

TB MED 530/NAVMED P-5010-1/AFMAN 48-147 IP

TECHNICAL BULLETIN

Tri-Service Food Code

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HEADQUARTERS, DEPARTMENT OF THE ARMY

30 April 2014

(B) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under ¶¶ 8-201.14(D) and (E) that demonstrate that the following are routinely employed:^N

- (1) Procedures for monitoring the CRITICAL CONTROL POINTS,
- (2) Monitoring of the CRITICAL CONTROL POINTS,
- (3) Verification of the effectiveness of the operation or process, and
- (4) Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT.

8-2. Plan submission and approval

8-201 Facility and operating plans

8-201.11 When plans are required

(A) The KO or designated installation representative shall submit through the installation commander and the MEDICAL AUTHORITY to the REGULATORY AUTHORITY properly prepared plans and specifications for review and approval IAW local procedures for construction and design review a minimum of 60 days prior to—

- (1) The construction of a new FOOD ESTABLISHMENT;
- (2) The conversion of an existing structure for use as a FOOD ESTABLISHMENT; or
- (3) The remodeling of a FOOD ESTABLISHMENT or a change of type of FOOD

ESTABLISHMENT or FOOD operation as specified under ¶¶ 8-302.14(B) and (C) if the REGULATORY AUTHORITY determines that plans and specifications are necessary to ensure compliance with this publication.

(B) The sponsoring/contracting organization or designated installation representative shall notify the REGULATORY AUTHORITY a minimum of 14 days prior to the scheduled start date for commencement of foodservice activities associated with a TEMPORARY FOOD ESTABLISHMENT.[†]

(C) Plans for commissary facilities shall be submitted as specified in DODI 1330.17, Armed Services Commissary Operations; DODI 7700.18, Commissary Surcharge, Non-Appropriated Fund (NAF), and Privately Financed Construction Reporting Procedures; and DeCA Commissary Design Guidance – General Design Requirements. When a commissary construction plan or renovation plan is initiated, DeCA shall notify the installation MEDICAL AUTHORITY or designated REGULATORY AUTHORITY representative as specified in the DeCA P-Plan document.[†]

8-201.12 Contents of the plans and specifications

(A) RESERVED (pending Office of Management and Budget (OMB) review).

(B) *The REGULATORY AUTHORITY uses the following criteria when evaluating new or renovated FOOD ESTABLISHMENT ESTABLISHMENTS—*

- (1) *Intended menu;*
- (2) *Anticipated volume of FOOD to be stored, prepared, and sold or served, including FOOD delivery schedules;*

- (3) *Proposed layout, mechanical schematics, construction materials, and finish schedules;*
- (4) *Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;*
- (5) *Facility type – Fixed, MOBILE, TEMPORARY, or SEASONAL. †*
- (6) *Other considerations † –*
 - (a) *Is a MOBILE operation intended to operate in either a mobile or stationary capacity, is a TEMPORARY, SEASONAL, or permanent/fixed FOOD operation;*
 - (b) *Prepares PHF(TCS) FOOD only to order upon CONSUMER request, or greater than 2 hours prior to serving;*
 - (c) *Uses Time as the public health control as specified under 3-501.19.*

(C) Plans for Armed Services commissary operations shall contain design specifications as specified in DODI 7700.18, in the *DeCA Commissary Design Guidance* document, and, when applicable, in § 8-201.13 to demonstrate conformance with this publication's provisions. †

8-201.13 When a HACCP Plan is required

(A) Before engaging in an activity that requires a HACCP PLAN, the FOOD ESTABLISHMENT manager or PIC shall submit to the REGULATORY AUTHORITY for approval a properly prepared HACCP PLAN as specified under § 8-201.14 and the relevant provisions of this publication if—

- (1) Submission of a HACCP PLAN is required according to LAW;
- (2) A VARIANCE is required as specified under Subparagraph 3-401.11(D)(4), § 3-502.11, or ¶ 4-204.110(B);
- (3) The REGULATORY AUTHORITY determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under § 8-201.12, an inspectional finding, or a VARIANCE request.

(B) The FOOD ESTABLISHMENT shall have a properly prepared HACCP PLAN as specified under § 3-502.12.

(C) An HACCP PLAN is specifically required for: †

- (1) COOK-CHILL operations;
- (2) FOOD ESTABLISHMENTS which request or require a VARIANCE from this publication; and
- (3) Patient Tray Service at DOD medical facilities when required for accreditation.

(D) FOOD safety plans for franchise FOOD operations can be considered a HACCP PLAN, provided the plan meets the requirements of this chapter and are approved by the REGULATORY AUTHORITY as specified under § 8-103.11.

8-201.14 Contents of a HACCP Plan

For a FOOD ESTABLISHMENT that is required under § 8-201.13 to have a HACCP PLAN, the plan and specifications shall indicate:

(A) A categorization of the types of PHF(TSC) that are specified in the menu such as soups and sauces, salads, and bulk, solid FOODS such as MEAT roasts, or of other FOODS that are specified by the REGULATORY AUTHORITY;

(B) A flow diagram by specific FOOD or category type identifying CRITICAL CONTROL POINTS and providing information on the following:

(1) Ingredients, materials, and EQUIPMENT used in the preparation of that FOOD, and
(2) Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved;

(C) A FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern;

(D) A statement of standard operating procedures for the plan under consideration, including clearly identifying:

(1) Each CRITICAL CONTROL POINT,
(2) The CRITICAL LIMITS for each CRITICAL CONTROL POINT,
(3) The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the FOOD EMPLOYEE designated by the PIC,
(4) The method and frequency for the PIC to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,

(5) Action to be taken by the PIC if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met, and

(6) Records to be maintained by the PIC to demonstrate that the HACCP PLAN is properly operated and managed; and

(E) Additional scientific data or other information, as required by the REGULATORY AUTHORITY, supporting the determination that FOOD safety is not compromised by the proposal.

8-202 Confidentiality

8-202.10 Trade secrets

The REGULATORY AUTHORITY shall protect IAW LAW, information that meets the criteria specified in LAW for a trade secret and is contained on FOOD ESTABLISHMENT inspection reports and in the plans and specifications submitted as specified under §§ 8-201.12 and 8-201.14. This includes content of FOOD safety plans as identified in ¶ 8-201.13(D).

8-203 Construction inspection and approval

8-203.10 Preoperational inspections

The REGULATORY AUTHORITY shall conduct one or more preoperational inspections to verify that the FOOD ESTABLISHMENT will achieve the following requirements:

- (A) The establishment is constructed and equipped IAW the APPROVED plans and APPROVED modifications of those plans;
- (B) The establishment has prepared standard operating procedures as specified under ¶ 8-201.12(E); and
- (C) The establishment is in compliance with LAW and this publication as specified in § 8-301.11.

8-204 Construction standards

8-204.11 Construction requirements[†]

Applicable construction and design review publications shall be used to evaluate existing FOOD ESTABLISHMENTS prior to remodeling or major renovations and to perform reviews of drawings, specification, and solicitations for renovations and new construction. Publications include, but are not limited to the following:

- (A) DOD 4270.1M, DOD Construction Criteria Manual;
- (B) UFC 4-010-01, 4-020-02, and 4-023-03;
- (C) USACHPPM TG 194; and
- (D) NAVSEA S9-AAO-AA-SPN-010/GENSPEC, General Specifications for Ships of the United States Navy.

8-3. Authorization to operate

8-301 Requirements

8-301.11 Prerequisite for operation

A PERSON may not operate a FOOD ESTABLISHMENT before preoperational coordination has been completed, as specified under Subpart 8-201, and a preoperational inspection is conducted, as specified in § 8-204.11. The FOOD ESTABLISHMENT shall attain a preoperational inspection rating of *Fully Compliant* in order to be APPROVED by the REGULATORY AUTHORITY. An exception may be granted at the discretion of the REGULATORY AUTHORITY for NON-CRITICAL deficiencies identified on an inspection report rated *Substantially Compliant*.[†]

8-302 Application procedures

8-302.11 Submission

RESERVED (pending OMB review).

8-302.12 Form of submission

RESERVED (pending OMB review).

8-302.13 Qualifications and responsibilities of applicants

To qualify for approval to operate a FOOD ESTABLISHMENT on an installation or area governed by this publication, the foodservice MANAGER or KO shall—

- (A) Comply with the requirements of this publication; and
- (B) As specified under § 8-402.11, agree to allow access to the FOOD ESTABLISHMENT and to provide required information.

8-302.14 Contents of the application

RESERVED (pending OMB review)

The REGULATORY AUTHORITY should maintain a record of FOOD ESTABLISHMENTS operating on the installation, which include the following characteristics—

(A) *The name, birth date, mailing address, telephone number, and signature of the PERSON submitting the application; and the name, mailing address, and location of the FOOD ESTABLISHMENT;*

(B) *Information specifying whether the FOOD ESTABLISHMENT is owned by the government, an association, corporation, individual, partnership, or other legal entity;*

(C) *A statement specifying whether the FOOD ESTABLISHMENT—*

(1) *Is a MOBILE operation intended to operate in either a mobile or stationary capacity, is a TEMPORARY, SEASONAL, or permanent/fixed FOOD operation, and*

(2) *Is an operation that includes one or more of the following activities:*

(a) *Prepares, offers for sale, or serves PHF(TCS) FOOD under the following conditions:*

(i) *Only to order upon a CONSUMER'S request,*

(ii) *In advance in quantities based on projected CONSUMER demand and discards FOOD that is not sold or served at an APPROVED frequency, or*

(iii) *Using time as the public health control as specified under § 3-501.19,*

(b) *Prepares PHF(TCS) FOOD in advance using a FOOD preparation method that involves two or more steps which may include combining PHF(TCS) FOOD ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,*

(c) *Prepares FOOD as specified under Subparagraph (C)(2)(b) of this section for delivery to and consumption at a location off the PREMISES of the FOOD ESTABLISHMENT where it is prepared,*

(d) *Prepares FOOD as specified under Subparagraph (C)(2)(b) of this section for service to a HIGHLY SUSCEPTIBLE POPULATION,*

(e) *Prepares only FOOD that is not PHF(TCS) FOOD, or*

(f) *Does not prepare, but offers for sale only prePACKAGED FOOD that is not a PHF(TCS) FOOD;*

(3) *Prepares FOOD at a facility located off of the installation. In this case, the facility's address and the conveyance method for FOODS that are transported from off-post sites or between facilities on post shall be provided in the application.*

(D) *The name, title, address, and telephone number of the PERSON directly responsible for the FOOD ESTABLISHMENT;*

(E) *The name, title, address, and telephone number of the PERSON who functions as the immediate supervisor of the PERSON specified under ¶ (D) of this section such as the zone, district, or regional supervisor;*

(F) *The names, titles, and addresses of:*

(1) *The PERSONS comprising the legal ownership as specified under ¶ (B) of this section including the owners and officers, and*

(2) *The local resident agent if one is required based on the type of legal ownership;*

8-303 Issuance

8-303.10 New, converted, or remodeled establishments

For FOOD ESTABLISHMENTS that are required to submit plans as specified under § 8-201.11 the REGULATORY AUTHORITY shall approve the *Application to Operate* after—

(A) A properly completed application is submitted;

(B) The required plans, specifications, and information are reviewed and APPROVED;

(C) A preoperational inspection as specified in § 8-203.10 shows that the establishment is built or remodeled IAW the APPROVED plans and specifications and that the establishment is in compliance with this publication.

8-303.20 Existing establishments, changing management or contract †

(A) Refer to § 8-302.11 for requirements when changing the management or contract for an existing FOOD ESTABLISHMENT.

(B) Except as stated in ¶ (C) this section, a change in management applies when:

(1) A FOOD ESTABLISHMENT previously managed by military personnel is converted to a contracted operation (in part or in full) and the manager is non-military;

(2) A FOOD ESTABLISHMENT previously managed by a civilian contract is converted to a military-managed operation; or

(3) The FOOD ESTABLISHMENT management contract is terminated and a new contract is awarded to a different company.

(C) Changes in management personnel within an existing contract or operation do not require submission of a new *Application to Operate*.

8-303.30 Denial of application to operate, notice

If an *Application to Operate* is denied, the REGULATORY AUTHORITY shall provide the applicant with a notice that includes:

(A) The specific reasons and publication citations for the denial;

(B) The actions, if any, that the applicant must take to qualify to operate; and

(C) Advisement of the applicant's right to reapply.

8-304 Conditions of retention