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Subject: Key Drops

To: District Environmental Health Directors

Recently, Environmental Health Specialists and Georgia's Food Service Industry have questioned the State Environmental Health Office as to how Rule 290-5-14-.04 subsection (3) entitled, "Specifications for Receiving", should be interpreted in regards to "Key Drops". Their questioning centers around, "Are 'key drops' legal according to Georgia's Rules and Regulations Food Service Chapter 290-5-14?" In the past, this office has viewed "Key Drop" delivery of foods to food service establishments as being in conflict with requirements of Rule 290-5-14 -.03 subsection (2) (e) because a person in charge was not on site to monitor receipt of food and supplies into the establishment. So, to bring resolution to questions concerning key drop deliveries and clarify the intent of the chapter concerning this subject, the State Environmental Health Office asked FDA/CFSSAN to provide input. It was concluded by both this office and FDA/CFSSAN that the issue of key drop deliveries of food to food service establishments was neither prohibited or approved under both Georgia and FDA Food Codes; but, it could be allowed under certain requirements.

The above conclusion was derived from two points of questioning: one must first know what is meant by the word "Key Drop" and how is it related to food deliveries to food service establishments. The term, "Key Drop", is the common term given to a type of delivery in which distributors place products into retail food establishments between midnight and 6 a.m. typically when the establishment is closed. The distributor is contracted by the food service establishment and generally given a key to allow access to the establishment. Key drops are often done in cities where delivery trucks cannot block traffic during normal working hours. With this in mind, Chapter 290-5-14 does not specify how or when food must be received at the food service establishment; rather, it states the minimum temperature requirements and the condition of the food at receipt. In addition, Rule 290-5-14-.03 subsection (2) (e) just requires that the person in charge ensures that establishment employees are visually inspecting food that is received by the establishment to ensure compliance with Rule 290-5-14-.04 subsection (3). Therefore, since Chapter 290-5-14 is silent on the issue of key drops, acceptance of this procedure of receiving deliveries or an alternative must be a decision made between the local Health Department, the food service establishment and the distribution company so that the specifications for receiving within the Chapter are met. To this end, local County Health Departments should require food service establishments within their jurisdiction who wish to receive deliveries by key drop should require said establishments to provide a written plan that address the following requirements:

1. Notification to the local Health Department by the food service establishment that the key drop delivery method is conducted in the facility. With this notification, a schedule of delivery hours and detail how the process will be conducted by the establishment;
2. By a legally binding contract, the distribution company must agree to retain possession of the food products until it is officially received by an actual employee of the food service establishment. A copy of the completed and signed (by all applicable parties) contract must accompany the written

key drop written plan. Receipt of product and thereby acceptance of same by the food service establishment would be at the time when food service establishment employees enters the building and conducts all inspections of deliveries, making comparisons with invoices, and record keeping constituting the establishments officially taking possession of deliveries;

3. Upon delivery all food product must be stored WITHIN the food service establishment (not on a loading dock or in an area accessible by the public) and stored appropriately depending on the type of food. For example, food products needing temperature control for safety must be stored within approved cold holding units and held at temperatures of 41 degrees Fahrenheit or below or if the food product is frozen, it must be placed into the freezer, etc. Any products delivered hot, must be stored within the appropriate hot holding storage equipment to maintain it at 135 degrees Fahrenheit or higher;

4. Receipt of product must be immediately done upon entry into the food service establishments by its employees; and

5. A record of delivery condition and temperature upon receipt as per requirements found within Rule 290-5-14-.04 subsection (3) of Chapter 290-5-14 must be maintained within the food service establishment for at least six (6) months. These records must be made available for review by the local Health Department representatives during inspections.

It must be noted that the use of key drop deliveries of food is a privilege granted to food service establishments by the Health Authority. Any breach of the above key drop written plan would null and void this privilege. Further, it would be a violation of the Chapter to leave refrigerated food unrefrigerated and not under temperature control.

Please pass this information onto your County Environmental Health Specialists.

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