

## Texas Department of State Health Services Instructions for Marking the Food Establishment Inspection Report

For each item on the inspection report form in the Priority, Priority Foundation, and Core section, the inspector should indicate one of the following for **COMPLIANCE STATUS: "IN"** which means that the item is in compliance; **"OUT"** which means that the item is not in compliance; **"N.O."** which means that the item was not observed during the inspection; or **"N.A."** which means that the item is not applicable for the facility. If N.A. or N.O. is not listed as an option for a particular item, this means that this item must be evaluated during the inspection and a compliance status must be determined. **If the item is marked "OUT", document details of each violation for the item number in the "Observations and Corrective Actions" section on the second page of the inspection report.** Compliance status should be determined as a result of observations that establish a pattern of noncompliance. Consideration should be given to the seriousness of the observation with regard to prevention of foodborne illness.

Priority Foundation and Core items are to control basic operational and sanitation conditions within a facility, and if not controlled, they could be contributing factors to foodborne illness by introducing hazards (biological, chemical and physical), into the end product, either directly or indirectly. For example, equipment in disrepair, such as a cutting board with deep grooves/cuts, makes effective cleaning difficult or impossible, and thereby could introduce a bacterial hazard onto food that comes into contact with the board. In addition, in assessing Priority Foundation and Core items, it is important to make an overall assessment of the conditions by looking for trends versus an isolated incident; and the potential public health impact. For example, a few missing floor tiles in a dry area may not rise to the level of a "violation"; however, missing floor tiles in an area where equipment is subject to in-place manual cleaning without the use of an enclosed clean in place.

For items marked **"OUT,"** further indicate the status of the violation by marking an **"✓"** in the corresponding box for Corrected On-Site (**COS**) during the inspection and/or Repeat violation (**R**). Marking **COS** indicates that all violations cited under that particular item number have been corrected and verified before completing the inspection. The actual corrective action taken for each violation should be documented in the "Observations and Corrective Actions" section of the inspection report. For example, Item #31 *Handwashing sink* is marked out of compliance because the establishment does not have soap and paper towels at the handwashing sink. The person in charge partially corrects the problem by putting soap at the sink, but does not replace the paper towels or provide any other effective means for drying hands. The corrective action taken for the soap is documented in the narrative on the

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form, but **COS** is **not** marked for Item # 31 because all violations under that item were not corrected. Marking **R** indicates that the same violation under a particular item number was cited on the last inspection report. Using the same scenario, on the subsequent inspection if the provision of soap and paper towels is not in violation, but employees are not washing hands in the correct sink (which is also cited under Item # 31 *Hand washing sink*), **R** would **not** be marked because this is a new violation which was not cited on the previous inspection report.

### TEMPERATURE OBSERVATIONS

Item/location Record the common name of the food as well as the condition, process, and location of the food at the time of monitoring e.g. hot holding, refrigerator, prep-table. Temperatures in compliance and out of compliance should be documented. If there is insufficient space for the number of temperatures taken, record the additional temperatures in the "Observations and Corrective Actions" section of the inspection report. Food Temperature Record the temperature indicated on the inspector's thermometer. Specify the measurement in °F or °C. (*Note: Food temperature measuring devices that are scaled only in Fahrenheit should be accurate to ±2°F in the intended range of use. Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit should be accurate to ± 1°C in the intended range of use.*)

### SIGNATURE BLOCK

Person in Charge (PIC) is the individual present at a food establishment who is responsible for the operation at the time of the inspection. Inspector The Inspector is the individual conducting the inspection. Date: The date the inspection is completed. Follow-up: The determination of whether to conduct a re-inspection or other enforcement action. Follow-up Date The date the follow-up inspection will be conducted.

## 1. Proper cooling time and temperatures

**NOTE:** The requirement for cooling cooked Time/Temperature Control for Safety (TCS) food, is that the food must be cooled from 135°F to 41°F or less in 6 hrs. provided that the food is cooled from 135°F to 70°F within the first 2 hours. For example, if a facility cools chili from 135°F to 70°F in 1.5 hours; they then have 4.5 hours to get it from 70°F to 41°F or less. There are two critical limits that must be met with cooling. Discussions with the person in charge along with observations should be used to determine compliance. For instance, during discussion the person in charge says that a food product was cooled overnight in the walk-in cooler. The product is checked and the temperature is 50°F. Eight hours have elapsed from closing to opening. This item should be marked OUT because the product did not cool from 135°F to 70°F within two hours and from 135°F to 41°F or less within a total of 6 hours. Temperatures IN compliance and OUT of compliance should be recorded in the "Temperature Observations" section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the "Observations and Corrective Actions" section of the inspection report. Because the entire cooling process is difficult to observe during an inspection, at the onset of the inspection a determination of whether foods are currently being cooled should be made. If cooling is taking place, temperatures should be taken to make a determination of whether proper cooling is possible with procedures being used.

**IN/OUT** This item should be marked IN or OUT of compliance based on actual temperatures of TCS foods in the cooling process. The basis for determining IN or OUT of compliance can also be supported through discussion and/or record review which would provide the inspector reliable data of the "start time" for cooling from 135°F. See above NOTE for an example of using actual temperature and discussion with the PIC in determining OUT of compliance without actually being at the establishment during the entire cooling of TCS process, from start to finish.

**N.A.** This item may be marked N.A. when the establishment does **not** receive raw eggs, shellstock, or milk, prepares **no** TCS food from

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ambient temperature ingredients that require cooling, and does **not** cool cooked TCS food.

**N.O.** This item may be marked N.O. when the establishment does cool TCS food, but proper cooling per the prescribed temperature and time parameters cannot be determined during the length of the inspection.

### 2. Proper cold holding temperatures

**NOTE:** Temperatures IN compliance and OUT of compliance should be recorded in the "Temperature Observations" section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the "Observations and Corrective Action" section of the inspection report.

**IN/OUT** This item should be marked IN or OUT of compliance based on actual food temperature measurements using a calibrated food temperature measuring device. Discussions should be made with the PIC to determine if a food is in the process of cooling, TPHC is used, or there is an approved method to render a food so that it is not TCS food. This item should be marked IN compliance when the regulatory authority determines that, of the temperature measurements taken during the inspection, no cold holding temperatures are greater than prescribed by the Code. This item should be marked OUT of compliance if one TCS food is found out of temperature, with supportive evidence, unless TPHC is used for that TCS food.

**N.A.** This item may be marked N.A. when the establishment does **not** cold hold food.

**N.O** This item may be marked N.O. when the establishment does cold hold food, but no foods are being held cold during the time of inspection. Inspections should be conducted during a time when hot holding temperatures can be taken.

### 3. Proper hot holding temperatures

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**NOTE:** Temperatures IN compliance and OUT of compliance should be recorded in the "Temperature Observations" section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the "Observations and Corrective Action" section of the inspection report.

**IN/OUT** This item should be marked IN or OUT of compliance based on actual food temperature measurements using a calibrated food temperature measuring device. This item should be marked IN compliance when the regulatory authority determines that, of the TCS food temperature measurements taken during the inspection, no hot holding temperatures are less than prescribed by the Code. This item is marked OUT of compliance if one TCS food is found out of temperature, unless Time as a Public Health Control (TPHC) is used for that TCS food.

**N.A** This item may be marked N.A. when the establishment does not hot hold food.

**N.O.** This item may be marked N.O. when the establishment does hot hold foods, but no foods are being held hot during the time of inspection. Inspections should be conducted during a time when hot holding temperatures can be taken.

### 4. Proper cooking time and temperatures

**NOTE:** *The cooking temperatures of foods must be measured to determine compliance or noncompliance. Do not rely upon discussions with managers or cooks to make a determination of compliance or noncompliance. The temperature of raw animal foods in each species cooked during the inspection should be taken. For instance, if the facility fries chicken, scrambles eggs, bakes fish, grills hamburgers, and slow-roasts prime rib during the inspection – the cook temperatures of all of the products should be measured and recorded. Temperatures, both IN compliance and OUT of compliance, should be recorded in the "Temperature Observations" section of the inspection report. If there is insufficient space for the number of temperatures taken,*



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*additional temperatures should be documented in the "Observations and Corrective Actions" section on the second page of the inspection report. The time of inspections should be varied so that cooking can be observed.*

**IN/OUT** This item should be marked IN or OUT of compliance. This item should be marked OUT of compliance if the items checked do not meet the temperature requirements for cooking and the employee doing the cooking attempts to serve the product without returning the product to the cooking process. If a food is cooked below the required temperature but the facility has an approved Consumer Advisory or an approved variance with HACCP plan for that food item, mark the item IN compliance, record the temperature and document the reason it is IN compliance. Foods cooked with a non-continuous cooking process are marked OUT of compliance if the food item does not meet the time/temperature requirements for cooking and if written procedures describing how the foods are prepared and stored after initial heating but prior to cooking for sale or service are not available for review.

**N.A.** This item may be marked N.A. when no raw animal foods are cooked in the establishment.

**N.O.** This item may be marked N.O. when you are unable to determine the cooking temperature of any food. The inspection should be arranged at an optimum time for measuring at least one cooked item.

### **Internal Cooking Temperature Specifications for Raw Animal Foods**

#### **145°F for 15 seconds**

- Raw eggs cooked for immediate service
- Fish, except as listed below
- Meat, except as listed in the next 2 rows
- Commercially raised game animals, rabbits

#### **155°F for 15 seconds:**

- Ratites (Ostrich, Rhea and Emu)
- Injected meats
- Mechanically tenderized meats
- Raw eggs not for immediate service



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- Comminuted meat, fish, or commercially raised game animals

### **165°F for 15 seconds:**

- Wild game animals
- Poultry
- Stuffed fish, meat, pork, pasta, ratites & poultry
- Stuffing containing fish, meat, ratites & poultry

\* **Whole Meat Roasts:** Refer to cooking charts

\* **135°F** Plant base (fruits and vegetables) food for hot holding

## 5. Proper reheating procedures for hot holding

**NOTE:** The reheating temperatures of foods must be taken to determine compliance or noncompliance. Do not rely solely upon discussions with managers or cooks to determine compliance or noncompliance. Temperatures IN and OUT of compliance should be recorded in the "Temperature Observations" section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the "Observations and Corrective Actions" section of the inspection report.

**IN/OUT** This item should be marked IN or OUT of compliance based on actual temperature measurements of foods upon completion of the reheating process and prior to being placed in hot holding using a calibrated food temperature measuring device. This item should be marked OUT of compliance if the items checked are not reheated to the required temperatures or within 2 hours prior to hot holding.

**N.A.** This item may be marked N.A. when foods are not held over for a second service and/or re-heating for hot holding is not performed in the establishment.

**N.O.** This item may be marked N.O. such as when foods are held over for a second service, but no foods are reheated during the time of inspection.

## 6. Time as a Public Health Control: procedures and records

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**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations, record review, a discussion with the PIC, and the review of any standard operating procedures to determine if the intent of the Code for use of TPHC is met. This provision only applies if it is the actual intention or conscious decision by the PIC to store TCS food out of temperature control using TPHC; otherwise, it may be a cold or hot holding issue. This item should be marked IN compliance if there is a written procedure at the food establishment that identifies the types of food products that will be held using time only, describes the procedure for how TPHC will be implemented, and if applicable delineates how food items, previously cooked and cooled before time is used, are properly cooled; and food items (marked or identified) do not exceed the 4-hour limit at any temperature or 6-hour limit at 70°F or less. This item should be marked OUT of compliance when the PIC implies the use of TPHC but does not have an effective mechanism for indicating the point in time when the food is removed from temperature control to the 4 or 6-hour discard time, or a written procedure or an effective mechanism for using TPHC is not present at the facility.

**N.A.** This item may be marked N.A. when the establishment does not use time only as the public health control.

**N.O.** This item may be marked N.O. when the establishment uses time only as the public health control, but is not using this practice at the time of inspection.

### 7. Food obtained from approved source

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations of food products, food labels and packaging, water analyses, and discussion with the PIC or other food employees. This item should be marked IN compliance when the regulatory authority is able to determine approved food sources. A review of supplier names, shipment invoices, buyer specification plans, molluscan shellfish tags, proof of regulatory permit/licensure of a food source, etc. can be used to document approved food sources. Wild harvested mushrooms if sold or

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served have been approved by the regulatory authority. Milk and milk products must comply with Grade A Standards. This item should be marked OUT of compliance when an approved food source cannot be determined and if the regulatory authority did not approve the sale or service of wild harvested mushrooms and it is observed in the food establishment for sale and service.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 8. Food received at proper temperature

**IN/OUT** This item should be marked IN or OUT of compliance based on actual food temperature measurements of TCS foods being received. This item should be marked IN compliance when food is received and found at proper temperatures during the inspection (i.e. catered meal for child care center arrives during the inspection and the regulatory authority verifies receiving temperature). This item should be marked OUT of compliance if food is received and accepted, but an actual food temperature measurement of a TCS food by the regulatory authority at the time of delivery exceeds the temperature specifications for receiving as prescribed by the Texas Food Establishment Rules (TFER).

**N.A.** This item may be marked N.A. for retail operations when the establishment receives only foods that are not TCS food and that are not frozen.

**N.O.** This item may be marked N.O. if food is not received during the inspection.

### 9. Protection from Contamination Food separated and protected

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations of food storage and food handling practices. This item should be marked OUT of compliance when ready-to-eat foods are subject to potential contamination by raw animal foods;



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raw animal foods are observed not separated by type based on minimum cook temperatures by spacing or placing in separate containers; unpackaged comminuted or otherwise non intact meats are stored above unpackaged whole muscle intact cuts of meat; food is not packaged or covered during storage (unless in the process of cooling); or food is in contact with soiled equipment and utensils; or single-use gloves used for more than one task.

**N.A.** This item may be marked N.A. when there are no raw animal foods used in the facility and only prepackaged foods are sold.

**N.O.** This item is marked N.O. when raw animal foods are used or served seasonally and you are unable to determine compliance.

### 10. Food-contact surfaces: cleaned and sanitized

**IN/OUT** This item must be marked IN or OUT of compliance based on direct observations of food contact surfaces of equipment and utensils; actual measurements/readings of chemical sanitizer concentration, hot water sanitizing temperature, pH, hardness, water pressure, etc. using test strips, heat-sensitive tapes, and equipment gauges; observations of cleaning and sanitizing procedures; and discussion of cleaning and sanitizing procedures and frequency with the PIC or other food employees. This item must be marked IN compliance when manual and/or mechanical methods of cleaning and sanitizing are effective, and performed at the prescribed frequency. There should be an overall assessment of the food-contact surfaces of equipment and utensils in clean storage and in use to determine compliance. For example, this item is not marked OUT of compliance based on one visibly soiled utensil, such as a plate or knife. This item must be marked OUT of compliance when manual and/or mechanical methods of cleaning and sanitizing food-contact surfaces of equipment and utensils are ineffective, or if one multiuse piece of equipment such as a slicer or can opener is visibly soiled and being used at the time of the inspection. This item is also marked OUT if it is observed that equipment or utensils that have come into contact with a major food allergen such as fish was not cleaned and sanitized prior to use for other types of raw animal foods.



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**N.A.** This item may be marked N.A. only when there is no requirement to clean equipment and utensils such as when only prepackaged foods are sold.

**N.O. Do Not Mark** this item N.O

### **11. Proper disposition of returned, previously served, reconditioned, and unsafe food**

**IN/OUT** This item must be marked IN or OUT of compliance. This item is marked OUT of compliance if food is found unsafe, adulterated, not honestly presented, from an unapproved source, or if ready-to-eat food is contaminated by employees and is not discarded or reconditioned according to an approved procedure, or if previously served unwrapped, unprotected food is observed being re-served.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### **12. Management and food employee knowledge, and conditional employee; responsibilities and reporting.**

**IN/OUT** This item must be marked IN or OUT of compliance. This item is marked IN compliance when the following criteria are met:

- 1.** The PIC is aware of his or her responsibility to inform food employees and conditional employees of their responsibility to report certain symptoms or diagnosed diseases to the person in charge and for the PIC to report to the regulatory authority; **and**
- 2.** The PIC provides documentation or otherwise satisfactorily demonstrates during the inspection that all food employees and conditional employees are informed of their responsibility to report to management information about their health and activities as it relates to diseases that are transmissible through food. Satisfactory compliance may be documented by completion of the Conditional Employees or Food Employees Reporting

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Agreement for each employee or other similar State or local form containing the same information; **or**

3. In lieu of Conditional Employees or Food Employees Reporting Agreement, compliance may be demonstrated by:
  - a) Presenting evidence such as a curriculum and attendance rosters documenting that each employee has completed a training program which includes all the information required on Agreement regarding their reporting responsibilities; **or**
  - b) Implementation of an employee health policy which includes a system of employee notification using a combination of training, signs, pocket cards, or other means to convey all of the required information on Form 1-B to all food employees and conditional employees. A signed acknowledgement by the employee should be part of any employee health policy.

The regulatory authority is encouraged to establish a policy of selecting one employee at random during each inspection and requesting the PIC verify, by one of the previously listed methods, that the selected employee has been **informed** of his or her responsibility to report symptoms, exposures, and diagnosed illnesses to management. The PIC is not expected to quote symptoms and diseases from memory, but should be able to locate that information on Form 1-B or similar documents used to demonstrate compliance.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 12a, Clean-up of Vomiting and Diarrheal Events

**IN/OUT** This item should be marked IN or OUT of compliance. This item is marked IN compliance when it is demonstrated that the food establishment has procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. Refer to the Cleanup of Vomiting and Diarrheal

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Events Guidance Document for suggested recommendations as to what the food establishment can include within their plan (this is not an exhaustive list). This item is marked OUT of compliance if the establishment does not demonstrate the ability to provide procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 13. Proper use of restriction and exclusion/No discharge from eyes, nose, and mouth

**IN/OUT** This item must be marked IN or OUT of compliance. Compliance must be based on first hand observations or information and cannot be based solely on responses from the PIC to questions regarding hypothetical situations or knowledge of the Food Code. This item is marked IN when the following criteria are observed at the time of the inspection:

- There are no ill employees.
- There are no employees experiencing symptoms with or without a diagnosis that require reporting, or reason for the PIC to exclude or restrict an employee
- A food employee who works in a food establishment serving a HSP or non-HSP, is restricted due to diagnoses with an infection from nontyphoidal *Salmonella* and is asymptomatic. This item should be marked OUT of compliance when:
  - The inspector observes a working employee with specific reportable symptoms; or
  - The inspector becomes aware that an employee has reported information about his or her health and activities as it relates to diseases that are transmissible through food and the PIC has not acted to restrict/exclude an employee as required by the TFER; or
  - The inspector becomes aware that the PIC has not notified the Regulatory Authority that an employee is jaundiced or



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diagnosed with an illness due to a pathogen as specified in the TFER

- There are food employees working in the food establishment that have been diagnosed with an illness; Additionally, in food establishments exclusively serving a highly susceptible population, there are to be no food employees with an active sore throat with a fever working in the food establishment.

There are no food employees are observed having persistent sneezing, coughing, or a runny nose that causes discharge from the eyes, nose or mouth. This item should be marked OUT of compliance when a food employee has persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose or mouth, subjecting food and food-contact surfaces to potential contamination.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 14. Hands clean and properly washed/ Gloves used properly

**IN/OUT** This item should be marked IN or OUT of compliance. This item is marked IN compliance only when employees are observed using proper handwashing techniques at appropriate times and places. Hands are not required to be washed between each change of gloves, if it is observed that there was no change in the task being performed and no activities which could potentially result in cross contamination. The observation of food preparation activities and glove-use by food employees is necessary. There should be a discussion with the PIC on how gloves are used, if applicable, in food preparation activities. Gloves may serve as a source of cross-contamination if misused.

**N.A. Do Not Mark** this item N.A.

**N.O.** This item may be marked N.O. for retail operations only in the **RARE** case when there are no food workers present at the time of inspection. (If there are no food workers present, but the PIC accompanies the inspector on the inspection and touches food,

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clean equipment, or utensils without washing his/her hands, this item is marked OUT).

### **15. No bare hand contact with RTE foods or a pre-approved alternate properly followed**

**IN/OUT** This item should be marked IN or OUT of compliance. This item is marked IN compliance only when food employees are observed using suitable utensils or gloves to prevent bare hand (or arm) contact with ready-to-eat foods or if the food employee contacts exposed RTE food with bare hands at the time the RTE food is being added as an ingredient to a food that:

- Contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to minimum temperatures; or
- Does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 63°C (145°F).

This item is also marked IN compliance when food employees are observed properly following a preapproved alternative procedure to no bare hand contact. This item should be marked OUT of compliance if one food employee is observed ready-to-eat food with their bare hands in the absence of a prior approval and written procedures for bare hand contact. Refer to TFER for a listing of conditions that must be met in order to receive prior approval by the Regulatory Authority. Bare hand contact by food employees serving a Highly Susceptible Population is prohibited and no alternative to bare hand contact is allowed. This item is also marked OUT when food employees' contact exposed RTE food with bare hands that is to be added as ingredients to a food that is not properly heat treated.

**N.A.** This item may be marked N.A. for establishments that provide only packaged, or bulk food items that are not ready-to-eat.

**N.O.** This item may be marked N.O. for establishments that prepare ready-to-eat foods only, but no food preparation is performed at the time of inspection.

## 16. Highly Susceptible Population/ Pasteurized foods used; prohibited foods not offered

**NOTE:** Discussions with the PIC and employees regarding whether or not certain foods are served or certain practices occur in the establishment, along with observations should be used to determine compliance.

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations and discussions with the PIC and food employees regarding whether or not certain foods are served or certain practices occur in an establishment serving a highly susceptible population. Violations of bare hand contact by food employees serving a highly susceptible population is marked under Item #16. This item should be marked IN compliance if only treated/pasteurized juices/juice beverages are served; only pasteurized eggs are used in recipes if eggs are undercooked and if eggs are combined, unless there is a cook step or HACCP plan to control *Salmonella* enteritidis; no raw or partially cooked animal foods or raw seed sprouts are served; and no unopened packaged food is re-served following service to patients in medical isolation or quarantine. Certain menu items use eggs as an ingredient in the preparation of RTE foods, such as Caesar salad, Hollandaise sauce, etc. This is verified by discussion with the PIC and food employees regarding the substitution of pasteurized egg products for raw eggs in uncooked foods.

**N.A.** This item may be marked N.A. if a highly susceptible population is not served.

**N.O. Do Not Mark** this item N.O.

## 17. Food additives: approved and properly used

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations of food ingredients in storage and listed as product ingredients supplemented by discussion with the PIC. This item is marked IN compliance if approved food and color additives are on site and used properly or if sulfites are on the premises,



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and they are not applied to fresh fruits/vegetables for raw consumption. Approved food additives are listed and have threshold limits in accordance with the CFRs, and does not apply to food additives that are considered Generally Recognized as Safe (GRAS), such as salt, pepper, etc. This item is marked OUT of compliance if unapproved additives are found on the premises or approved additives are improperly used, such as sulfites being applied to fresh fruits or vegetables. Raw fruits and vegetables are to be washed prior to their preparation or offered as RTE. Chemicals are allowed for washing fruits and vegetables, along with simply washing them in water. Chemicals that are used in the wash water for fruits and vegetables must be listed and approved with threshold limits in accordance with the CFR's. Refer to the label or labeling of the additive for adequate directions and to assure safe use. Discussion with the PIC and food employees will help determine the establishment's practice.

**N.A.** This item may be marked N.A. if the food establishment does **not** use any additives or sulfites on the premises.

**N.O. Do Not Mark** this item N.O.

### **18. Toxic substances properly identified, stored, and used; held for retail sale, properly Stored**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations of food labeling, storage, reconstitution, and application of bulk and working containers of cleaning agents and sanitizers, personal care items, first aid supplies, medicines, pesticides, and potential toxic and poisonous substances. This item should be marked IN compliance when bulk and working containers of cleaning agents and sanitizers are labeled; sanitizing solutions are not exceeding the maximum concentrations; personal care items, first aid supplies, medicines, and chemicals are stored separate from and not above food, equipment, utensils, linens, and single-service and single-use articles; and restricted use pesticides are applied only by or under the supervision of a certified applicator. This item should be marked OUT of

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compliance if a cleaning agent or sanitizer is not properly identified and stored; if a sanitizing solution has a higher concentration than prescribed and medicines and first aid kits are improperly labeled and stored. Violations of solutions exceeding the recommended concentration in chemical washes for fruits and vegetables would be marked under this item.

**N.A.** This item may be marked N.A. if the establishment does not hold poisonous or toxic materials for retail sale.

**N.O. Do Not Mark** this item N.O.

### 19. Water from approved source

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. There are two types of systems: Public Water System or Non-Public Water System. Regardless of its source, it must meet drinking water standards established by EPA and applicable state drinking water quality standards. If a non-public system is used as Drinking water, the water is sampled / tested at least yearly and records retained on file at the food establishment or per state regulations. Consideration must be given to the supply containers, piping, hoses, etc., connected to the APPROVED source when water is made available for mobile and/or temporary food establishment without a permanent supply.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 20. Sewage and waste water properly disposed/ proper backflow devices

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Observations of the facilities overall sewage and wastewater system is necessary to determine if a violation exists. Indications that a system is not functioning properly may include the presence of sewage back-up into the establishment or



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outdoors on the ground. Condensate drip and other non-sewage wastes must be drained to a system in accordance to LAW, and backflow prevention, if required, installed between the sewage system and drain of equipment holding food or utensils. Mobile wastewater holding tanks must also be assessed for capacity and maintenance. The observation of an approved plumbing system, installed and maintained, including the equipment and devices connected to the potable water supply, is necessary to determine whether a violation exists. An assessment of the layout of the establishment and the water distribution system is made to determine if there are any points at which the potable water supply is subject to contamination or is in disrepair.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 21. PIC present, demonstrates knowledge, and performs duties

**IN/OUT** This item must be marked IN or OUT of compliance. The person in charge (PIC) has three assigned responsibilities – Presence; Demonstration of Knowledge; and Duties. This item is marked OUT of compliance if any **one** of the responsibilities is not met. A. Person in charge is present. This item is marked OUT of compliance if there is no PIC B. Demonstration of Knowledge. The PIC has three options for demonstrating knowledge. This item is marked IN compliance if the PIC meets at least **one** of the options. The three options for demonstration of knowledge allowed by the TFER are:

1. Certification by an ACCREDITED PROGRAM.
2. Complying with the TFER by having no violations of priority items during the current inspection; or
3. Correct responses to the inspector's questions regarding public health practices and principles applicable to the operation.

The inspector should assess this item by asking open-ended questions that would evaluate the PIC's knowledge in each of the areas. Questions can be asked during the initial interview, menu review, or throughout the inspection as appropriate. The Inspector

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should ask a sufficient number of questions to enable the inspector to make an informed decision concerning the PIC's knowledge of the Code requirements and public health principles as they apply to the operation. The dialogue should be extensive enough to reveal whether or not that person is enabled by a clear understanding of the Code and its public health principles to follow sound food safety practices and to produce foods that are safe, wholesome, unadulterated, and accurately represented. C. Duties of the PIC. This item must be marked IN or OUT of compliance based on the interaction and observation with the PIC and food employee.

The inspector needs to determine the systems or controls the PIC has put into practice regarding oversight and/or routine monitoring of the Duties. This is accomplished by

1. discussion with the PIC, and
2. verified through observation that the systems or controls are actually being implemented.

This concept is commonly referred to as Active Managerial Control. This item must be marked OUT of compliance when there is a pattern of non-compliance and obvious failure by the PIC to ensure employees are complying with the duties listed in TFER. Since marking this item out of compliance requires judgment, it is important that this item not be marked for an isolated incident, but rather for an overall evaluation of the PIC's ability to ensure compliance with the duties described in TFER.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 21a. Certified Food Protection Manager

**IN/OUT** This item must be marked IN or OUT of compliance. This item is marked IN compliance when it is observed that at least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service is a certified food protection manager. This item is marked OUT when it is observed that there is no employee with

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supervisory and management responsibility with the authority to direct and control food preparation that is deemed a certified food protection manager or the certified food protection manager certificate is deemed not to be from an accredited program.

**N.A.** This item may be marked N.A. if the establishment is deemed by the Regulatory Authority to not apply due to the minimal risk of causing, or contributing to foodborne illness based on the nature of the operation and extent of food operation.

**N.O. Do NOT MARK** this item N.O.

## 22. Food Handler

**IN/OUT** This item must be marked IN or OUT of compliance. This item is marked IN compliance when it is observed that food employee have received food handler training from an accredited program. This item is marked OUT when it is observed that there is no food employee with food handler training or the food handler certificate/card is deemed not to be from an accredited program.

**N.A.** This item may be marked N.A. if the establishment is deemed by the Regulatory Authority to not apply due to the minimal risk of causing, or contributing to foodborne illness based on the nature of the operation and extent of food operation.

**N.O. Do NOT MARK** this item N.O.

## 23. Hot and cold water available; adequate pressure

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observation. Regardless of the supply system, the distribution of water to the facility must be protected and operated according to law. Adequate pressure is to be maintained at all fixtures during peak demand including the capacity to provide hot water at peak hot water demand.

**N.A. Do Not Mark** this item N.A.

**N.O. Do NOT MARK** this item N.O.

#### **24. Required records available: shellstock tags, parasite destruction**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations of fish in storage, shellstock tags, and/or records of freezing of fish for parasite destruction. This item should be marked IN compliance if the permit holder provides a statement from supplier(s) identifying that fish sold as raw, raw-marinated or undercooked is frozen by supplier for parasite destruction; or there are freeze records maintained by the permit holder when fish are frozen for parasite destruction on the premises. This item should be marked OUT of compliance if there are no shellstock tags available, when the shellstock tags are incomplete, when there is evidence of commingling of shellstock, or when no records of freezing of fish for parasite destruction are available. Fish exempt from freezing requirements are found in TFER.

**N.A.** This item may be marked N.A. when shellstock are not used in the establishment and the only fish sold as raw, raw-marinated or undercooked is the tuna species or aquacultured fish listed as exempted from freezing in the TFER.

**N.O.** This item may be marked N.O. when shellstock or raw, raw-marinated and undercooked fish are sold periodically in the establishment, but are not being sold at the time of inspection and prior compliance through tags, invoices, or purchase records cannot be verified.

#### **25. Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP Plan**

**NOTE:** Except for fish a HACCP plan is not required when a TCS food is packaged using a reduced oxygen packaging method and is labeled with production time and date, held at required cold holding temperature, and removed from ROP packaging within 48 hours after packaging at the food establishment.

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**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations of food preparation and storage, a discussion with the PIC to determine if there are specialized food processes [i.e. smoking food, curing food, reduced oxygen packaging, using food additives to render a food so that it is not TCS food, cook chill, sous vide, etc.] and the record review of standard operating procedures and HACCP documentation. This item should be marked IN compliance when observations of food operations and review of available records indicate compliance is being met with regards to specialized food processes and HACCP plans were submitted to the regulatory authority prior to conducting a ROP operation that conforms to procedures within TFER. This item should be marked OUT of compliance if the inspection reveals specialized food processes that are not approved by the regulatory authority are performed or not conducted in accordance with the approved variance or a HACCP plan was not submitted to the regulatory authority prior to engaging in a ROP operation without a variance. When a Food Establishment wants to deviate from a requirement in the code, utilizes Specialized Processing Methods such as Smoking Food for Preservation, curing food etc. a variance must first be obtained from the regulatory authority. A HACCP plan may also be required as part of the variance request.

**N.A.** This item may be marked N.A. if the establishment is not required by the regulatory authority to have a variance or HACCP plan, juice is not packaged or reduced oxygen packaging is not done on the premises.

**N.O. Do Not Mark** this item N.O.

### 26. Consumer advisory provided for raw or undercooked food

**IN/OUT** This item should be marked IN or OUT of compliance based on a thorough review with the PIC of the posted, written and special/daily menus, to determine if untreated shell eggs, meats, fish, or poultry are used as an ingredient or ordered as a raw, raw-marinated, partially cooked, or undercooked food. The advisory also applies to shellstock offered for sale from a retail service case. This item should be marked IN compliance if the establishment

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provides an advisory that meets the intent of the Food Code for both the disclosure and reminder components. This item should be marked OUT of compliance when raw or undercooked foods are served or sold and there is no consumer advisory, the food item is not **disclosed**, or there is no **reminder** statement. The consumer advisory does not exempt the requirement for freezing for parasite control, nor should it be used for foods that have only gone through the initial heating and cooling stages of a non-continuous cooking process.

**N.A.** This item may be marked N.A. when a food establishment does not serve a ready-to-eat food that necessitates an advisory, i.e., an animal food that is raw, undercooked, or not otherwise processed to eliminate pathogens.

**N.O. Do Not Mark** this item N.O.

### **27. Proper cooling methods used; adequate equipment for temperature control**

**IN/OUT** This item should be marked IN or OUT of compliance

A determination must first be made that cooling food is part of the processing step. To assess whether or not the methods used facilitate the cooling criteria, a discussion with the PIC should support actual observations used in cooling foods. There should be enough equipment with sufficient capacity used for the cooling, heating and hot/cold holding of foods requiring temperature control as specified in TFER to meet the demands of the operation. Observations must support the determination of compliance status. Frozen food is solid to the touch.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### **28. Proper date marking and disposition**

**IN/OUT** This item should be marked IN or OUT of compliance. This item would be IN compliance when there is a system in place for date



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marking all foods that are required to be date marked and is verified through observation. If date marking applies to the establishment, the PIC should be asked to describe the methods used to identify product shelf-life or "consume-by" dating. The regulatory authority must be aware of food products that are listed as exempt from date marking. For disposition, mark IN when foods are all within date marked time limits or food is observed being discarded within date marked time limits or OUT of compliance, such as when date marked food exceeds the time limit or date-marking is not done.

**N.A.** This item may be marked N.A. when there is no ready-to-eat, TCS food prepared on premise and held, or commercial containers of ready-to-eat, TCS food opened and held, over 24 hours in the establishment.

**N.O.** This item may be marked N.O. when the establishment does handle foods requiring date marking, but there are no foods requiring date marking in the facility at the time of inspection.

### **29. Thermometers provided and accurate/Test strips provided**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations

Thermometers provide a means for assessing active managerial control of TCS food temperatures. Determine compliance by observing the in-use storage location and verifying the scaling of the temperature measuring devices in the range of use to measure food, water, or ambient air temperatures. Food thermometers must be calibrated at a frequency to ensure accuracy. Food thermometers should be accessible for use by employees and have a probe size appropriate to the food item. The establishment has the appropriate chemical / thermo test strip for the sanitizer solution used by the establishment.

**NA. Do Not Mark this item NA.**

**N.O. Do Not Mark this item N.O.**

### 31. Adequate handwashing sinks, properly supplied and accessible

**IN/OUT** This item must be marked IN or OUT of compliance based on observations in determining that handwashing sinks are properly equipped and conveniently located for employee use in food preparation, food dispensing and warewashing areas as well as in or immediately adjacent to toilet rooms. This item must be marked OUT of compliance when the facility is not stocked with soap, hand drying provisions or equipped with the required signage. In addition, if the handwashing sink is not located to be available to employees who are working in a food preparation area, food dispensing and warewashing areas and is blocked by portable equipment or stacked full of soiled utensils or other items, or the facility is unavailable for regular employee use, this item must be marked OUT of compliance.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 32. Food and non-food-contact surfaces cleanable, properly designed, constructed and used

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Equipment and utensils must be properly designed and constructed, and in good repair. Proper installation and location of equipment in the food establishment are important factors to consider for ease of cleaning in preventing accumulation of debris and attractants for insects and rodents. The components in a vending machine must be properly designed to facilitate cleaning and protect food products (e.g., equipped with automatic shutoff, etc.) from potential contamination. Equipment must be properly used and in proper adjustment, such as calibrated food thermometers.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 33. Warewashing facilities, installed, maintained, used

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Adequate warewashing facilities must be available and used for the cleaning and sanitization of food contact surfaces, including the availability of means to monitor its use and the effectiveness of sanitization. For example, an irreversible registering temperature indicator is provided and readily accessible for measuring the utensil surface temperature for establishment that have a hot water mechanical warewashing operation. Observation of manual and mechanical warewashing methods are made to **assess** the procedure for cleaning and sanitizing equipment and utensils.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

### 34. Insects, rodents and animals not present

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. An assessment is made through observation and discussion with the PIC for measures taken to control the presence of pests in the food establishment, including elimination of entry points and harborage areas, and removal of pests and its evidence. Insect trapping devices must not be located over food preparation areas.

**NA. Do Not Mark** this item NA.

**N.O. Do Not Mark** this item N.O.

### 35. Personal cleanliness/ Proper eating, tasting, drinking, or tobacco use

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations or discussions of the appropriate hygienic practices of food employees. This item should be marked IN compliance when a food employee is observed drinking from a closed beverage container subsequently stored on a non-food-contact surface and separate from exposed food, clean

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equipment, and unwrapped single- service and single-use articles. This item should be marked OUT of compliance when food employees are observed improperly tasting food, eating, drinking, or smoking, or there is supporting evidence of these activities taking place in non-designated areas of the establishment. An open container of liquid in the kitchen preparation area does not necessarily constitute marking this item OUT. Further discussion with a food employee or the PIC may be needed to determine if the liquid, if labeled, is used as an ingredient in food, or may be an employee beverage that is consumed in another designated area. If the liquid is an open beverage that is consumed in a designated area, it must still be stored in a manner to prevent the contamination of food, equipment, utensils, linens and single-service/single-use articles. Observation of facility personnel for clean outer clothing, effective hair restraints, prohibited jewelry and the condition or protection of fingernails must be made.

**N.A. Do Not Mark** this item N.A.

**N.O.** This item may be marked N.O. for retail operations only in the **RARE** case when there are no food workers present at the time of inspection.

### 36. Wiping cloths; properly used and stored

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Wiping cloths are to be used for a designated purpose and properly used. When stored in solution, the solutions should be reasonably clean and maintained at the proper sanitizer concentration. Solutions exceeding the recommended sanitizer concentrations would be marked on the Inspection Form under item # 18, Toxic substances properly identified, stored, and used. Sponges, if present, are not to be used in contact with clean/sanitized food contact surfaces.

**N.A. Do Not Mark** this item N.A.

**N.O.** This item may be marked N.O.

### 37. Environmental Contamination

Public Sanitation and Retail Food Safety Group • PO Box 149347, Mail Code 1987 • Austin, Texas 78714-9347  
(512) 834-6753 • Facsimile: (512) 834-6683 • <http://www.dshs.texas.gov/foodestablishments/>

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. The observation and understanding of the flow of food items from the point of receipt to the point of sale, service or distribution is necessary to determine whether a violation exists. Food is subject to direct and indirect sources of contamination in the establishment. Sources may be related to the working environment, packaging, adequacy of storage facilities, and exposure of food on display to contamination (i.e. salad bars).

**N.A.** This item may be marked N.A. if no environmental contamination exist due to the nature of the establishment.

**N.O.** This item may be marked N.O. if no environmental contamination was not observed during the inspection

### **38. Approved thawing methods used**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Observing and then gaining an understanding of the establishment's thawing method(s) will help in determining whether a violation exists from the approved thawing methods as well as the level of risk imposed. Keep in mind that various food products especially those destined for deep fat frying are often slacked (not thawed) prior to cooking.

**N.A.** This item may be marked N.A. if TCS food are **not** thawed.

**N.O.** This item may be marked N.O. if this food is thawed, but thawing was not observed during the inspection.

### **39. Utensils, equipment and linens; properly stored, dried, handled/ In-use utensils; properly stored**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. An assessment is made of the overall storage practices and handling of clean equipment and utensils, including tableware located in the various areas within an

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establishment, including the basement, wait station and dining room. Equipment must be air dried prior to storage, and linens must be properly cleaned and stored. Based on the type of operation, there are a number of methods available for storage of in-use utensils during pauses in food preparation or dispensing, such as in the food, clean and protected, or under running water to prevent bacterial growth. If stored in a container of water, the water temperature must be at least 135°F. In-use utensils may not be stored in chemical sanitizer or ice between uses. Ice scoops may be stored handles up in an ice bin except for an ice machine.

**NA. Do Not Mark** this item NA.

**N.O. Do Not Mark** this item N.O.

### **40. Single-use/single-service articles; properly stored, used**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. These items are not designed to be cleaned and re-used; therefore, they must be properly stored and protected to prevent from possible contamination. Food establishments without facilities for cleaning and sanitizing kitchenware and tableware shall provide only single-use and single-service articles.

**NA. Do Not Mark** this item NA.

**N.O. Do Not Mark** this item N.O.

### **41. Food properly labeled; original container**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Packaged foods are required to conform to specific labeling laws. Foods packaged within the food establishment must also conform to the appropriate labeling laws, with considerations given to accuracy as well as not being misleading. In addition, all major food allergens, if present, must be accurately declared on the package. Working containers and bulk foods removed from their original packaging require some

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level of assessment as to how recognizable the food is without labeling by its common name. Molluscan shellfish and vended TCS foods must specifically be assessed based on their specific packaging and labeling requirements.

**N.A.** This item may be marked N.A. if all bulk food is in original packaging.

**N.O.** This item may be marked N.O. if bulk food containers were not observed during the inspection.

#### 42. Non-food-contact surfaces clean

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Observations should be made to determine if the frequency of cleaning is adequate to prevent soil accumulations on non-food-contact surfaces.

**NA. Do Not Mark** this item NA.

**N.O.** This item may be marked N.O. if soil/debris accumulations on non-food-contact surfaces were not observed during the inspection.

#### 43. Adequate ventilation and lighting; designated areas used

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Observations should be made to ensure that the ventilation is adequately preventing an accumulation of condensation, grease or other soil from potentially contaminating food and the surrounding environment and that lights are at an adequate light intensity, and personal belongings are properly stored to maintain clean and sanitary facility and protect food and equipment.

**NA. Do Not Mark** this item NA.

**N.O.** This item may be marked N.O. if conditions with ventilation and lighting were not observed during the inspection.

#### **44. Garbage/refuse properly disposed; facilities maintained**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. The assessment of the refuse collection and disposal areas for proper receptacles and maintenance is necessary to determine whether a violation exists. Since refuse areas may attract and harbor insects and pests, as well as create a public health nuisance, particular attention must be paid to the maintenance of the refuse facilities and area.

**NA. Do Not Mark** this item NA.

**N.O.** This item may be marked N.O. if conditions with disposal or maintenance of garbage/refuse were not observed during the inspection.

#### **45. Physical facilities installed, maintained, and clean**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. Observations are made of the overall conditions or practices related to the physical facility (e.g., materials used, good repair, and maintained). It is important to make an overall assessment of the physical facility conditions to determine the level of compliance and the potential public health impact involved if compliance is not met. Storage of maintenance tools, use of laundry facilities, if applicable, disposal of mop water and separate living/sleeping quarters are included in this section.

**NA. Do Not Mark** this item NA.

**N.O.** This item may be marked N.O. if conditions with the physical facility were not observed during the inspection.

#### **46. Toilet facilities: properly constructed, supplied, clean**

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations. A toilet facility should be assessed to determine if: it is not an attractant to insects; the number of

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fixtures are adequate; toilet tissue and a covered trash receptacle (ladies room only) are provided; fixtures are not being kept clean; and the door self-closes to prevent recontamination of hands.

**NA. Do Not Mark** this item NA.

**N.O. Do Not Mark** this item N.O

### 47. Other Violations

**NOTE:** Violations that were not previously categorized under items 1-46 are noted on this item. In addition any local or agency violations that are specific to that local or agency policy or procedures can be marked under this item.

**IN/OUT** This item should be marked IN or OUT of compliance based on direct observations.

**N.A.** This item may be marked N.A. if no other violations pertain to the establishment due to the nature of the establishment.

**N.O.** This item may be marked N.O. if other violations were not observed during the inspection