

Texas Aligns Food Establishment Rules to FDA 2013 Food Code



UPDATED OCTOBER 2, 2015

Background and Summary

On Friday, September 25, 2015, the Texas Department of State Health Services (DSHS) released a statement announcing the adoption of the new Texas Food Establishment Rules (TFER). The new Texas Food Establishment Rules were revised so that they are now more closely aligned with the U.S. Food and Drug Administration (FDA) 2013 Model Food Code. Until the adoption of the new regulation, Texas had been operating on the 2001 FDA Food Code.

When do the new rules go into effect?

The new food safety rules become effective in Texas on October 11, 2015.

What types of establishments are affected by the new rules?

The new regulation applies to all retail food establishments for which Texas DSHS has oversight such as grocery stores, markets, delicatessens, restaurants, bars, cafes, snack bars, hospitals that serve food to the general public, correctional facilities (jails), school cafeterias, temporary food establishments, and mobile food establishments.

What are the new rules?

The new regulation contains a vast number of significant changes affecting food service operators in the state. This document contains a summary of key changes that may affect operators and their establishments.

3-Tier Risk Designation

One of the more significant changes to the Texas regulations is transition to a new 3 –Tier risk designation which includes – Priority Items ^P, Priority Foundation Items ^{Pf}, and Core Items ^C.

Key Definition Changes

There were over forty (40) Key Definition Changes added or made, including:

- Added definition of “Time/Temperature Control for Safety Food” and eliminated “Potentially Hazardous Food”
- Added definition of “Bare hand contact”
- Changed definition of “Handwashing sink” to limit use for handwashing only
- Added definition of “Cook chill packaging”

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Key Definition Changes (continued)

- Added definition of “Listeria monocytogenes”
- Added definition of “STEC”
- Added definition of “Sous vide packaging”
- Added definition of “Vacuum Packaging”
- Added definition of “Specialized processing method”
- Changed definition of “Service animal” to ADA definition

Additional Important Changes

- Added new requirements for Certified Food Protection Manager that requires a CFM on site for each licensed establishment
- Added a new requirement that all food employees shall successfully complete a food handler training course, accredited by the department, within 60 days of employment
- Responsibility of Permit Holder, Person in Charge, and Conditional Employees now includes 6 diagnosed illnesses – norovirus, hepatitis, A, *Shigella*, Shiga toxin-producing *E. coli* (STEC), *Salmonella typhi* and Nontyphoidal *Salmonella*
- Added new section on “Contamination Events” for the clean-up of vomit and diarrheal events in a food establishment
- Shellstock tags must now be labeled with the date the last shellstock from the container was served and maintained 90 days from that date
- Added the requirement that the permit holder must obtain prior approval from the regulatory authority before conducting bare hand contact activities with ready-to-eat foods
- Frozen, commercially processed packaged raw animal foods may now be stored or displayed with or above frozen, commercially processed and packaged ready-to-eat-food
- Added new provisions for the destruction of parasites in fish
- More requirements were added for “Time as a Public Health Control” for cold foods. Cold foods may now be held without temperature control for up to 6 hours or up to 70°F if removed from refrigeration at 41°F, documented and monitored.
- Added requirements for sanitizing chemicals, constituted on site at the food establishment, meeting the concentration requirements of the code

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Additional Important Changes (continued)

- Exposed, unused tableware must now be changed between customers or washed, rinsed and sanitized if used
- Added a restriction that states toilets, urinals, and showers cannot be used as a service sink
- New provisions allowing for automatic handwashing facilities if approved by the regulatory authority
- New language requiring plumbing fixtures such as handwashing sinks, toilets, and urinals to be cleaned as often as necessary to keep them clean
- Chemicals used to wash or peel raw, whole vegetables must be approved additives and now include Ozone as an approved antimicrobial agent
- Added new language changing to risk based inspection intervals to allow a risk-based inspection interval other than 6 months as long as specific provisions are met

Where can I find a copy of Texas DSHS Food Establishment Rules 2015?

To download a complete copy of DSHS's 2015 Food Establishment Rules go to:

<https://www.dshs.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=8590002102>

To view a copy of the new inspection form go to:

<https://www.dshs.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=8589993458>



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