

## Section 26

# Food Safety

# Section 26, Food Safety

## Update Guide

May 19, 2023	Created new <i>Definitions</i> and <i>Contact Information</i> sections, located at the beginning of the <i>Administrator's Reference Manual (ARM)</i> . Removed definitions and contact information from this section.
January 4, 2022	Updated <i>Section 26, Food Safety</i> to correct minor typos.
August 12, 2020	Updated <i>Section 26, Food Safety</i> to update the <i>Administrator's Reference Manual (ARM)</i> section references. Guidance on home-canned products was moved from the previous <i>Administrator's Reference Manual (ARM) Section 19, Other Operational Issues</i> to this section.
February 26, 2020	Updated <i>Section 18, Food Safety</i> to update information related to Institute for Child Nutrition, formerly the National Food Service Management Institute (NFSMI).

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# Food Safety

Contracting Entities (CEs) operating any School Nutrition Program (SNP) must be compliant with federal, state, and local regulations related to food safety. For this section, the term *food* includes both food and beverage items. CEs must have written procedures for addressing food safety in the following areas:

1. Preparation of foods and beverages for a School Nutrition Program (SNP)
2. Service of food and beverages for a SNP
3. Storage of all food and beverages for a SNP

This requirement applies to all food preparation, service, and storage sites which includes, but is not limited to, cafeterias, classrooms, school business, school courtyards, kiosks, vending machines, warehouses, storage facilities, or field trip sites.

USDA requirements do not apply to food sold or served that is not part of a SNP. However, state and local regulations may apply.

## Food Service Management Company (FSMC)

When a CE contracts with an FSMC, the CE is responsible for the quality and general nature of the food service operation, including ensuring that the food service program is compliant with all federal, state, and local food safety regulations.

Food safety requirements apply to the following programs:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- Afterschool Care Program (ASCP)
- Fresh Fruit and Vegetable Program (FFVP)
- Seamless Summer Option (SSO)
- Special Milk Program (SMP)

as well as any Child and Adult Care Food Program (CACFP)<sup>1</sup> or Summer Food Service program (SFSP) operated by an NSLP or SBP CE.

[NOTE: CACFP or SFSP sponsors that use an NSLP or SBP CE's facilities to operate a Child Nutrition Program (CNP) that is not affiliated with or associated with an NSLP or SBP CE should follow the guidance for CACFP or SFSP operators.]

## Federal, State, and Local Food Regulations

CE's must follow all required safety regulations—federal, state, and local. The following list describes resources that provide guidance for each level:

### USDA

USDA provides numerous tools to support schools in meeting the food safety requirements at [www.fns.usda.gov/ofs/food-safety](http://www.fns.usda.gov/ofs/food-safety), including, but not limited to, the following which are specific to developing a safety plan:

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<sup>1</sup> This includes such program as the At Risk CACFP program.

- *Food-Safe School Action Guide* which provides detailed guidance on meeting the USDA’s requirement for creating written procedures to address food safety.
- *Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles* which provides detailed information on how to develop a HACCP plan.

USDA also requires that CEs that serve only prepackaged food meet all applicable federal, state, and local food safety standards, including, but not limited to, food handling, storage, and safety inspections as described in this section.

#### Food and Drug Administration (FDA)

By regulation, USDA uses the food safety guidance issued by the Food and Drug Administration (FDA) for the operation of Child Nutrition Programs (CNPs). FDA provides regulatory information as well as numerous tip sheets on handling different types of food and different types of food preparation. FDA resources for retail food service operators<sup>2</sup> are available at [www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/default.htm](http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/default.htm).

#### Texas Department of State Health Services (DSHS)

The Texas Department of State Health Services (DSHS) provides detailed guidance on Texas food safety regulations, addressing food safety hazards proactively, and other relevant information at [www.dshs.texas.gov/foodestablishments/permitting.aspx#school](http://www.dshs.texas.gov/foodestablishments/permitting.aspx#school).

##### Required Permits, For-Profit Food Service Contractors

Recently, DSHS changed the regulations related to permits for school food establishments. When an NSLP/SBP meal or snack service is prepared and/or served by a for-profit entity (including, but not limited to, FSMCs or vendors), the for-profit entity must have a DSHS permit. Additional information on the permit and the permit application is available at [www.dshs.texas.gov/foodestablishments/permitting.aspx#school](http://www.dshs.texas.gov/foodestablishments/permitting.aspx#school).

NSLP/SBP CEs that are self-operated<sup>3</sup> are not required to have a permit.

#### Local Regulations

Because local regulations vary across the state, CEs need to contact city and county officials to get information on requirements specific to a site’s location.

## Food Safety Inspection

At least twice a year, each CE site preparing or serving meals for the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) is required to obtain a food safety inspection conducted by the state or local governmental agency responsible for such inspections. A CE may count an inspection that occurs in the summer as one of the two required inspections as long as the site is also used during the regular school year.

#### Reporting

CEs must report food safety inspections in Texas Unified Nutrition Programs System (TX-UNPS) annually when the CE applies to renew its program

<sup>2</sup> FDA provides guidance for consumers and retail food service operators. SNPs must follow the guidance for retail food service operators.

<sup>3</sup> For self-operated programs, a CE’s staff prepare and serve the meals. Self-operated programs may use onsite kitchens or central kitchens.

application.

The most recent food safety inspection report must be posted in a visible location and released to the public on request.

## Hazard Analysis Critical Control Point (HAACP)

NSLP and SBP CEs must have a written plan for food safety based on HACCP principles. The HACCP Plan gives CEs flexibility in creating a process that is specific to the CE's food service program: staff, equipment, and serving needs. USDA's *Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles* provides detailed information on how to develop a HACCP plan.<sup>4</sup>

### When Is a HAACP Plan Used?

HACCP plan must be applied to any facility or part of a facility in which food is prepared, served, or stored for the purposes of a SNP. The food safety plan must address all aspects of meal preparation, service, and storage and must be addressed in procurement as appropriate.

For Example: The CE stipulates the temperature or conditions of foods that will be accepted on delivery.

### Seven Principles of That Guide a Successful HACCP plan

1. Hazard Analysis—Identify steps in the food-production process where hazards could occur, assess their severity and human health risk, and determine a preventative measure.
2. Determination of Critical Control Points—Identify critical control points in the handling of food at which the potential hazard can be controlled or eliminated.
3. Specification of Critical Limits—Institute control measures and establish criteria to measure control at those critical points. For example, minimum cooking times and temperatures could be established for a cooked food.
4. Monitoring—Monitor critical control points by establishing procedures for how the critical measures will be monitored and who will be responsible.
5. Corrective Actions—Take corrective action when the criteria are not being met, including disposal or reprocessing of the food in question and fixing the problem.
6. Verification—Check the system routinely for accuracy to verify that it is functioning properly and consistently.
7. Documentation—Establish effective record-keeping procedures that document and provide a historical record of the facility's food safety performance.

### Elements of a HACCP Plan

HACCP plans must have documented standard operating procedures at each school food preparation, service, and storage site which includes the following elements:

- Methods for assigning and documenting menu items in the appropriate HACCP critical control point category
- Documentation identifying critical control points of food production

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<sup>4</sup> Available at [www.fns.usda.gov/ofs/food-safety](http://www.fns.usda.gov/ofs/food-safety).

- Method to monitor the implementation of the HACCP plan
- Method for identifying and documenting corrective actions
- Record keeping
- Periodic review and revision of the food safety plan

#### How Often Is a HACCP Plan Updated?

Food safety plans must be reviewed regularly to ensure that standard operating procedures for safe food handling are updated to include any facility or part of a facility where food is stored, prepared, or served, including such locations as school buses, hallways, school courtyards, kiosks, classrooms, or other locations outside the cafeteria. This requirement applies to all SNPs.

#### USDA Recipes with Assigned HACCP Process Categories

Using recipes that identify food safety critical control points is an appropriate strategy to support a HACCP plan; however, the use of these recipes does not meet the requirements of a complete HACCP plan.

#### Temperature Danger Zone

USDA states that the School Nutrition Programs (SNPs) must follow the requirements for retail food service operators. The danger zone for retail food service establishments is 41° to 135°. <sup>5</sup>

The *Minimum Safe Temperature Chart* provides the appropriate temperatures for food/menu items and general food preparation:

Minimum Safe Temperature Chart	
Food/Menu Item	Temperature
– All poultry preparations	
– Casseroles	165°
– Reheat leftovers	
– Stuffing	
– Egg dishes	160°
– Ground meats (beef, lamb, veal, pork)	
– Fin fish	
– Roasts (medium rare)	145°
– Steaks or chops (beef, lamb, pork, veal)	
– Holding temperature for cooked food	140°
– Reheat fully cooked ham	
<b>Danger Zone for Food Safety</b>	<b>41° to 135°</b>
– Refrigerator temperature	40°
– Freezer temperature	0°

<sup>5</sup> USDA regulations require that School Nutrition Programs (SNPs) use the temperature guidelines established by the United States Food and Drug Administration (FDA). FDA provides two sets of temperature guidelines—consumer and retail establishments. School food establishments must meet the retail establishment standard.

## Food Safety Handling

The following strategies promote the safe handling of food/menu items:

### Avoiding Cross Contamination

Cross contamination practices are important to prevent unsafe foods from being served and to ensure that students with allergies are not served the wrong food items.

- Use different kitchen tools, pans, utensils, gloves, surfaces, and containers for different food items or portions and wrap items before food service.
- Wash hands before beginning any food preparation activities. This includes washing hands after staff take a break or if staff perform a non-food preparation or service activity and then go back to meal preparation or service activities.
- Ask students and guests to wash hands before the meal service.
- Keep the work area clean and all spills wiped up immediately.
- Use clean equipment in preparing, cooking, and serving food.

### General Food Handling

- Wash all raw fruits and vegetables before using.
- Scrub and sanitize all cutting boards, knives, and electric slicers immediately after contact with raw or cooked meats, fish, or poultry.
- Re-pan in shallow containers any cooked food to be held at refrigerated temperatures and refrigerate immediately. Center of the food should reach 40° within 4 hours. To hasten cooling, space pans in the cooler to allow for adequate air circulation.
- Never serve questionable food.
- Refrigerate all unused foods, promptly.
- Handle all utensils and serving equipment by handles and bases to avoid touching areas that will later come in contact with the food.
- Use a clean spoon to taste food.
- Reassign employees with infected cuts or burns. These employees should not prepare food or handle equipment that will come in contact with food.
- Clean and sanitize surfaces where there is a possibility of food contact, including desks and tables in classrooms.

#### Information Box 1

##### Standard Operating Procedure Categories for Food Sanitation and Food Handling

The following categories of practices are commonly used in procedures and plans for food sanitation and food handling:

1. Cleaning and Sanitizing Food Contact Surfaces
2. Holding Hot and Cold Potentially Hazardous Foods
3. Personal Hygiene
4. Preventing Contamination at Self-Service Bars
5. Serving Food
6. Transporting Food to Remote Sites (Satellite Kitchens)
7. Using and Calibrating Thermometers
8. Handling Ready-to-Eat Foods
9. Washing Fruits and Vegetables
10. Washing Hands

- Monitor food storage conditions, such as temperature, cleanliness, etc., if food is stored in locations outside of the kitchen or cafeteria.

### Holding Foods

The length of time a food is allowed to remain at the temperature listed above is based on the rate and extent of bacterial growth that occurs. The following temperatures indicate the period of time a food may be held at the correct temperature before it becomes unsafe.

Hot Foods	Cold Foods
2 hours holding at 140 ° or above	2 hours of preparation, refrigerated or frozen at the appropriate temperature

### Leftovers

Leftovers may be served or sold a la carte; however, if these foods are to be served or sold, the CE must take care to ensure that all safety standards are met, including any local requirements.<sup>6</sup>

### Pest Control

- Remove all leftover food and food waste from preparation, serving, and eating locations immediately after the service.
- Direct staff to report any evidence of pests (such as droppings, holes in food storage containers, or food crumbs on the floor) in meal preparation, service, storage, or eating locations to a designated staff member.

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<sup>6</sup> See *Administrator's Reference Manual (ARM), Section 21, Meal Service* for additional information on handling leftovers.

## Reheating Potentially Hazardous Foods

- Reheat potentially hazardous foods<sup>7</sup> rapidly to 165° or higher before the food/menu items are placed in hot food storage equipment (i.e., steam tables, bain-marie, or warmers). Because of the required temperature for safe reheating, steam tables, bain-marie pots, warmers, and other similar hot food holding equipment cannot be used to reheat potentially hazardous food items. Food/Menu items to be reheated include pre-cooked items as well as fully prepared items.

### Food Served by Non-SNP Staff or Volunteers

(Commonly occurs on field trips or during special events)

- Select single-serve items that have been pre-portioned and wrapped and can be served easily in a classroom, or another location.
- Use equipment that will maintain safe temperatures when transporting potentially hazardous hot or cold foods.
- Check the ambient temperature of holding equipment and the internal temperature of potentially hazardous food before delivery to classrooms, or other locations.
- Advise school staff and volunteers to wash their hands properly before handling or serving food.
- Provide serving utensils or single-use disposable gloves.
- Minimize the amount of time that food is held in classrooms or other locations.
- Provide basic food safety training in-house to non-SNP servers.

#### Information Box 2

##### List of Foods Commonly Considered to Be Potentially Hazardous (List is not exhaustive.)

###### Meat/Protein

- Raw meat, fish, and poultry
- Processed meat, fish, and poultry, including those labeled fully cooked
- Unpasteurized shell eggs
- Cooked eggs, dishes with eggs
- Cooked and hot-held beans

###### Fruit and Vegetables

- Cut melons and figs
- Vegetables mixed with mayonnaise
- Cut tomatoes
- Cooked/Heated and hot-held vegetables, including beans

###### Dairy

- Cheese, real cream, milk, butter, margarine

###### Grains

- Cooked pasta and rice

###### Main Dishes

- Cooked, hot-held casseroles, soups, and stews

## Sulfiting Agents in Foods

Sulfiting agents are used in many processed foods as preservatives. Medical findings have linked sulfiting agents to severe adverse reaction by sensitive individuals. Individuals have been reported to suffer life-threatening respiratory distress, shock, and even coma after eating food treated with sulfiting agents.

To help sulfite-sensitive people avoid problems, the Food and Drug Administration (FDA)

<sup>7</sup> Food that is natural or synthetic that requires temperature control because the food is capable of supporting the growth or rapid and progressive growth of bacteria.

- prohibits the use of sulfites on fresh produce (except fresh potatoes) intended to be sold or served raw and
- requires the presence of sulfites in processed food to be declared on the label.

Processed foods that may contain sulfites include baked goods, condiments, dried and glacéed fruit, jam, gravy, dehydrated or pre-cut or peeled *fresh* potatoes, molasses, shrimp, soup mixes, and beverages, such as cider, fruit and vegetable juices, and tea.

For CEs participating in the school nutrition program, USDA

- prohibits the addition of sulfites, such as *vegetable fresheners* and *potato whiteners*, to any foods during meal preparation and
- recommends that CEs do not purchase foods treated with sulfiting agents.

Any questions regarding the use of sulfiting agents should be referred to local or state health authorities.

## Standards for Meat and Poultry Products

USDA standards for meat and poultry products set legal requirements for content, preparation, and labeling before being manufactured and sold in commerce. Standards of identity set specific (and optional) ingredients a food must contain—such as the kind and amount of meat, percent of fat or moisture and additives, if any—when a product is to be labeled or identified by a common product name.<sup>8</sup>

### USDA Food and Safety and Inspection Service, About FSIS

The Food Safety and Inspection Service (FSIS)<sup>9</sup> is the public health agency in the U.S. Department of Agriculture responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged.

## Meat and Poultry Inspection in Texas

The Texas Department of State Health Services (DSHS), Division for Regulatory Services, Meat Safety Assurance Unit, is responsible for administering the meat and poultry inspection program in Texas. All State of Texas meat and poultry plant labels are reviewed by the Labels and Standards Program to assure they are truthful and accurate at the time of approval. For additional information, contact DSHS.

Meat Safety Assurance Unit, MC 1872  
 Texas Department of State Health Services  
 P.O. Box 149347  
 Austin, Texas 78714-9347  
 Telephone: (512) 834-6760  
 TDD: 1-800-735-2989  
 Fax: (512) 834-6763

## Home-Canned Products

Home-canned products are unallowable in the school meal program because of food safety concerns. However, canned food items (including those produced locally) that are produced and

<sup>8</sup> See USDA FNS website ([www.fsis.usda.gov/wps/portal/informational/aboutfsis](http://www.fsis.usda.gov/wps/portal/informational/aboutfsis)) for more information on the standards for meat and poultry products.

<sup>9</sup> For additional information on this topic, see [www.fsis.usda.gov/wps/portal/fsis/home](http://www.fsis.usda.gov/wps/portal/fsis/home).

processed in an approved facility that meet all local, state, and federal food safety and health guidelines may be used in school meals.

## Training

CEs must conduct annual HACCP training for all SNP staff at locations where meals are prepared, served, and stored. CEs must retain documentation to demonstrate that the annual training was conducted.<sup>10</sup> This training may also be used to meet the training required for professional standards.<sup>11</sup>

### School Nutrition Program Directors

School nutrition program directors are required to have 8 hours of food safety training every five years.<sup>12</sup>

## Food Safety Inspection Reporting

Each year, CEs must complete the Food Safety Inspection Report in the Texas Unified Nutrition Programs System (TX-UNPS) when they complete their program renewal application.

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<sup>10</sup> See the *Records Retention* subsection in this section for additional information on this topic.

<sup>11</sup> See *Administrator's Reference Manual (ARM), Section 27, Professional Standards* for additional information on this topic.

<sup>12</sup> See *Administrator's Reference Manual (ARM), Section 27, Professional Standards* for additional information on this topic.

## Resources

- Institute for Child Nutrition provides numerous resources and online training on food safety topics at [www.theicn.org](http://www.theicn.org).
- Texas Department of State Health Services (DSHS) provides a wide range of resources on food safety issues and food borne pathogens as well as regulations that are specific to school food establishments at <https://www.dshs.texas.gov/foode establishments/permitting.aspx#school>.
- Texas Regional Education Service Centers (ESCs) child nutrition specialists provide technical assistance to CEs to help them develop and implement HACCP.
- USDA provides numerous resources, including a *Food-Safe School Action Guide, Creating a Culture of Food Safety, A Food Safety Resource for School Nutrition Directors* at <https://www.fns.usda.gov/sites/default/files/Food-Safe-Schools-Action-Guide.pdf> which will assist schools in meeting the USDA regulations.

USDA's *Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles* provides detailed information on how to develop a HACCP plan.

These resources, tip sheets, reminder documents to post, and many more are located at [www.fns.usda.gov/ofs/food-safety](http://www.fns.usda.gov/ofs/food-safety).

- United States Food and Drug Administration (FDA) provides numerous helpful documents related to food safety, including HACCP, potential hazardous foods, food handling and more at [www.foodsafety.gov](http://www.foodsafety.gov).

## Forms

TDA provides the following forms at [www.SquareMeals.org](http://www.SquareMeals.org):

- *Cooler or Freezer Temperature Recording Form*
- *Food Safety Inspection Report* (Reported in TX-UNPS)

## Record Retention

All documentation or records must be kept on file for a minimum of five years for public and charter schools or three years for private schools, other nonprofit organizations, and residential child care institutions (RCCIs) after the end of the fiscal year to which they pertain.

The CE is required to maintain records for all program operations including, but not limited to, the following:

- Food safety procedures
- HACCP plan
- HACCP training, which includes the date, HACCP topic, participant names, and signatures of participants
- Other related training<sup>13</sup>
- Temperature logs
- Food safety inspection reports

CEs have the option to maintain records on paper or electronically. These records must be accessible to appropriate CE staff members and federal or state reviewers. TDA may request documentation related to food safety during both offsite and onsite administrative review processes.

## Compliance

TDA will review documentation submitted through TX-UNPS, retained onsite during Administrative Reviews (ARs), or on request to ensure that the CE is compliant with the regulations described in this section. TDA may require a corrective action document if the CE does not comply with these requirements. If TDA finds that the operation of any site endangers the health and safety of the students being served, TDA will coordinate with the appropriate local and/or state agencies to determine and take appropriate actions. This may include the immediate closure of meal service operations.

### Information Box 3

#### Records Retention

Public and charter schools are required to keep documentation related to school nutrition programs for 5 years.

Nonprofit private schools, other organizations, and residential childcare institutions (RCCIs) are required to keep documentation for 3 years.

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<sup>13</sup> See *Administrator's Reference Manual (ARM), Section 27, Professional Standards* for additional information on this topic.