



FOOD CODE

Guide to laws and regulations for restaurant owners

Significant Issues and Changes

The following changes took effect in the Fall of 2013. WRA created this reference guide for major changes to the Food Code.

Chapter 1—Definitions

The first chapter of the Wisconsin Food Code is dedicated to definitions that are used throughout the rest of the code. Many new and updated definitions will be included. Some new definitions, such as priority items or cut leafy greens are very important for operators to understand in order to comply with new requirements.

Old/Deleted Item	New Term or Addition	Explanation
<p>Critical violations are violations that if in non-compliance, are more likely than other violations to contribute to food-borne illness (FBI). This term has been removed from the code.</p>	<p>Priority and Priority Foundation items have replaced “critical” as types of violations. A Priority item is an action or procedure that prevents, eliminates or reduces hazards that cause FBI’s. A Priority Foundation item is a provision that supports the compliance of Priority items. All remaining provisions in the code are called Core items, which promote general sanitation and good retail practices. Example: Properly washing your hands is a Priority item. Having a properly stocked hand washing sink is a Priority Foundation item. Keeping the sink in good repair is an example of a Core item.</p>	<p>These new definitions are a better way to evaluate and implement provisions within the Food Code. The old term “critical” was too inclusive. By dividing those provisions into Priority and Priority Foundation items, operators and inspectors have a better way to evaluate how a restaurant is complying with the code.</p>
<p>Potentially Hazardous (PHF) Foods</p>	<p>Time/Temperature Control for Safety (TCS) Foods</p>	<p>Foods that were referred to as Potentially Hazardous Foods (PHF) will now be called TCS - foods that require Time/Temperature Control for Safety. Sometimes these foods may be referred to as PHF/TCS Foods. This change in name is a better describes of the reason these foods need to be given special attention.</p>
<p>Foods will be added to the PHF/TCS list of foods.</p>	<p>Cut leafy greens and cut fresh tomatoes will now require Time/Temperature control.</p>	<p>Cut leafy greens (e.g. lettuces, spinach and cabbage) and cut fresh tomatoes will now have to be transported and kept at 41degrees F or less at all times, until service.</p>

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Chapter 2—Management and Personnel

New/Changed Requirement	Explanation
Exclusion of Employees – length of time: Any employee that exhibits sudden onset of vomiting and/or diarrhea must be sent home or “excluded” from working in the establishment and not allowed to return to work until 48 hours after the symptoms cease. The only exception to the 48 hour exclusion rule is for the employee to produce a doctor’s note that states the symptoms are caused by a non-contagious medical condition, such as pregnancy morning sickness.	Prior Food Codes required employees with symptoms of vomiting and diarrhea to be excluded for 24 hours. Because Norovirus is now one of the most common foodborne illnesses associated with sudden onset of vomiting and diarrhea AND a person infected with Norovirus will “shed” the virus through bodily fluids for more than 24 hours after symptoms cease, recent science stresses the importance of ill employees staying away from the restaurant for 48 hours. Pregnant employees or those with chronic gastrointestinal disease may be able to get a medical excuse.
Exclusion of employees: The “Big 5” list of FBI’s is now the “Big 6.” Norovirus has been added to the list of diagnosed FBI’s in which an employee must not be allowed to come to work.	Norovirus was added to the exclusion list of FBI’s because it is easily spread by the infected employee. If an employee is diagnosed with Norovirus, (or any of the Big 6) he/she can infect other employees or surfaces within the restaurant, potentially causing a serious outbreak.
Prewash sinks in new or extensively remodeled establishments and those establishments with a change of ownership will no longer be allowed to be used as a hand washing sink.	Employees must be able to wash their hands at all times a restaurant is in operation. Many times, a prewash sink is being used for its main purpose and is not available to employees to wash their hands.
The Person in Charge must ensure that all employees are properly trained in food safety, including food allergy awareness . The food allergens employees must know are: milk, eggs, fin-fish, shellfish, tree nuts, wheat, peanuts and soybeans.	The number of customers with food allergies continues to increase. It is critical to provide employees with knowledge of common food allergens and methods for preventing allergic reactions. Employees must take questions and requests from customers with food allergies seriously and be aware of how to accommodate those guests, if possible. Visit the WRA website for more allergy info.

Chapter 3—Food

New/Changed Requirement	Explanation
Frozen, commercially processed and packaged raw animal foods can now be stored in a freezer with frozen Ready to Eat (RTE) food.	When a raw animal food is frozen and properly packaged, it is unable to contaminate frozen RTE food and does not have to be stored below RTE items anymore. This change does not allow raw animal products to be stored with or above RTE foods in coolers/refrigerator.
The process of non-continuous cooking of raw animal foods is now allowed, as long as proper cooling and reheating of the food is followed.	This new provision in the code puts parameters in place for a common industry practice. Food must be heated to 165 degrees F before service. A written plan must be in place that is approved by the regulatory authority.
Children’s menu items that contain ground meats cannot be served in a raw or undercooked form.	Even if a parent requests it, any item on a children’s menu which contains ground meat cannot be served raw or undercooked. Children are the most susceptible to the bad bugs that cause FBI’s.
Cook-Chill or Sous-Vide reduced oxygen packaging (ROP) processes will be allowed, but will require a detailed HACCP (Hazard Analysis Critical Control Points) plan that meets specific heating and cooling requirements.	Foods stored in ROP have increased potential to foster the growth of Clostridium botulinum and Listeria monocytogenes, two of the most virulent “bad bugs.”
The Consumer Advisory for raw or undercooked animal products has been clarified, better describing how to comply with the “disclosure” and “reminder” portions of the code.	Raw or undercooked animal products still require identification (disclosure) and the warning (reminder) must still be available on menus or in other written form. However, the code is much clearer on what are acceptable ways to comply. Call the WRA Hotline if you have questions on how to adapt your menu.

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Chapter 3—Food (continued)

New/Changed Requirement	Explanation
New date marking exemptions. Commercially prepared deli salads (e.g. chicken, pasta or potato salads), cultured dairy products (e.g. yogurt, sour cream or buttermilk) and preserved fish products no longer have to be discarded within 7 days after opening.	New science has proven that these types of foods do not need to be used or discarded within 7 days to prevent the growth of <i>Listeria monocytogenes</i> . However all of these exempted foods must be prepared in commercial, licensed processing plants and be used or discarded by the expiration date on the package.
Mechanically tenderized meat has been added to the list of foods that must be cooked to an internal temperature of 155 degrees F.	Further research has shown that mechanical tenderization (aka needled or needle-tenderized) can expose the “inside” of a piece of meat to “bad bugs.” This exposure to contamination requires further cooking. These products can be served in an undercooked manner, if linked to the Consumer Advisory.

Chapter 4—Equipment, Utensils and Linens

New/Changed Requirement	Explanation
Rinsing equipment and utensils after sanitizing will now be allowed, but only when specific parameters are met.	Many in this industry feel that chemical sanitizers used on plates and glassware affect the taste of food or drink. Further rinsing of utensils AFTER they have been sanitized will be allowed IF applied by a ware washing machine that has been equipped to do so.

Chapter 5—Water, Plumbing and Waste

New/Changed Requirement	Explanation
Toilets and urinals may no longer be grandfathered in and used as a “mop sink” in a restaurant if any food preparation takes place. The cleaning of mops and disposal of mop water must be done in a separate service sink or curbed facility equipped with a drain.	“Bad bugs,” such as Norovirus, are easily splashed and spread through floor cleaning tools or mop water.

Chapter 6—Physical Facilities

New/Changed Requirement	Explanation
Non-heated, air-knife, high velocity hand dryers are now an acceptable way to dry hands.	Research shows these devices are as effective in drying hands as paper towel, and eliminate paper waste.
Insects, rodents and other pests shall be controlled to ELIMINATE their presence on premise. This is a change from ‘minimizing’ the presence of pests on premise.	Operators need to actively inspect all items that enter the restaurant and prevent pests from hitching a ride. Operators must still work with a licensed pest control operator if poisons or chemicals are needed to eliminate pests.

Chapter 7—Poisonous or Toxic Materials

New/Changed Requirement	Explanation
Ozone has been approved as a way to wash fruits and vegetables and extend shelf life.	Ozonated water has been found to be an effective way to extend shelf life/freshness of fruits and vegetables. Ozonated water has NOT been approved as a sanitizer for food contact surfaces or equipment.

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Frequently Asked Questions

Q: Where can I get a copy of the entire Food Code and how do I learn more about its impact on my restaurant?

A: You may download the complete Food Code and helpful fact sheets that the state produced from the Members Only section of WRA's website at www.wirestaurant.org.

Q: How many food safety managers does my business need?

A: The state of Wisconsin requires every licensed foodservice establishment to have at least one certified manager on staff. The City of Milwaukee requires one present during hours of food prep when more than five food handlers are working. It's good practice for any establishment to have at least one manager per shift.

Q: How do I become a certified manager?

A: To apply for the state-required Wisconsin Certified Food Protection Manager (CFPM) status, you must first pass a state-approved certification exam like ServSafe Manager®. Once you've completed the ServSafe exam, send a copy of your ServSafe certificate, the **State Application for Certified Food Manager** (available on www.wirestaurant.org and www.dhs.wisconsin.gov/forms/f4/f47346.pdf) and the \$10 fee to the state health department.

Q: My Certified Food Protection Manager status is expiring—how do I renew?

A: To renew a CFPM in Wisconsin, first pass an approved certification exam like ServSafe Manager. Then, send a copy of your ServSafe certificate, the application and the \$10 fee to the state health department within six months of the expiration date.

Q: Did the process for renewing a food manager license change?

A: Yes. On January 1, 2015, the process for Wisconsin Certified Food Protection Manager renewal became exactly the same as the process for initial certification. Each CFPM needs to pass an approved exam every five years, instead of a three-hour refresher course. However, establishments that have five or fewer food handlers across the entire staff (including front- and back-of-house) may qualify for renewal without exam under Wisconsin Licensure of Food Safety Training for Small Operators if they meet the qualifications. More information on these qualifications is noted below.

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