



2022 Food Code: Significant Updates and Amendments

Public Health Information Brief

Updated January 2023



Background and Summary

In the U.S., the model food code serves as the scientific basis by which the retail food industry and regulatory agencies are guided for safely guarding the food supply. On December 28, 2022 the U.S. Food and Drug Administration (FDA) released the 2022 Food Code. This document summarizes the most significant changes.

It is important that organizations be aware of these changes to understand how they may impact their business, both at the corporate and location level.

For complete details, see the FDA's [Summary of Changes](#) or the complete [FDA 2022 Food Code](#).

Not all state and local regulations align with the current FDA Food Code. Consult your state and local regulatory authorities for the laws applicable in your area.

CHAPTER 1 - PURPOSE AND DEFINITIONS

Section 1-201.10 (B) Terms Defined

Definitions updated in this section are also updated throughout the Code wherever they are used.

- Amended the definition of “Certification Number” to include all the certification and permit codes that may be found on a shellfish tag or label.
- Amended the definition of “Commingle” to align with the National Shellfish Sanitation Program Model Ordinance.
- Added a definition for “In-Shell Product” meaning non-living, processed shellfish with one or both shells present.
- Amended the definition of “Intact Meat” to clarify that beef products that are vacuum tumbled with solutions are not considered intact meats.
- Amended the definition of “Intact Meat” to add ‘cubing or pounding.’
- Amended the definition of “Major food allergen” to add Sesame.
- Amended the definition of “Mechanically Tenderized” to be consistent with the U.S. Department of Agriculture (USDA) Food Safety Inspection Service (FSIS) description in [Descriptive Designation of Needle- or Blade-Tenderized \(Mechanically Tenderized\) Beef Product \(80 FR 28153\)](#).
- Amended the definition of “Molluscan Shellfish” to clarify that the term is inclusive of shellstock, in-shell product, and shucked shellfish.
- Amended the definition of “Poisonous or toxic material” to include a new fifth category “Restricted Use Pesticide,” which had been referenced separately in previous editions.
- Amended the definition of “Ready-to-Eat” to replace “Fruits and vegetables” with “Plant foods.”

continued on next page

- Amended the definition of “Ready-to-Eat Food” to state that Ready-to-eat Food does not include (a) commercially packaged food that bears a manufacturer’s cooking instructions or (b) food for which the manufacturer has provided information that it has not been processed to control pathogens.
- Amended the definition of “Reduced oxygen packaging” to delete the phrase “which have the air expelled” from the paragraph on cook chill packaging.
- Amended the definition of “Shellstock” to clarify that it is live molluscan shellfish in the shell.
- Amended the definition of “Shucked Shellfish” to clarify that both shells of this product are removed.
- Added the term “Tobacco Product,” referencing the meaning stated in the Federal Food, Drug and Cosmetic Act Section [201\(rr\) \(21 U.S.C. 321\(rr\)\)](#).

CHAPTER 2 - MANAGEMENT AND PERSONNEL

Section 2-101.11 Assignment of Responsibility

- Added a new paragraph (C) to address situations where the regulatory authority has deemed a food establishment to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of their operation and extent of food preparation.

Section 2-103.11 Person in Charge

- Added a new paragraph (J) with an additional duty for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during thawing.
- Amended paragraph (O) to indicate what food allergy awareness includes. (This was paragraph (N) in the 2017 Food Code.)

Section 2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees

- Corrected a cross reference by moving it from subparagraph (D)(1) [exclude] to (D)(2) [restrict]. The cross reference is for paragraph 2-201.12(G).

CHAPTER 3 - FOOD

Section 3-201.11 Compliance with Food Law

- Amended subparagraph (E)(1) to indicate the type of steak to obtain from a food processing plant for use as whole-muscle, intact beef steaks intended for consumption in an undercooked form without a consumer advisory.

Section 3-203.11 Molluscan Shellfish, Original Container

- Amended paragraph (B) to clarify prohibition of commingling shellstock.
- Amended paragraph (C) to include both shellstock and in-shell product.

Section 3-203.12 Molluscan Shellfish, Maintaining Identification

- Amended paragraphs (B) and (C) to include an invoice as appropriate documentation.
- Amended subparagraph (C)(2) to include in-shell product and shucked shellfish.

Section 3-204.10 Food Donation

- Added section under Sources, Specifications, and Original Containers and Records stating that food stored, prepared, packaged, displayed, and labeled in accordance to law and this Code may be offered for donation.

Section 3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation

- Amended subparagraph (A)(1) to add the phrase “or when combined as ingredients” as an additional exception indicating instances when raw animal food does not need separation from ready-to-eat food.

Section 3-302.15 Washing Fruits and Vegetables

- Amended paragraph(B) to include a reference for the use of Produce Wash testing devices. The added text is in italics, indicating that it is not a requirement.

Section 3-305.12 Food Storage, Prohibited Areas

- Amended paragraph (B) to revise risk designation for “toilet rooms” from Core to Priority Foundation.

Section 3-401.15 Manufacturer Cooking Instructions

- Add a new section about information provided by the manufacturer related to cooking instructions and whether the food has already been processed to control pathogens.

Section 3-501.13 Thawing

- Amended paragraphs(A) through (C) to revise risk designation from Core to Priority Foundation.

Section 3-501.19 Time as a Public Health Control

- Added several new sub-paragraphs under (B) to allow an initial temperature of 70°F or below for ready-to-eat produce or hermetically sealed food that becomes time/temperature controlled for safety when cut, chopped or opened.

Section 3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria

- Added an additional cooling option under (D)(2)(e), inserted as the new subparagraph (iii).

Section 3-602.11 Food Labels

- Under subparagraph (C)(2), added a cross reference to subparagraph (B)(5) of the same section. This effectively requires bulk food available for consumer self dispensing to be labeled for major food allergens.

Section 3-602.12 Other Forms of Information

- Added paragraph (C) to require written notice to the consumer of the presence of major food allergens as an ingredient in unpackaged food that is served or sold.

Section 3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food

- Added a new sub-paragraph (C)(4) to say that a food may not be offered as ready-to-eat unless in compliance with the new section 3-401.15 (listed above).

CHAPTER 4 - EQUIPMENT, UTENSILS, AND LINENS

Section 4-303.11 Cleaning Agents and Sanitizers, Availability

- Corrected to add the risk designation of Priority Foundation that was inadvertently left off in the previous Code.

Section 4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention

- Amended subparagraph (A)(2) [storage in toilet rooms] to revise risk designation from Core to Priority Foundation.

Section 4-903.12 Prohibitions

- Amended subparagraph (A)(2) [storage in toilet rooms] to revise risk designation from Core to Priority Foundation.

continued on next page

CHAPTER 5. WATER, PLUMBING, AND WASTE

Section 5-202.12 Handwashing Sink, Installation

- Amended paragraph (A) to revise the hot water temperature at the hand sink from at least 100°F to at least 85°F.

Section 5-203.11 Handwashing Sinks

- Amended to delete paragraph (C), which had offered an option for using chemically treated towelettes for handwashing in some limited circumstances.

CHAPTER 6 - PHYSICAL FACILITIES

Section 6-501.115 Prohibiting Animals

- Added paragraph (D) to allow for pet dogs in outdoor dining areas if approved by the regulatory authority. The paragraph is in italics, indicating that it is not a requirement.

CHAPTER 7 - POISONOUS OR TOXIC MATERIALS

Section 7-203.11 Poisonous or Toxic Material Containers

- Amended the prohibition so that containers previously used to store poisonous or toxic materials cannot be used with food, equipment, utensils, linens, single-service, or single-use articles. (The previous version addressed only food.)

CHAPTER 8. COMPLIANCE AND ENFORCEMENT

Section 8-103.12 Conformance with Approved Procedures

- Added a new paragraph (A) requiring that any approved variance be kept at the food establishment.

Section 8-201.14 Contents of a HACCP Plan

- Amended to reorganize information beginning with paragraphs (C) to speak to significant hazards for each critical control point, highlight documents that should be submitted, and better follow the sequence of the HACCP Principles of monitoring, corrective actions and verification.

Steritech Resources

Have questions about the food code or need help developing policies in your business? Our experts are here to help! Steritech's Customer Care Center is available 24 hours a day, 7 days a week at 800.868.0089 to assist you with any of your needs.

© 2023 Steritech. *DISCLAIMER: The information provided in this document is made available by Steritech as a public health service based on statistics, facts and other data available from a variety of government and worldwide health organization sources. Users should be aware that public health information can change rapidly and that the information provided in this document may not be the most recent, although Steritech will make every attempt to keep information current. For more information on Steritech's services, call 800.868.0089 or visit www.steritech.com.*

Steritech

Get in touch.

steritech.com

800.868.0089

contact@steritech.com