for the shipment of samples collected under this plan (i.e. FED EX shipping bills will be provided to the Food Safety Specialists). In Block 7 (Payment) of the shipping bill be sure to check the block SENDER.
 - It will be necessary to notify FDA's Baltimore District Office (Attn: Jackie Johnson) the day the sample was collected. FDA requires a copy of the completed sample collection report before the sample can be analyzed. This can be done by either e-mail or fax:

FAX NUMBER 410.779.5705
E-MAIL JJOHNSO2@ORA.FDA.GOV
PHONE 410.779.5450
 - Once the inspector's assignment has been completed, he/she should e-mail the Pesticide Program Coordinator with the pertinent information (i.e. commodity collected, sample number, date collected, and establishment where the sample was collected). Discuss with your respective Regional Manager to determine if they desire a copy of this sampling information.

488 **Schedule II Sampling Plan**

489

490 The significant difference between the Schedule I and Schedule II plans is that under this plan
491 the commodities sampled are determined by VDACS. In addition, sample sizes are smaller and
492 acceptable sampling locations include retail food stores. As with the Schedule I plan, sampling
493 assignments will be determined and forwarded to the responsible inspectors.

494

495

496 **The following sampling guidelines are to be followed:**

497

498 • All samples must be Virginia grown/harvested commodities. **It is acceptable to collect**
499 **these samples at the retail level.** NOTE: Samples do not need to be collected and
500 shipped in the GARBAX bags, regular poly bags will suffice.

501

502 • Minimum sample size is 5 lbs.

503

504 • A **“F”** needs to be placed **after the sample number** to indicate that the sample is being
505 analyzed by the FDA laboratory.

506

507 • A 7-digit product code must be placed on the VDACS sample collection report. Place this
508 code on the **COMMODITY** line along with the actual name of the product.

509

510 • Indicate in the **customer notes** section of the sample collection report that the sample
511 being collected is for VDACS (ie: a schedule II sample).

512

513 • These samples are to be shipped by UPS-Ground (regular service...not the overnight
514 option) to the FDA Atlanta laboratory. The laboratory address is: FDA, Southeast
515 Regional Lab, 60 Eighth Street N.E., Atlanta, Georgia 30309. VDACS will pay the
516 transportation costs for the shipment of samples collected under this plan.

517

518 • Notify FDA’s Baltimore District Office (Attn: Jackie Johnson) the day the sample was
519 collected. FDA requires a copy of the completed sample collection report before the sample
520 can be analyzed. The can be done by either e-mail or fax:

521

522 FAX NUMBER 410.779.5705

523 E-MAIL JJOHNSO2@ORA.FDA.GOV

524

525 PHONE 410.779.5450

526

527 • Once the Inspector’s assignment is completed, the Food Safety Specialist should e-mail
528 the Pesticide Program Coordinator with the pertinent sampling information, as previously
529 described in the Schedule I Sampling Plan. Discuss with your respective Regional
530 Manager if they desire a copy of this sampling information.

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531 **Schedule III Sampling Plan**

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- 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. On a quarterly basis, inspectors are to submit to the Pesticide Program Coordinator pertinent information relating to the samples collected. As stated previously, Inspectors should discuss with their respective Regional Manager whether they desire a copy of this sampling information. 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.

574 **Monthly quota**

575

576 In addition to meeting Schedule I, II and III requirements, Food Safety Specialists need to be
577 aware of their overall sampling proficiency. To ensure that a minimal number of samples are
578 being collected each month a quota system was developed.

579

580 At the beginning of each fiscal year Inspectors will be provided information regarding the
581 sampling quota. Generally speaking, schedule III aflatoxin samples count toward your monthly
582 quota but schedule I, II and III pesticide residue samples do not count. Also, the sampling quota
583 can vary throughout the year as available funds are budgeted against expected expenditures.

584 When trying to meet your monthly sampling requirement, please ensure that the samples you are
585 taking are valid samples that relate to complaints or to the inspectional process. Keep valid
586 sampling opportunities in the back of your mind while conducting inspections, instead of just
587 stopping by a firm to take an arbitrary sample.

588

589 **Sampling Guidance**

590

591 In an effort to increase the effectiveness of the VDACS Sampling Program, the following
592 guidance is being presented to you. The goal of the VDACS Sampling Program is to not only
593 routinely survey foods for pesticide and aflatoxin residues, but it is also to effectively monitor
594 the safety of the food being manufactured and sold in Virginia. Please read the guidance below
595 on how to successfully achieve this goal.

596

597 Suggested Sampling Opportunities—

598

599 **Acidified Foods:** Sample for *pH*. Again, this is a safety control used in acidified foods such as
600 certain salsas, barbeque sauces, pickles, salad dressings, sushi rice, etc. We should be
601 monitoring these products to ensure that the controls are in fact in place to ensure the safety of
602 these products.

603

604 **Apple Butter:** Sample for *copper* levels. If you have apple butter processors who use copper
605 kettles to make their product, it may be a good idea to sample for the level of copper in the
606 product since there has been some concern about copper leaching out of the kettles and into the
607 product.

608

609 **Baked Goods:** Sample for *filth*. Good opportunities include bakery departments or operations
610 that haven't been practicing good GMPs or home-ops where the owner has pets. Custard and
611 cream filled baked goods could be sampled for *Salmonella, Staphylococcus, and E. coli*,
612 particularly due to the possibility of post-bake contamination.

613

614 **Imported Soft Cheeses:** Sample for *Staphylococcus* contamination. This has been a concern
615 and a problem with imported soft cheeses in the past.

616

617 **Jerky:** Sample for *moisture protein ratio*. Again, the moisture to protein ratio in jerky is the

618 controlling factor for the safety of this product. Sampling opportunities may present themselves
619 at jerky processors or retail stores where you notice a locally made product that perhaps isn't
620 being made at a large commercial manufacturing facility.

621

622 **Lean Ground Beef:** Sample for *fat content*. It doesn't hurt to verify what the label is claiming
623 with regards to fat content, especially in this day and age where people are very aware of the fat
624 content of their foods.

625

626 **Salted Fish:** Sample for % *water phase salt*. If you find a salted fish product in a retail store,
627 particularly ethnic food stores, that you find to be suspicious or if you have a salted fish
628 processor, it would be a good opportunity to take a sample for percent water phase salt, since this
629 is what is controlling the pathogen growth in this product. *Nitrites* can also be sampled for in
630 vacuum packed smoked fish.

631

632 **Spices, Coffee, and Tea:** If you have a spice, tea, or coffee manufacturer, it may be a good idea
633 to sample some of their products for *filth*. While a certain level of filth is acceptable in most of
634 these products, it is still a good practice to monitor their level of contamination.

635

636 **Standards:** Sample tomatoes for standards. Other commodities will hopefully be available in
637 the near future.

638

639 **Sulfites:** Sample dried fruit, fruit and nut mixes, fresh shrimp, imported canned goods, and salad
640 bar items for undeclared sulfites.

641

642 **Unrefrigerated PHF:** Sample for *pH and Aw*. Many times home-ops will be manufacturing
643 various icings or filled baked goods that could be potentially hazardous. Such products present a
644 good opportunity to sample the product for pH and Aw when the home-op is not indicating that
645 they are refrigerating the product. The same holds true for focaccia and cheese breads found at
646 room temperature in retail food stores, where the store does not have documentation supporting
647 that the bread can be held at room temperature. Also, many times ethnic food stores will offer
648 PHFs for sale at room temperature because that is the way those products are typically consumed
649 within a particular culture. If the firm is not using time as a method of control or says that they
650 don't refrigerate the products because that's the way the customers like them, then this presents a
651 good opportunity to sample the product for pH and Aw.

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658 Revised November 2004

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FIELD OPERATIONS MANUAL

Procedure IV-02
Revised

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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

706 desire a like amount, in other situations, one (1) unit may suffice. Remember to check the
707 appropriate box on the Inspection Report as to whether the vendor desired a portion of the
708 sample.

709

- 710 • **Samples collected in 3 parts (i.e. Commissioner's Reserve)**— In this situation, in addition
711 to the lab and vendor receiving a portion of the sample a 3rd portion is collected and sent to
712 the lab, designated as a Commissioner's Reserve.

713

714 A Commissioner's Reserve must be taken on **all** official samples collected for which
715 regulatory action is possible/anticipated (i.e. we intend to prosecute based on its result).
716 This would generally (but not always) apply to samples collected as a follow-up subsequent
717 to a Letter of Warning. See FOM IV-10, Sampling in Support of Regulatory Action for
718 additional information.

719

720 Commissioner's Reserve samples must be collected in 3 equal parts. In other words, if you
721 collect 3 cans for lab analysis, you need to collect 3 cans for the vendor's portion and 3 cans
722 for the Commissioner's Reserve.

723

724 Indicate in the "Customer Notes" section of the Sample Collection Report that the sample
725 contains a Commissioner's Reserve portion.

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743 Revised November 2004

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FIELD OPERATIONS MANUAL

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PROCEDURE IV-03

Formerly 033

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WATER SAMPLING

761 The following procedure will be used in the collection of water
762 samples from private water supplies:

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- 765 1. One sample every two (2) years will be collected from firms
766 with private water supplies after a history of good samples,
767 i.e. three (3) consecutive "NAI" samples (over a period of
768 three (3) years).
- 769 2. Once it has been established that the firm is operating with a
770 potable water supply the firm may have the option of providing
771 an annual private laboratory analysis that verifies the
772 continuing potability of their water supply.
773
- 774 3. If the analysis of a water sample is positive (+) for coliform
775 and negative (-) for fecal use the following procedure:
776
777
 - 778 a. An informational letter will be sent to the firm from the
779 office and the firm will be rescheduled for and
780 inspection and a follow-up water sample in 4 months.
781
 - 782 b. If the 4 month follow-up water sample is NAI then the
783 firm will be placed on a yearly sampling schedule.
784
 - 785 c. If the 4 month follow-up water sample is violative then a
786 2nd informational letter will be sent and the firm will
787 be rescheduled for an inspection and a follow-up water
788 sample in 4 months.
789
 - 790 d. If the 2nd follow-up water sample is NAI then the firm
791 will be placed on a yearly water sampling schedule.
792
 - 793 e. If the 2nd follow-up (3rd sample) is violative a letter
794 will be sent to the firm stating that they must
795 discontinue the food processing.
796

- 797
798 4. If the analysis of a water sample is positive (+) for coliform
799 and positive (+) for fecal use the following procedure:
800
801 a. An informational letter will be sent to the firm from the
802 office. Return to the firm within 30 working days to do
803 a follow-up sample.
804
805 b. If the follow-up sample analysis is again (+) coliform
806 and (+) fecal then repeat 3a.
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808 c. If the 2nd follow-up (3rd sample) is adulterated then a
809 letter will be sent to the firm to discontinue the food
810 processing.
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851 **Sampling Procedures for Possible Rodent and Insect Defiled Foods**

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854 **Possible Rodent Infestation**

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856 Hantavirus is a virus that is shed in saliva, urine and feces of rodents and is transmitted to
857 humans primarily via aerosols produced when the animals sneeze or when contaminated
858 dust particles are stirred up. Hantaviruses can present some or all of the following
859 symptoms: fever, headache, muscle aches, nausea & vomiting, chills, dry cough, and
860 shortness of breath. Therefore, the following precautions should be taken when collecting
861 evidence involving rodent defiled products:

- 862
863 1. Minimize or eliminate direct contact when collecting these samples.
864 2. Wear disposable gloves and wash hands thoroughly after removing the gloves.
865 3. Clearly indicate on the collection report that the product is rodent defiled.
866

867 When sampling foods that have been rodent gnawed, may have been contaminated by
868 rodent feces, urine, or filth, or that may even contain live or dead rodents, it is important
869 to seal the product(s) being sampled in **two** poly sample bags. This helps to ensure
870 that potential evidence is not lost during handling and transport between the sample site
871 and arriving at DCLS.

872
873 Finally, inspectors need to minimize their exposure time when working in closed, confined
874 spaces (i.e. a crawl space, etc.) that are rodent infested.

875
876
877 **Possible Insect Infestation**

878
879 When sampling foods that may be contaminated with insect filth, frass, live or dead
880 insects, or insect drill holes, it is important to seal the product in at least one poly
881 sample bag. This helps to ensure that potential evidence is not lost during handling and
882 transport between the sample site and arriving at DCLS.
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886 Revised November 2004
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FIELD OPERATIONS MANUAL

PROCEDURE IV-05
Formerly 016

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:

- 935
936 (1) When sampling a number of different products which may have
937 been rodent or insect defiled because of a current problem in
938 the establishment.
939
940 (2) When sampling different codes of the same product.
941
942 (3) When taking samples of a compounded product during different
943 stages of its manufacture. For example, say we were
944 collecting samples of breaded shrimp during its manufacture.
945 We would not include the raw ingredients, the shrimp, the
946 batter, the shrimp during different stages of breading, and
947 the final product all under one sample number. We would use
948 different sample numbers for the different stages of
949 production and the different ingredients used.

950
951 In all of the above instances, separate sample numbers and
952 collection reports is the best method.

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957 Revised July 99

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FIELD OPERATIONS MANUAL

PROCEDURE IV-06
Formerly 014

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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

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
Formerly 007

SAMPLING PROCEDURE GUIDELINES

The below information supercedes the subject in the Inspector's Manual.

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 XMECOLIH 7	1 pound	Packaging as sold	
Adulteration confirmation	101 FC CONF	1 pound	Packaging as sold	Includes tampering and SERVICE SAMPLES
Aflatoxin Screen (CHARM)	115 FLAFYAGIA	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 XMSOFTD R	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>	<i>Includes total plate count (TPC)</i>
<i>Bacterial - Canned Foods</i>	59 XMCANFD	1 pound Can size	<i>Packaging as sold</i>	
<i>Excreta (rodent) - in foods</i>	100 FCECRET A	1 pound	<i>Packaging as sold</i>	<i>Rodent contamination</i>
<i>Fat in meats</i>	55 FATMEAT	1 pound	<i>Packaging as sold</i>	

<i>Filth - Heavy - foods</i>	24 FCFHEAVY	1 pound	Packaging as sold	Sand, glass, metal
<i>Filth - Beverages</i>	29 FCFBEVSO L	12 ounces	Packaging as sold	
<i>Filth - Ground meats</i>	27 FCFGDME T	1 pound	Packaging as sold	
<i>Filth - Peas, beans, grains, popcorn</i>	75 FCFUNPOP	1 pound	Packaging as sold	Not for cornmeal
<i>Filth - Fish</i>	35 FCFFISH	1 pound	Packaging as sold	Includes parasites and canned seafood
<i>Filth - Canned mixed vegetables</i>	33 FCFCNVEG	1 pound	Packaging as sold	
<i>Filth - Canned leafy vegetables</i>	85 FCFLEVEG	1 pound	Packaging as sold	Frozen vegetables included
<i>Filth - Ice</i>	45 FCFICE	5 - 8 pounds	Packaging as sold	Must be kept frozen - use dry ice
<i>Filth - Baked goods</i>	25 FCFBAKGD	1 pound	Packaging as sold	
<i>Histamine - foods</i>	17 FCHIST	1 pound Minimum of 100 G (~4 ounces)	Packaging as sold	Not for shellfish. Most likely in Tuna
<i>Organoleptic - Foods</i>	51 FCORGAN O	16 ounces	Packaging as sold	May also include service samples
<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 FCSPECIE S	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
Formerly 006

DOCUMENTING THE SEALING OF A SAMPLE

Section 3.1-405 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 3.1-405.

ALL SAMPLES EXCEPT HERMETICALLY SEALED CANS MUST BE OFFICIALLY SEALED AND IDENTIFIED. HERMETICALLY SEALED CANS NEED ONLY BE OFFICIALLY IDENTIFIED.

Revised July 99

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

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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