



Proposed Regulation Agency Background Document

Agency name	Va. Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 - 585
Regulation title	Retail Food Establishment Regulations
Action title	Amendment of Existing Food Regulations
Date this document prepared	February 17, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

The Retail Food Establishment Regulations establish minimum sanitary standards for retail food establishments such as supermarkets, grocery stores, and convenience stores. Those standards include the safe and sanitary maintenance, storage, operation, and use of equipment, the safe preparation, handling, protection, and preservation of food including necessary refrigeration or heating methods, procedures for vector and pest control, requirements for toilet and hand washing facilities for employees, requirements for appropriate lighting and ventilation, requirements for an approved water supply and sewage disposal system, personal hygiene standards for employees, and the appropriate use of precautions to prevent the transmission of communicable diseases. Current Regulations are based on the Food and Drug Administrations (FDA) 2001 Food Code and the 2003 Food Code Supplement. Our existing regulations are being amended to be consistent with the current 2005 FDA Food Code as well as the 2007 Food Code Supplement. Many of the changes simply refine and provide further clarity to our existing regulations. Significant changes include (1) a revised, more inclusive definition of Potentially Hazardous Foods that includes any food product that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation (2) a definition of food allergen that is now consistent with the Food Allergen Labeling and Consumer Protection Act of 2004 (3) the inclusion of the viral pathogen Norovirus in the list of food employee diseases that require an employee to be excluded from a food establishment as well as the inclusion of Norovirus in the list of employee diseases that food establishment managers or owners must report to the regulatory authority (4) amended hand washing procedures including new protocols relative to the washing of hands as well as protocols to avoid

recontamination of the hands after hand washing. The new procedures are now consistent with the recommended hand washing procedures in CDC's Hygienic Practice Guidelines for Health Care Workers. (5) Refocused date-marking provisions on foods that present a higher risk of contamination. Deli salads (e.g., ham, chicken, egg, seafood, pasta, potato and macaroni) prepared and packaged in a food processing plant as well as cultured dairy products and certain types of hard and semi-soft cheeses will now be exempt from date marking (6) amended procedures for reduced oxygen packaging (ROP). New requirements have been added relative to specific temperature controls for cook-chill and sous vide packaging (7) additional labeling requirements for food products packaged in a food establishment. Labels on foods packaged in a food establishment will include the name of each major food allergen contained in the food, unless it is already part of the common name or ingredients (8) additional options for freezing to control parasites as well as exemptions for certain fish that are aqua cultured (9) additional provisions allowing time to be used as a food safety control measure for 6 hours if certain requirements are met and (10) the addition of sprouted beans or seeds to the list of products that require a HACCP plan if the products are sprouted at the retail establishment. These changes are also being proposed concurrently with the Virginia Department of Health's adoption of the updated portions of the 2005 FDA Food Code and the associated 2007 supplement. Pursuant to § 3.2-5121(C) of the Code of Virginia, this action is exempt from portions of the Administrative Process Act (APA) provided VDH adopts the same version and both agency's regulations have the same effective date. Both agencies are working toward that end. Both VDACS and VDH previously adopted the 2003 supplement to the 2001 FDA Food Code with an effective date of October 16, 2007.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

Definitions:

Antiseptic – a substance which prevents infection by inhibiting the growth of microorganisms
 Cook-Chill – a method of preparing food by cooking followed by fast chilling and then storage
 CFR – Code of Federal Regulations
 Hepatitis A virus – a disease causing microorganism (virus)
 Norovirus – a disease causing microorganism (virus)
 Jaundice – a yellow discoloration of the skin, whites of the eyes, etc., due to an increase of bile pigments in the blood
 Pasteurize - to expose a food product to an elevated temperature for a period of time sufficient to destroy certain microorganisms
 Salmonella enteritidis - a disease causing microorganism (bacteria)
 Salmonella typhi – a disease causing microorganism (bacteria)
 Shigella spp – a disease causing microorganism (bacteria)
 Streptococcus pyogenes - a disease causing microorganism (bacteria)
 Sous-vide – a method of cooking food in a vacuum-sealed plastic pouch
 Sulfiting agent – a compound used in food products as a preservative
 PPM – parts per million

Legal basis

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

Section 3.2-5121 of the Code of Virginia (1950), as amended (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+3.2-5121>), provides the legal basis for the promulgation of this proposed regulation. Specifically, subsections B and C identify the authority and certain requirements for the expedited adoption of the FDA's Food Code.

Purpose

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

This proposed regulatory action is essential to the protection of the health and welfare of citizens in that it sets the necessary standards of operation for the retail segment of Virginia's food industry to (1) provide a system of prevention and overlapping safeguards designed to minimize foodborne illness; (2) ensure employee health, industry manager knowledge, safe food, nontoxic and cleanable equipment and acceptable levels of sanitation on food establishment premises; and (3) promote fair dealings with the consumer.

The first goal of the amended regulation is to maintain a scientifically sound basis for regulation of the retail food industry. The proposed amended regulation contains certain additions and modifications that reflect current science and additional provisions that address new, emerging food safety issues that have surfaced since the regulation was previously adopted. Adoption of the amended regulation will thus enable the Virginia Department of Agriculture and Consumer Services (VDACS) to provide regulations to the retail food industry that are based on the most current, sound science available.

The second goal of the proposed amended regulation is to ensure a regulatory approach that is uniform throughout the retail segment of Virginia's food industry by administering standards that are equivalent to those administered by the Virginia Department of Health (VDH) in restaurants and food service establishments. In years past, VDH have enforced different regulations in similar types of food establishments. Although the basic requirements of those regulations were the same, there were enough differences in the regulations to sometimes be confusing to the retail segment of the food industry. The previous, simultaneous adoption of our current regulation (a modified version of FDA's 2001 Model Food Code and 2003 Supplement) in October 2007 resolved these concerns. In order to continue to provide uniform regulations, both VDACS and VDH are on course to concurrently adopt these proposed amended regulations. Once both regulations are finalized, they will have the same effective date, and at that point VDACS and VDH will be administering the same food safety standards within all portions of the retail segment of Virginia's food industry.

Foodborne disease in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. The U.S. Centers for Disease Control and Prevention estimate that foodborne diseases cause approximately 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year. Adoption of these amended regulations will help to ensure that food provided to consumers in Virginia is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease.

Adoption of these proposed, amended regulations will have no environmental impact.

Substance

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

The proposed regulation contains the latest science relative to food safety and addresses newer food safety issues that have emerged since the adoption of the previous regulation. It contains additional interventions to reduce foodborne disease risk factors and provides for more flexibility for the retail segment of the food industry in how they choose to alleviate food safety problems or foodborne disease risk factors.

Substantive changes include:

- A revised, more inclusive definition of Potentially Hazardous Foods that includes any food product that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.
- A definition of food allergen that is now consistent with the Food Allergen Labeling and Consumer Protection Act of 2004.
- The inclusion of the viral pathogen Norovirus in the list of food employee diseases that require an employee to be excluded from a food establishment as well as the inclusion of Norovirus in the list of employee diseases that food establishment managers or owners must report to the regulatory authority.
- Amended hand washing procedures including new protocols relative to the washing of hands as well as protocols to avoid recontamination of the hands after hand washing. The new procedures are now consistent with the recommended hand washing procedures in CDC's Hygienic Practice Guidelines for Health Care Workers.
- Refocused date-marking provisions on foods that present a higher risk of contamination. Deli salads (e.g., ham, chicken, egg, seafood, pasta, potato and macaroni) prepared and packaged in a food processing plant as well as cultured dairy products and certain types of hard and semi-soft cheeses will now be exempt from date marking.
- Amended procedures for reduced oxygen packaging (ROP). New requirements have been added relative to specific temperature controls for cook-chill and sous vide packaging.
- Additional labeling requirements for food products packaged in a food establishment. Labels on foods packaged in a food establishment will include the name of each major food allergen contained in the food, unless it is already part of the common name or ingredients.
- Additional options for freezing to control parasites as well as exemptions for certain fish that are aqua cultured.
- Additional provisions allowing time to be used as a food safety control measure for 6 hours if certain requirements are met.
- The addition of sprouted beans or seeds to the list of products that require a HACCP plan if the products are sprouted at the retail establishment.

Issues

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

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

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

Public:

The proposed amended regulation will enhance the safety of food products sold through the retail segment of the food industry. Because the proposal is based on the most current sound science and addresses newer food safety issues and concerns that have surfaced since adoption of the prior regulations, consumers purchasing food products from retail establishments should develop greater confidence in the safety of the retail food supply.

There are no disadvantages to the public.

Regulated Entities:

This amended regulation is an advantage to the industry in that it contains well written, easily understandable and scientifically sound retail food safety requirements. The regulation is significantly educational in nature and provides the industry with knowledge sufficient to ensure that food products processed, held and/or offered for sale are safe. Additionally, the regulation allows the industry additional options and greater flexibility with respect to both food processing (souise-vide and cook-chill) and date marking as well as parasite control. Updated employee health provisions including better ways to protect public health, based on new science on pathogens that are most likely to be transmitted from an infected worker through food products are also provided so that the retail industry can ensure the safety of the foods it produces. This proposed amended regulation is an important part of the strategy for achieving uniform standards both within the Commonwealth as well as the nation.

The primary disadvantage of this proposal to the retail food segment of the food industry is they will need to understand, implement and conform to both modified and new requirements. This may require additional training of employees as well as periodic monitoring to ensure that the new requirements are being adhered to.

Commonwealth

This amended regulation will be an advantage to the Commonwealth in that it will be able to provide safe and wholesome food products for the citizens of Virginia. Ensuring the safety of the food supply and reducing the level of foodborne illness will ensure a greater degree of health and safety for the citizens of Virginia.

There are no disadvantages to the Commonwealth

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements in the proposed, amended regulation that are more restrictive than any applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There will be no localities that will be particularly affected by the proposed, amended regulation.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Ryan Davis, 102 Governor Street, Richmond, Virginia 23219, Ph: 804/786-8899, Fax: 804/371-7792, ryan.davis@vdacs.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and the Commonwealth Calendar. Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.	Since the existing regulation (2 VAC 5-585, Retail Food Establishment Regulations) is already in effect and enforced by the agency, there is no anticipated additional cost to the state to implement and enforce the proposed regulation.
Projected cost of the new regulations or changes to existing regulations on localities.	The proposed regulation will only be implemented and enforced by VDACS, so there is no projected cost to localities.
Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.	Entities affected by the proposed regulation include the general public and retail food establishments (i.e. grocery stores, supermarkets, convenience stores, etc.) However, there should be no cost to the general public for the implementation and enforcement of the proposed regulation. Long term, the general public should actually realize an

	undetermined amount of savings due to the reduction of foodborne illness risk factors within retail food establishments.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	General public – 7.7 million – no projected cost Total retail food stores – 8,932 Estimated small businesses – 4,804
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and do include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	Projected reporting, recordkeeping and other administrative costs for the retail segment of the food industry as a result of the amended regulations is negligible. The only reporting or recordkeeping activities that might possibly be associated with a cost would be the one time submission of a HACCP plan(2 VAC 5-585-3620) for establishments that choose to sprout beans or seeds in the retail establishment. Of the 8,932 retail establishments on file, less than 5 are involved in this activity. The cost of this requirement is estimated to be less than \$100.00
Beneficial impact the regulation is designed to produce.	The regulation is designed to provide a safe and wholesome food supply for the citizens of Virginia.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The only alternative to the proposed regulation that was considered was to leave the existing regulation (2 VAC 5-585, Retail food Establishment Regulations) in place, and not propose an amended regulation. However, this alternative was not selected. If the new amended regulation is not adopted then VDACS would have a regulation that does not address the new science relating to food safety. Additionally, up-to-date regulations to address the more recent developments relative to food processing and potentially hazardous food product issues would not be available. Retaining the existing regulation would not provide the opportunity to optimally reduce or eliminate the foodborne illness risk factors that are such a major consideration of the proposal and a major goal of all government food safety agencies throughout the United States. Ultimately, consumers would be the losers in efforts to significantly reduce the level of foodborne illness associated with the retail segment of the food industry.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less

stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

This amended regulation is intended to provide safer, more wholesome food by addressing areas involving food processing and sale while applying current science to existing and emerging retail practices. An alternative considered was to leave the current regulations in place without modifications. However, the amended regulation essentially provides no more reporting requirements than the current regulation. Furthermore, the amended regulation provides more options and a greater degree of flexibility to both large and small businesses. Additionally, the reporting requirements for both large and small businesses in both the current and amended regulations are minimal and consist primarily of recordkeeping costs associated with the very few establishments (less than 100) that are required to provide an initial variance request (2 VAC 5-585-860) and/or HACCP plan (2 VAC 5-585-3620).

The proposed amended regulation will provide the retail food segment of Virginia’s food industry the alternative and the opportunity to incorporate performance standards into their processes. Such performance standards in effect define public food safety expectations for food products, usually in terms of lethality to a pathogenic microorganism of particular concern. The use of performance standards as a measure of regulatory compliance means that food establishments are free to use innovative approaches in producing safe products, in lieu of adherence to traditional processing approaches.

Exemption of small businesses from this regulation (or portions thereof) and/or the establishment of less stringent reporting requirements for other establishments would seriously compromise the safety of the food products produced and sold at those establishments.

Public comment

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

Commenter	Comment	Agency response
	The proposal will be handled through an expedited adoption process, which is authorized by Section 3.2-5121 of the Code of Virginia (1950), as amended. This process does not require a NOIRA, but does require a public comment period and public hearing following publication of the proposal in the Virginia Register. Once that process has been accomplished, public comments will be reported	

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

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

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please detail the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

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

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
2 VAC 5-585-40	Same	Current regulation reflects a list of definitions.	Added some new definitions that reflect changes in the regulations. The predominant change is to provide food establishment operators and staff a standard guide to determine if a food is potentially hazardous requiring temperature control for safety. This is a clarification of the definition of potentially hazardous food.
2 VAC 5-585-60	Same	Current regulation list areas of knowledge for the person-in-charge.	Requires person in charge to be able to describe major food allergens and symptoms. This will enhance public safety.
2 VAC 5-585-70	Same	Current regulation lists duties of the person-in charge.	Added duty of person in charge to assure employees are informed of their responsibility to report health status as it relates to diseases transmissible through food. This will enhance public safety.

2 VAC 5-585-80	Same	Current regulation requires that employees diagnosed with Salmonella typhi, Shigella spp., Shiga toxin Escherichia coli, or Hepatitis A virus report this information to the person-in-charge.	Updated list of employee related reportable diseases and symptoms now includes include Norovirus. This will reduce the rate of foodborne disease transmission.
2 VAC 5-585-90	Same	Current regulation lists four (4) foodborne illnesses where the employee is excluded or restricted.	Updated exclusions and restrictions to include those for Norovirus. This will enhance public safety.
2 VAC 5-585-100	Same	Current regulation list four (4) foodborne illnesses where the employee is excluded or restricted.	Updated removal and adjustments of exclusions and restrictions to include Norovirus. This will enhance public safety.
2 VAC 5-585-110	2 VAC 5-585-80	Responsibility of a food employee or applicant to report to the person in charge.	Repealed section 2 VAC 5-585-110 since it is now addressed in 2 VAC 5-585-80.
2 VAC 5-585-120	2 VAC 5-585-80	Reporting by the person in charge.	Repealed section 2 VAC 5-585-120 since it is now addressed in 2 VAC 5-585-80.
2 VAC 5-585-140	Same	Cleaning procedure for hands and arms.	Changed wording to stress importance of removing debris from underneath fingernails during handwashing. Enhances the cleaning procedures for employees washing their hands and arms and will further enhance public safety.
2 VAC 5-585-150	n/a	This section was reserved.	Repealed a section that is reserved.
2 VAC 5-585-180	Same	Current section is entitled hand sanitizers.	Changed term from hand sanitizer to hand antiseptic to be consistent with FDA monograph language.
2 VAC 5-585-360	Same	Shell eggs must be received as specified in 7 CFR Part 56.	Updated specifications for receipt of eggs. This will enhance public safety.
2 VAC 5-585-370	Same	Milk and egg products are required to be obtained pasteurized.	Changed language to reflect that milk products not only be pasteurized but meet Grade A standards as well. This will enhance the quality of the milk products.
2 VAC 5-585-400	Same	The sell-by date of shucked shellfish is required on the package.	Updated options for labeling containers of shellfish to include 'best if used by' dates. Assists the consumer in determining the shelf-life of the product.
2 VAC 5-585-410	Same	Shellstock identification as specified in the National Shellfish Sanitation Program Manual of Operations Part 2, 1995 Revision.	Updated reference for source of information regarding Shellstock Identification labels. This further clarifies the regulation.
2 VAC 5-585-430	Same	Requirements of molluscan shellfish in the original container.	Updated options for operators to remove shellfish from the original container as long as identification tag is preserved. Allows the operator more flexibility in retailing their product.
2 VAC 5-	Same	Requirements for maintaining	Clarifies language relating to maintaining

585-440		the identification of shellstock	Shellstock Identification labels. Assists the owner/operator with recordkeeping.
2 VAC 5-585-450	Same	Requirements for preventing the contamination of food products by bare-hand contact.	Clarifies how a regulatory authority may approve bare-hand contact with ready-to-eat foods in certain instances. Provides flexibility to the owner/operator in the handling of ready-to-eat food products.
2 VAC 5-585-490	Same	Requires that pasteurized eggs be used for certain recipes and populations.	Added 'meringue' to list of foods requiring substitution of raw shell eggs for pasteurized eggs. This will enhance public health.
2 VAC 5-585-500	Same	Requirements for the protection of food products from unapproved additives.	Clarified language for protection from unapproved additives. This will enhance public health.
2 VAC 5-585-540	Same	Requirements for food contact with equipment and utensils.	Clarifies language for approved food contact surfaces. This will enhance public health.
2 VAC 5-585-570	Same	Requirements regarding the use limitations of wiping cloths.	Updated storage of wet-wiping cloths to include new EPA guidelines. This is a clarification issue.
2 VAC 5-585-680	Same	Requirements regarding returned food and/or re-service of food.	Added new definition for PHF (time/temperature control for safety food). This is a clarification issue and enhances food safety.
2 VAC 5-585-700	Same	Requirements for the cooking of raw animal foods.	Added the cooking requirements for lamb. This will enhance public safety.
2 VAC 5-585-730	Same	Requirements for parasite destruction in ready to eat raw or partially cooked fish.	Added three more options for parasite destruction of raw fish for sushi or sashimi. Provides additional options for the industry.
2 VAC 5-585-740	Same	Requirements for the creation and retention of records of serving raw or partially cooked fish.	Added one more option for record verification of parasite destruction. This will assist the operator in record keeping.
2 VAC 5-585-750	n/a	Requirements for food prepared for immediate service.	Repealed this section.
2 VAC 5-585-760	Same	Requirements for the reheating of foods for hot holding.	Added new definition for PHF (time/temperature control for safety food). Further enhances the definition and adds clarification.
2 VAC 5-585-780	Same	Requirements for slacking frozen potentially hazardous foods.	Added new definition for PHF (time/temperature control for safety food). This is a clarification issue and enhances food safety.
2 VAC 5-585-790	Same	Requirements for thawing potentially hazardous foods.	Added new definition for PHF (time/temperature control for safety food). This is a clarification issue and enhances food safety.
2 VAC 5-585-800	Same	Requirements for cooling potentially hazardous foods.	Added new definition for PHF (time/temperature control for safety food). This is a clarification issue and enhances food safety.
2 VAC 5-585-820	Same	Requirements for hot and cold holding of potentially hazardous foods	Added new definition for PHF (time/temperature control for safety food). This is a clarification issue and enhances

			food safety.
2 VAC 5-585-830	Same	Requirements for the date marking of potentially hazardous food.	Added new definition for PHF (time/temperature control for safety food). Exempts deli salads, certain cheeses, cultured dairy products, preserved fish, shelf-stable dry fermented sausages and salt-cured products from date marking. Assists the owner/operator by expanding the list of foods that do not require date marking.
2 VAC 5-585-850	Same	Requirements for the use of time as a public health control.	Added another time interval for time as a public health control. Assists the owner/operator by providing more options for holding foods at ambient temperature.
2 VAC 5-585-860	Same	Requirements for a variance.	Added sprouting beans or seeds to list of processes needing a variance. This will enhance public safety.
2 VAC 5-585-870	Same	Requirements for reduced oxygen packaging.	Added cook-chill and sous-vide reduced oxygen packaging standards. This will enhance public safety.
2 VAC 5-585-900	Same	Requirements for food labels.	Added allergen labeling to food label information. This will enhance public safety.
2 VAC 5-585-950	Same	Special requirements of pasteurized foods and prohibited food for highly susceptible populations.	Added prohibition of re-service of food to individuals in isolation or quarantine. This will enhance public safety.
2 VAC 5-585-980	Same	Limitations for lead use.	Clarified standards for allowable lead levels in food contact equipment. This will enhance public safety.
2 VAC 5-585-1020	2 VAC 5-585-980	Requirements for lead in pewter alloys.	Repealed section since it is now addressed in 2 VAC 5-585-980.
2 VAC 5-585-1030	2 VAC 5-585-980	Requirements for lead in solder and flux.	Repealed section since it is now addressed in 2 VAC 5-585-980.
2 VAC 5-585-1200	Same	Requirements for pressure measuring devices on mechanical warewashing equipment.	Clarified language for pressure measuring devices. This is additional clarification to assist the operator.
2 VAC 5-585-1230	Same	Requirements for dispensing equipment.	Added language for new types of food dispensing equipment. This will enhance public safety.
2 VAC 5-585-1260	Same	Requirements for beverage tubing separation	Clarified language for beverage tubing separation. This is additional clarification to assist the operator.
2 VAC 5-585-1310	Same	Requirements for vending machines that dispense food.	Added new definition for PHF (time/temperature control for safety food). This is a clarification issue and enhances food safety.
2 VAC 5-585-1420	Same	Requirements that address the equipment that transports food.	Added new definition for apparatus. This is a clarification issue.
2 VAC 5-585-1440	n/a	Requirements for the certification of food equipment.	Repealed section.
2 VAC 5-	Same	Requirements for the spacing	Updated definition of table-mounted

585-1550		or sealing of fixed equipment.	equipment. This is additional clarification to assist the operator.
2 VAC 5-585-1690	Same	Requirements for sanitization pressure in mechanical warewashing equipment.	Added allowable range of sanitization pressures for mechanical warewashing machines. Allows additional options for the operator.
2 VAC 5-585-1880	2 VAC 5-585-1890	Requirements for the sanitization of food contact surfaces and equipment.	Repealed section. It is covered in 5-585-1890.
2 VAC 5-585-1980	Same	Requirements for the lubrication of food contact surfaces.	Specified reference for approved food contact lubricants. This is additional clarification to assist the operator.
2 VAC 5-585-2040	Same	Requirements of pre-set tableware.	Specified proper storage of pre-set tableware. This will enhance public safety.
2 VAC 5-585-2190	Same	Requirements for water temperature and flow for a hand washing facility.	Added new language for hand sink. This is a clarification issue.
2 VAC 5-585-2230	Same	Requirements for handwashing facilities.	Added new language for handsink. This is a clarification issue.
2 VAC 5-585-2280	Same	Requirements for the location of handwashing facilities.	Added new language for handsink. This is a clarification issue.
2 VAC 5-585-2310	Same	Requirements for using handwashing facilities.	Added new language for handsink. This is a clarification issue.
2 VAC 5-585-2510	2 VAC 5-585-2180	Requirements for food establishment drainage systems.	Repealed section.
2 VAC 5-585-2520	Same	Requirements for backflow prevention.	Clarifies when drain to sewage direct connections are permitted. This is a clarification issue.
2 VAC 5-585-2590	n/a	Requirements for the indoor storage of refuse, recyclables and returnables.	Repealed section.
2 VAC 5-585-2630	Same	Requirements for receptacles in vending machines.	Clarified refuse collection location in vending machines. This is a clarification issue.
2 VAC 5-585-2790	Same	Requirements for surface characteristics of indoor areas.	Deleted ambiguous language. This is a clarification issue.
2 VAC 5-585-2810	Same	Requirements for cleanability of floors, walls and ceiling	Clarified language for cleanability for floors, walls, ceilings. This is a clarification issue.
2 VAC 5-585-2920	Same	Requirements for enclosing toilet rooms.	Clarified when restrooms need to be enclosed. This is a clarification issue.
2 VAC 5-585-2950	Same	Requirements for overhead protection of outdoor food vending areas.	Specifies when vending machines require overhead protection. This will enhance public safety.
2 VAC 5-585-2960	Same	Requirements for overhead protection of outdoor servicing areas.	Specifies when service areas require overhead protection. This will enhance public safety.
2 VAC 5-585-3010	2 VAC 5-585-2230	Requirements for number of handsinks.	Repealed section.
2 VAC 5-585-3020	Same	Requirements concerning the availability of handwashing cleanser.	Added new language for handsink. This is a clarification issue.
2 VAC 5-	Same	Requirements for drying of	Added new language for handsink. This is

585-3030		hands at handwashing sinks.	a clarification issue.
2 VAC 5-585-3040	Same	Requirements on the restrictions of handwashing aids and devices at food preparation or utensil washing sinks	Added new language for handsink. This is a clarification issue.
2 VAC 5-585-3045	Same	Requirements on handwashing signage.	Added new language for handsink. This is a clarification issue.
2 VAC 5-585-3050	2 VAC 5-585-2650(c)	Requirements for a waste receptacle at a handwashing sink with disposable towels.	Repealed section
2 VAC 5-585-3060	2 VAC 5-585-2240	Requirements for number of toilets and urinals.	Repealed section
2 VAC 5-585-3080	Same	Requirements of lighting intensity.	Clarified ranges of allowable levels of ambient light. This is a clarification issue.
2 VAC 5-585-3110	2 VAC 5-585-2250	Requirements on the availability of a service sink.	Repealed section
2 VAC 5-585-3120	2 VAC 5-585-2230	Requirements on the convenient location of a handwashing lavatory.	Repealed section
2 VAC 5-585-3160	n/a	Requirements for refuse and recyclables.	Repealed section
2 VAC 5-585-3180	Same	Requirements for frequency and restrictions of cleaning physical facilities.	Clarifies when facility shall be cleaned. This is a clarification issue.
2 VAC 5-585-3240	Same	Requirements for maintaining and using hand washing lavatories.	Clarified language for cleaning of plumbing fixtures. This is a clarification issue.
2 VAC 5-585-3360	Same	Provides requirements for application and usage of poisonous and/or toxic materials in a food establishment.	Changes references to Title 3.1 to the new Title 3.2.
2 VAC 5-585-3460	Same	Requirements for the restrictions and storage of medicines.	Specified where medicines may be stored. This is a clarification issue.
2 VAC 5-585-3860	Same	Requirements for documenting information and observations.	Updated references for documenting information and observations. This is a clarification issue and will enhance public safety.
2 VAC 5-585-4040	Same	Requirements for the prevention of disease transmission by employees.	Clarifies when information shall be obtained during a foodborne outbreak. This is a clarification issue.
2 VAC 5-585-4050	Same	Requirements for the restriction or exclusion of food employee.	Added definition of conditional employee to restriction or exclusion requirements. Adds clarification relative to conditional employees.
2 VAC 5-585-4070	Same	Requirements for the release of food employee from restriction or exclusion.	Added definition of conditional employee to release of restriction or exclusion requirements. This is a clarification issue.

