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## Food Protection Program Policies, Procedures and Guidelines

**Issue:** Time as a Public Health Control  
FC 3-501.19 Time as a Public Health Control  
105 CMR 590.004(H) Variances

**No:** RF 3-1

Potentially hazardous foods (PHF) may be held without temperature control for up to four hours because there will be no significant bacterial growth or toxin production in that limited time. The 1999 Food Code permits the use of time only (rather than time and temperature) as a public health control in low risk situations when the PHF will be cooked and/or held for immediate consumption. In Massachusetts, a variance from the board of health is required prior to using time as a public health control (TPHC).

TPHC may be used only for:

1. A working supply of potentially hazardous food before cooking, or
2. Ready-to-eat, potentially hazardous food that is displayed or held for service for immediate consumption.

### **Note:**

- *Once a food is taken out of temperature control, it must be cooked and served, consumed or discarded by the end of the four-hour period in accordance with **approved written procedures**.*
- *TPHC may **not** be used during the preparation of cold ready-to-eat PHFs (such as tuna salad, which will not be cooked or reheated for the consumer) unless preparation and display for service are continuous within a four-hour period.*
- *TPHC may **not** be used during the display of ready-to-eat PHFs, which will be packaged for take-out.*
- *In food establishments such as nursing homes and hospitals, which serve highly susceptible populations, time as a public health control may **not** be used for raw eggs.*

### **Variance Requirement**

When time only (rather than time and temperature) is used as a public health control for potentially hazardous food, a **variance is required from the board of health**. The variance request must be in writing and shall include procedures that identify:

1. The food for which you are requesting a variance.
2. How the food will be marked or otherwise identified to indicate the time that is 4 hours after the time the food is removed from temperature control. (For example, labels, marker, color tags, etc.)
3. How the food in unmarked containers or packages or marked to exceed a 4-hour limit will be discarded.

***Enforcement and Compliance Guideline***

- Approved written procedures must be maintained at the food establishment and must be made available to the food inspector upon request during routine inspections and complaint investigations.
- If an establishment is using TPHC, but has not requested or received a variance, or is not in compliance with approved procedures, the following section(s) should be debited on the inspection report form:

Item No.	Code Reference	C-Critical R- Red Item	Generic Description of Violation
20	590.004(H)	R	Time as Public Health used without a variance from the board of health.
20	3-501.19	R	Approved written procedures not available during inspection.
20	3-501.19	R	TPHC not used in accordance with approved procedures.
			– TPHC used for foods not approved of in variance or as allowed in 3-501.19.
			– Food not properly time marked to indicate 4 hours after the food is removed from temperature control.
			– Food properly marked, but not discarded after four hours.

➤ **Corrective actions:**

Food establishments, which have not received a variance from the board of health, must suspend TPHC operations immediately.

PHF in unmarked containers or in marked containers exceeding the 4-hour limit must be discarded. The BOH may use professional judgment in such circumstances to determine if reconditioning food is an acceptable alternative depending on the type of food, the time the food has been left at room temperature and the actual temperature.

The board of health should consider revocation of a TPHC variance for repeated non-compliance with approved procedures.