

1999 Food Code

3-301.11 Preventing Contamination from Hands

(A) FOOD EMPLOYEES shall wash their hands as specified under 2-301.12.

(B) *Except when washing fruits and vegetables as specified under 3-302.15 or when otherwise APPROVED*, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, SINGLE-USE gloves or dispensing EQUIPMENT.

(C) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.

The above Food Code language relates to “no bare hands contact with ready-to-eat foods. Compliance with the Food Code standard regarding “no bare hands contact with ready-to-eat foods” must be met if a food service operator does not provide a satisfactory Written Alternative Operational Procedure which is approved by the division prior to implementation.

Florida Administrative Code Sanitation and Safety Requirements

Rule 61C-4.010 (1) (d-g) Effective 98 January 01

(d) Section 3-301.11(B), Food Code, provides the specifications for no-bare-hand contact of exposed ready-to-eat food. Pursuant to the language “unless otherwise approved” as provided in 3-301.11(B), Food Code, food employees may contact ready-to-eat foods with their bare hands immediately prior to service if the operator of the public food service establishment maintains a written operational procedure which addresses all of the following components:

1. Identification of:

- a. specific work area(s), such as the sandwich prep line or cook line;
- b. employee position(s) where bare hand contact with ready-to-eat foods will occur;
- c. actual food preparation processes where bare hand contact with ready-to-eat food will be used; and
- d. employees’ procedures for handling ready-to-eat foods, which must also include how cross contamination from touching raw animal food and ready-to-eat food is precluded

2. Identified employee positions whose duties may include handling of ready-to-eat foods with their bare hands must receive professional hygiene training in accordance with 61C-4.023(6), FAC, prior to any food handling activity. Training shall be provided to all employees assigned to positions which include handling ready-to-eat foods, emphasizing the importance of proper hand washing for all employees with direct hand contact with ready-to-eat food. Evidence of this training

(content, employees, dates) shall be available to the division upon request.

3. Employees who handle ready-to-eat foods must thoroughly wash their hands before returning to their workstations and as needed during their work periods in accordance with the handwash requirements of the Food Code. Additionally, these employees shall use a chemical hand sanitizing solution that must comply with the specification provided in section 2-301.16(C), Food Code. The establishment must also fully comply with sections 5-203.11(A) and 5-204.11, Food Code, regarding the number and location of hand washing lavatories.

4. The person in charge is responsible for verifying, prior to any food handling activity, that all food handling employees are in compliance with sections 2-201.11, 2-201.12, and 2-201.13, Food Code, relative to employee health status, exclusions, and restrictions.

5. The operational procedures must provide an effective way to monitor employees to verify compliance with the requirements of the Food Code and the specifications of the written procedures. Additionally, the written procedures must also describe the corrective actions the operator must take when procedures are not followed. All employees, including the operator, manager, or any supervisory position, who handle ready-to-eat foods with bare hands must comply with all requirements of the Food Code and the establishment’s written operational procedures.

(e) A copy of the operational procedures must be maintained and made available in each food establishment at all times for use by the person in charge and for review by the regulatory authority upon request. The operational procedures must be reviewed by the operator annually and modified as necessary. A verification of the annual review must be recorded as part of the written procedures.

(f) If an establishment employee is observed using bare hands to handle ready-to-eat foods and the establishment has failed to develop, maintain, or make available a written set of operational procedures; or, comply with any rule requirement relative to the use of bare hands, personal health, or professional hygiene, the division shall cite the establishment for noncompliance. Noncompliance on a second inspection within two years of the first infraction shall result in enforcement action in accordance with section 509.261, Florida Statutes. A subsequent finding of noncompliance relative to the use of bare hands, personal health, or professional hygiene will result in enforcement action in accordance with section 509.261, Florida Statutes, and enforcement of section 3-301.11(B), Food Code, until the establishment operator verifies corrective action and completes remedial training of all food preparation employees.

(g) If the division or other food regulatory authority is notified of a suspected food borne illness outbreak in any establishment which utilizes bare hand contact with ready-to-eat foods, the division will temporarily enforce no bare hand contact in accordance with section 3-301.11(B), Food Code, until a determination is made by the health authority whether a food borne illness outbreak exists or until the origin of the food borne illness outbreak is confirmed. If the origin of the food borne illness, specific to the implicated establishment, is determined to be a food employee associated outbreak, the division shall pursue enforcement action in accordance with section 509.261, Florida Statutes, and continue to enforce compliance with section 3-301.11(B), Food Code, until the establishment operator verifies corrective action and completes remedial training of all food preparation employees.

INDUSTRY GUIDELINES

WRITTEN ALTERNATIVE OPERATION PROCEDURE

The procedure must be written and pertain only to ready-to-eat foods. Since menu changes may add or delete bare hand contact with ready-to-eat foods, the procedure will require continual updating.

Procedures may be centrally located in physically large operations such as theme parks, stadiums, resorts, or similarly designed establishments.

Written Alternative Operational procedures must identify:

1. specific work areas such as the sandwich preparation line or cook line;
2. employee position such as chef, expeditor, or sandwich maker, where bare hands contact ready-to-eat foods; and
3. the preparation process such as assembling hamburgers and sandwiches.

At no time in the food handling process may bare hands touch raw animal foods and then touch ready-to-eat foods without proper hand washing.

PROFESSIONAL HYGIENE TRAINING

Evidence of professional hygiene training, stressing hand washing, for employees who handle ready-to-eat foods with bare hands must be available for review. 61C-4.023(6), Florida Administrative Code (FAC), clarifies that professional hygiene training include personal cleanliness and hygienic practices in accordance with the Food Code and techniques to prevent cross contamination. “Evidence” is to include training content and the date individual employees received training. The intent is to assure that employees who handle exposed ready-to-eat foods with bare hands demonstrate their knowledge of hygienic practice by washing their hands properly and as frequently as necessary.

HAND SANITIZER

Employees who handle ready-to-eat foods with bare hands must not only wash their hands as required by the Food Code, but also utilize a hand sanitizer after hand washing. Commercially available hand sanitizers are acceptable.

HAND SINKS: ADEQUATE NUMBER AND LOCATION

All public food service establishments must comply with the Food Code regarding the number and location of hand washing lavatories. The plan reviewer in the division’s district office should clarify any questions.

EMPLOYEE EXCLUSIONS AND RESTRICTIONS

Chapter 2, Food Code, outlines the responsibilities of the food service operator (person in charge) regarding the health status of food handling employees. The division and restaurant operators will work with the Department of Health to assure compliance with employee health status, exclusions, and restrictions. Person in charge of the restaurant (PIC) must inform the Department of Health when food handlers are diagnosed with cases of *Salmonella typhi*, *Shigella spp.*, *E. coli 0157:H7*, or hepatitis A virus. Additionally, the PIC is responsible for assuring employees with bodily discharges from eyes, nose, or mouth (persistent coughing, sneezing or runny nose) may not work with exposed foods, clean equipment, utensils or linens, or unwrapped single service or single use articles.

EMPLOYEE MONITORING AND CORRECTION

The written procedure must include a description of how employees will be monitored for compliance and, when necessary, corrected. Compliance with the written procedure and the Food Code applies to everyone handling food, including owners, supervisors, managers, and district managers.

PROCEDURES AVAILABLE AND REVIEWED AT LEAST ANNUALLY

A copy of the written procedures must be available for the person in charge (restaurant operator) and for division inspectors to review. The procedures must be reviewed annually by the operator (either locally in the establishment or by its headquarters) and the review recorded.

Sections (f) and (g) regarding enforcement procedures and follow-up to suspected or confirmed foodborne illness outbreaks are sufficiently clear to need no further comments. The division works closely with the Department of Health's Bureau of Environmental Epidemiology in all reported outbreaks.

MAINTAINING THE ALTERNATIVE PROCEDURE

Inspectors will annually review written operational procedures to assure that each component is included. The food service operator is responsible for assuring all ready-to-eat foods that will be contacted with bare hands are included in the procedures. The inspector may request a copy of the procedure or a review of it for the division's establishment file. Some corporations may want to submit procedures to the division's Tallahassee headquarters for centralized review. Those corporations are responsible for assuring that all Florida locations are in compliance with 61C-4.010(1), FAC and the submitted operational procedure. Satisfactory reviews performed in Tallahassee will be shared with all division inspection staff and comments returned to the submitting corporation.

WHY HAS THE FOOD AND DRUG ADMINISTRATION INCREASED THE BARRIERS TO FOODBORNE ILLNESS?

It is important to understand why this increased vigilance for public health is necessary. Food employees are often the source of foodborne pathogens, from enteric organisms due to fecal contamination on hands because of poor or non-existent hand washing or from infected cuts, burns or boils on exposed skin. In an effort to prevent the transmission of foodborne pathogenic organisms from food employees to the consumer, a combination of barriers is most effective. These barriers include: keeping infected food employees from handling food; cooking food adequately to destroy pathogens; temperature control during holding, cooling, and storage; thorough hand washing after toilet use or touching contaminated surfaces; and preventing bare hand contact with ready-to-eat foods. **No single barrier is always 100% effective; therefore a multiple barrier approach is necessary to assure a high level of food safety.**

WHAT IS A READY-TO-EAT FOOD?

Ready-to-eat food means food that is in a form that is edible without washing, cooking, or additional preparation. Ready-to-eat foods includes: unpackaged and cooked potentially hazardous food; raw, washed, cut fruits and vegetables; whole, raw fruits and vegetables that are presented for consumption, such as at a buffet; and other food presented from which rinds, peels, husks, or shells are removed.

Ready-to-eat food that receives no further processing such as cooking to destroy microorganisms presents the highest risk of causing illness if it becomes contaminated. Prevention of direct bare hand contact, whenever possible, is essential.

CENTERS FOR DISEASE CONTROL REPORTS

"Morbidity and Mortality Weekly Report," Vol. 39, Surveillance Summaries, concludes that 30% of the foodborne illness outbreaks where contributing factors causing the outbreak were reported indicate that poor personal hygiene was a contributing factor. The category "poor personal hygiene" includes an infected food handler, and/or a food handler who cross-contaminates by touching a source of contamination and then touches food without first washing his/her hands. CDC publications, "Viral Agents of Gastroenteritis Public Health Importance and Outbreak Management" highlights the role of infected food handlers in transmitting enteric viruses and specifically concludes that hands may be the most important means by which enteric viruses are transmitted. "Foodborne Hepatitis-Alaska, Florida, North Carolina, Washington" states that contamination by an infected food handler is the most common mode of transmission of hepatitis-A in foodborne disease outbreaks.

GUIDE TO PREVENTING CONTAMINATION FROM HANDS



Division of Hotels and Restaurants



Florida Department of Business and Professional Regulation

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