**Questions and Answers**

**North Carolina Food Code**

**Subchapter 3-5 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN**

3-501.12

Q: Will the guidance sent out years ago regarding slacking be rescinded? Will we mark for slacking fries now? What if the fries are not above 45F?

A: There will not be a temperature violation if the temperature doesn't exceed 45F until 2019. According to this rule, there will be a thawing/slacking procedure violation if the food has thawed but just happens to still be under the temperature danger zone; #33

Q: (B) Can facilities slack outside of refrigeration?

A: Yes…IF the food is not out long enough to thaw. According to definition, slacked food does not exceed 25F. Above that we get into thawing. This could become a procedural issue violation with slacking and/or thawing. If the food exceeds 45F it becomes a temperature vilolation; #33

3-501.14

Q: Reheated green beans for immediate service to any temperature, order canceled, can this facility keep these green beans or would they be required to discard?

A: Provided they weren't served, they could cool according to parameters and keep them; no violation

Q: (B) Head of lettuce received at room temperature, must be cooled in 4 hours?

A: No; 4 hour cooling is required once the produce has ben cut, sliced or otherwise processed; #18 (corrected Jan 13)

3-501.15 and 3-501.16

Q: How is NC going to handle par cooking in establishments, approvals, process, procedures/written etc?

A: Local HD can approve process; must be written; documentation; Non-continuous cooking; could be marked under #18, 31, 20, 17

3-501.16

Q: Packaging food from a buffet in single use clamshell and selling as an assembled take out meal, is that allowed?

A: Yes, refer to the definition of "packaged"; maintain proper temperatures, unless they are using TPHC; #19

Q: Why not mark cold held food 42-45F as OUT taking zero points?

A: Because a sunset regulation was written into the rule; They are not in violation until January 1, 2019; no violation

Q: When writing a new permit after 9-1-12, will the refrigeration equipment be required to hold product at 41F or will they get until 1-1-19 like exisiting establishments.

A: Because a sunset regulation was written into the rule; They are not in violation until January 1, 2019; no violation

Q: Does cold holding equipment that is purchased before 2019 have to meet the 41 degree holding?

A: No; no violation

Q: Food on a buffet exposed and accessible to everyone throughout the day, can it be reserved with no violation?

A: Food on a buffet is not considered reserved. If the food has been maintained at the proper temperature, then properly cooled and reheated it can be placed back on the buffet; #19, 18, 31, 17

3-501.17

Q: Does lettuce/cut leafy greens, cut produce have to be date marked if it is held 24 hours or more?

A: Yes; definition of PH/TCS Food includes cut leafy greens; #21

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Q: Does a package of raw hamburger meat have to be date marked?

A: No; by definition, raw hamburger is not a ready to eat food. In a meat market where safe cooking instructions are provided on food it is clear these foods are not being offered in a RTE form, no date marking is required. In a food establishment that may offer undercooked foods with a consumer advisory (eg: steak tartare) date marking would be required; no violation

Q: What are the labeling requirements for ready to eat foods that are packaged for self service?

A: Scenarios: C store, deli, display of doughnuts out; come in bulk box; put them in a display case; they have to address a food allergen issues; can do that by placard. C store, deli, chicken biscuit wrapped in display for self service, the labeling is required, sticker to address the self service requirements, ingredients, allergens, etc. This would be grab and go foods any think self service. Packaging doesn’t make a difference; self service does. If they have a health claim then they have to have the nutritional labels. If the customer orders it, then no labeling is required. They don’t have to give away proprietary ingredients they can just list example spices. Safe handling instructions from meat and poultry. It has to occur at the store level for the consumer. It is a USDA requirement; #9, 21, 35

Q: Does milk need to be date marked?

A: Yes, if held for more than 24 hours; mark based on date opened; (B) addresses commercially processed foods subject to datemarking and (F) specifies exceptions for cultured dairy products only; #21

Q: Do you date mark soft serve mix?

A: Yes, if held for more than 24 hours; (B) addresses commercially processed foods subject to date marking and (F) specifies exceptions for cultured dairy products only; #21

Q: Date marking of bulk hot dogs, i.e. Bright leaf hotdogs?

A: Yes, hot dogs are considered ready to eat; once the original package is open if held for more than 24 hours; #21

Q: For RTE fruits and vegetables are they to be date-marked after washing or cutting?

A: Not after washing but after cutting; review the definitions of PH/TCS food and RTE foods since all cut fruits and vegetables are not PH/TCS. (eg: cut celery, sliced oranges are ready-to-eat but not PH/TCS foods.); #21

Q: If a RTE PHF was in the walk in at 41F and on day 6 is transferred to a prop unit at 45F, is this now out of compliance?

A: Yes. However the establishment may treat the item as a TCS food i.e., TPHC procedures; #21

Q: Does freezing renew the holding window on date marking?

A: No, it stops with freezing, but resumes from the day it was stopped once it is removed from the freezer. Page 415 Annex 3; #21

Q: Date marking issue with product moved from a cooler holding at 41 and moved to 45 at day 6? Disposal? Marked as a date marking violation or food in good condition/safe?

A: Date marking violation. Disposal; #21

Q: Is American cheese exempt from date marking? How would the manufacturer get an exemption?

A: Annex 3 page 416-417. Processed cheese and American cheese have been exempted from date marking. This has been verified with FDA.

Q: (A)(1) Deli meat being held at 41F but greater than 7 days; 8 to be exact how do you mark? Adulterated? Disposal?

A: Specifies a maximum of 7 days. Corrective action would be to require product disposal; # 21

Q: (F)(1) Is coleslaw considered an exempt deli salad if commercially-packaged?

A: Yes; no violation

3-501.18

Q: Food found not date marked, not prepared that day. You mark for date marking violation, what do you do with the product?

A: (A) (2) discard the food item; # 21.

3-501.19

Q: Do procedures for TPHC have to be approved by HD/State prior to going into effect?

A: Time as a Public Health Control procedures may be looked at by EHS and/or by state TPHC Committee; Memo 10/18/12; Honor existing approvals until the State makes all the necessary changes.

Q: What are the options for fast food places that have not cold held cut greens?

A: Time as a Public Health Control is the only option; #22

Q: Will we continue to use current TILT form?

A: TILT is now TPHC (Time as a Public Health Control); the application will be revised and used as a template; Current approvals will be revised; #22

Q: Can TPHC be used for sushi rice - Working supply, not cooked goes into another roll?

A: TPHC, can be used for a working supply of sushi rice as long as it is immediately served; not allowed for cold holding of prepared sushi rolls; #22 or #20

3-502.11

Q: Is there a blanket variance for sushi rice?

A: The committee will be looking for standardized plans for processes that we encounter regularly; continue the way we have operated; ph, temperature control or TPHC; #27

Q: Will Establishments that currently Vacuum seal have to obtain a variance or Just have a HACCP plan?

A: A HACCP plan is required; additionally a Variance would be required if the establishment does not control for Clostridium botulinum or Listeria monocytogenes; #27

3-502.12

Q: [D] (2) (f) what does it mean an electronic system that continuously monitors time and temperature?

A: A temperature data log that has the ability to monitor the temperatures continuously. Like wet bulb thermometers hooked to data collecting device; #27