



# Farmington Valley Health District

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**Date:** March 2, 2023  
**To:** Food Service Establishments Owners/Operators  
**From:** Jennifer C. Kertanis, MPH, Director of Health  
**Re:** Connecticut Adoption of the FDA Code and Notification of Required Changes

As you may be aware, on June 17, 2017, legislation in Connecticut passed a bill that established the **Food and Drug Administration (FDA) Model Food Code** as Connecticut's Food Code. **The new law began phasing in the FDA Food Code on July 1, 2017, and went into full effect on February 16, 2023**, repealing the Connecticut Public Health Code (*Sections 19-13-B40, B42, B48, and B49*).

The Farmington Valley Health District (FVHD) realizes that this will be a transition as we work to implement these new regulations. We understand that the changes outlined can generate many questions and we are committed to working with you throughout this process as we collectively ensure the quality of your operation and the health and safety of your customers.

The purpose of this letter is to inform you of this change, recap changes that have already been implemented, and make you aware of additional changes that you will need to implement in your food service operation.

Changes that have already been implemented:

**Effective 2017:**

- Cold holding temperatures decreased from 45°F or below to 41°F or below. Hot holding temperatures changed from a minimum of 140°F to a minimum of 135°F.
- Food Establishments were reclassified to meet the FDA food classification definitions.
- Potentially Hazardous Food (PHF) became referred to as Time/Temperature Controlled for Safety (TCS) Foods.

**Effective 2018:**

- Qualified Food Operator (QFO) became known as Certified Food Protection Manager (CFPM). Class II, III and IV food establishments were required to have trained CFPM's and expiration dates on these certifications became enforceable.
- All food establishments are required to register with the Connecticut Department of Public Health before a permit is issued or renewed by the local health department. (*Because the CT DPH has not yet set up a registration system, this requirement is on pause. We will notify you when more information becomes available.*)

**Effective February 16, 2023:**

- A **Certified Food Protection Manager (CFPM)** is someone working onsite in the establishment in a full-time (at least 30 hours a week) supervisory/managerial position. A CFPM is required to have a current food managerial certification from an approved testing organization. (*See attached list of approved testing organizations*)
- A **Person in Charge (PIC)** is required in the absence of the CFPM. A PIC is required to have a current food managerial certification from an approved testing organization. An **alternate PIC** with demonstrated knowledge may be the person in charge during "non-peak" hours.
- Food Establishments will be required to implement a **Date Marking** system for prepared, refrigerated, ready-to-eat foods that are held in a food establishment for 24 hours or more. (*See attached guidance document on Date Marking*)
- A **Written Clean-Up Procedure for Vomiting and Diarrheal Events** is required for employees to follow when responding to events anywhere vomitus or diarrheal is discharged in the food establishment. (*See attached guidance document regarding procedure requirements*)

- **Employee Reporting Agreement** is required to be signed by all food workers and kept onsite and available upon request by the health district. *(See attached Form 1B)*
- **Ingredient Labeling** for food and/or drink items that are pre-packaged in a food establishment for retail sale. (i.e., premade prepackaged deli sandwiches/salads, bakery items, “grab and go” prepackaged dinners, soups etc.) *If this is applicable to your food service operation, your FVHD inspector will notify you and work with you on implementation of this requirement.*
- **Signage**
  - **Handwashing**- a clearly visible sign or poster that notifies food employees to wash their hands must be provided at ALL handwashing sinks used by food employees.
  - **Food Allergens**- The Permit Holder is now required notify customers by written notification of the presence of major food allergens as an ingredient in unpackaged food items that are served or sold to the customer. *(Written notification can be provided in many forms such as physical or electronic means, including but not limited to, brochures, deli case, or menu notifications, label statements, table tents, placards, or other effective written means.)*
  - **Notification to consumers that the most recent food establishment inspection report is available upon request.** *(This can be done by posting a sign or placard in a location in the food establishment that is visible and accessible to all customers or by other approved method such as a menu statement, table tent, etc.)*
- **Variance Requirements/Special Processes**- A food establishment must obtain a **variance** from the CT Department of Public Health prior to conducting **Specialized Processing Methods** listed under Section 3-502.11. A food establishment may conduct *Reduced Oxygen Packaging (ROP)* without a variance as long as a HACCP Plan is submitted to the local health department prior to implementation. You may contact the CT Department of Public Health, Food Protection Program at (860) 509-7297 for more information on how to obtain a variance for a specialized process method.
- **New Inspection Form/Enforcement**- The new inspection report does not provide a “*pass or fail*” number score. Violations cited during inspections will be categorized as **Priority, Priority Foundation** and **Core**. You will be provided with a specific time frame for compliance and subject to reinspection or verification of compliance based on the risk factor violation.

<b>Old Inspection Form</b>	<b>New Inspection Form</b>
Focuses on Risk Factor Violations	Focuses on Risk Factor Violations
Checklist indicates compliance status of risk factors (C, DNC, N/O, NA)	Checklist indicated compliance status of risk factors and interventions (IN, OUT, N/O, N/A)
Demerits range from 1-4 points, based on risk factor	No numerical demerits, Risk level divided into 3 categories (Priority, Priority Foundation and Core)
Failed Inspection = score below 80, or any 1 4-point violation	No pass/fail
Failed inspection means that a re-inspection must take place in 2 weeks	Corrective action date based on risk level. Opportunity for violations to be “ <i>corrected on site</i> ” and documented. <b>Priority</b> Item- 72 hours <b>Priority Foundation</b> Item- 10 calendar days. <b>Core</b> Item- 90 calendar days

As additional information becomes available from the CT Department of Public Health, we will continue to provide updates. You can check our website, [www.fvhd.org](http://www.fvhd.org) for the latest information and guidance. A link to a downloadable PDF version of the 2022 FDA Code can be found here: <https://www.fda.gov/food/fda-food-code/food-code-2022>.

In the meantime, we encourage you to work with your FVHD inspector as they conduct inspections utilizing the new inspection form and as they spend extra time during inspections reviewing the changes as they are applicable to your food service operation and answering any questions that you may have.

You may contact us with questions at (860) 352-2333 or reach out to our food inspectors via email:

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