



Ohio Administrative Code

Rule 901:3-4-05 Risk level of retail food establishments.

Effective: February 12, 2024

The licensor shall determine the risk level based on the highest risk level activity of the retail food establishment in accordance with the following criteria:

(A) Risk level I poses potential risk to the public in terms of sanitation, food labeling, sources of food, storage practices, or expiration dates.

(1) Examples of risk level I activities include, but are not limited to, an operation that offers for sale or serves:

(a) Coffee, self-service hot beverage dispenser drinks, self-service fountain drinks, prepackaged non-time/temperature controlled for safety food beverages;

(b) Pre-packaged refrigerated or frozen time/temperature controlled for safety food;

(c) Fresh unprocessed fruits and vegetables;

(d) Pre-packaged non-time/temperature controlled for safety food; or

(e) Baby food or formula.

(2) A "food delivery operation" as defined in division (H) of section 3717.01 of the Revised Code shall be classified as risk level I.

(3) A "micro market" as defined in paragraph (B) of rule 3717-1-01 of the Administrative Code shall be classified as a risk level I.

(B) Risk level II poses a higher potential risk to the public than risk level I because of hand contact or employee health concerns but minimal possibility of pathogenic growth exists. Examples of risk



level II activities include, but are not limited to:

- (1) Handling, heat treating, or preparing non-time/temperature controlled for safety food;
- (2) Holding for sale or serving time/temperature controlled for safety food at the same proper holding temperature at which it was received;
- (3) Heating individually packaged, commercially processed time/temperature controlled for safety food for immediate service; or
- (4) Hand dipping of commercially manufactured ice cream.

(C) Risk level III poses a higher potential risk to the public than risk level II because of the following concerns: proper cooking temperatures, proper cooling procedures, proper holding temperatures, contamination issues or improper heat treatment in association with longer holding times before consumption, or processing a raw food product requiring bacterial load reduction procedures in order to sell the product as ready-to-eat. Examples of risk level III activities include, but are not limited to:

- (1) Handling, cutting, or grinding raw meat products;
- (2) Cutting or slicing ready-to-eat meats and cheeses;
- (3) Assembling, partially cooking, or cooking time/temperature controlled for safety food that is immediately served, held hot or cold, or cooled;
- (4) Operating a soft serve ice cream or frozen yogurt machine;
- (5) Reheating in individual portions only; or
- (6) Heating of a product from an intact hermetically sealed package and holding the product hot.

(D) Risk level IV poses a higher potential risk to the public than risk level III because of concerns



associated with: handling or preparing food using a procedure with several preparation steps that includes reheating of a product or ingredient of a product where multiple temperature controls are needed to preclude bacterial growth. Examples of risk level IV activities include, but are not limited to:

- (1) Reheating bulk quantities of leftover time/temperature controlled for safety food more than once every seven days;
 - (2) Operating a heat treatment dispensing freezer;
 - (3) Catering food service operations as defined in division (G) of section 3717.01 of the Revised Code;
 - (4) Offering as ready-to-eat a raw time/temperature controlled for safety animal food or a food with these raw ingredients;
 - (5) Using freezing as a means to achieve parasite destruction;
 - (6) Preparing food for a primarily high risk clientele including immune-compromised or elderly individuals in a facility that provides either health care or assisted living;
 - (7) Using time as a public health control for time/temperature controlled for safety food;
 - (8) Non-continuous cooking of raw time/temperature controlled for safety food;
 - (9) Performing activities requiring a HACCP plan, as defined in paragraph (B)(52) of rule 3717-1-01 of the Administrative Code; or
 - (10) Activities requiring a variance for the process.
- (E) The licensor shall determine the risk level of mobile retail food establishment based on the highest risk level activity of mobile retail food establishments in accordance with the criteria listed in paragraphs (E)(1) to (E)(2) of this rule:



(1) Low risk poses a potential risk to the public in terms of sanitation, food labeling, sources of food, and food storage practices in the mobile. Low risk activities include:

(a) Holding for sale or service pre-packaged refrigerated or frozen time/temperature controlled for safety foods; and

(b) Offering for sale or serving pre-packaged non-time/temperature controlled for safety foods.

(2) High risk poses a higher potential risk to the public than low risk because of concerns associated with: proper receiving, holding, and cooking temperatures; proper cooling procedures; processing a raw food that has undergone parasite or bacterial load reduction procedures in order to sell or serve it as ready-to-eat; handling or preparing food using a procedure with several preparation steps that includes reheating of a product or ingredient of a product where multiple temperature controls are needed to preclude bacterial growth; offering as ready-to-eat a raw time/temperature controlled for safety meat, poultry product, fish, or shellfish; or a food with these raw time/temperature controlled for safety items as ingredients; or using time in lieu of temperature as a public health control for time/temperature controlled for safety food. Examples of high-risk activities include, but are not limited to:

(a) Assembling or cooking time/temperature controlled for safety food that is immediately served, held hot or cold, or cooled;

(b) Operating a heat treatment dispensing freezer;

(c) Reheating bulk quantities or individual portions of leftover time/temperature controlled for safety food;

(d) Heating a food from an intact, hermetically sealed package and holding it hot; or

(e) Operating as a mobile catering food service operation as defined in paragraph (L) of rule 3701-21-01 of the Administrative Code.