

# TEXAS DEPARTMENT OF STATE HEALTH SERVICES



## DIVISION FOR REGULATORY SERVICES ENVIRONMENTAL AND CONSUMER SAFETY SECTION POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT FOOD ESTABLISHMENTS GROUP

### Summary of Changes in the Texas Food Establishment Rules 2006

This Summary provides a synopsis of the textual changes from the October 6, 1998 Texas Food Establishment Rules to the March 15, 2006 Rules. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. This record should not be relied upon as an absolute comparison that identifies each and every change.

#### **Section 229.161: Purpose**

- No changes

#### **Section 229.162: Definitions**

- The description for the term “Definitions,” has changed to make the intent of the various definitions used in the Rules clearer as to intent. Errata – should state “these rules”
- §229.162(2) Changed to more closely resemble the language specified in the Texas Health and Safety Code, Chapter 431 §431.081
- §229.162(4)-(100) Renumbered due to the additions and expansion of various definitions
- §229.162(4) expanded slightly and renumbered from definition (100) in the 1998 TFER to number (4) in the 2006 TFER and added the meaning of the symbol  $a_w$
- §229.162(7) Removed “from an approved source,” from the definition
- §229.162(8) Added “Casing” as it related to cured and processed food
- §229.162(11) “CIP” Reworded to add clarification
- §229.162(12) Reworded to add clarification and expanded the definition to more fully explain the CFR’s
- §229.162(13) Added “Comingle” as it related to combining molluscan shellfish harvested on different day or areas and different shucking dates

## **Section 229.162: Definitions continued**

- §229.162(23) Added “Disclosure” as it related to raw or undercooked animal-derived foods
- §229.162(24) “Drinking water” reworded to add clarity
- §229.162(26) “Easily cleanable” reworded and expanded adding information about a tiered application of the criteria for easily cleanable and about the use of stainless steel
- 229.162(27) “Easily movable” references to weight and kilograms of force removed
- 229.162(28) Added definition of “Egg” which included the shell egg of the domesticated chicken, turkey, duck, goose, or guinea
- 229.162(31) “ Equipment” expanded to add clarity
- 229.162(32) Added “Exclude” relating to employees with certain illnesses who may not work as food employees
- 229.162(34) Added “FDA”
- 229.162(35) “Fish” expanded to add clarity
- 229.162(37) “Foodborne disease outbreak” modified for consistency with CDC
- 229.162(38) “Food-contact surface” expanded to add clarity
- 229.162(40) “Food establishment”, expanded to add clarity, added the word “vend” in paragraph (A), subparagraph (i) deleted “food service establishment” and added restaurant and vending location. Paragraph (B), subparagraph (ii) deleted the terms “group residence, outfitter operation; bed and breakfast extended and bed and breakfast food establishments”. Paragraph (C) subparagraph (iv) added the phrase “if allowed by law”, subparagraph (vii) added the phrase, “that receives catered or home-delivered food”.
- 229.162(41) “Food processing plant” expanded to add clarity
- 229.162(42) “Game Animal”, expanded and reworded to add clarity
- 229.162(44) “Grade A standards” reworded to add clarity and deleted “Grade A condensed and Dry Milk Products and condensed and Dry Whey”.
- 229.162(46) “Hazard Analysis Critical control Point (HACCP)”, reworded and shortened to add clarity.

## **Section 229.162: Definitions – continued**

- 229.162(50) “Highly susceptible population” reworded and amended to clearly identify populations more likely than other people in the general population to experience foodborne illness
- 229.162(51) “Imminent health hazard” reformatted to add clarity
- 229.162(52) “Injected” reworded to add clarity
- 229.162(53) added the definition for “juice”
- 229.162(59) “mg/L—Milligrams per liter” reworded for clarity
- 229.162(63) “Packaged” reformatted for clarity
- 229.162(65) “Permit holder: reformatted for clarity
- 229.162(68) “Personal care items” reformatted for clarity
- 229.162(71) “Plumbing fixture” reformatted for clarity
- 229.162(73) “Poisonous or toxic materials”, paragraph (B) added “except sanitizers”
- 229.162(74) “Potentially hazardous food (PHF)” reworded to add clarity and amended to exclude shell eggs that have been treated to destroy all viable Salmonellae and regarding garlic-in-oil mixtures and also amended to introduce a new term, time/temperature control for safety (TCS), and included information and tables from the IFT report [CFP 2004-I-012, Subparagraphs (i) and (ii)]
- 229.162(75) “Poultry” reformatted and reworded to add clarity
- 229.162(76) “Premises” reformatted and reworded to add clarity
- 229.162(79) “Pushcart”, added “A pushcart does not include non self-propelled units owned and operated within a retail food store.”
- 229.162(80) “Ready-to-eat food” reformatted, reworded, and expanded to add clarity
- 229.162(81) “Reduced oxygen packaging” reformatted reworded and expanded to add clarity.
- 229.162(82) added “Reminder” relating to consuming raw, undercooked, or otherwise processed to eliminate pathogens in animal foods
- 229.162(85) added “Restrict” relating to employee activities to in a food establishment so there is no risk of disease transmission through food

## **Section 229.162: Definitions - continued**

- 229.162(86) added “Restricted egg” relating to any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590
- 229.162(88) added “Risk” relating to adverse health effect within a population
- 229.162(89) “Roadside food vendor”, deleted “potentially hazardous” in the second sentence and changed food establishment to mobile food establishment in the last sentence
- 229.162(90) “Safe material means” reformatted to add clarity
- 229.162(93) added “Service animal” relating to animals used by an individual with a disability.
- 229.162(94) “Service area” added the word(s) “regularly” and “vehicle and equipment cleaning” in the first sentence
- 229.162(96) “Shellfish control authority” expanded the definition for clarity
- 229.162(98) added “Shiga toxin-producing Escherichia coli”
- 229.162(100) “Single-service articles” added the phrase “after which they are intended for discard” at the end of the sentence
- 229.162(101) “Single-use articles” reformatted to add clarity.
- 229.162(103) “Smooth” reformatted to add clarity
- 229.162(106) added “TCS”, Time and temperature control for safety
- 229.162(110) “Utensil” expanded and reworded to add clarity
- 229.162(111) added “Variance” as it relates to a document issued by the regulatory authority that authorizes a modification or waiver of one or more requirement of these rules
- 229.162(112) “Vending machine” added the phrase, “or by optional manual operation”
- 229.162(113) “Vending machine location” reworded to add clarity
- 229.162(114) “Warewashing” added the word “utensils”
- 229.162(115) added “Whole-muscle, intact beef”

## **Section 229.163 Management and Personnel**

- 229.163(b) reformatted and reworded to add clarity
- 229.163(b)(1) added “complying with these rules by having no critical violations during the current inspection;”
- 229.163(c)(6) added “using appropriate temperature measuring devices properly scaled and calibrated as specified under §§229.165(e) and (l)(1)(B) of this title (relating to Equipment Utensils, and Linens)
- 229.163(c)(10) added “as specified under §229.164(h)(6) of this title;”
- 229.163(c)(11) added “except when otherwise approved as specified in §229.164(e)(1)(D) of this title
- 229.163(c)(12) deleted the word “basic” and added “as it relates to their assigned duties.”
- 229.163(d)(1) reworded to add clarity
- 229.163(d)(1)(A) added “(i) “norovirus” and reordered the other illnesses. Changed “(iii) Escherichia coli 0157:H7 or other enterohemorrhagic E. coli; or to “(v) shiga toxin-producing Escherichia coli;”
- 229.163(d)(1)(B)(iii) added “that is open or draining and is:” and added subclauses (I) through (III) pertaining to the location and protective coverings
- 229.163(d)(1)(C) reformatted and reworded to add clarity
- 229.163(d)(1)(D) reformatted and reworded to add clarity
- 229.163(d)(2)(A)-(E) reworded and reformatted to add more clarity
- 229.163(d)(3)(A)-(E) reworded and reformatted to add more clarity
- 229.163(d)(4) reworded slightly to add clarity
- 229.163(d)(5) added “(5) Reporting by the person in charge. The person in charge shall notify the regulatory authority that a food employee is diagnosed with an illness due to Norovirus, Salmonella typhi, Shigella spp., shiga toxin-producing Escherichia coli, or hepatitis A virus.”
- 229.163(e) “Hands and arms, clean condition” reformatted to add clarity

### **Section 229.163 Management and Personnel – continued**

- 229.163(f) “Hands and arms cleaning procedure” major revision and reformatting to add clarity
- 229.163(g) “Special handwash procedures” reworded and reformatted to add clarity
- 229.163(h) “When to wash”, reformatted to add clarity
- 229.163(i) “Where to wash” reformatted slightly
- 229.163(j) “Hand sanitizers” reformatted with major revisions
- 229.163(k) “Fingernail maintenance” reformatted and expanded to add clarity.
- 229.163(l) “Jewelry prohibition” reworded to add clarity.
- 229.163(m) “Outer clothing clean condition”, reformatted
- 229.163(n) “Eating, drinking, or using tobacco” reformatted and reworded.
- 229.163(o) “Discharges from the eyes, nose, and mouth” reformatted.
- 229.163(p) “Hair restraints, effectiveness” reformatted and reworded.
- 229.163(q) “Handling prohibition” reformatted and reworded to add clarity.

### **Section 229.164: Food**

- 229.164(b)(1)(C) Changed reference to subsection (c)(7) and (8) of this section
- 229.164(b)(1)(D) Changed reference to subsection (k)(1)(D) of this section
- 229.164(b)(1)(E) New subparagraph that specifies the requirements for whole-muscle intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory
- 229.164(b)(1)(F) New subparagraph that requires that packaged meat and poultry that is not a ready-to-eat food shall be labeled to include safe handling instructions
- 229.164(b)(1)(G) New subparagraph that requires shell eggs that have not been treated to destroy Salmonellae shall be labeled to include safe handling instructions.

## **Section 229.164: Food – continued**

- 229.164(b)(4) Changed format
- 229.164(b)(5)(B) Changed to specify that molluscan shellfish received in interstate commerce shall be from sources listed in the Interstate Certified Shellfish Shippers List
- 229.164(b)(6) New Paragraph that specifies the requirements for wild mushroom species
- 229.164(b)(7)(B) Changed subparagraph order with 229.164(b)(7)(C). Specifies the requirements for processing game animals that are commercially raised for food and wild game animals that are live-caught. Clarified that the slaughter and processing must be done in accordance to other State regulations and be done under inspection. Language was expanded to be consistent with the definition of game animal and for clarity.
- 229.164(c)(1)(B) Expanded language for clarity.
- 229.164(c)(1)(C) New subparagraph that specifies that shell eggs shall be received in refrigerated equipment that maintains an ambient temperature of 45° Fahrenheit or less.
- 229.164(c)(1)(D) Changed temperature for potentially hazardous food that has been cooked and received hot to 135° Fahrenheit from 140° Fahrenheit
- 229.164(c)(1)(E) and (F) Renumbered subparagraphs
- 229.164(c)(2) Changed reference to 9 CFR, Subpart C, §424.21(b) and included sources of radiation
- 229.164(c)(4) Combined 229.164(c)(4) and (5)
- 229.164(c)(4)(B)-(D) Renumbered subparagraphs
- 229.165(c)(5) and (6) Renumbered paragraphs.
- 229.164(c)(7) Reformatted paragraph.
- 229.164(c)(7)(B) New subparagraph that requires that a package of raw shucked shellfish that is not properly labeled shall be subject to detention
- 229.164(c)(8) Paragraph expanded and reformatted to first list the information required on the harvester's tag. Specifies that the harvester's identification number must be on the tag. Added a required bolded statement to be included on the harvester's tag.

## **Section 229.164: Food – continued**

- 229.164(c)(10) New paragraph that requires that pre-packaged juice be obtained from a processor with a HACCP system and that treats the juice to attain a 5-log reduction of microorganisms or the packages must bear a warning label
- 229.164(d) Paragraph reformatted and expanded for clarity.
- 229.164(e)(1)(B) Added language that allows the specifications listed in subparagraph (D) be followed as an approved method for contacting exposed ready-to-eat food with bare hands
- 229.164(e)(1)(D) New subparagraph that allows food employees to contact exposed ready-to-eat food with bare hands if documentation is maintained that the food employees have received training; if two or more control measures are utilized; and if documentation is maintained that corrective action are taken when the other two requirements are not followed. The paragraph also prohibits food employees to contact exposed ready-to-eat food with bare hands if a highly susceptible population is served.
- 229.164(f)(2)(B)(iv) Changed reference to subsection (o)(5)(B)(ii)
- 229.164(f)(4) Added meringue to list of food requiring the use of pasteurized eggs or egg products
- 229.164(f)(4)(B) Changed reference to subsection (k)(1)(D)
- 229.164(h)(1) Changed language for clarity
- 229.164(h)(2)(C) Expanded language for clarity
- 229.164(h)(2)(F) Changed temperature of water used to store in-use, between-use utensils to 135° Fahrenheit from 140° Fahrenheit. Added language for required frequency to clean the container.
- 229.164(h)(3) and (4) Changed order of paragraphs
- 229.164(h)(4)(B)(ii) Changed reference to the concentration of the chemical sanitizer from the type of chemical sanitizer
- 229.164(h)(4)(D) New subparagraph that requires that wiping cloths must be used with a freshly made sanitizing solution and shall be free of food debris and soil
- 229.164(h)(4)(E) New subparagraph that allows working containers of sanitizing solutions for the storage of wiping cloths to be placed above the floor
- 229.164(h)(6)(A) Changed language for clarity

## **Section 229.164: Food - continued**

- 229.164(h)(6)(C) Changed wording to “drinking cups and containers”
- 229.164(i)(3) Removed “unless the food was manufactured within the machine”
- 229.164(j)(2)(B) Changed language for clarity
- 229.164(j)(3) Changed title of paragraph
- 229.164(j)(3)(A) Reformatted subparagraph
- 229.164(j)(3)(A)(iii) New clause that allows raw, frozen, shell-on shrimp or lobster to be offered for consumer self-service
- 229.164(j)(3)(D) Changed wording to prohibit potentially hazardous food from being sold unpackaged and in bulk from a self-service container
- 229.164(j)(4)(B) Reformatted subparagraph and changed wording to remove the exclusion that prohibited the transfer of certain non-potentially hazardous containers of food among highly susceptible populations
- 229.164(j)(4)(B)(i) New clause that specifies the requirements for dispensing the transferred food
- 229.164(j)(5) Changed title of paragraph
- 229.164(k)(1)(A) Expanded the exclusion to include the new subparagraph D
- 229.164(k)(1)(A)(i)(II) Changed the required cooking temperature of pork to 145° Fahrenheit from 155° Fahrenheit. Expanded language for clarity
- 229.164(k)(1)(A)(ii) Expanded language for clarity
- 229.164(k)(1)(A)(ii) Figure 1–“Alternatives to the 155 Degree Fahrenheit/15 Second Requirement” was moved from the annex to this cite. The alternative for the 158° F/ <1 second requirement was added
- 229.164(k)(1)(A)(iii) Expanded language for clarity
- 229.164(k)(1)(B) Added pork roasts and cured pork roasts to list of whole roast meats
- 229.164(k)(1)(B)(i) Figure 1–“Oven Preheating/Holding Requirements Per Weight” was moved from the annex

## **Section 229.164: Food – continued**

- 229.164(k)(1)(B)(i) Errata – Roasts less than 10 lbs shall be cooked in a convection oven at 163° C (325° F), not at 121° C (250° F).
- 229.164(k)(1)(B)(ii) Figure 1–“Heating Temperatures and Holding Times” was moved from the annex. Chart was expanded to include additional temperatures and holding times, including 158° F for 0 seconds.
- 229.164(k)(1)(C) New subparagraph that specifies the requirements to allow the sale of raw or undercooked whole-muscle, intact beef steak. The provisions prohibit the sale or service to highly susceptible populations; require the steak to be labeled; and require the steak to be cooked on the external surfaces to 145° F.
- 229.164(k)(1)(D) Reformatted and expanded subparagraph. The provisions prohibit the sale or service to highly susceptible populations and require that the requirements for a consumer advisory be followed.
- 229.164(k)(1)(D)(iii) New clause that provides the regulatory authority the ability to grant a variance from the cooking requirements based on a HACCP plan
- 229.164(k)(3) Changed cooking temperature to 135° F for fruits and vegetables that are cooked for hot holding
- 229.164(l)(1)(B) Expanded language for clarity
- 229.164(m)(1) and (2) Changed order of paragraphs
- 229.164(m)(2)(C) Changed reheating temperature to 135° F from 140° F for ready-to-eat food taken from a commercially processes, hermetically sealed container or from an intact package from a food processing plant
- 229.164(m)(2)(D) Changed reference
- 229.164(n) New subsection that addresses the requirements for treating juice in a food establishment that is packaging juice
- 229.164(o)-(v) Renumbered subsections
- 229.164(o)(2)(A) Changed references
- 229.164(o)(3) Added language for clarity
- 229.164(o)(3)(A) Changed references

## **Section 229.164: Food - continued**

- 229.164(o)(3)(B)(iii) Changed references
- 229.164(o)(3)(B)(iv) Language expanded to include the time that food is exposed to running water and the time needed for preparation or the time under refrigeration to lower the food temperature as part of the 4 hours. Also changed references
- 229.164(o)(4)(A)(i) Changed starting temperature for cooling method to 135° F from 140° F
- 229.164(o)(4)(A)(ii) Changed total allowed time for cooling from 135° F to 41° F (or 45° F) to 6 hours. Changed references
- 229.164(o)(4)(B) Changed references
- 229.164(o)(4)(C) Exempted subparagraph (D) and changed references
- 229.164(o)(4)(D) New subparagraph that specifies the requirements for receiving and placing raw shell eggs in refrigerated equipment that maintains an ambient temperature of 45° F
- 229.164(o)(6) Errata – reference to exception should be subparagraph (C) instead of subparagraph (B)
- 229.164(o)(6)(A) Hot holding temperature changed to 135° F from 140° F
- 229.164(o)(6)(B) Reformatted subparagraph to only allow a cold holding temperature of 45° F in countertop, under-counter and open-top refrigeration units. The units must be located in the food preparation area and be in use prior to October 6, 2003. The food must be date marked according to the date marking provisions.
- 229.164(o)(6)(C) Renumbered subparagraph. Includes language to require that shell eggs that have not been treated to destroy all viable Salmonellae be stored in equipment that maintains an ambient temperature of 45° F or less
- 229.164(o)(7) Paragraph reformatted for clarity. Provisions no longer address the time period that the food may be frozen. It is implied that the time that a food is frozen is not included in the refrigerated time and temperature combinations.
- 229.164(o)(7)(A) Subparagraph specifies the date marking requirements for ready-to-eat potentially hazardous food prepared in the food establishment. Changed to allow a variety of means to be used for date marking. Specifies that the day of preparation shall be counted as Day 1.

## **Section 229.164: Food - continued**

- 229.164(o)(7)(A)(ii) Language changed to only allow a cold holding temperature of 45° F in countertop, under-counter and open-top refrigeration units
- 229.164(o)(7)(B) Subparagraph specifies the date marking requirements for ready-to-eat potentially hazardous food prepared in a food processing plant. Changed to allow a variety of means to be used for date marking. Requires that the time and temperature combinations specified in subparagraph (A) be followed.
- 229.164(o)(7)(B)(i) Added language to specify the day the original container is opened shall be counted as Day 1
- 229.164(o)(7)(B)(ii) Added language to prohibit the date marked by the food establishment to exceed a manufacturer's use-by date if the use-by date is based on food safety
- 229.164(o)(7)(C) New subparagraph that allows some food for which date marking is impractical to be marked by the methods in subparagraphs (A) or (B) or by an alternative method approved by the regulatory authority
- 229.164(o)(7)(D) New subparagraph that requires that alternative date marking systems receive prior approval from the regulatory authority
- 229.164(o)(7)(E) New subparagraph that exempts certain cheeses from the date marking provisions
- 229.164(o)(7)(F) Renumbered subparagraph. Changed references
- 229.164(o)(7)(G) Renumbered subparagraph and added additional meats for exemption from the date marking provisions when the face has been cut, but the remaining portion is whole. Exempts shelf stable fermented sausages produced in a federally inspected processing plant; shelf stable, dry, fermented sausages; and shelf stable salt-cured products
- 229.164(o)(7)(H) New subparagraph that exempts cultured dairy products from the date marking provisions
- 229.164(o)(7)(I) New subparagraph that exempts preserved fish products from the date marking provisions
- 229.164(o)(7)(J) New subparagraph that requires the date marking of the earliest prepared food or first-prepared ingredient be retained when refrigerated ready-to-eat potentially hazardous foods are combined
- 229.164(o)(8) Paragraph renumbered and reformatted for clarity

## **Section 229.164: Food – continued**

- 229.164(o)(9) Paragraph renumbered and reformatted for clarity
- 229.164(o)(9)(A) Added the prohibition of the use of time as a public health control in food establishments that serve a highly susceptible population, as referenced in subparagraph (B)
- 229.164(o)(9)(B) New subparagraph that prohibits the use of time as a public health control in food establishments that serve a highly susceptible population
- 229.164(p)(1) Errata- “regulatory authority” should replace “department” to be consistent with the provisions stated in 229.171(c)(1). Paragraph reformatted for clarity
- 229.164(p)(1)(E) New subparagraph that requires that a variance be obtained to operate a molluscan shell fish life-support system display tank.
- 229.164(p)(1)(F) New subparagraph that requires that a variance be obtained to custom process animals that are for personal use
- 229.164(p)(1)(H) New subparagraph that requires that a variance be obtained to sprout seeds or beans
- 229.164(p)(2) Changed title of paragraph
- 229.164(p)(2)(A) New subparagraph that requires that at least two barriers be in place to control the growth and toxin formation of *C. botulinum*
- 229.164(p)(2)(B) Added language for clarity
- 229.164(p)(2)(B)(ii)(III) Clarified that the processing plant must use substances specified in 9 CFR §424.21
- 229.164(p)(2)(B)(iv)(II) Expanded language for clarity
- 229.164(p)(2)(B)(v) Added language to exclude the time the product is maintained frozen
- 229.164(p)(2)(B)(vi)(I) Changed to prohibit contacting the food to be packaged with bare hands
- 229.164(p)(2)(B)(vi)(II) Reformatted for clarity
- 229.164(p)(2)(C) Removed statement regarding hard cheeses
- 229.164(q)(1) Changed references

## **Section 229.164: Food - continued**

- 229.164(r) Reformatted for clarity
- 229.164(r)(1)(B)(vi) New clause that requires that for any salmonid fish containing canthaxanthin as a color additive, the use of the canthaxanthin must be disclosed on the label or by other written means
- 229.164(r)(2)(A) Removed statement requiring nutritional information. The nutritional information is addressed in other provisions.
- 229.164(s)(1) The requirement to inform consumers regarding the risk of consuming raw, or undercooked animal food has been expanded to include beef, eggs, fish, lamb, milk, pork, and poultry, in addition to shellfish. The specified language has been removed.
- 229.164(s)(2) New paragraph that requires that a disclosure of the foods that are raw, or undercooked, or not being processed to eliminate pathogens must be provided to the consumer
- 229.164(s)(3) New paragraph that requires that a reminder of the risks of consuming foods that are raw, or undercooked, or not being processed to eliminate pathogens must be provided to the consumer
- 229.164(t)(1) Removed language that addressed the requirement to submit a reconditioning plan to the regulatory authority
- 229.164(t)(2) Removed requirement for detention of food from an unapproved source
- 229.164(u) Changed order of subsection with 229.164(v). Language expanded for clarity.
- 229.164(u)(1) Reformatted and expanded the paragraph pertaining to juice offered to highly susceptible populations
- 229.164(u)(1)(A) New subparagraph that includes children age nine or less as part of the highly susceptible populations subject to the juice requirements
- 229.164(u)(1)(B) New subparagraph that prohibits juice that bears a warning label as being unpasteurized juice from being served or offered for sale to the highly susceptible populations
- 229.164(u)(1)(C) New subparagraph that requires that juice that is prepared on the premises be processed under a HACCP plan

## **Section 229.164: Food – continued**

- 229.164(u)(2)(B) Removed language that referred to eggs not being cooked immediately or held before service following cooking. Recipes in which more than one egg is broken and the eggs are combined must be prepared with pasteurized eggs or egg products.
- 229.164(u)(2)(B) Errata - Reference should be changed to paragraph (6) of the subsection
- 229.164(u)(3) Removed prohibition to reserve food in unopened original packages of food. Reservice of food is addressed in 229.164(j)(4)
- 229.164(u)(3) Reformatted paragraph for clarity
- 229.164(u)(3)(B) Added meringue to the list of partially cooked animal foods that are prohibited from being served to highly susceptible populations in a ready-to-eat form
- 229.164(u)(3)(C) New subparagraph that prohibits raw seed sprouts from being served to highly susceptible populations in a ready-to-eat form
- 229.164(u)(4) New subparagraph that prohibits food employees from contacting exposed ready-to-eat food with bare hands if a highly susceptible population is served
- 229.164(u)(5) New subparagraph that prohibits time only, as the public health control, from being used for raw eggs if a highly susceptible population is served
- 229.164(u)(6) New paragraph that specifies when unpasteurized raw eggs can be used if a highly susceptible population is served
- 229.164(u)(6)(A) New subparagraph that allows raw eggs to be used if they are combined immediately before cooking for one person's serving and served immediately
- 229.164(u)(6)(B) New subparagraph that allows raw eggs to be used as an ingredient in a baked food
- 229.164(u)(6)(C) New subparagraph that allows raw eggs to be used if the preparation of food is conducted under a HACCP plan, if a highly susceptible population is served. The HACCP plan must include specifications and practices that ensure that Salmonella Enteritidis growth is controlled before cooking and destroyed by cooking.
- 229.164(u)(7) New paragraph that allows food to be re-served except as specified in paragraph (8) if a highly susceptible population is served

### **Section 229.164: Food – continued**

- 229.164(u)(8) New paragraph that prohibits food that has been served to patients or clients in medical isolation or quarantine to be reserved to others. Also prohibits food from any patients, clients or other consumers from being re-served to patients or clients in medical isolation or quarantine.
- 229.164(v)(2)(A) Hot holding temperature changed to 135° F from 140° F. References changed

### **Section 229.165: Equipment, Utensils, and Linens**

- 229.165(a)(3) Inserted “Figure: 25 TAC §229.165(a)(3)”, regarding lead level limits
- 229.165(a)(9)(A) Changed “(E)” to “(D)”
- 229.165(a)(9)(D)(ii) Errata - added “§” to Federal reference
- 229.165(a)(9)(E) Deleted Subparagraph (E) regarding use of wooden wicker baskets for bread proofing
- 229.165(c)(2) Errata - “device” should be plural
- 229.165(d)(1)(B) Added “inclusions”
- 229.165(d)(1)(E) Added “except as specified in subparagraph (B) of this paragraph,”
- 229.165(d)(1)(E)(iii) Deleted “mallets”, “or” and “that are kept near the equipment and are accessible for use.”
- 229.165(d)(2) Inserted “Paragraph (5) of this subsection does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.”
- 229.165(d)(2)-(9) Renumbered paragraphs
- 229.165(d)(4) Changed word order for clarification of “V” threads, use limitation
- 229.165(e) Added “food” to “Accuracy of temperature measuring devices.”
- 229.165(e)(1)(A) Deleted “(1.8 degrees Fahrenheit)”
- 229.165(e)(2)(A) Deleted “(2.7 degrees Fahrenheit)”

## **Section 229.165: Equipment, Utensils, and Linens - continued**

- 229.165(f)(10)(B) Abbreviated “Hazard Analysis Critical Control Point”
- 229.165(f)(10)(B)(ii)(III) Changed “(9)” to “(8)”
- 229.165(f)(11)(A)(ii) Errata - “Chapter 3” should read “§229.164 of this title”
- 229.165(f)(11)(B) Clarified wording regarding activation of a vending machine automatic shutoff
- 229.165(f)(11)(B)(i) Added reference for time/temperature combinations during automatic shutoff activation after restocking vending machines.
- 229.165(f)(11)(B)(ii) Changed hot holding temperature of potentially hazardous foods to 135°F from 140°F in vending machines during automatic shutoff activation
- 229.165(f)(12)(A) Added “or a simulated product temperature”
- 229.165(f)(15)(A-B) Reformatted text for clarity
- 229.165(f)(17) Expanded requirements for warewashing equipment installed after March 15, 2006. Added a requirement for automatic dispensing of detergents and sanitizers, and expanded the requirements for verification of proper delivery of detergents and sanitizers
- 229.165(f)(23)(A)(i) Replaced the word “section” with the word “requirement”
- 229.165(g)(2)(C) Deleted “the regulatory authority has approved the use of the alternative equipment,” and added “its use is approved”
- 229.165(g)(2)(D)(ii) Added “the permit holder shall limit the number of kitchenware items cleaned and sanitized in the two-compartment sink”
- 229.165(g)(2)(D)(ii)(I)-(III) Subclause (I) was incorporated into clause (ii), and the remaining subclauses were renumbered. The wording was clarified
- 229.165(g)(2)(D)(ii)(II) Added “in accordance with the manufacturer’s label instructions and”
- 229.165(g)(5)(B) Errata - Reference cite “(n)(2)” should be “(v)(2)”
- 229.165(h)(2) Deleted “where required”
- 229.165(h)(3) Amended to require a small-diameter probe to measure temperature of thin food masses. Inserted paragraph (3)

## **Section 229.165: Equipment, Utensils, and Linens - continued**

- 229.165(h)(4)-(5) Renumbered paragraphs
- 229.165(h)(5) Deleted “and readily available for use”
- 229.165(j)(1)(A) Deleted “A unit”
- 229.165(j)(1)(A)(i) Replaced “unit” with “equipment”
- 229.165(j)(1)(A)(iii) Replaced “unit” with “equipment”
- 229.165(k)(1)(A) Added “of this section”
- 229.165(k)(6)(A) Added “as specified under §229.163(i) of this title (relating to Management and Personnel)”
- 229.165(k)(6)(B) Changed word order for clarity
- 229.165(k)(7) Changed word order for clarity
- 229.165(k)(9) Replaced “unless a different temperature is” with “or the temperature”
- 229.165(k)(10)(ii)-(iii) Renumbered and repositioned (ii) and (iii)
- 229.165(k)(14) Replaced “water activity (pH)” with “pH”
- 229.165(k)(14) Errata - Added “§” to Federal reference
- 229.165(k)(14) Replaced “U.S. Environmental Protection Agency” with “EPA”
- 229.165(k)(14)(A) Replaced “table” with “chart” and inserted chart at cite
- 229.165(k)(14)(B)(ii) Changed word order for clarity
- 229.165(k)(14)(D) Amended to require permit holder to demonstrate that alternative concentrations of sanitizing solutions that are used can achieve sanitization
- 229.165(k)(14)(E) Added “other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be”
- 229.165(k)(14)(E) Deleted “if approved by the regulatory authority”
- 229.165(l)(1) Deleted “proper”
- 229.165(l)(1)(B) Added “food”
- 229.165(l)(3) Deleted “bulk milk dispensing tubes”

## **Section 229.165: Equipment, Utensils, and Linens - continued**

- 229.165(l)(4) Deleted two sentences regarding non-original shells and purchased shells
- 229.165(m)(1) Added “nonfood-contact surface”
- 229.165(m)(2) Deleted “Nonfood-contact surfaces”
- 229.165(n)(1)(B) Changed word order for clarity and added the following example: “such as preparing raw fish followed by cutting raw poultry on the same cutting board.”
- 229.165(n)(1)(D)(ii) Modified wording for less frequent cleaning of utensils and equipment, and allows for a refrigerated “area” to be included
- 229.165(n)(1)(D)(ii)(I) Specifies that a cleaning frequency chart may be followed, and added the ambient temperature/cleaning frequency chart
- 229.165(n)(1)(D)(ii)(II) Specifies a documentation requirement for the use of cleaning frequencies in the cleaning frequency chart
- 229.165(n)(1)(D)(vi) Deleted “the regulatory authority” and reworded for clarity
- 229.165(n)(1)(D)(vi)(I) Added “the”
- 229.165(n)(1)(D)(vi)(IV) Added “;or”
- 229.165(n)(1)(D)(vii) Expanded less frequent utensil cleaning to include storage of utensils in a container of hot water. Specifies the minimum temperature and cleaning frequency.
- 229.165(n)(1)(E)(iii) Changed “or” to “and”
- 229.165(n)(1)(E)(iv) Added “in” (Should read “for”.)
- 229.165(n)(1)(E)(iv) Added “cooking oil storage tanks and distribution lines” and “and syrup”
- 229.165(o)(2)(A) Deleted “scupper”
- 229.165(o)(3)(A)-(B) Separated criteria into two Subparagraphs, (A) and (B)
- 229.165(o)(6)(D) Moved “that is” from the Clause (i) to the Subparagraph (D)
- 229.165(r)(2) Added “;or”

### **Section 229.165: Equipment, Utensils, and Linens - continued**

- 229.165(r)(3)(A) Changed the Subparagraph reference “(B)” to “(C)”
- 229.165(r)(3)(D) Added definition number “(91)”
- 229.165(t)(1)-(5) Deleted the repetition of the laundered items
- 229.165(t)(3) Added “and napkins”
- 229.165(t)(4) Deleted “and clean cloths shall be used with a fresh solution of cleanser or sanitizer”
- 229.165(u)(2)(B) Errata - Reference should read (k)(4) instead of (k)(14)
- 229.165(v)(1)(A) Errata - Added “§” to Federal reference
- 229.165(v)(1)(B) Added “may not be cloth dried except that utensils that have been air-dried”. Deleted “provided the cloths are used for no other purpose.” Restructured the sentence for clarity
- 229.165(x)(1)(B)(i) Changed “permits” to “allows”
- 229.165(x)(1)(D) Abbreviated centimeters, “(cm)”. Changed “provided” to “specified”
- 229.165(y)(1)(A) Added “-” after food

### **Section 229.166: Water, Plumbing, and Waste**

- 229.166(a)(3) Changed the State reference to the federal reference: “21 CFR 129-Processing and Bottling of Bottled Drinking Water”
- 229.166(b)(1) Expanded reference to “§229.166(b)(2)” for clarity
- 229.166(b)(1)(A) Added the federal water requirement, “40 CFR 141 – National Primary Drinking Water Regulations”, and updated the State water standards reference, “30 TAC §§290.101-290.114, 290.117-290.119, 290.121, and 290.122”. Added “for Public Water Systems”
- 229.166(b)(1)(B) Changed “private” to “nonpublic”
- 229.166(b)(2)(A) Changed “may” to “shall”
- 229.166(c)(1) Added “peak”

## **Section 229.166: Water, Plumbing, and Waste - continued**

- 229.166(f)(2) Changed “lavatory” to “facility”. Added “installation” and deleted “water temperature, and flow”
- 229.166(f)(2)(A) Changed the water temperature requirement for handwash sinks from 43 degrees Celsius (110 degrees Fahrenheit) to “38 degrees Celsius (100 degrees Fahrenheit)”. The amended temperature is based on the American Society for Testing and Materials (ASTM) Standards for evaluating hand washing formulations (CFP 2000-I-55).
- 229.166(f)(3) Added “An automatic handwashing facility shall be installed in accordance with manufacturer’s instructions.”
- 229.166(f)(4)-(6) Renumbered the paragraphs
- 229.166(f)(4) Abbreviated millimeters, “mm”
- 229.166(f)(6) Deleted “Service sink, water, water temperature. Service sinks shall be equipped to provide water at a temperature of 43 degrees Celsius (110 degrees Fahrenheit.”
- 229.166(g)(1) Changed “lavatory” to “facilities”. Reformatted paragraph to include subparagraphs “(A)” and “(B)”
- 229.166(g)(1)(A) Added “Except as specified in subparagraph (B) of this paragraph”
- 229.166(g)(1)(B) Amended Rules to allow for automatic handwash facilities, under some conditions, in establishments where there is at least one hand washing lavatory
- 229.166(g)(3) Deleted “In new or extensively remodeled food establishments”
- 229.166(g)(4)(A) Changed reference to “(f)(4)”
- 229.166(g)(4)(B) Changed reference to “(f)(5)”
- 229.166(g)(5) Expanded to include backflow requirements for carbonating devices
- 229.166(h)(1) Changed “lavatory” to “facilities” and “facility”
- 229.166(i)(1) Changed “lavatory” to “facility”
- 229.166(i)(1)(C) Amended to require automatic handwash facilities to be used in accordance with manufacturer’s instructions

## **Section 229.166: Water, Plumbing, and Waste-continued**

- 229.166(i)(2)(A) Added “for firefighting,” and deleted “hose”
- 229.166(i)(3) Deleted “for a period of one year”
- 229.166(i)(4)(B)(iv) Deleted “milligrams per liter” and retained “mg/L”
- 229.166(i)(6)(A)-(N) Moved “mobile water tank and mobile food establishment water tank” requirements to this cite. Reformatted for clarity
- 229.166(i)(6)(N)(i) Errata - Should read “Clause (ii) of this subparagraph”
- 229.166(6)(N)(ii) Deleted “after each use” and added “before they are used to convey water”
- 229.166(j)(1) Deleted “Establishment drainage system”
- 229.166(j)(2)(B) Abbreviated meters, “m”
- 229.166(j)(3) Deleted “or grease interceptor”. Added “operation, and maintenance”
- 229.166(l)(1) Expanded reference (c), “(1)-(8)”
- 229.166(l)(6)(B) Changed “Equipment” to “Receptacles and waste handling units”
- 229.166(l)(9)(B) Deleted “by the regulatory authority”
- 229.166(l)(13) Changed “paragraph (4)(A)” to “subsection (l)(4)(A)”, and changed “subsection” to “section”
- 229.166(l)(16) Errata – Should reference 229.167(p)(14), not 229.167(p)(15)

## **Section 229.167: Physical Facilities**

- 229.167(c)(3) Abbreviated millimeter, “mm”
- 229.167(c)(3)(B) Errata - “covered” should read “coved”
- 229.167(c)(4)(A) Added “A floor covering such as” and “or similar material”
- 229.167(d)(5)(A) Changed “(C)” to “(E)”
- 229.167(d)(5)(A)(iii) Deleted “except that doors designed for emergency exit only and which are activated for security alarm when opened need not be self-closing.”

## **Section 229.167: Physical Facilities - continued**

- 229.167(d)(5)(C)(i)-(iii) Amended exterior exit door requirements
- 229.167(d)(5)(D)-(E) Reformatted to add “(C)” above. Changed “(C)” to “(D)” and “(D)” to “(E)”
- 229.167(d)(5)(D) Within the cite, changed “(D)” to “(E)”
- 229.167(d)(5)(D)(i) Abbreviated millimeters, “mm”
- 229.167(d)(5)(D)(ii) Added “to control flying insects”
- 229.167(d)(5)(E) Changed “(C)” to “(D)”
- 229.167(e)(1) Changed “lavatories” to “facilities”
- 229.167(e)(4) Changed “shall” to “may”
- 229.167(e)(5) Amended to require hand washing signage to be visibly displayed at all handwash sinks that are used by food employees
- 229.167(e)(6) Repeated the requirement for a waste receptacle when disposable towels are provided
- 229.167(g)(1) Abbreviated centimeters, “cm”
- 229.167(g)(2)(C) Abbreviated centimeters, “cm”
- 229.167(i)(1) Deleted the header, “Provision for dressing rooms and areas”
- 229.167(i)(2) Deleted the header, “Lockers”
- 229.167(k) Changed “lavatories” to “facilities”
- 229.167(m)(1) Deleted header, “Eating and tobacco areas”
- 229.167(m)(2) Deleted header, “Location of lockers”
- 229.167(o) Added “(A)” to reference
- 229.167(p)(7) Changed “under” to “in”. Changed “(B)” to “(A)”
- 229.167(p)(8) Added “(A)” to reference

### **Section 229.167: Physical Facilities - continued**

- 229.167(p)(11) Reformatted the cite for clarity
- 229.167(p)(15)(B)(iii) Added “and that are usually open for customers”. Changed “support animals” and “guide dogs” to “service animals”. Changed “handicapped” to “disabled”. Reworded the requirement to allow for service animals that are “in training when accompanied by an approved trainer”. Added “if a health or safety hazard will not result from the presence or activities of the service animal”. Deleted “and”
- 229.167(p)(15)(B)(iv) Expanded the cite for pets in common areas of dining areas to include “institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities”
- 229.167(p)(15)(B)(v) Added cite to allow “in areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.”
- 229.167(p)(15)(C) Changed “so that” to “if”

### **Section 229.168: Poisonous or Toxic Materials**

- 229.168(a) Added “or”
- 229.168(d)(2)(B)(ii)(II) Added “or”
- 229.168(d)(2)(B)(ii)(IV) Deleted “and”
- 229.168(d)(2)(C) Added “shall be”
- 229.168(e) Deleted “ A food container may not be used to store, transport, or dispense poisonous or toxic materials.”
- 229.168(f)(1)-(3) Errata - Added “§” to Federal references
- 229.168(f)(4)(A)(iv) Deleted “Parts”
- 229.168(f)(4)(A)(v) Errata - Added “§” to Federal reference
- 229.168(g) Errata - Added “§” to Federal reference
- 229.168(h)(1) Deleted “be listed by the U.S. Environmental Protection Agency (EPA) as meeting”. Added “meet”

## **Section 229.169: Mobile Food Establishments**

- 229.169(a)(1) Deleted “subsection (b)(1) of this subsection” as an exception to waiver; that is, the regulatory authority may waive the requirement for a central preparation facility. The requirement for a servicing area may not be waived.
- 229.169(a)(1) Changed “(n)” to “(o)”, relating to food temperatures
- 229.169(a)(1) Added “The regulatory authority may require a mobile food establishment operator to demonstrate that the unit is readily moveable.”
- 229.169(a)(4) Added “and countertop, under-counter and open-top refrigeration units shall be upgraded or replaced”. Changed the reference to “§229.164(o)(6)(B)(ii)”
- 229.169(a)(5) Re-titled the cite as “Mobile water system materials, design, and operation.” Moved contents related to water tanks from this cite to §229.166(i)(6)
- 229.169(a)(6) Repeated the cite related to the water tank inlet requirements as stated in §229.166(i)(6)(J). Reformatted the previous cite for clarity, and renumbered the paragraphs
- 229.169(a)(7) Added “Readily moveable” cite. Amended to allow the regulatory authority to prohibit an alteration of a mobile food establishment that would prevent or reduce “ready mobility” of the unit. Allows the regulatory authority to require a mobile food establishment to come to a designated location, annually, to prove mobility of the unit. The regulatory authority may also require re-inspections of the unit, after violations of this requirement, to be performed at a designated location.
- 229.169(a)(9) Added cite for “Mobile food establishment water and wastewater exemption.”
- 229.169(a)(9)(A) Exempts roadside vendors, that sell only prepackaged food, from rules regarding water and wastewater
- 229.169(a)(9)(B) Exempts mobile food establishments, that prepare food not requiring water for operations and without hand contact with food, from rules regarding water and wastewater, if cleaning and sanitization equipment exists at its central preparation area.

### **Section 229.170: Temporary Food Establishments**

- 229.170(b) Changed “(n)” to “(o)”.
- 229.170(d)(3) Changed “(n)” to “(o)”.
- 229.170(i) Amended and reworded the cite to require the use of “an insulated container with a spigot that can be turned on to allow potable, clean, warm water to flow” for handwashing. Requires the use of a wastewater container, soap, disposable towels and a waste receptacle. Eliminated the catch pan or two basins of water for handwashing. Eliminated the option for use of chemically treated towelettes

### **Section 229.171 Compliance and Enforcement**

- 229.171(b)(2) Slightly reworded to add clarity
- 229.171(c)(1) “The department’s Retail Foods Division changed to “The regulatory authority” to allow the local regulatory authority the ability to grant variances. Reworded to add clarity
- 229.171(c)(2) Reworded to add clarity
- 229.171(c)(2)(3) Shortened “a Hazard Analysis Critical Control Point (HACCP)” to “HACCP”
- 229.171(c)(3) Added “the regulatory authority” and slightly reworded to add clarity
- 229.171(c)(3)(A) Added “the regulatory authority” for clarity
- 229.171(d)(1)(A) Reformatted to add clarity
- 229.171(d)(2)(C) Reworded to add clarity
- 229.171(e) Added “specified in law,” to add clarity
- 229.171(g)(4) Added “immediately contact the regulatory authority to report an illness of a food employee as specified under §229.163(d)(5) of this title (relating to Management and Personnel)
- 229.171(g)(4)-(10) Renumbered to items (5) - (11)
- 229.171(g)(7)(B) Major rewording to add clarity
- 229.171(g)(8) Reworded to add clarity

## **Section 229.171 Compliance and Enforcement - continued**

- 229.171(g)(11) Changed “authorized under law” to “authorized in law”
- 229.171(h)(1) Slightly reworded to add clarity
- 229.171(h)(2) Slightly reworded to add clarity
- 229.171(h)(3) Added “past performance, for complaints investigated and found to be valid”. Items (3) through (7) renumbered (4) through (8)
- 229.171(i) “Access changed to “Competency and access”
- 229.171(i)(1) Competency of inspectors added along with paragraphs (A) through (D) relating to field training elements. Added “Sanitarian-in-Training in Texas” as a recommended requirements to individuals conducting inspections.
- 229.171(i) Paragraph’s (1) - (4) renumbered (1) - (5)
- 229.171(i)(2) Reworded to add clarity
- 229.171(i)(3)(A)(ii) Changed subsection (g)(5) to (g)(6)
- 229.171(i)(4) Paragraph numbers referenced changed
- 229.171(j)(1) Major reformatting and reworded to add clarity
- 229.171(j)(3) Slightly reworded for clarity
- 229.171(j)(4)(A)(ii) Added the word “and” at the end of the subparagraph
- 229.171(j)(5) Reworded to add clarity
- 229.171(l)(1)(A) Moderately reworded to add clarity
- 229.171(l)(1)(B) Slightly reworded to add clarity
- 229.171(l)(2)(B) Moderately reworded to add clarity
- 229.171(m)(1) Reworded to add clarity on allowable time frame
- 229.171(o)(1) Reformatted for added clarity
- 229.171(o)(2) Moderately reworded for clarity

### **Section 229.171 Compliance and Enforcement – continued**

- 229.171(o)(3)(B) Added “food employee”
- 229.171(o)(3)(C) Added “food employee”
- 229.171(o)(4) Added “food employee”
- 229.171(o)(4)(A) Added “food employee”
- 229.171(o)(4)(C) Added “food employee” and “Shiga Toxin-producing Escherichia coli”
- 229.171(o)(4)(D) Added “food employee”
- 229.171(p)(1) Slightly reworded for clarity
- 229.171(p)(3) Slightly expanded relating to submitting an isolate and where to report a condition or isolate
- 229.171(p)(4) Slightly expanded relating to submitting an isolate and where to report a condition or isolate
- 229.171(p)(5) Slightly expanded relating to Reporting and Other Duties of Local Health Authorities and Regional Directors
- 229.171(q) Moved and reformatted to 229.171(i)(1)

### **Section 229.173 Heimlich Maneuver Poster**

- 229.173(b) Reworded to add clarity
- 229.173(c) Deleted
- 229.173(d) Changed to subsection (c) and slightly reworded for clarity. The word “poster” changed to “sign”
- 229.173(c)(1) The requirement to use white 70 pound gloss coated cover stock was removed and the size was reduced from 15 inches wide by 18 inches long to 11 inches wide by 17 inches long
- 229.173(e) “Camera ready copies” deleted

### **Section 229.174 Bed and Breakfast Extended Establishments**

- 229.174(c)(2) Reference changed from §229.164(k)-(n) to §229.164(k)-(o) which relates to food temperatures and date marking
- 229.174(d)(1) “or when an approved...” amended to “and if an approved ...”

### **Section 229.175 Outfitter Operations**

- 229.175(a) Slightly reworded to add clarity
- 229.175(c) The reference §229.164(k)-(n) amended to §229.164(k)-(o) which relates to food temperatures and date marking
- 229.175(g) Major revision for a requirement for handwash facilities to include an insulated container with a spigot. The use of separate basins, one for washing and one for rinsing was removed.