Summary of Draft Changes to Chapter 246-215 WAC, Food Service
7/7/2020

This summary is designed for stakeholders to identify key changes recommended to chapter WAC 246-215 as part of the rule revision process. It is provided as a resource to assist with review but is not a final list of all changes.

General Notes:

- Editorial changes, such as corrections for capitalization, spelling, grammar, and typographical errors are not highlighted in this summary but are available for review in the draft.
- The term "Potentially Hazardous Food" is replaced with "Time/Temperature Control for Safety Food" throughout the document; each substitution is not highlighted in the summary.
- The FDA Model Food Code year was added to WAC 246-215-01105. Mentions of the code year are deleted in each section title.

Part 1 – Intent, Scope, and Definitions

1. **WAC 246-215-01105:** Adds language regarding adoption of 2017 FDA Food Code with modification. This language was added to identify the version of the Food Code reviewed for the current WAC 246-215. With this change, references to the FDA Food Code version year will be removed from the parenthetical references in the FDA Food Code section titles.
2. **WAC 246-215-01110 Definitions, abbreviations, and acronyms.** This section maintains a glossary numbered for reference, even though numbers are not used within the FDA Food Code.
    - Adds "**Active Managerial Control**" definition to rule to clarify the food safety concept and expectations for person in charge. Definition used within the duty of the certified food protection manager in WAC 246-215-02110 and the duty of the person in charge in WAC 246-215-02115(16).
    - Definition for **Asian Rice-Based Noodles** added to clarify noodles allowed to be transported at ambient temperature in WAC 246-215-03235(4) due to legislative change to RCW 43.20.145.
    - **Bed and Breakfast Operation**. See change made to exempt certain Bed and Breakfast Operations from definition of FOOD ESTABLISHMENT in WAC 246-215-01110(50)(c)(17).
    - Definition for **Certified Food Protection Manager** was added to clarify requirements and role. *Note—the definition uses EMPLOYEE rather than PERSON IN CHARGE from the Model FDA Food Code to allow for a CFPM to be off-premises/not on duty at all times of operation.*
    - **Conditional Employee** definition modified to align with FDA Food Code by replacing EMPLOYEE with FOOD EMPLOYEE.
    - Removes mention of "(previously table-mounted equipment)" in definition of "**Counter-Mounted Equipment**" (2009 Food Code).
    - Modifies "**Donated Food Distributing Organization**" to provide clarification that they are food establishments as defined by WAC 246-215.
    - Modifies "**Egg Product**" to be consistent with FDA Model Food Code
    - Deletes "**Enterohemorrhagic Escherichia coli (EHEC)**" and all references in the chapter as use was outdated (2013 Food Code). Shiga toxin-producing *Escherichia coli* remains.
    - Maintains deletion of "**Core item**" as this term isn't used on the WA inspection report form
    - Maintains deletion of "material" from "**Corrosion-resistant material**" to fit the context of use
    - Maintains deletion of "**Critical item**" as this term isn't used on the WA inspection report form
    - Maintains modification of "**Cut leafy greens**" and no additional modifications are proposed since previous adoption of WAC 246-215.
    - Maintains deletion of "area" from "**Dry storage area**" to fit context of use.

- Definition of "**Fish**" is reordered for clarity: 'mollusks' is moved within the sentence to ensure it is clear that mollusks are considered fish and are not excluded with birds and mammals.
- Modifies "**Food establishment"**
    - Adds missing FDA Food Code language regarding markets, vending locations and conveyances to (a)(i)
    - Maintains addition of fresh herbs to (c)(ii)
    - Clarifies apple cider must be pasteurized in (c)(v) and nonReady-to-eat foods may receive no additional processing in (c)(vi) to be considered not a food establishment
    - Corrects code reference in (c)(ix) referencing (c)(viii) private kitchens used for bake sales
    - Adds (c)(xvi) to remove certain beverage stands, such as lemonade stands, from the definition of a food establishment; language based on draft legislative bill
    - Adds (c)(xvii) to remove owner-occupied bed-and-breakfast operations with 1-2 bedrooms that only serve breakfast and that notify the consumer that they are not regulated from the definition of a food establishment. This language is a modification of language from the FDA Model Food Code.
- Corrects capitalization of permit in "**Food Worker Card**" to clarify a food worker card is not considered authorization to operate a food establishment as PERMIT is defined in this chapter.
- Removes "**Grill Marked**" as this definition was unique to Washington and was removed due to federal updates to the noncontinuous cooking section (see WAC 246-215-03415).
- Aligns language of "**Highly Susceptible Population**" with FDA Model Food Code. Note that draft language still modifies FDA Food Code to remove additional wording usage, but intent remains.
- Adds "**Intact Meat**" definition from Food Code.
- Adds "**Mobile Primary Permit**" and "**Mobile Secondary Permit**" to address plan review reciprocity language in RCW 43.20.149 (see Part 9 for additional information on mobile food unit changes).
- Adds exclusion of "**Packaged**" for facilities such as schools that prepare food and distribute to a closed audience through a vending machine style service and provide ingredient information at the point of order rather than individual packages. Also realigns definition with FDA Food Code to provide clarity of the use of packaging as a wrapper to the consumer. Note: previous WA modification including "securely" to better separate 'packaged' from 'wrapped' is maintained.
- Adds language to "**Permit Holder**" to clarify operators that are not required to hold a permit (such as donated food distributing organizations) are still considered responsible for the operation.
- Removes "**Pooled**" as a definition for mixing 4 or more eggs as the concept required explanation, but the intent of reducing mixing multiple raw eggs remains in the rule. Affected code section (WAC 246-215-3321) modified to clarify number of eggs.
- Removes "**Potentially Hazardous Food**". This phrase replaced with "Time/Temperature Control for Safety Food (TCS)" throughout the entire rule. (TCS was introduced in 2005 FDA Food Code and PHF was phased out in successive versions of the Food Code.)
- There is no change to the definition of "**Potluck**". Note: Food Safety Advisory Council reviewed public comment replacing "Potluck" with alternative term; opted to maintain "Potluck" term.
- "**Private Event**" modified to not allow advertisement to the general public.
- Modified "**Reduced Oxygen Packaging**" to align with FDA Food Code by removing "surrounding" in regards to atmosphere and replacing "hermetically sealed" with "vacuum-packaged".
- Adds language to "**Re-service**" to explicitly exclude food on a monitored self-service operation from being considered served.
- Modifies "**Restricted Use Pesticide**" to replace 'certified operator' for 'certified applicator' to align with FDA Food Code.
- Modifies "**Service Animal**" to reflect changes to the statewide definition of service animal in RCW 49.60.218 effective January 2019. The definition includes reference to miniature horses as listed in RCW 49.60.214 and provides examples of work tasks expected for a service animal.

- Modifies "**Shiga toxin-producing E. coli**" to include examples and describe symptoms of illness.
- Adds "**Time/Temperature Control for Safety Foods (TCS)**". First used the FDA Food Code in 2005, this term replaces "Potentially Hazardous Foods". The change will align with national usage, but will require considerable updates to print and education materials. No other changes were made to the definition in the 2013 version of WAC 246-215. (Note: Washington includes all herbs in oil as a potential TCS food—FDA Food Code explicitly includes garlic-in-oil mixtures.)
- Adds language to "**Vending Machine**" to include additional forms of payment.

Part 2 - Management and Personnel

1. **WAC 246-215-02107 Certified Food Protection Manager.** Adds Certified Food Protection Manager (CFPM) requirement for at least one EMPLOYEE per establishment to have a valid certification from an accredited program. (2013 FDA Food Code requires one per establishment and 2017 FDA Food Code requires one per shift; Washington looks to adopt the 2013 version with a one-year delayed implementation to July 1, 2022 with a focus on Active Managerial Control). Food establishments have 60 days to replace a Certified Food Protection Manager. Section maintains FDA Food Code exemption for low-risk food establishments.
2. **WAC 246-215-02110 Duties—Food Protection Manager Certification.** Details the responsibilities of the Certified Food Protection Manager (CFPM). The CFPM is require to ensure a training and food protection program so that each person in charge is able to maintain Active Managerial Control and fulfill duties and knowledge expectations.
3. **WAC 246-215-02115 Duties—Person in Charge.**
   a) Adds verification of temperature and safe storage of foods delivered during non-operating hours. This provision from the 2017 FDA Food Code is designed to ensure protocols are in place to make sure key drop and other deliveries of food are properly protected when employees are not present.
   b) Adds oversight of routine food temperature monitoring during hot and cold holding. While proper holding temperatures are currently required, this provision explicitly adds oversight to the person in charge.
   c) Adds language requiring notification of employees of responsibility to report foodborne illnesses and symptoms to the person in charge in a *verifiable* manner, such as posted signage, signed statements, etc.
   d) Adds requirement to have written procedures and plans (such as clean-up plans for vomit and diarrhea) that are maintained and implemented to ensure active managerial control.
4. **WAC 246-215-02200 Employee health—Reporting policy.** Food employees and conditional employees are required to report to the person in charge information about their health and activities that relate to diseases transmissible through food. This section is modified to explicitly indicate that diagnoses and exposure to illnesses must be reported (in addition to symptoms of illness).
5. **WAC 246-215-02205 Employee health—Reportable history of illness.** Adds norovirus and all species of *Salmonella* to the other four diagnosed infections that require reporting to the person in charge: hepatitis A, Shiga toxin-producing *E. coli* and *Shigella*. Food employees that work in a facility serving a Highly Susceptible Population also need to report potential exposure to foodborne illness to the person in charge.
6. **WAC 246-215-02210 Employee health—Prohibit a conditional employee from becoming a food employee.** In addition to conditional employees that report potential foodborne illness, the person in charge must also ensure a conditional employee that *exhibits* symptoms of foodborne illness not become a food employee until symptoms have resolved.
7. **WAC 246-215-02220 Employee health—Conditions of exclusion.** Aligns with FDA Food Code by adding norovirus and all species of Salmonella to the list of diagnosed infections that exclude employees from working as a food employee until they are cleared to return.

8. **WAC 246-215-02235 Employee health—Other conditions.** Allows medical documentation to be presented to the person in charge or the regulatory authority if a food employee has other conditions that allow working without special restrictions. Includes additional examples of potential conditions for clarity.
9. **WAC 246-215-02245 Employee health—Removal of exclusion or restriction based on diagnosis.** Removes the reference to the "Control of Communicable Disease Manual" to allow for the local health officer to use measures deemed necessary to make health determinations.
10. **WAC 246-215-02250 Employee health—Removal of exclusion or restriction based on symptoms.** Includes approval of the regulatory authority in addition to the local health officer to remove exclusion of an employee due to jaundice.
11. **WAC 246-215-02255 Employee health—Removal of exclusion or restriction based on exposure.** Requires a person in charge of a facility serving a highly susceptible population to get local health officer (and regulatory authority) approval to remove the restriction of an employee that had foodborne illness exposure. This reference to the local health officer removes the set parameters for a person in charge to clear an employee with illness exposure.
12. **WAC 246-215-02320 Hands and arms—Hand antiseptics.** Amended to align text with applicable federal rules regarding use of hand antiseptics as a food additive. (2013 Food Code)
13. **WAC 246-215-02330 Jewelry—Prohibition.** Addition of FDA Food Code language specifically including medical information jewelry as prohibited when worn on the arms or hands.
14. **WAC 246-215-02406** New section added regarding covering bandages located on the wrist, hand, or finger when working with exposed food.
15. **WAC 246-215-02410** Adds exceptions listed in FDA Food Code regarding hair restraint requirements not applying to certain food employees with minimal risk, such as counter staff serving beverages or wrapped food.
16. **WAC 246-215-02500** New section added requires written procedures for clean-up of vomiting and diarrheal events in the food establishment.

Part 3 – Food

1. **WAC 246-215-03200 Sources—Compliance with food law.** Modified (2) to indicate that some foods prepared in a private home are allowable as detailed in the chapter. Modified (4) related to fresh fish to allow for modification to freezing for parasites made in 03425.
2. **WAC 246-215-03235 Specifications for receiving—Temperature.** (4) Allows for receipt of *fresh* rice-based noodles processed in facilities licensed by Washington State Department of Agriculture at ambient temperatures as long as the noodles are properly reheated or cooled immediately upon receipt. This change is in response to RCW 43.20.145.
3. **WAC 246-215-03250 Specifications for receiving—Eggs and milk products, pasteurized.** Replaces "off-premises consumption" with "not used as an ingredient" to allow for consumer choice for consumption when an intact container of raw milk is purchased.
4. **WAC 246-215-03280 Specifications for receiving—Commercially processed treated juice.** Changes section title to clarify that the section applies to treated pre-packaged juice from a commercial processor. (2005 FDA Food Code)
5. **WAC 246-215-03285 Original containers and records—Molluscan shellfish, original container.** Editorial correction to add the missing (5) subsection allowable for removing shellfish from the original container. Subsection (5) is unique to Washington and was added to WAC 246-215 during a previous rule revision.
6. **WAC 246-215-03290 Original containers and records—Shellstock, maintaining identification.** Adds requirement to include the first date shellstock are served from a container on the shellstock tag; recording last date of service on the tag is already required. Also clarifies that shellstock with different certification numbers may not be commingled/mixed together.
7. **WAC 246-215-03300 Preventing contamination by employees—Preventing contamination from hands.**
    - (4) incorporates a modified clarification from the 2017 Food Code that allows for bare hand contact for ready-to-eat food that will be cooked to at least 145°F before service. Washington

modification allows advance prep as long as the food will be cooked in the facility prior to service, rather than only allowing handling during the cooking process.

- (5)(b)(i) strikes requirement to list all specific ready-to-eat food within an application for bare hand contact.
- (5)(c)(i) includes clarification, including reporting potential foodborne illness to regulatory authority, from Food Code regarding the requirements for the written employee health plan for establishments that have approved bare hand contact with ready-to-eat food.
    - Note: Requirement to maintain a log of employee reports of diarrhea, vomiting, jaundice, or diagnosed foodborne illness for ninety days allowable according to AAG office guidance and L&I staff input.
    - Note: allowance of nail polish or artificial nails will be addressed through guidance and operator application/additional protection measures (such as nail brush requirements)
- (5)(d) requires annual training for bare hand contact safety protocols
- (5)(f)(iv) strikes the option of paid sick leave as an incentive program to align with Washington state laws requiring paid sick leave for non-salaried workers
- (5)(h) adds the caveat that if a bare hand contact with ready-to-eat food allowance is revoked or discontinued it may not be reinstated without written approval.

8. **WAC 246-215-03306 Preventing food and ingredient contamination—Packaged and unpackaged food—Separation, packaging, and segregation.** (1)(iii) added to clarify that raw animal products may not be stored near fruits and vegetables that haven't been washed.
9. **WAC 246-215-03315 Preventing food and ingredient contamination—Protection from unapproved additives.** Includes allowance for grapes to have sulfiting agents before receipt by the food establishment. (2005 Food Code)
10. **WAC 246-215-03318 Preventing food and ingredient contamination—Washing fruits and vegetables.** (1) Clarifies that fruits and vegetables that are ready-to-eat do not need to be rinsed again. (2) Removes reference to raw when discussing fruits and vegetables (2005 Food Code) and (3) includes new language regarding on-site generation of produce washing chemicals (2011 Supplement).
11. **WAC 246-215-03321 Preventing food and ingredient contamination—Advanced mixing of raw eggs prohibited.** Section clarified to incorporate definition of pooled eggs. No changes to the intent.
12. **WAC 246-215-03330 Preventing contamination from equipment, utensils, and linens—Food contact with equipment and utensils.** Specifies that linens may be used to contact food (2013 Food Code)
13. **WAC 246-215-03336 Preventing contamination from equipment, utensils, and linens—Linens and napkins, use limitation.** Clarifies that napkins used in this section refers to cloth napkins, not paper. (2013 Food Code)
14. **WAC 246-215-03339 Preventing contamination from equipment, utensils, and linens—Wiping cloths, use limitation.** Moves (c) regarding dry disposable towels out of section regarding wiping cloths and into a separate (7).
15. **WAC 246-215-03348 Refilling Returnables (Note: This section also incorporated WAC 246-215-04650)**
    - (4) modified to allow consumer-owned beverage containers to be refilled both nonTCS and TCS beverages if the process is contamination-free.
    - (6) provides allowance for establishments to further expand refilling reusables in visibly clean, consumer-provided containers under an APPROVED plan. Added allowance for consumers to fill bulk foods, in addition to nonReady-to-Eat, and packaged foods.
16. **WAC 246-215-03369 Preventing contamination by consumers—Consumer self-service operations.** Corrects missing POULTRY and replaces "no less than" with "at least" for clarity.
17. **WAC 246-215-03372 Preventing contamination by consumers—Returned food and re-service of food.** Adds subsection (3) unique to Washington to allow the re-service of certain foods under an approved plan.
18. **WAC 246-215-03400 Cooking—Raw animal foods.**

- (1)(b) Alters cooking temperature for comminuted meat to 158°F instantaneous (instead of 155°F for 15 seconds). Includes new FDA Food Code cooking dwell time for comminuted meat of 17 seconds (instead of 15 seconds) to chart allowable under an approved plan.
- (1)(c) Updates dwell time for poultry and other products cooked to 165°F to instantaneous (instead of 15 seconds) to align with FDA and USDA standards; included 'stuffed POULTRY' as in FDA Food Code
- Table 3-2 and Table 3-3 were switched in order (and then re-titled) to match FDA Food Code order. No changes were made to times or temperatures in the tables.

19. **WAC 246-215-03410 Cooking—Plant food cooking for hot holding.** Replaces 'fruits and vegetables' with 'plant foods' to indicate section applies to roots, grains, and other edible plant matter. **(**2017 Food Code)
20. **WAC 246-215-03415 Cooking—Noncontinuous cooking of raw animal foods.** Noncontinuous cooking section modified to align with current Food Code final cooking temperatures and removal of Washington-specific section on grill marking. (2013 Food Code). Maintains monitoring and document requirement, but removes mention of Permit Holder in (6)(c) to complete the task.
21. **WAC 246-215-03425 Cooking—Noncontinuous cooking of raw animal foods.** Noncontinuous cooking section **WAC 246-215-03425 Freezing—Parasite destruction.**
    - (1) Corrects language regarding holding products for a minimum time (2009 Food Code)
    - (2)(b) Adds scallop products with only adductor muscle exempt from parasite destruction (2013 Food Code)
    - (2)(e) Corrects bulleting issue to include aquacultured fish and skein-free fish eggs as exempt from parasite destruction requirements (2009 Food Code).
    - (2)(f) Adds fresh finfish that are served partially cooked only for an individual consumer's request with a modified consumer advisory as exempt from parasite destruction.
22. **WAC 246-215-03440 Reheating—Reheating for hot holding.** Clarifies that reheating provision applies to all commercially processed TCS foods—not just those immediately removed from intact package. (2013 Food Code)
23. **WAC 246-215-03510 Temperature and time control—Thawing.** (5) Adds requirement that vacuum-packaged fish labeled to be kept frozen until use must be removed from the reduced oxygen environment before thawing in refrigeration or immediately after thawing under running water. (2013 Food Code)
24. **WAC 246-215-03515 Temperature and time control—Cooling.** Clarifies alternative cooling procedures allowed in Washington, particularly regarding intact pieces of meat. Also reorients section to bring shallow pan/layer cooling to primary cooling method, while maintaining FDA Food Code time-temperature monitored cooling provision.
25. **WAC 246-215-03520 Temperature and time control—Cooling methods.** Reorients (2)(b) and (c) to align with changes in section 03515.
26. **WAC 246-215-03526 and WAC 246-215-03527 Ready-to-eat, Time/temperature control for safety food, Date Marking and Disposition.** Adds date marking and storage time requirement for refrigerated TCS foods held more than 24 hours, with exceptions as listed in FDA Food Code. (1999 Food Code) Potential remediation of reheating or date verification allowed rather than automatic discard for TCS products are not properly date marked. Reheating specifically excluded in (3) as an option for facilities serving highly susceptible populations.
    - *Note: Guidance material will be developed within FSAC and DOH will include a list of moisture content of cheeses.*
27. **WAC 246-215-03530 Temperature and time control—Time as a public health control.** (2) modified to incorporate allowance from 2017 FDA Food Code Supplement regarding beginning time as a public health control for ambient foods (rather than requiring cooling to 41°F prior to beginning time as a control).
28. **WAC 246-215-03540 Specialized processing methods—Reduced oxygen packaging without a variance, criteria.** Extends the hold time for raw, vacuum-packaged products from 14 days to 30 days without a variance, clarifies that plans must be submitted to the regulatory authority prior to implementation, and updates the cold holding requirements to allow for storage at 41°F for up to 7 days. Additionally, allows

vacuum packaging of raw or ready-to-eat foods that are properly labeled and refrigerated for up to 48 hours without a HACCP plan. (2013 FDA Food Code)

29. **WAC 246-215-03610 Labeling—Food labels.** Adds labeling requirements for astaxanthin a color additive potentially present in salmonid fish (2013 Food Code). Also incorporates applicable labeling requirements in RCW 15.130 and editorial correction in (3)(b) to reference proper subsection.
30. **WAC 246-215-03620 Consumer advisory—Consumption of animal foods that are raw, undercooked, or not otherwise processed to eliminate pathogens.** Adds modification for consumer advisory to allow operators serve partially-cooked fresh fish without parasite destruction upon consumer request. The practice is currently not allowed.
    - Revised (2)(a) within the disclosure to add "fresh finfish (cooked to order)" to ensure fresh finfish that is served partially cooked is highlighted in the disclosure
    - Revised (3)(d) within the reminder to include the following (d) "Regarding the safety of consuming fresh partially-cooked fish, information is available upon request."
31. **WAC 246-215-03800 Additional safeguards—Pasteurized foods, prohibited re-service, and prohibited food.** (9) specifically excludes foods that are improperly date marked from being reheated.

Part 4 – Equipment, Utensils, and Linens

1. **WAC 246-215-04110 Multiuse— Lead in ceramic, china, and crystal utensils, use limitation.** Removed "Hot" from chart regarding beverage containers to align with FDA Food Code (2005).
2. **WAC 246-215-04130 Multiuse—Wood, use limitation.** Clarifies that hard, close-grained woods may be used for other food contact surfaces.
3. **WAC 246-215-04272 Acceptability—Food equipment, certification and classification.** Clarifies that equipment certified for conformance to American National Standard is deemed to comply with the provisions contained in Part 4 Subparts A-B based on change in FDA Food Code Supplement (released December 2019).
4. **WAC 246-215-04335 Utensils, temperature measuring devices, and testing devices—Food temperature measuring devices.** Aligns language regarding small-diameter probe with Food Code. (2001 Food Code)
5. **WAC 246-215-04340 Utensils, temperature measuring devices, and testing devices—Temperature measuring devices, manual warewashing.** Adds (2) to require irreversible temperature indicator to be provided and accessible for measuring utensil surface temperature in mechanical warewashing operations. (2013 FDA Food Code)
6. **WAC 246-215-04350 Cleaning Agents and Sanitizers Availability.** Adds new section to require that cleaning and sanitizing solutions to be available for use during all hours of food preparation. (2017 FDA Food Code)
7. **WAC 246-215-04565 Equipment—Manual and mechanical warewashing equipment, chemical sanitization—Temperature, pH, concentration, and hardness.** Adds language regarding on-site generation of chemical sanitizers. (2017 FDA Food Code)
8. **WAC 246-215-04605 Objective—Equipment food-contact surfaces and utensils.** Requires cleaning of food equipment after use with raw fish, a major food allergen. (2013 Food Code)
9. **WAC 246-215-04650 Methods—Returnables, cleaning for refilling.** Section deleted and requirements relocated to WAC 246-215-03348. (2013 FDA Food Code)

Part 5 – Water, Plumbing, and Waste

1. **WAC 246-215-05215 Design, construction and installation—Backflow prevention, air gap.** Adds reference to WAC 246-290-010 regarding approved air gaps.
2. **WAC 246-215-05220 Design, construction and installation—Backflow prevention device, design standard.** Removes ASSE reference and adds WAC 246-290-490 and WAC 51-56-0600.
3. **WAC 246-215-05255 Design, construction and installation—Conditioning device, design.** Allows regulatory authority to approve handwashing sink locations greater than 25 feet of food preparation, food dispensing, and warewashing areas.

4. **WAC 246-215-05280 Operation and maintenance—System maintained in good repair.** Aligns water system inspection and service schedule with state rule in WAC 51-56-0600 rather than manufacturer's instructions.

Part 6 – Physical Facilities

1. **Subpart C and D** Aligns section titles with Food Code (replaces Handwashing 'facilities' with Handwashing 'sinks')
2. **WAC 246-215-06100 Indoor areas—Surface characteristics.** (2)(a) allows approved methods to control dust and mud.
3. **WAC 246-215-06350 Dressing areas and lockers—Designation.** Corrects spelling of 'designated' instead of 'designed'.
4. **WAC 246-215-06570 Methods—Prohibiting animals**
    a) Reconfigures (2)(c) to clarify that working service animals, and not other controlled animals, that may be in dining and sales areas (no change to intent).
    b) Also adds a new section (4) allowing dogs in outdoor areas within prescribed parameters. Allows reusable dog bowls as long as not washed in the food establishment and requires signage for operators that participate to alert potential customers with allergens. Note: clarification added to indicate that bowls used for dogs could not be washed in food establishment (not that food establishments were restricted from using reusable servingware for customers if they also allowed dogs in outdoor areas).
    c) (5) Added to allow dogs inside food establishments having very limited food service as long as the establishments provides other controls to align with HB2412.

Part 7 – Poisonous or Toxic Materials

1. **WAC 246-215-07220 Chemicals—Sanitizers, criteria.** Aligns language regarding sanitizing solutions generated on-site with Food Code (2011 Food Code Supplement)
2. **WAC 246-215-07225 Chemicals—Chemicals for washing, treatment, storage, and processing fruits and vegetables, criteria.** Aligns language regarding chemicals used to wash or peel raw fruits or vegetables with Food Code (2011 Food Code Supplement)
3. **WAC 246-215-07235 Chemicals—Drying agents, criteria.** Aligns language regarding chemicals used as drying agents with Food Code (2011 Food Code Supplement)

Part 8 – Compliance and Enforcement

1. **WAC 246-215-08210 Facility and operating plans—Variances—Conformance with approved procedures.** Adds requirement to maintain a copy of the approved variance at the food establishment.
2. **WAC 246-215-08215 Facility and operating plans—Contents of a HACCP plan.** Adds new specification to include general information with the HACCP plan, clarifies requirement to include any information required, clarifies what a flow diagram should include, clarifies either food employees or the person in charge may monitor critical control points and take corrective actions, and clarifies training and supervisory plans required (2017 Food Code and Supplement)
3. **WAC 246-215-08305 Exempt from permit with approval.** Adjusts the section title to clarify the section is not exempt from food safety but may be exempt from permit with approval. Also reorders list of foods and removes restriction on 'immediate service' of cooked whole peppers and corn.
4. **WAC 246-215-08325 Application procedure—Contents of the application.** Allows for a Unified Business Identifier number to replace an applicant birthdate.
5. **WAC 246-215-08350 Conditions of retention—Responsibilities of the permit holder.** Adds requirement for permit holder to notify customers that a copy of the most recent inspection report provided by the regulatory authority is available for review. (2013 Food Code) Washington modification of allowing a 'summary' of the inspection report fulfills the intent of transparency to the public with the available options provided by the regulatory authority to the food establishment.

6. **WAC 246-215-08410 Frequency—Competency of inspectors.** Adds new paragraph to address access to training and continuing education of inspectors. (2017 Food Code)
7. **WAC 246-215-08455 Imminent health hazard—Ceasing operations and reporting.** Adds new language allowing continued operation during times of electrical or water interruptions with an approved written emergency operation plan. (2017 FDA Food Code)

Part 9 - Alternative Food Facilities (sections in Part 9 are not in FDA Model Food Code)

1. **WAC 246-215-09100 Mobile Food Requirements and restrictions—Requirements.** Adds a requirement for permit holders with secondary permits to notify regulatory authorities regarding permit suspensions.
2. **WAC 246-215-09110 Mobile Food Plan approval—Plan review.** Reconfigures section for readability.
3. **WAC 246-215-09115 Mobile Food Plan approval—Plan contents.** Removes requirement for mobile food unit itinerary to be provided at the time of plan review (adjusted to providing itinerary when operational) and provides plan contents for mobile food unit secondary permits using plan review reciprocity. Plan review reciprocity is a legislative change to chapter RCW 43.20.149.
4. **WAC 246-215-09125 Mobile Food Time/Temperature Control for Safety Food—Temperature control.** Allows for a regulatory authority to approve cooling on a mobile food unit without a variance and aligns reheating requirements in mobile food units with other food establishments.
5. **WAC 246-215-09126 Mobile Food Commissary Usage.** Adds a new section regarding commissaries and usage based on stakeholder input.
6. **WAC 246-215-09127 Mobile Food Commissary Exemption.** Adds a new section regarding commissary exemptions as described in chapter 43.20.148 RCW.
7. **WAC 246-215-09130 Mobile Food Cooking thickness—Cooking raw meats.** Removes section restricting cooking thickness of meat to one inch on mobile food units. Meat thickness and other menu approvals are considered during plan review.
8. **WAC 246-215-09150 Mobile Food Employee restrooms—Toilet facilities.** Note: This section change increasing approvable distance (from 200 to 500 feet) for mobile food unit employee restroom access without a variance was effective 1/1/2019; included in this summary for clarification.
9. **WAC 246-215-09155 Mobile Food Sink compartment requirements—Warewashing facilities.** Reconfigures section to clarify that regulatory authority may approve a mobile food unit without a three-compartment sink if the menu, processes, equipment, and commissary availability provide safe operation.
10. **WAC 246-215-09160 Mobile Food Required postings—Business name.** Requires mobile food units to permanently display the business name on the exterior of the mobile food unit and requires vending itinerary to be submitted through a method acceptable to the regulatory authority.
11. **WAC 246-215-09180 Movable buildings—Lack of permanent plumbing.** Removes movable buildings with lack of permanent plumbing from the mobile food subpart.
12. **WAC 246-215-09400 DFDO Requirements and exemptions.** Clarifies initial and annual reporting requirements from the donated food distributing organization and requires regulatory authority to provide written approval. Clarified that organization must notify regulatory authority if IRS determination letter is revoked. Section is also modified regarding exceptions for equipment and facilities.
13. **WAC 246-215-09405 DFDO Standard operating procedures—Food protection.** Modifies section regarding equipment to support changes in later sections in subpart.
14. **WAC 246-215-09406 DFDO Standard operating procedures- Food handling.** Adds new section to clarify food handling oversight expected by person in charge at donated food distributing organization.
15. **WAC 246-215-09407 DFDO Standard operating procedures- Transportation.** Adds new section regarding cleanliness of transport vehicles owned by donated food distributing organizations.
16. **WAC 246-215-09410 DFDO Sinks—Sink compartment requirements.** Details handwashing, food preparation, and warewashing sink facilities needed at a donated food distributing operation based on varying levels of food handling.

17. **WAC 246-215-09415 DFDO Food sources—Donated foods.** Expanded sections to clarify food sources acceptable for donation, such as adding wild caught fish and removing unapproved, custom-slaughtered livestock.
18. **WAC 246-215-09420 DFDO Receiving food—Food condition.** Added allowance for re-service foods as approved and a requirement to ensure foods were transported safely.
19. **WAC 246-215-09425 DFDO Prohibited food—Restrictions.** Section restricts donated food distributing organizations from serving or distributing raw unpasteurized milk or foods prepared with specialized processes at donor kitchens.
20. **WAC 246-215-09430 DFDO Food labels—Alternative labeling.** Explicitly lists state law requirement to include additional information on the label of foods repackaged at a donated food distributing organization. Included specific information from RCW 69.04 regarding allergen labeling.
21. **WAC 246-215-09435 DFDO Record keeping—Receiving record.** Increases record retention at donated food distributing organizations from 30 to 90 days.