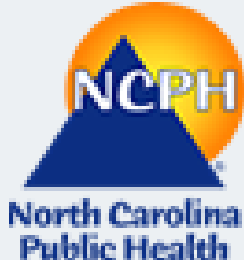
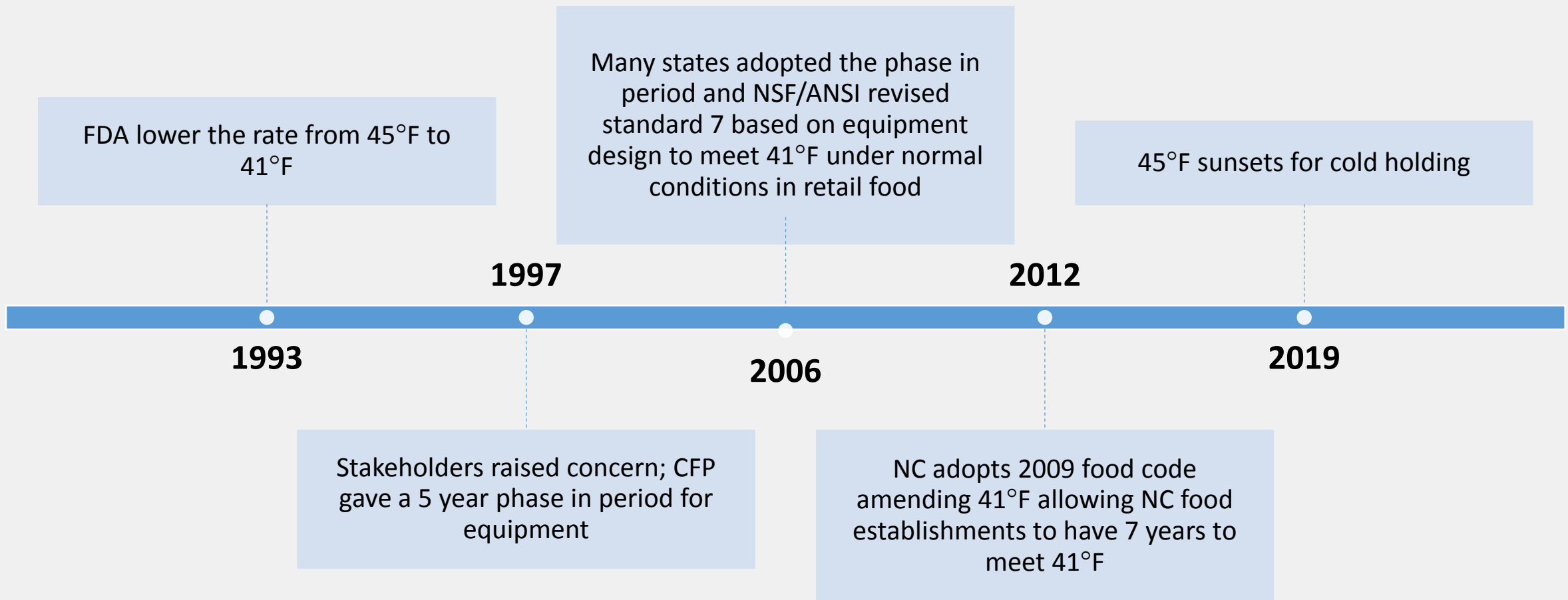




Cold Hold Enforcement Strategies



Timeline of 41°F from FDA to North Carolina



Where is North Carolina Retail?

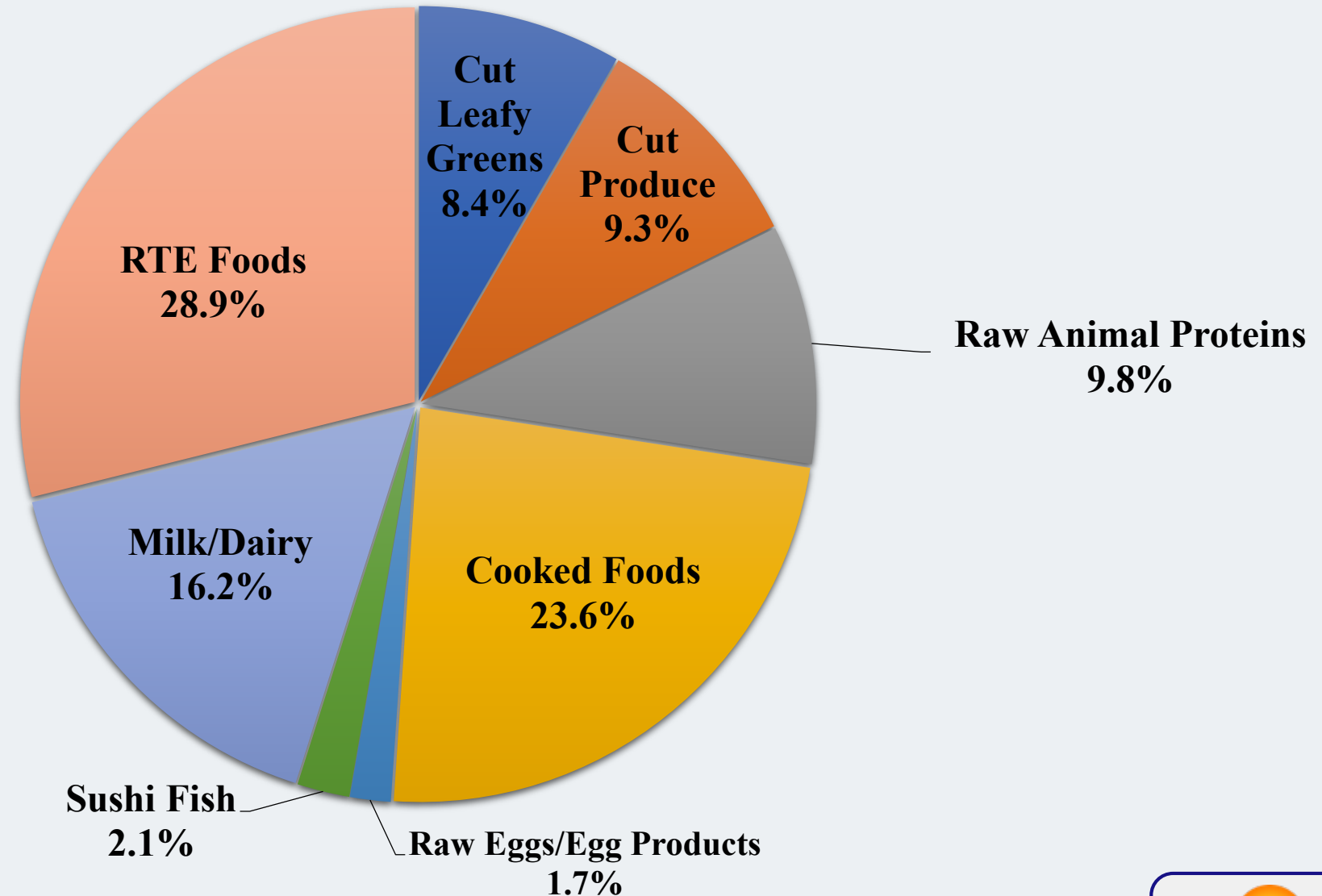
Data compiled from County Risk Factor Studies

	IN	OUT		Out Of Compliance
Seafood	41	18		31%
Produce	76	80		51%
Institution	90	75		45%
Meat Market	175	42		19%
Hospital	5	14		74%
Full Service	154	337		69%
Deli	70	143		67%
Elem. School	102	70		41%
Fast Food	122	216		64%
Totals	835	995		54%

State Cold Hold Study

Basic Statistics	Out of Compliance
Evaluations Completed	68
Refrigerators Observed	199
Total Temperature Observations	424
% Non-compliance	79.1%
Average Temperature	45.2°F
Standard Deviation	4.3
Median Temperature	44.0°F
95% Confidence Interval	44.8 °F – 45.0°F

% Non-compliance by Food Group



How will Inspections be Marked with this Regulatory Change?

- Historically, we have marked **OUT** for non-compliance with no point deductions on the first inspection.
- How we address food safety is most important. Not point deductions.
 - Can the food be served safely?



Question: What rules are affected on this date?

Answer:



- Cold Holding Temperatures^P (#20, 3pts)
- Date Marking^{PF, P} (#21, 3 pts)
- Cooling^P (#18, 3 pts)
- Time As A Public Health Control^{PF, P} (#22, 2 pts)
- Thawing^C (#33, 1 pt)
- Slacking^C (#33, 1 pt)
- Cooling Method^{PF} Capacities (#31, 1 pt)

What to do now.....

- Complete Cold Hold Assessment sheets.
- Educate the operator about what the specific issues are with their facility.
- Start pointing out ways establishments can get into compliance with their existing equipment.
- Encourage staff training and equipment maintenance (low-cost solutions)
- RCPs for behavioral based problems.
- Prepare operators for potential points losses/consequences of non-compliance.

Compliance Strategies



1. Assess equipment
2. Evaluate Menu
3. Active Managerial Control of cooling
4. Equipment intended use
5. Proper stacking of foods in units
6. Time as a Public Health Control (4-6 hours depending)

Corrective Action Options

- Education
- Voluntary Disposal
- Risk Control Plans (RCPs)
- Variance Alternative

Education



- Cold Hold Campaign Signage/Posters
- County-developed educational documents
- Utilize Cold Holding Assessment sheet (if not already used)

Voluntary Disposal

- Use for small batches of food when operator has no information about the product
- We do not have Embargo Authority for foods between 42°F-45°F when only concern is temperature
- When food isn't date-marked and operator has no information about product, ask questions

The image displays two views of an orange 'N.C. EMBARGOED' tag form. The 'Front' view includes a header with 'NO. 000001', a central box with 'N.C. EMBARGOED', and a detailed paragraph explaining the embargo process under N.C.G.S. 130A-21 and 106-125. Below this is a table with two columns: 'Product(s) Tagged:' and 'Quantity of Product(s):'. The 'Back' view features a header with 'NO. 000001', a central box with 'N.C. EMBARGOED', a 'REMARKS:' section with horizontal lines, and a 'Tag Applied By:' section with fields for Title, Date, and Time. At the bottom of the back view is a 'Location and Remarks:' section with lines and a 'Date' field. Both views have a footer with 'N.C. EMBARGOED'.

Product(s) Tagged:	Quantity of Product(s):
N.C. EMBARGOED	(SEE REVERSE)

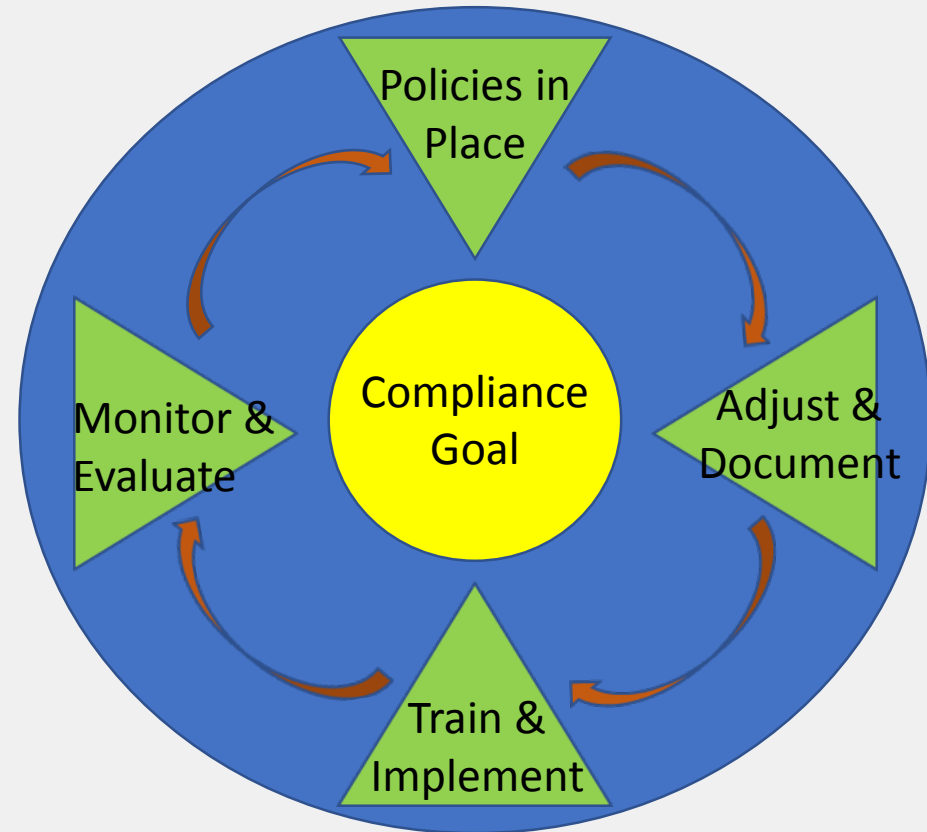
Risk Control Plans (RCPs)

- These are best for behavior-focused solutions
- Teaching an employee the correct method for controlling risk factors
- Example RCP:
Requesting a RCP for proper ambient cooling in the 38°F walk-in cooler prior to placing food into a make unit (diced tomatoes).



Verification/Consultative Visits

- When/why the need of VR?
 - In-service training
 - Follow up on RCPs
 - Education didn't feel sufficient based on problems observed during inspection



Long-Term Solutions

- Mark OUT on inspection sheet
- Use of RCPs
- Implementation of Standard Operating Procedures (SOPs)
- Issuance of Variances:
 - Date marking for 4 days at 42°F – 45°F
 - TPHC starting between 42°F – 45°F not to exceed 70 °F degrees

Reasoning

- The *Historical Record of Cold Holding Temperature Provisions* in the 2013 FDA Annex discusses how the FDA decided on 41°F and what they did to bridge the gap
- ‘Thus, there are mechanisms in place to allow industry flexibility in holding foods out of temperature control and the exemption for holding at 45°F was no longer necessary, given equipment capabilities, existing provisions of the Food Code that could be utilized (e.g., **variances, time as a public health control**), and the impact on public health.’

Variance Alternative

- Why the allowance of variances for these citations?
 - It is important to understand that the risk is being addressed.
 - LM cultures are equal when comparing RTE TCS foods kept at 42°F – 45°F for 4 days or 41°F at 7 days
 - 4-day date marking for foods held at 42°F-45°F
 - 24 hr date marking variance (42°-45°F)
 - TPHC starting at 42°F – 45°F for 4 hours and kept at 70°F or below is equal to 41°F for 6 hours at 70°F or below
- NCDHHS will approve the variances with the county support
 - Templates have been developed to streamline the process
 - Templates will require equipment information
 - When the equipment is replaced, the variance would be removed

When to Issue an Intent to Suspend

- Cannot be based solely on cold holding between 42°F-45°F
- Too many risk factors to control (cooling, date marking, thawing, etc.)
- Needs to be well documented
 - Show progression on multiple inspections/visits
- NCDA cannot support embargo on temperature alone until it gets above 45°F.



Scenario 1: Cold Holding/Date Marking 42°F-45°F

- Prep-style cooler has TCS food items holding between 42°F-45°F
 - What should the REHS do?

Scenario 1:

Cold Holding/Date Marking 42°F-45°F

- 1st Offense
- REHS marks #20 and #21 OUT on Inspection Form, takes 0 credit
 - Discard RTE, TCS foods over 4 days old that are required to be date marked
 - Rule out behavioral issues (too much food, cooling, maintenance, etc.)
 - Have PIC contact refrigeration technician
 - Educate
 - Implement Risk Control Plan
 - Option of Time as a Public Health Control
 - Option of use of ice

Scenario 1:

Cold Holding/Date Marking 42°F-45°F

- 2nd Offense
- REHS marks #20 and #21 OUT on Inspection Form, takes half credit
 - Review Risk Control Plan
 - Time as a Public Health Control

Scenario 1: Cold Holding/Date Marking 42°F-45°F

- 3rd Offense
- REHS marks #20 and #21 OUT on Inspection Form, takes full credit
 - Option of utilizing a Variance
 - Building the case to pursue Intent to Suspend

Scenario 2:

Cooling with 42°F-45°F

- All mechanical refrigeration in the establishment is measuring 42°F-45°F
- Foods are found cooling in the walk in cooler
(cuttomatoes @67°F, chili @135°F, potato salad @47°F)
- These foods are found in shallow portions, metal pans, loosely covered and are stored properly
- PIC states “this is how foods are cooled in establishment”
- You decide foods will not cool to 41°F due to mechanical refrigeration
- Potato salad was made from ambient ingredients, 3 hours ago

What should the REHS do?

Scenario 2:

Cooling with 42°F-45°F

- 1st Offense
- REHS marks #18 OUT for potato salad, takes 0 credit
 - CDI of cooling is education if foods cool within 45°F rate (use calculations). Food can be kept. Educate on alternatives such as limited cooling of menu items.
 - Implement Risk Control Plan
 - Educate
 - Implement better cooling methods to achieve proper cooling parameters (i.e. use of ice as an ingredient, ice baths, ice wands, incorporating freezer, etc.)-TO PREVENT FURTHER VIOLATIONS

Scenario 2:

Cooling with 42°F-45°F

- 2nd Offense
- Beginning taking points depending on the severity of the violations seen
- Discuss options of remediation
- Review Risk Control Plan
- Build case for intent to suspend

Summary

- No point deductions for first inspection only
- Education can be considered a CDI
- Determine the root cause-Why is the food above 41°F?
- Variance is an option
- **Cannot** take points under variance #27
- Not all scenarios can be addressed in the PS contact a Regional if you need assistance
- DOCUMENT DOCUMENT DOCUMENT
- Be reasonable

Questions?