



# FoodBytes

Indiana State Department of Health

## Farmers' markets gain popularity

Farmers' markets are becoming increasingly popular and it seems as though every town has at least one. But what does this mean for local health department inspectors?

The answer is simple. If vendors at a farmers' market meet the definition of a "Retail Food Establishment" as defined in Sec. 70 of the food code, then they should be treated as you would any other temporary vendor. In other words, they are permitted and inspected if

they are performing any food handling.

Uncut fruit and vegetables would be exempt. But the cutting of fruit or vegetables for "samples," or the selling eggs or baked goods would make a farmers' market vendor subject to the food code.

Virtually all farmers' markets have a person in charge of planning these events. Inspectors should contact the organizer to explain what the legal requirements are. (If



The popularity of farmers markets can mean new concerns for inspectors.

you don't know who this is, contact the owner of the site where the farmers' market operates to find out.) Potential problems can be avoided by communicating prior to these events.

(See the related story on p. 3.)

## Field epi's ready to help locals

With the addition of nine field epidemiologists, local health departments now have another ally in dealing with disease outbreaks.

If a foodborne illness

is suspected, the Field Epi is the first person to call. Since that position is regional, response can be much faster.

If you don't know

who your field epi person is, contact Pam Pontones at ISDH, 317 233 7009.

Complaints will still be directed to Heather Vaughan.

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## How should you handle a boil water advisory?

Bob, the food inspector, was getting ready to leave his office on Monday afternoon when his phone rang. It was Jim from the city's water utility.

"We've had a water main break and we've decided to issue a boil water advisory. Just thought you'd like to know." Jim went on to describe the area of town that was involved.

Bob immediately realized that a number of food establishments would be affected. Luckily, the health department had a plan for dealing with just such emergencies.

Bob called up his list of active retail food establishments via his new FIRMS database and produced a list of all establishments affected. He then called each one to inform them of the advisory. When he could, he left messages at those places that had closed for the day. Any others would be contacted the next morning.

Bob's administrator also called the local radio station to ask them to provide public announcements. Food establishment operators were

also asked to listen to the local radio station for updates.

A "boil water advisory" is an indication that the water may not be safe to drink, or not potable. It must be viewed as having no water at all.

Because safe water is required for operation, food establishments must call on a backup plan to provide potable water, drastically curtail their food operation, or shut down. Sec. 429 of the food code addresses ceasing operation if there is "an extended interruption of electrical or water service."

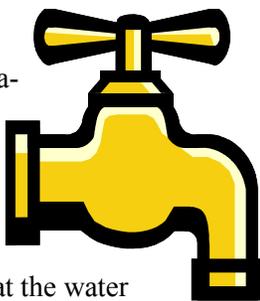
Sec. 300 does allow for an alternative water supply, but this requires planning ahead so

potable water is available.

What does lack of potable water mean for a retail food establishment? It can affect every part of the operation. Dish machines could be operated if the sanitizing water temperature or chemical concentration are correct and only coliforms are suspected. But if fecal contamination is reported, don't use the dish machine.

Handwashing and food prep are compromised. An advisory would be less severe for the business than a complete interruption of water service as the business may be able to boil water for handwashing and prep needs. But if there is no water, it almost always means closing until safe water is restored.

Luckily for Bob and his establishments, the problem was fixed the next day, and testing showed the water to be safe. But it also served as a wakeup call for some food establishments that had no plan for such an emergency.



## Encourage food handlers to read labels

A variety of chemicals are commonly used in retail food establishments, ranging from cleaning products and degreasers, to sanitizers.

As a matter of routine, inspectors should do two things during inspections: one, read the labels on chemical products found in the es-

tablishment to determine proper usage, and, two, ask an employee who uses that product to explain how he uses it.

For example, if instructions for a chemical says it



**Reading the instructions for chemical products should ensure correct usage.**

should be rinsed after use, make sure the employee understands the procedure.

If proper instructions are not available, have the manager contact the manufacturer before use.

## USDA reorganization should improve assistance

The Indianapolis office of the United States Department of Agriculture (USDA) recently reorganized so as to make more efficient use of its staff.

Members of the office staff are divided into two main categories, Program Compliance Officers, and Enforcement Investigation and Analysis Officers. Tommy Olsen and Charles Lovelace are in the first group while Alan Johnson, Greg Gillum, and Liz Borders are in the second, covering North,

Central, and South Indiana respectively.

“Meat products being offered for sale that have crossed state lines but don’t have a USDA inspection mark can be referred to the Program Compliance Officers,” says Alan Johnson.

Johnson says the same would hold true if any retail raw meat products did not have the required “safe handling instructions.” His office would investigate the plant where the meat product was made.

The Enforcement Investigation and Analysis Officers can be available to assist local health departments with answers and provide training in any area related to meat processing and sales.

Although USDA works mainly with the ISDH in Indiana, local health department inspectors can contact Heather Vaughan at ISDH, who can refer to USDA’s Indianapolis office.

“Don’t underestimate any individual’s importance in food safety,” says Johnson.

## Selling eggs at farmers’ markets: Is it acceptable?

Farmers and other egg producers who own their own flocks and sell on their own premises are exempted under IC 16-42-11-8 from the Indiana State Egg Board chapter of Indiana Code.

Farmers and other egg producers who wish to sell eggs off their own premises must submit an application and receive a permit from the Indiana State Egg Board prior to retailing eggs (IC 16-42-11-9). The cost of the permit is \$20 to \$25 per year depending upon the expected retail sales volume of the eggs.

Eggs being delivered to a retail outlet must be transported and delivered at or below 45° F. (370 IAC 1-2-2) and displayed in the retail outlet at 41° F. (410 IAC 7-20).

Eggs being offered for retail sale in consumer packages must be labeled with at least one of the following means of identification un-

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Egg producers who wish to sell eggs off premises must have a permit from the Indiana State Egg Board.

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der 370 IAC 1-3-3:

1. Name and address of packer.
2. Indiana state egg license number.
3. United States Department of Agriculture plant number.
4. Egg license number from another state, provided the number is on file with the Indiana State Egg Board.

Display cases in which eggs are offered for sale to consumers must be clean and free from any substances or conditions whereby the eggs could become adulterated through absorption of

bacteria or odors which could affect the quality or taste of the eggs. All storage areas where eggs are held must be maintained in a clean and sanitary condition according to 370 IAC 1-10-2.

Inspectors from the Indiana State Egg Board may inspect either at the retail outlet or the source of the egg production to ensure compliance with Indiana Code 16-42-11-12. More information is avail-



able at this web site:

[www.ansc.purdue.edu/ISEB/welcome.htm](http://www.ansc.purdue.edu/ISEB/welcome.htm)

*Travis Goodman*

## PEN Products: Big business, not a household name

The products may have unusual names. The workforce is unique, spread among a dozen manufacturing sites around Indiana. Products range from foods and baked goods, to office furniture. Chemical products are produced, and there is a full range of printing services offered. This sounds like a very large manufacturing company.

But unless you work for one of the State's facilities, like the Indiana Veterans Home, or Madison State Hospital, chances are you've never heard of PEN Products, the industries division of the Indiana Department of Corrections.

The Indiana State Legislature mandated through the State Use Law that "state agencies and political subdivisions purchase from PEN Products the goods produced, manufactured, or listed in the department's catalog provided those goods meet the buyers needs and specifications". The products are available to the general public.

Prisoners make up the PEN Products workforce, which has resulted in some interesting names of

products used in foodservice. Take for example these products made at the Miami Correctional Facility near Peru. "Inside Job" is the pot and pan cleaner. Their bleach-based sanitizer is called "Clean Record." Have need for a stain remover? Then you'll want "Pre Meditated."

PEN Products is best known for the manufacture of license plates and highway signs.



### Did you know?

The label on a packaged meat product will tell you the exact location of the plant where it was manufactured. This is determined by a unique plant number usually placed inside the circle containing the inspection mark. (It could be elsewhere on the container.)

Preceding the number will be some letters. "Est." indicates it comes from a red meat plant, such as beef or pork. "P" stands for poultry. An identifier beginning with "Egg" means an egg product.

This information is vital in the event of a recall or complaint.

## Honey: A 'beelievable' business

Story Is there a honey processor in your county? If there is, it should be inspected. But what do you look for?

The answer is most of the same things you'd look for in any other retail food establishment beginning with proper construction to exclude pests. Is the water source safe? Is

there a properly equipped hand-washing facility?

Equipment should be of food-grade quality and kept in proper repair. Is the equipment clean-in-place? If not, sinks must be provided. Home kitchens can't be used.

Remember that finished prod-



ucts need the mandatory labeling.

Contact ISDH for more information.

## 410 IAC 7-20 to be revised, updated by next year

After countless hours of staff discussions, listening to the suggestions from local health departments, and receiving advice from the ISDH Office of Legal Affairs, the food code will undergo a timely revision within the next year.

The most notable changes involve combining sections that have a common purpose, eliminating some redundant sections, and changing the layout to follow more logically the permitting and inspection processes. The sections on reg-

istration and enforcement will come at the beginning.

Technical changes include reducing the hot-holding temperature to 135° F. from the present 140° F. as recommended by the Conference for Food Protection.

New definitions have been added that help explain ready-to-eat foods and reduced oxygen packaging. The section entitled, "Preventing Contamination from Hands" has been expanded to require the use of suitable utensils.



**The revised "Retail Food Establishment Sanitation Requirements" will be identified as 410 IAC 7-24.**

The most sweeping change will be the new section numbers. A conversion chart will be included to make it easy to find the new section number.

## Closing a food establishment: a necessary last resort

When should a retail food establishment be told to close? This may be one of the toughest questions with which local health departments must deal.

Although ordering a food establishment to close should never be taken lightly, it can be a necessary step in achieving compliance through due process. One of the important things to remember is that retail food establishment operators have certain rights and due process must be followed.

Sec. 429 of the food code spells out examples of an "imminent health hazard" that are grounds for immediate closure. The Health Officer has the authority (and obligation) under IC 16-20 to abate any situation that, in his/her view, may spread a communicable disease.

But all other situations require certain procedures to be followed.

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The Hearing Officer should be someone other than the Health Officer or Administrator.

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Some questions should be asked. Are the violations observed repeated and ongoing? Has the operator made an effort to comply?

Using the Model Ordinance (provided to local health departments through the Indiana Environmental Health Association) as a guide, there are several steps that may be taken toward compliance before closing. (It is understood that closing procedures are applied to critical violations.) The establishment may be placed on "probation" for a period of time following the first documented repeat of each violation.

Upon the third documentation of the same violation, an Order to Comply may be issued, or a hearing held by the health department.

A fourth documented repeat of the same violation could mean an immediate hearing. The Hearing Officer could then order a civil penalty, training for employees, the correction of the violation, or suspend the permit. To avoid a hearing, the health department and operator may sign an Agreed Order in which conditions for compliance are specified and agreed to.

The ability to level fines and assess penalties should be kept with the Board of Health or Hearing Officer and not the inspector, as a protection for the operator.

Under due process, the operator has the right to appeal any decision to the local health board. Or if the operator finds that unsatisfactory, he/she may file a civil court action.

A guidance document that expands this subject will be coming soon to local health departments.



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### **We're on the web!**

[www.in.gov/isdh/  
regsvcs/foodprot](http://www.in.gov/isdh/regsvcs/foodprot)

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## **Bits, Bytes, and Blurbs**

Send your questions to the e-mail or postal address above.

- ◆ After almost 20 years with the Food Protection Program, Lee Bray has changed jobs. He recently accepted a position as Foodborne Epidemiologist working with Pam Pontones. Lee will still be working with local health departments offering training, and assisting during suspected foodborne illness outbreaks.
- ◆ Last issue you were told to "Call Heather" if there was a suspected foodborne illness in your jurisdiction. That has now changed slightly, thanks to the addition of Field Epidemiologists. Now, your first contact should be your Field Epi person. Should you not yet know who that person is,

contact Pam Pontones, at ISDH. But for complaints, still call Heather.

- ◆ Even though the labels don't say, hot dogs are considered to be cooked product, so the "safe handling instructions" need not appear on the package. Re-heating is still recommended as a precaution.
- ◆ When the hot holding requirement drops to 135° F. it will become more important for

*inspectors to check hot-holding temperatures at several places in any given food to be sure no spot is out of temperature control.*

### **Calendar**

NSF Plan Review Course,  
Indianapolis  
September 7, 8, 2004

IEHA Fall Conference,  
South Bend  
September 27, 28, 29, 2004