

Texas Food Establishment Rules (TFER) Rule Changes that Impact Operations of Food Establishments In the City of Dallas

The following are some of the changes from the 1998 TFER in the new 2006 TFER, effective January 24, 2007. Also listed are some of the changes in the Chapter 17 Food Establishment Ordinance, effective January 24, 2007. These items are not all inclusive, for more information, you may refer to: <http://www.tdh.state.tx.us/bfdfs/retail/tfer.html.pdf> for the 2006 Texas Food Establishment Rules. If you have any questions, contact the Food Protection and Education Division: 214-670-8083.

1. **Sick Employees:** Illness due to the *Norovirus* has been added to the list that requires exclusion from a food establishment. Employees that have sudden onset of vomiting and diarrhea must also be excluded from the food establishment. The person in charge shall also contact the health department if an employee is confirmed with an illness requiring exclusion.
2. **Potentially Hazardous Foods:** Excludes shell eggs treated to destroy *Salmonellae*. Refers to time/temperature control for safety (TCS).
3. **Hand Washing:** The list of tasks when hands must be washed now includes "before donning gloves."
4. **Cooking Temp:** The cooking temperature for whole muscle pork (chops, loin, etc.) is now 145°F.
5. **Bare Hand Contact with Ready-to-Eat Foods (RTE's):** Food Establishment employees may not contact ready to eat foods (RTE's) with their bare hands (there must be a sanitary barrier between the employees hands and ready to eat foods (RTE's). The use of tissue paper, gloves, spoons, tongs, spatulas, forks, etc. are examples of barriers that can be used. Please Note: The TFER defines a Ready to Eat food as: a food that is in a form that is edible without additional preparation to achieve food safety (cooking/heat treatment); a raw or partially cooked animal food and the consumer is advised of potential problems from consuming these items (i.e. sushi, steak tartare, etc); raw fruits and vegetables that are washed properly (i.e. lemon/lime wedges); spices. Please Note: These requirements do not apply to foods that will receive further preparation before being served to a customer such as pizza, raw burger patties, frozen food items that will be cooked, etc..
6. **Hot Holding Temperature:** Hot holding temperature was lowered to 135°F.
7. **Consumer Advisory:** It is now required to post and identify raw or undercooked food items, and a reminder concerning health risks to customers.
8. **Water Temperature:** Minimum hot water temperature at hand sinks is now 100°F.
9. **Mobile Food Units:** The Food Protection and Education Division has set requirements for the permitting and operations of Mobile Food Units within the City of Dallas that are definitive in the Chapter 17 Food Establishment Ordinance.
10. **Date Marking:** Specifies that the use-by/consume-by/discard date (no more than 7) be labeled on all ready-to-eat TCS/potentially hazardous foods held over 24 hours. Day 1 is the day the item is opened or prepared.
11. **Thermometers:** Small-diameter probes are required to measure temperatures of thin foods (i.e.: hamburger patties).

12. **Certified Food Manager:** All food establishment locations shall employ at least one Certified Food Manager. This certificate must be posted in a conspicuous place. Failure to maintain at least one CFM at an establishment during operating hours is grounds for enforcement action. New food establishments must have a Certified Food Manager before the opening food establishment permit may be issued. State recognized Certified Food Manager tests include: State of Texas, NRA ServSafe, and Experior Assessments. Computer based testing approved includes Learn2Serve.com, The National Registry of Food Safety Professionals, and the Texas Restaurant Association Educational Foundation (FoodGuard).

13. Certified Food Handler Requirements are established in the Chapter 17 Food Establishment Ordinance. Please Note: All food establishment employees may be required to attend training due to the food establishments failure to comply with Ordinance Requirements.

List of Chapter 17 Food Establishment Ordinance, changes effective January 24, 2007:

- Local amendments
 - Define "food establishment" to include establishments that sell frozen desserts, i.e. ice cream, frozen custard, soft serve dairy products, gelatos, and other frozen desserts.
 - Permit exemption to benefit non-profits
 - The amendment exempts non-profit organizations from permitting requirements if weekly gross income does not exceed \$100.
- Provides variance to allow dogs on outdoor patios of permitted food establishments
 - Outside, separate entrance for direct access to patio
 - Require conspicuous entry signage "Dog Friendly Restaurant – Dog Access Only Through Outdoor Patio"
 - Requires air curtains to separate patio from interior area
 - Dogs prohibited inside, on playground areas, and on patio chairs, tables, counters
 - No food preparation will be allowed in the patio areas, including drinks or ice
 - Require regular cleaning of the patio every 30 minutes with separate cleaning equipment from that used inside
 - On-duty food establishment employees may not handle dogs
 - Dogs must be kept on leash, remain in control of customer and required to have rabies vaccination tags
 - \$100 non-refundable, non-transferable, bi-annual fee
- Clarify defenses relating to homeless feeding
 - At least one person who has attended a city-sponsored food safety training class to be present at all times food is being served to the homeless
 - Requires that food is transported under sanitary conditions and served within four hours after preparation to the service site
 - Containers for handwashing must be provided at sites where non-prepackaged food is served to the homeless
 - All trash and wastewater generated at the feeding site must be properly disposed
 - Require annual training on safe food handling

- Food Handler Certifications are required for food handlers at food establishments that meet the following criteria:
 - Any food establishment scoring 70 or below, out of a possible 100 points, on an inspection.
 - Any food establishment scoring from 71 to 79, out of a possible 100 points, on a re-inspection in which a critical violation is found.
 - Any food establishment in which the same critical violations are found twice within any 12 month period during inspections.
 - Any food establishment that has had a confirmed foodborne illness.

For more information contact:

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