

Indiana Retail Food Code 410 IAC 7-26 – Top Changes At-a-Glance



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The following list encompasses the most impactful changes to the Indiana Retail Food Establishment Sanitation requirements (410 IAC 7-26). They consist of five categories:

- Definitions
- Employee health and hygiene
- Food
- Equipment and facility requirements
- Compliance and enforcement

Each topic provides a brief overview of the regulation change, how it affects the operator, and how public health is protected. This list is not all-inclusive of code changes.

DEFINITIONS

TCS food

Time temperature control for food safety or TCS – 410 IAC 7-26-125

What has changed: This revision redefines potentially hazardous foods as TCS foods (time/temperature control for food safety).

How this will affect operators: This does not change any requirements for most food items but classifies cut tomatoes and cut leafy greens as TCS foods. It also provides a method of determining if food is non-TCS based on the food's water activity and pH and defines products that need a product assessment. The tables are found under the definitions.

Priority, priority foundation, or CORE

Priority, priority foundation, or CORE – 410 IAC 7-26-25 (CORE); 410 IAC 7-26-92 (Priority); 410 IAC 7-26-93 (priority foundation)

What has changed: This revision replaces the violation designation formerly known as "critical" and "non-critical" with priority (**P**), priority foundation (**Pf**), and CORE (**CORE**).

How this will affect operators: This classifies code provisions based on the impact they have on operational risk control factors.

- **Priority (P) items** directly contribute to foodborne illness or injury such as cooking, reheating, cooling, and handwashing.
- **Priority foundation (Pf) items** facilitate or enable one or more priority items such as personnel training, equipment maintenance, documentation or record keeping, and labeling.
- **CORE (CORE) items** include items that are usually related to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

Highly susceptible population

Highly susceptible population (HSP) – 410 IAC 7-26-59

What has changed: A highly susceptible population is now defined as people who are more likely than others in the general population to experience foodborne diseases because they are:

- Immunocompromised, preschool age children, or older adults; and
- Obtaining food at a facility that provides services such as custodial care, health care, or assisted living such as a child or adult day care center, kidney dialysis center, hospital, nursing home, or senior center.

How this will affect operators: Formerly, 410 IAC 7-24-46 defined adults as 65 years or older and children 9 years or younger in a facility that served juice. Under 7-26, offering certain types of raw/undercooked foods and barehand contact with ready-to-eat foods will be prohibited in some establishments that serve a highly susceptible population.

How this will protect public health: Special food safety precautions are added to protect individuals with an increased risk of foodborne illness and for whom the implications of such illness can be fatal.

Cut leafy greens and leafy greens

Cut leafy greens – 410 IAC 7-26-30	Leafy greens – 410 IAC 7-26-68
Cut leafy greens means fresh leafy greens whose leaves have been cut, shredded, chopped, or torn. (or otherwise further processed)	Iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce, baby leaf lettuce (immature lettuce or leafy greens, escarole; endive, spring mix; spinach; cabbage; kale; arugula, and chard The term “leafy greens” does not include herbs such as cilantro or parsley.

What has changed: Indiana has chosen to provide a distinction between cut leafy greens and leafy greens to accommodate the home-based vendor law where whole uncut greens are exempt from registration.

How this will affect operators: Processed leafy green plant foods fall under the definition of TCS foods. This will now include iceberg, romaine, leaf, butter leaf, escarole, endive, spring mix, spinach, cabbage, kale, arugula, chard, and cut tomatoes that have been cut, chopped, diced, sliced, shredded, torn, or processed further from its original harvest cut. It does not include herbs such as cilantro and parsley.

EMPLOYEE HEALTH AND HYGIENE

Employee health management

Employee health management – 410 IAC 7-26-137–139 (new)

Major pathogens addressed: hepatitis A virus, Shiga toxin-producing *Escherichia coli* (STEC), norovirus, shigella spp., *Salmonella* Typhi, and nontyphoidal *Salmonella*



How this will affect operators: New provisions were added for conditional employees, highly susceptible populations, and restriction/exclusion rules. Operators will need to revise employee illness policies and procedures, and retrain employees as needed. In some instances, employees may be able to continue working in situations that do not involve food handling. Food handlers have a responsibility to make sure they do not contaminate food.

How this will protect public health: Biological hazards include bacteria, viruses, and parasites. Bacteria and viruses are responsible for most foodborne illnesses. This code section helps to ensure employers and food handlers take the necessary steps to help prevent the spread of foodborne illness.

Clean up of vomiting and diarrheal events

Clean up of vomiting and diarrheal events – 410 IAC 7-26-153 (new)

How this will affect operators: Operators must have written procedures for how to clean up vomit and fecal matter that is discharged onto surfaces of the food establishment. This includes having the proper disinfectant equipment on-site. The procedures must address specific actions employees must take to minimize the spread of contamination and exposure of employees, consumers, food, and surfaces to vomitus and fecal matter.

How this will protect public health: Proper response to vomiting and diarrheal events in a timely manner can help reduce the potential spread of harmful bacterial or viral pathogens, particularly norovirus.

FOOD

Thawing of food

Reduced oxygen packaged frozen fish – 410 IAC 7-26-210(b) (updated)

How this will affect operators: This revision establishes a process for thawing frozen, reduced oxygen packaged fish. Frozen fish in reduced oxygen packaging shall be removed from the ROP environment prior to:

- (a) Thawing under refrigeration; or
- (b) Upon completion of the thawing which utilizes the process of submerging the product under cold, running water.

How this will protect public health: This ensures that harmful anaerobic bacteria do not form under favorable conditions during the thawing process.

Non-continuous cooking of raw animal foods

Non-continuous cooking of raw animal foods – 410 IAC 7-26-77 (defined); 410 IAC 7-26-201 (new)

How this will affect operators: This revision establishes a process for noncontinuous cooking of raw animal foods if the establishment has a written procedure and obtains prior regulatory approval (LHD). This will allow operators to halt the cooking process if specific time, cooking, and cooling parameters are met. The initial heating of raw food can be no longer than 60 minutes and cooling must take place immediately after initial heating. Once cooled, the food must be properly cold held at or below 41°F and the food must be cooked to the appropriate internal temperature before final sale or service.



How this will protect public health: This ensures that food does not stay, for extended periods of time, within temperature ranges that favor microbial growth.

Manufacturer cooking instructions

Manufacturer cooking instructions – 410 IAC 7-26-202

How this will affect operators: Commercially packaged foods that bear a manufacturer’s cooking instructions shall be cooked according to those instructions. The product shall be cooked before use in ready-to-eat foods or offered in unpackaged form unless the manufacturer’s instructions specify that the food may be consumed without cooking.

How this will protect public health: Ensures food that has not been treated earlier to destroy pathogens in the food supply chain can still be served safely under certain conditions.

Variance requests for special processes

Variance requests for special processes – 410 IAC 7-26 217 (new); related 410 IAC 7-26-121 (new); 410 IAC 7-26-129 (new)

How this will affect operators: Variance requirements for specialized processing methods (including anything deemed a special process by the regulatory authority) are described. This revision will require variances to be obtained for special processes as determined by the Indiana Department of Health.

How this will protect public health: Special processing methods require approval by the Indiana Department of Health to ensure that food safety hazards are controlled to eliminate risks associated with approved process deviation.

Take home food container re-use

Refilling returnables – 410 IAC 7-26-188 (updated)

How this will affect operators: Empty returnable and consumer-owned take-home containers, including beverage containers, returned to a retail food establishment or vending machines may be refilled with food if the container meets the specifications in 410 IAC 7-26-188.

How this will protect public health: The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment.

Consumer advisory

Consumption of raw or undercooked foods of animal origin – 410 IAC 7-26-223; 410 IAC 7-26-59 (affected 7-24-46)

How this will affect operators: This revision will outline specific requirements for establishments and additional requirements for HSP facilities to inform customers of potential health risks from eating raw or undercooked food offered for sale. Children’s menus may no longer offer undercooked meat or fish.

How this will protect public health: Consumers are empowered to make an informed choice about the food they eat due to being aware of the increased risk of foodborne illness after eating raw or undercooked meat, poultry, seafood, shellfish, or eggs.



Allergen control

Allergen control – 410 IAC 7-26-221 and 410 IAC 7-26-222(b) **(updated)**

How this will affect operators: Foods containing or in contact with milk, egg, fish, and crustacean shellfish (crab, lobster, shrimp, prawns), tree nuts, wheat, peanuts, soybeans, and sesame must be identified by their common name for the public in the retail setting.

How this will protect public health: Allergenic potential exists even after heating, so avoidance is essential. There are currently no thresholds, so avoidance is needed by people with allergies.

EQUIPMENT AND FACILITY REQUIREMENTS

Dish machines – thermometer

Temperature measuring devices ware washing – 410 IAC 7-26-280 **(updated)**

How this will affect operators: When hot water mechanical ware washing is used, an irreversible registering temperature indicator shall be provided and accessible to measure the utensil surface temperature. Options to meet this requirement include reusable min-max registering thermometers or single-use temperature-sensitive stickers.

How this will protect public health: These devices provide a method to verify that food contact surfaces reach a minimum temperature to destroy pathogens that may remain on surfaces after cleaning.

Handwashing signage

Handwashing signage – 410 IAC 7-26-432

How this will affect operators: A poster or sign must be posted.

How this will protect public health: Posted visual reminders can increase good handwashing behaviors and potentially reduce the likelihood of the spread of pathogens to food from food handlers.

Pest control

Controlling pests – 410 IAC 7-26-450 **(updated)**

How this will affect operators: The language is changed to state that food establishments are expected to be free of pests following at least one of the pest control maintenance requirements identified below:

- (1) Routinely inspecting incoming shipments of food and supplies;
- (2) Routinely inspecting the premises for evidence of pests;
- (3) Using methods, if pests are found, such as trapping, devices or other means of pest control as specified in sections 459, 467 and 468 of this rule; or
- (4) Eliminating harborage conditions

How this will protect public health: Pests can carry disease-causing pathogens and are considered sources of contamination. Operators shall take the necessary steps to ensure retail food establishments are free of pests.



Service sinks

Service sinks – 410 IAC 7-26-353

How this will affect operators: At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located. The hot water temperature is 100°F. Toilets and urinals may not be used as a service sink for disposal of mop water and similar waste.

How this will protect public health: Utilizing appropriate facilities will ensure effective and efficient disposal of mop water and liquid waste.

COMPLIANCE AND ENFORCEMENT

Timely correction for priority and priority foundation items

Timely corrections – 410 IAC 7-26-475

How this will affect operators: The owner or operator shall at the time of inspection correct a violation of a priority item or priority foundation item of this document and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit. For non-HACCP related priority (P) and priority foundation (Pf) out of compliance items see corrective actions below:

- (1) 72 hours after the inspection, for the owner or operator to correct violations of a priority item; or
- (2) 15 calendar days after the inspection, for the owner or operator to correct violations of a priority foundation item or HACCP plan deviations.

How this will protect public health: Violation correction dates place emphasis on duties of the regulatory authority and operator to ensure follow-up and compliance.

Timely correction for CORE items

Timely corrections – 410 IAC 7-26-476

How this will affect operators: The owner or operator shall correct core items by a date and time agreed to or specified by the department but no later than 90 calendar days after the inspection.

- (b) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under (a) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

How this will protect public health: Violation correction dates place emphasis on duties of the regulatory authority and operator to ensure follow-up and compliance.

