

# Summary of Changes to the *Colorado Retail Food Establishment Rules and Regulations*

*This summary provides a synopsis of the textual changes from the 2007 Colorado Retail Food Establishment Rules and Regulations to the 2013 edition. 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 numbers listed refer to the section as it appears in the 2013 edition.*

## **Chapter 1 Purpose and Definitions**

**This section was revised for clarity and consistency with the FDA Model Food Code.**

- 1-201 – Added language to clarify that this regulation is intended to be the standard for the department and its authorized agents and employees, to be applied uniformly by all parties.
- 1-201(1) – Added definition of “Accredited Program”
- 1-201(3) – Added definition of “Allergens”
- 1-201(6) – Added definition of “Asymptomatic”
- 1-201(7) – Added definition of “Aw”
- 1-201(8) – Added definition of “Balut”
- 1-201(10) – Added definition of “Catering Operation”
- 1-201(11) – Added definition of “Certified Food Protection Manager”
- 1-201(12) – Added definition of “CFR”
- 1-201(14) – Amended definition of “Commercial Design” to specify that it is certified or classified by an American National Standards Institute (ANSI) accredited certification program
- 1-201(15) – Added definition of “Comingle”
- 1-201(17) – Amended definition of “Commissary” to include language that specifies it needs to be approved by the Department and serve as a base of operation for temporary, pushcart, or mobile food operations.
- I-201(18) – Added definition of “Conditional Employee”
- 1-201(19) – Amended definition of “Contamination” to include language that is consistent with USDA’s definition
- 1-201(20) – Added definition of “Confirmed Disease Outbreak”

- 1-201(21) – Amended definition of “Corrosion-Resistant Materials” to be more clear and concise
- 1-201(24) – Added definition of “Critical Limit”
- 1-201(25) – Added definition of “Cross-Connection”
- 1-201(26) – Added definition of “Cross Contamination”
- 1-201(27) – Added definition of “Cut Leafy Greens”
- 1-201(29) – Added definition of “Drinking Water” to be more in line with terms used by Water Quality Control Division
- 1-201(32) – Added definition of “Egg”
- 1-201(33) – Added definition of “Egg Product”
- 1-201(34) – Revised definition of “employee” to be consistent with the Model Food Code
- 1-201(35) – Added definition of “Enterohemorrhagic Escherichia Coli”
- 1-201(36) – Added definition of “EPA”
- 1-201(38) – Added definition of “Exclude”
- 1-201(40) – Amended definition of “Fish” to include finfish
- 1-201(43) – Added definition of “Foodborne Illness Risk Factor”
- 1-201(44) – Added definition of “Food Employee”
- 1-201(45) – Added definition of “Food Preparation”
- 1-201(47) – Added definition of “Game Animal”
- 1-201(50) – Added definition of “Handwashing Sink”
- 1-201(52) – Added definition of “Health Practitioner”
- 1-201(57) – Added definition of “Injected”
- 1-201(58) – Added definition of “Inspection”
- 1-201(59) – Added definition of “Juice”
- 1-201(62) – Amended definition of “License” to include the term licensee
- 1-201(63) – Amended definition of “Licensee” to clarify a licensee is responsible for the lawful operation of a retail food establishment
- 1-201(65) – Added definition of “Major Food Allergen”
- 1-201(67) – Added definition of “Mechanically Tenderized”

- I-201(69) – Amended “Mobile Retail Food Establishment” to include that it is a wheeled vehicle or trailer that is readily moveable and intended to physically report to and operate out of a commissary each day.
- 1-201(71) – Added definition of “New Retail Food Establishment”
- 1-201(73) – Added definition of “Non-Continuous Cooking”
- 1-201(74) – Added definition of “Non-Critical Item”
- 1-201(82) – Amended definition of “Potentially Hazardous Food” to clarify the term time and temperature controlled for safety, and added several matrixes to explain time and temperature controlled for safety in accordance with the Model Food Code.
- 1-201(85) – Revised definition of “primal meat cuts” in accordance with the Model Food Code
- I-201(88) – Added definition of “Ratite”
- 1-201(91) – Added definition of “Reduced Oxygen Packaging” in accordance with the Model Food Code.
- 1-201(92) – Added definition of “Refuse”
- 1-201(93) – Added definition of “Re-service”
- 1-201(94) – Added definition of “Restrict”
- 1-201(96) – Added definition of “Risk”
- 1-201(100) – Added definition of “Sealed”
- 1-201(101) – Added definition of “Self-Contained Mobile Retail Food Establishment”
- 1-201(102) – Added definition of “Service Animal” in accordance with ADA.
- 1-201(103) – Added definition of “Sewage”
- 1-201(105) – Added definition of “Shiga Toxin-Producing Escherichia Coli”
- 1-201(108) – Added definition of “Single-Use Articles”
- 1-201(109) – Added definition of “Slacking”
- 1-201(112) – Added definition of “Temperature Measuring Device”
- 1-201(113) – Added definition of “Temporary Event”
- 1-201(115) – Added definition of “USDA”
- 1-201(117) – Added definition of “Variance”
- 1-201(120) – Added definition of “Whole-Muscle, Intact Beef”

## Chapter 2 Management and Personnel

- 2-102 – Amended section describing how a person in charge can demonstrate knowledge by adding a information on HACCP plans; the relationship between potentially hazardous foods and maintaining time and temperature controlled for safety; sick employee policy; and major food allergens in accordance with the Model Food Code.
- 2-103 – Amended section to clarify employee and conditional employees obligation to report illness and infection to the person in charge; and added language to clarify a consumer warning on consuming raw or partially cooked ready to eat foods in accordance with the Model Food Code.
- 2-201 – This section was amended to be consistent with the Model Food Code and the Colorado Disease Control Manual, it requires persons in charge, food and/or conditional employees to report specific symptom and illnesses.
- 2-202 – This section was amended to be consistent with the Model Food Code and the Colorado Disease Control Manual; it requires food employees be excluded or restricted from specific activities when exhibiting specific symptoms and/or illness.
- 2-203 – This section was amended to be consistent with the Model Food Code and the Colorado Disease Control Manual, it provides guidelines for removing, adjusting, or retaining the exclusion or restriction of a food employee.
- 2-401 – Added language to clarify that food employees shall keep their hands and exposed portions of their arms clean.
- 2-402 – Added language to address the requirement for food employees with surrogate prosthetic hands or arms to clean such devices in accordance with the Model Food Code.
- 2-403 – Amended section describing to clarify when an employee shall wash hands. Added language “after returning to food preparation, food storage, equipment storage and warewashing areas from using the restroom.”
- 2-406 – Language was stricken which excluded employees such as counter staff who only serve beverages and wrapped or packaged foods, or hosts and wait staff who present a minimal risk of contaminating exposed foods and equipment from fingernail care and the ability to wear artificial nails and nail polish. Food employee is now defined to mean "an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces" therefore the stricken language was redundant. This change is consistent with the Model Food Code.
- 2-408 – Amended section to clarify food employees shall only wear a single plain band, such as a wedding band, while preparing food in accordance with the Model Food Code.

### Chapter 3 Food

- 3-101 – Added language “food shall not contain unsafe or unapproved food or color additives per 21 CFR 170-186” to be consistent with the Model Food Code.
- 3-201 – Added language to section requiring molluscan shellfish be obtained from approved sources as listed on the National Shellfish Sanitation Program Guide in accordance with the Model Food Code.
- 3-201(B) – Added language on the condition molluscan shellfish shall be received in accordance with the Model Food Code.
- 3-202(C) – Added language excluding molluscan shellfish that has been caught recreationally from being sold in retail food establishments in accordance with the Model Food Code.
- 3-202(E) – Added section regarding how molluscan shellfish shall be received and labeled in accordance with the Model Food Code.
- 3-103 – Amended this section to be more in line with the Model Food Code verbiage
- 3-202 – Added this section to clarify package integrity in accordance with the Model Food Code.
- 3-302 – Amended to include reference to “A Guide to Can Defects and Basic Components of Double Seam Containers”, November 2011, published by the Association of Food and Drug Officials.
- 3-305(C)(1-5) – Added this section to be consistent with the Colorado Raw Milk Rule.
- 3-306(A)(1-6) – Added section to clarify stipulations to selling wild harvested mushrooms and the qualifications for a mushroom expert in accordance with the Model Food Code.
- 3-307 – Expanded this section on meat, poultry, game animals and exotic species to be consistent with the Model Food Code.
- 3-308 – Expanded this section to address condition of egg cartons, labeling of eggs and pooling of eggs.
- 3-309 – Changed “potable” to “drinking” to be consistent with Water Quality Control Division's rules and regulations. Removed previous language on “dispensing” of ice and moved it to 3-409(B).
- 3-312 – Added section on requirements of whole-muscle intact beef intended for consumption in accordance with the Model Food Code.
- 3-401 – Amended to clarify that a confirmed foodborne illness serves as grounds for the suspension or revocation of a bare hand contact policy.

- 3-402 – Added section on requirements of gloves use and clarified slash-resistant glove use in accordance with the Model Food Code.
- 3-403 – Added section to clarify tasting utensil use in accordance with the Model Food Code.
- 3-406 – Added section to clarify segregation of packaged and un-packaged food storage in accordance with the Model Food Code.
- 3-407 – Amended section to include language on pasteurized eggs that is consistent with the Model Food Code.
- 3-408 – Amended section on washing fruits and vegetables to be consistent with the Model Food Code.
- 3-409(B) – Moved section from 3-309 to clarify acceptable storage of ice dispensing utensils.
- 3-412(C) – Added section to clarify that personal beverage cups can be refilled by employees in accordance with the Model Food Code.
- 3-417(B) – Added section noting that self-service buffets temperatures shall be monitored by trained staff in accordance with the Model Food Code.
- 3-501(D) – Added section indicating that food that is labeled frozen and shipped frozen shall be received frozen in accordance with the Model Food Code.
- 3-501(E) – Added section clarifying that food shall be received free of evidence of previous temperature abuse in accordance with the Model Food Code.
- 3-502(B) – Added language to include corned beef, lamb and cured roasts in cooking temperatures in accordance with the Model Food Code.
- 3-502(B)(1) – Added chart from the Model Food Code on the proper cooking temperature based on the type of oven that is used and the size of the roast.
- 3-502(B)(2) – Added chart from the Model Food Code on the time/temperature requirements for whole muscle intact beef.
- 3-502(C) – Added section to include language that undercooked whole-muscle intact beef cannot be sold to a highly susceptible population and the surface temperature is at least 145°F in accordance with the Model Food Code.
- 3-502(E) – Added section stating that eggs that are not prepared to consumer order shall be cooked to 155F in accordance with the Model Food Code.
- 3-502(H) – Amended section to include mechanically tenderized or injected beef in accordance with the Model Food Code.
- 3-502(K) – Added section to require a consumer advisory on all animal products that are consumed raw, undercooked or partially cooked in accordance with the Model Food Code.

- 3-503(A) – Added section to address non-continuous cooking of raw animal foods in accordance with the Model Food Code.
- 3-505 – Added section to clarify re-heating temperatures for cooked and refrigerated foods.
- 3-601 – Amended section on thawing to be consistent with the Model Food Code.
- 3-602 – Added section to clarify temperature requirements of “slacked” food
- 3-605 – Amended section on time as a public health control to make verbiage more consistent with the Model Food Code.
- 3-606 – Added section on specialized processing methods to be consistent with the Model Food Code.
- 3-607 – Amended and expanded section on reduced oxygen packaging to be more consistent with the Model Food Code.
- 3-508 & 608 – Added section on date marking and disposition of ready-to-eat food that do not meet the date marking requirements, then moved it to section 3-702 to apply only to facilities serving only highly susceptible populations.
- 3-608 – Added requirements for breeding mixtures used with raw animal products.
- 3-702(A) – Amended section to require date marking in facilities that serve highly susceptible populations. The requirements are consistent with the Model Food Code, though they only apply in these settings.
- 3-702(B) – Added the requirement that reduced oxygen packaging HACCP plans be pre-approved for facilities serving highly susceptible populations.
- 3-702(D) – Added section to address the disposition of food that was not consumed by patients in accordance with the Model Food Code.
- 3-801 – Added section requiring a consumer advisory warning consumers of the risk of consuming raw and undercooked animal products to be consistent with the Model Food Code.

#### **Chapter 4 Warewashing, Equipment, Utensils and Linens**

- 4-102(A) – Added language to clarify that facilities that only sell pre-packaged food are not required to meet the minimum requirements of these regulations.
- 4-202(D) – Amended language regarding enamelware to read “shall not be used for storage or preparation of acidic foods (e.g. vinegar, tomato based sauces, juices, etc.)”.
- 4-202(F) – Amended section on use of linen as a food contact surface for clarity.
- 4-202(H) – Specified that pewter containing in excess of 0.05% lead cannot be used as a food contact surface, in accordance with the Model Food Code.

- 4-202(L) – Section regarding newspaper, cloth, cardboard, etc. was stricken and incorporated into section (M)
- 4-203(E) – Added section to clarify acceptable material as liners for shelves, drawers or drainboards.
- 4-211 – Added section regarding molluscan shellfish tanks to be consistent with Model Food Code.
- 4-212(B-C) – Revised section regarding ventilation hood systems to be consistent with Model Food Code.
- 4-301(A)(8-9) – Added sections to clarify that items used in a retail food establishment cannot be stored in a private home or under open stairwells to be more consistent with the Model Food Code.
- 4-401 – Revised section on temperature measuring devices for clarity and to be more consistent with the Model Food Code.
- 4-402(A-B) – Section regarding chemical testing devices was revised and now includes a requirement for testing devices to measure the strength of chemicals used to wash fruits and vegetables.
- 4-402(C) – Added requirement for temperature testing devices for high temperature dish machines to be consistent with the Model Food Code.
- 4-403 – Added clarification that utensil washing sinks be installed in new or remodeled establishments for utensil washing to be consistent with the Model Food Code.
- 4-403(E)(6) – Section regarding drain boards has been revised and moved to section 4-405 for clarity.
- 4-403(G) – Clarified section regarding ware washing in a three compartment sink.
- 4-403(I)(7-8) – Added language clarifying the use of alternate chemical sanitizes.
- 4-404 – Removed section that is now covered in section 4-102(A).
- 4-404(K) – Added section to clarify that utensils shall not be rinsed prior air drying.
- 4-405 – Added section to clarify drainboard requirements.
- 4-407(D) – Added section to clarify cleaning of in-use pans and equipment shall be done at least every 24 hours.
- 4-407(D) – Added section to clarify that buffet style pans shall be cleaned at least every 24 hours in accordance with the Model Food Code.
- 4-603 – Clarified section regarding preset tableware.

## **Chapter 5 Water, Plumbing and Waste**

- 5-101(A)(1)(a-e) – Added sections to be consistent with Drinking Water Regulations.
- 5-105 – Added section to specify the requirements for an alternative water supply in cases of emergency.
- 5-201 – Clarified the role of the department and local public works with regards to plumbing violations.
- 5-202 – Reworded section to be consistent with the Drinking Water Regulations.
- 5-205(A-B) – Added section to clarify acceptable locations to install a food waste grinder.
- 5-208(C) – Replaced “lavatory facility faucet” with “handwashing sink water temperatures” and increased the temperature requirement from 90°F to 100°F in accordance with the Model Food Code.
- 5-208(D) – Revised section to allow shared handwashing supplies for adjacent hands inks in accordance with the Model Food Code.
- 5-208(E) – Revised section to state that common towels cannot be used to dry hands.
- 5-208(F) – Added section to clarify that unused handtowels shall be protected from contamination.
- 5-208(G) – Added section to requiring a waste receptacle for disposal towels in accordance with the Model Food Code.
- 5-208(H) – Added section requiring that handwashing supply dispensers be kept clean and in good repair.
- 5-208(I) – Added section to address commonly seen automatic handwashing facilities in accordance with the Model Food Code.
- 5-208(J) – Added section to clarify the installation requirements for handwashing sinks in new or extensively remodeled establishments.
- 5-209(G) – Added section to clarify toilet rooms shall be enclosed and provided with a self-closing door, unless located outside of the establishment.
- 5-209(I) – Added section to clarify requirement for the installation and emptying of female sanitary trash can receptacles.
- 5-210(D) – Added section requiring dump sinks in new and remodeled establishments.
- 5-301(C) – Clarified section to include drain plugs in waste handling units.

## **Chapter 6 Physical Facilities**

- 6-202(C) – Added language clarifying acceptable surfaces in areas limited beverage service and the heating of pre-prepared foods.
- 6-401(D) – Moved and expanded section clarifying how often mop water shall be changed to prevent recontamination of cleaned surfaces.
- 6-402 – Added language stating that wet mops shall be allowed to air dry without risk of re-contamination in accordance with the Model Food Code.
- 6-503 – Added section regarding dressing rooms and lockers to maintain consistency with the Model Food Code.

## **Chapter 7 Poisonous or Toxic Materials**

No significant changes

## **Chapter 8 Insect, Rodent and Animal Control**

- 8-102 – Clarified section on the control of pests to be consistent with the Model Food Code.
- 8-106 – Added section to address service and other animals in retail food establishments. Language is consistent with the Model Food Code and the ADA.

## **Chapter 9 Mobile Retail Food Establishments and Pushcarts**

**This section was revised based on the recommendations of a stakeholder working group comprised mostly of Local Public Health Agency Representatives.**

- 9-101(B) – Added section to require all mobile unit equipment be installed and/or mounted and to require all foods be prepared, assembled and served from within the mobile unit.
- 9-101 (C) – Added section to limit food preparation and storage on pushcarts.
- 9-102 – Added language to exempt mobile retail food establishments and pushcarts with limited food preparation from water or sewage system requirements.
- 9-104 (C) – Added section to provide additional clarification on water system requirements for mobile retail food establishments.
- 9-104 (D) – Added section to provide additional information on water tank supply capacity for pushcarts.

- 9-104 (E) – Added section to provide additional information on water pressure requirements for mobile retail food establishments and pushcarts.
- 9-104 (F) – Added section to provide additional information on hot water requirements for mobile retail food establishments and pushcarts. Water temperature for handwashing has been increased from 90F to 100F to be consistent with section 5-208(C) as well as the Model Food Code.
- 9-104(I) – Clarified requirement for using food grade hoses for transferring drinking water.
- 9-104 (J) – Added reference to 25-1.5-2, C.R.S., *COLORADO PRIMARY DRINKING WATER REGULATIONS* with regard to water system disinfection and flushing if the unit is not used daily.
- 9-104(K) – Section was removed because it is redundant with the term "drinking water".
- 9-105 (A) – Added language to clarify the requirement for a water retention tank for mobile retail food establishments and pushcarts.
- 9-106 (F) – Changed the requirement of providing 90°F water to handsinks on mobile retail food establishments and pushcarts to 100°F to be consistent with sections 5-208(C), 9-104 (F) and the Model Food Code.
- 9-107 (A) – Added language to the section to have requirements in place for a written commissary agreement.
- 9-107(B) – Section was revised for clarity.
- 9-107 (D) – Provided clarification to the section to include what parameters must be met for a self-contained mobile retail food establishment to not have to report to a commissary.
- 9-107 (E) – Added language which prohibits a mobile retail food establishment from acting as a commissary for another retail food establishment.
- 9-108 (B) – Added section to require screening for openable windows and doors, except for service windows, in mobile retail food establishments and pushcarts.
- 9-108 (C) – Added section to require employee restroom availability for mobile retail food establishments and pushcarts.
- 9-108 (D) – Added section to provide clarification on temperature holding equipment for mobile retail food establishments and pushcarts.
- 9-108 (E) – Added section to require an adequate number of clean utensils during operating hours of a mobile retail food establishment and/or a pushcart.
- 9-108 (F) – Added section to require protection from contamination at customer self service areas.

## **Chapter 10 Temporary Retail Food Establishments**

**This section was revised based on the recommendations of a stakeholder working group comprised mostly of Local Public Health Agency Representatives.**

- 10-101 – Added language to require completion and submission of a temporary event vendor application. Ambiguous language was stricken which allowed the Department to impose additional requirements to protect against health hazards. Added language requiring mobile retail food establishments and pushcarts to operate in accordance with Chapter 9 of these Rules and Regulations.
- 10-102 – Clarified section to include requirements for food preparation at the temporary event site location and at the temporary retail food establishments. ort to a co Clarified section to include equipment installation and use at temporary events.
- 10-103 – Added section to include commissary requirements for a temporary retail food establishment.
- 10-104 – Added section to include the minimum equipment required at an event site for a temporary retail food establishment.
- 10-105 – Altered language regarding ice to be consistent with the Model Food Code.
- 10-106 – Added language requiring temporary food establishments to provide only single-service articles for use by the consumer.
- 10-108 – Added language to clarify that the storage of food or beverage in undrained ice is prohibited.
- 10-109 – Added language to clarify that waste water shall not be discharged onto the ground or into a storm drainage system.
- 10-110 – Added language to provide more detail on the requirements of handwashing on site at a temporary event. Language was stricken which required floors, walls and ceilings be made of approved materials.
- 10-111 – Added section to require screening or other provisions to prevent the entrance of pests and debris. Language was stricken which required floors, walls and ceilings be made of approved materials.
- 10-112 – Added section to clarify requirements for the temporary event grounds.
- 10-113 – Added language to require overhead protection at a temporary food establishment.

## **Chapter 11 Compliance Procedures**

- 11-102 (D) – Added language to clarify when existing retail food establishments must obtain a new retail food establishment license.
- 11-102(A) – Restrictive language was removed to allow risk-based inspection frequencies.
- 11-201 (B) – Added language clarifying the inspection frequency for low risk category establishments.
- 11-203 – Added language to clarify the requirement to clearly document observed violations or conditions and removed requirement for next day delivery of the inspection form to allow time for electronic delivery in remote locations.
- 11-204(A) – Clarified what constitutes an imminent health hazard and added "severe and active pest infestation". Imminent health hazards require immediate closure.
- 11-204(B) – Amended section to allow 30 days following the receipt of an inspection to request an administrative hearing to appeal the inspection findings.
- 11-205 – Revised the retail food establishment inspection form to match the revisions to these Rules and Regulations.
- 11-403 – Added section to clarify the required contents of a HACCP plan in accordance with the Model Food Code.
- 11-601 (E) – Added language to require documentation associated with variances be made available on site.

## **Appendices**

- Appendix A – This section was revised to provide guidance and clarification on the new definition of potentially hazardous food.
- Appendix C – This section was stricken. The plan review application will be available online rather than being included as an appendix in these Rules and Regulations.
- Appendix D – This section was stricken. The worksheet for calculating minimum hot water requirements will be available online rather than being included as an appendix in these Rules and Regulations.
- Appendix H – This section was revised to be consistent with the Model Food Code.