

4-501.110 Mechanical Warewashing Equipment, Wash Solution Temperature continued.

- (4) For a multitank, conveyor, multitemperature machine, 66 °C (150 °F). ^{Pf}
- (B) The temperature of the wash solution in spray-type warewashers that use chemicals to SANITIZE may not be less than 49 °C (120 °F). ^{Pf}

4-501.111 Manual Warewashing Equipment, Hot Water Sanitization Temperatures.*

If immersion in hot water is used for SANITIZING in a manual operation, the temperature of the water shall be maintained at 77 °C (171 °F) or above. ^P

4-501.112 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.

- (A) Except as specified in Paragraph (B) of this section, in a mechanical operation, the temperature of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90 °C (194 °F), or less than: ^{Pf}
- (1) For a stationary rack, single temperature machine, 74 °C (165 °F); ^{Pf} or
- (2) For all other machines, 82 °C (180 °F). ^{Pf}
- (B) *The maximum temperature specified under Paragraph (A) of this section, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and SANITIZING of EQUIPMENT such as meat saws.*

4-501.113 Mechanical Warewashing Equipment, Sanitization Pressure.

The flow pressure of the fresh hot water SANITIZING rinse in a WAREWASHING machine as measured in the water line immediately downstream or upstream from the fresh hot water SANITIZING rinse control valve shall be within the range specified on the machine manufacturer's data plate and may not be less than 35 kilopascals (5 pounds per square inch) or more than 200 kilopascals (30 pounds per square inch).

4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.*

A chemical SANITIZER used in a SANITIZING solution for a manual or mechanical operation at contact times specified under Subparagraph 4-703.11(C) shall meet the criteria specified under Paragraph 7-204.11 SANITIZERS, Criteria, shall be used in accordance with the EPA-registered label use instructions, and shall be used as follows:

- (A) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart; ^P

Minimum-Concentration	Minimum Temperature	Minimum Temperature
mg/L	pH 10 or less °C (°F)	pH 8 or less °C (°F)
25 - -49	49 (120)	49 (120)
50 - -99	38 (100)	24 (75)
100	13 (55)	13 (55)

4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness continued.*

(B) An iodine solution shall have a:

- (1) Minimum temperature of 20°C (68°F), ^P
- (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, ^P and
- (3) Concentration between 12.5 mg/L and 25 mg/L; ^P

(C) A quaternary ammonium compound solution shall:

- (1) Have a minimum temperature of 24°C (75°F), ^P
- (2) Have a concentration as specified under Subpart 7-204.11 and as indicated by the manufacturer's use directions included in the labeling, ^P and
- (3) Be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions; ^P

(D) If another solution of a chemical specified under Paragraphs (A)-(C) of this section is used, the PERMIT HOLDER shall demonstrate to the REGULATORY AUTHORITY that the solution achieves SANITIZATION and the use of the solution shall be APPROVED; ^P or

(E) If a chemical SANITIZER other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the EPA-registered label use instructions, ^P and ^P

(F) If a chemical SANITIZER is generated by a device located on-site at a FOOD ESTABLISHMENT it shall be used as specified in Paragraphs (A) – (D) of this section and shall be produced by a device that:

- (1) Complies with regulation as specified in Paragraphs 2 (q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), ^P
- (2) Complies with 40 CFR 152.500 Requirements for Devices and 40 CFR 156.10 Labeling Requirements, ^P
- (3) Displays the EPA device manufacturing facility registration number on the device, ^P and
- (4) Is operated and maintained in accordance with manufacturer's instructions. ^P

4-501.115 Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.

If a detergent-SANITIZER is used to SANITIZE in a cleaning and SANITIZING procedure where there is no distinct water rinse between the washing and SANITIZING steps, the agent applied in the SANITIZING step shall be the same detergent-SANITIZER that is used in the washing step.

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration.

Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device. ^{Pf}

Utensils and Temperature and Pressure Measuring Devices

4-502.11 Good Repair and Calibration.

- (A) UTENSILS shall be maintained in a state of repair or condition that complies with the requirements specified under Parts 4-1 and 4-2 or shall be discarded.
- (B) FOOD TEMPERATURE MEASURING DEVICES shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy. ^{Pf}
- (C) Ambient air temperature, water pressure, and water TEMPERATURE MEASURING DEVICES shall be maintained in good repair and are accurate within the intended range of use.

4-502.12 Single-Service and Single-Use Articles, Required Use.*

A RETAIL FOOD ESTABLISHMENT without facilities specified under Parts 4-6 and 4-7 for cleaning and SANITIZING kitchenware and TABLEWARE shall provide only SINGLE-USE KITCHENWARE, SINGLE-SERVICE ARTICLES, and SINGLE-USE ARTICLES for use by FOOD EMPLOYEES and SINGLE-SERVICE ARTICLES for use by CONSUMERS. ^P

4-502.13 Single-Service and Single-Use Articles, Use Limitation.

(A) SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused.

(B) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

4-502.14 Shells, Use Limitation.

Mollusk and crustacea shells may not be used more than once as serving containers.

4-6 CLEANING OF EQUIPMENT AND UTENSILS

Subparts

<u>4-601</u>	<u>Objective</u>
<u>4-602</u>	<u>Frequency</u>
<u>4-603</u>	<u>Methods</u>

Objective

4-601.11 Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.*

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch. ^{Pf}

(B) The FOOD-CONTACT SURFACES of cooking EQUIPMENT and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(C) NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris.

Frequency

4-602.11 Equipment Food-Contact Surfaces and Utensils.*

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned:

- (1) Except as specified in Paragraph (B) of this section, before each use with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY; ^P
- (2) Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS; ^P
- (3) Between uses with raw fruits and vegetables and with ~~POTENTIALLY-
HAZARDOUS FOOD~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD); ^P

4-602.11 Equipment Food-Contact Surfaces and Utensils continued.*

- (4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE; ^P and
- (5) At any time during the operation when contamination may have occurred. ^P
- (B) *Subparagraph (A)(1) of this section does not apply if the FOOD-CONTACT SURFACE or UTENSIL is in contact with a succession of different raw animal FOODS MEAT- and POULTRY- each requiring a higher cooking temperature as specified under Subpart 3-401.11 than the previous type FOOD, such as preparing raw FISH- followed by cutting raw poultry on the same cutting board- type.*
- (C) Except as specified in Paragraph (D) of this section, if used with POTENTIALLY- HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), EQUIPMENT FOOD- CONTACT SURFACES and UTENSILS shall be cleaned throughout the day at least every 4 hours. ^P
- (D) *Surfaces of UTENSILS and EQUIPMENT contacting POTENTIALLY HAZARDOUS FOOD- (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) may be cleaned less frequently than every 4 hours if:*
- (1) *In storage, containers of POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), and their contents are maintained at temperatures specified under Chapter 3 of THESE RULES AND REGULATIONS Chapter 3 and the containers are cleaned when they are empty;*
 - (2) *UTENSILS and EQUIPMENT are used to prepare FOOD in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:*
 - (a) *The UTENSILS and EQUIPMENT are cleaned at the frequency in the following chart that corresponds to the temperature; and*

Temperature	Cleaning Frequency
5.0° C (41°F) or less	24 hours
>5.0°C – 7.2°C (>41°F - 45°F)	20 hours
>7.2°C – 10.0°C (>45°F - 50°F)	16 hours
>10.0°C – 12.8°C (>50°F - 55°F)	10 hours

- (b) *The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the RETAIL FOOD ESTABLISHMENT.*
- (3) *Containers in serving situations such as salad bars, delis, and cafeteria lines hold READY-TO-EAT POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) that is maintained at the temperatures specified under Chapter 3, are intermittently combined with additional supplies of the same FOOD that is at the required temperature, and the containers are cleaned at least every 24 hours;*
- (4) *TEMPERATURE MEASURING DEVICES are maintained in contact with FOOD, such as when left in a container of deli FOOD or in a roast, held at temperatures specified under Chapter 3;*

4-602.11 Equipment Food-Contact Surfaces and Utensils continued.*

- (5) *EQUIPMENT is used for storage of PACKAGED or UNPACKAGED FOOD such as a reach-in refrigerator and the EQUIPMENT is cleaned at a frequency necessary to preclude accumulation of soil residues;*
 - (6) *The cleaning schedule is APPROVED based on consideration of:*
 - (a) *Characteristics of the EQUIPMENT and its use,*
 - (b) *The type of FOOD involved,*
 - (c) *The amount of food residue accumulation, and*
 - (d) *The temperature at which the FOOD is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or*
 - (7) *In-use UTENSILS are intermittently stored in a container of water in which the water is maintained at 57° C (135° F) or more and the UTENSILS and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.*
- (E) *Except when dry cleaning methods are used as specified under Subpart 4-603.11, surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cleaned;*
- (1) *At any time when contamination may have occurred;*
 - (2) *At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops, or ladles;*
 - (3) *Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers and display containers; and*
 - (4) *In EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:*
 - (a) *At a frequency specified by the manufacturer, or*
 - (b) *Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.*

4-602.12 Cooking and Baking Equipment.

- (A) *The FOOD-CONTACT SURFACES of cooking and baking EQUIPMENT shall be cleaned at least every 24 hours. This section does not apply to hot oil cooking and filtering EQUIPMENT if it is cleaned as specified in Subparagraph 4-602.11(D)(6).*
- (B) *The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.*

4-602.13 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES of EQUIPMENT shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

Methods

4-603.11 Dry Cleaning.

- (A) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only SURFACES that are soiled with dry FOOD residues that are not POTENTIALLY HAZARDOUS TIME/TEMPERATURE CONTROL FOR SAFETY FOOD.
- (B) Cleaning EQUIPMENT used in dry cleaning FOOD-CONTACT SURFACES may not be used for any other purpose.

4-603.12 Precleaning.

- (A) FOOD debris on EQUIPMENT and UTENSILS shall be scrapped over a waste disposal unit or garbage receptacle or shall be removed in a WAREWASHING machine with a prewash cycle.
- (B) If necessary for effective cleaning, UTENSILS and EQUIPMENT shall be preflushed, presoaked, or scrubbed with abrasives.

4-603.13 Loading of Soiled Items, Warewashing Machines.

Soiled items to be cleaned in a WAREWASHING machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

- (A) Exposes the items to the unobstructed spray from all cycles; and
- (B) Allows the items to drain.

4-603.14 Wet Cleaning.

- (A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.
- (B) The washing procedures selected shall be based on the type and purpose of the EQUIPMENT or UTENSIL, and on the type of soil to be removed.

4-603.15 Washing, Procedures for Alternative Manual Warewashing Equipment.

If washing in sink compartments or a WAREWASHING machine is impractical such as when the EQUIPMENT is fixed or the UTENSILS are too large, washing shall be done by using alternative manual WAREWASHING EQUIPMENT as specified in Subparagraph 4-301.12(C) in accordance with the following procedures:

- (A) EQUIPMENT shall be disassembled as necessary to allow access of the detergent solution to all parts;
- (B) EQUIPMENT components and UTENSILS shall be scrapped or rough cleaned to remove FOOD particle accumulation; and
- (B) EQUIPMENT and UTENSILS shall be washed as specified under Subparagraph 4-603.14(A).

4-603.16 Rinsing Procedures.

Washed UTENSILS and EQUIPMENT shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-SANITIZER solution by using one of the following procedures:

4-603.16 Rinsing Procedures continued.

- (A) Use of a distinct, separate water rinse after washing and before SANITIZING if using:
 - (1) A 3-compartment sink,
 - (2) Alternative manual WAREWASHING EQUIPMENT equivalent to a 3-compartment sink as specified in Subparagraph 4-301.12(C), or
 - (3) A 3-step washing, rinsing, and SANITIZING procedure in a WAREWASHING system for CIP EQUIPMENT;
- (B) Use of a detergent-SANITIZER as specified under Subpart 4-501.115 if using:
 - (1) Alternative WAREWASHING EQUIPMENT as specified in Subparagraph 4-301.12(C) that is APPROVED for use with a detergent-SANITIZER, or
 - (2) A WAREWASHING system for CIP EQUIPMENT;
- (C) Use of a non-distinct water rinse that is integrated in the hot water SANITIZATION immersion step of a 2-compartment sink operation;
- (D) If using a WAREWASHING machine that does not recycle the SANITIZING solution as specified under Paragraph (E) of this section, or alternative manual WAREWASHING EQUIPMENT such as sprayers, use of a non-distinct water rinse that is:
 - (1) Integrated in the application of the SANITIZING solution, and
 - (2) Wasted immediately after each application; or
- (E) If using a WAREWASHING machine that recycles the SANITIZING solution for use in the next wash cycle, use of a non-distinct water rinse that is integrated in the application of the SANITIZING solution.

4-603.17 ~~Returnables, Cleaning for Refilling.*~~

- ~~(A) Except as specified in Paragraphs (B) and (C) of this section, returned empty containers intended for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.^P~~
- ~~(B) A FOOD-specific container for BEVERAGES may be refilled at RETAIL FOOD ESTABLISHMENT if:~~
 - ~~(1) Only a BEVERAGE that is not a POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) is used as specified under Subparagraph 3-304.17(A);~~
 - ~~(2) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the RETAIL FOOD ESTABLISHMENT;~~
 - ~~(3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;~~
 - ~~(4) The CONSUMER-owned container returned to the RETAIL FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and~~
 - ~~(5) The container is refilled by:~~
 - ~~(a) An EMPLOYEE of the RETAIL FOOD ESTABLISHMENT, or~~

4-603.17 ~~Returnables, Cleaning for Refilling continued.*~~

~~(b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process that cannot be bypassed by the container owner.~~

~~(c) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.~~

4-7 SANITIZATION OF EQUIPMENT AND UTENSILS

Subparts

<u>4-701</u>	<u>Objective</u>
<u>4-702</u>	<u>Frequency</u>
<u>4-703</u>	<u>Methods</u>

Objective

4-701.10 Food-Contact Surfaces and Utensils.

EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED.

Frequency

4-702.11 Before Use After Cleaning.*

UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning.^P

Methods

4-703.11 Hot Water and Chemical.*

After being cleaned, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED in:

- (A) Hot water manual operations by immersion for at least 30 seconds and as specified under Subpart 4-501.111;^P
- (B) Hot water mechanical operations by being cycled through EQUIPMENT that is set up as specified under Subparts 4-501.15, 4-501.112, and 4-501.113 and achieving a UTENSIL surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator;^P or
- (C) Chemical manual or mechanical operations, including the application of SANITIZING chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under Subpart 4-501.114. Contact times shall be consistent with those on EPA-registered label use

instructions by providing:

DRIVER

4-703.11 Hot Water and Chemical continued.*

- (1) Except as specified under Subparagraph (C)(2) of this section, an contact time of at least 10 seconds for a chlorine solution specified under Subparagraph 4-501.114(A),^P
- (2) An contact time of at least 7 seconds for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 38°C (100°F) or a pH of 8 or less and a temperature of at least 24°C (75°F),^P
- (3) An contact time of at least 30 seconds for other chemical SANITIZING solutions,^P or
- (4) An contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields SANITIZATION as defined in Subparagraph 1-201.10(B)(79).^P

4-8 LAUNDERING

Subparts

<u>4-801</u>	<u>Objective</u>
<u>4-802</u>	<u>Frequency</u>
<u>4-803</u>	<u>Methods</u>

Objective

4-801.11 Clean Linens.

Clean LINENS shall be free from FOOD residues and other soiling matter.

Frequency

4-802.11 Specifications.

- (A) LINENS that do not come in direct contact with FOOD shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (B) Cloth gloves used as specified in Subparagraph 3-304.15(D) shall be laundered before being used with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY.
- (C) LINENS and napkins that are used as specified under Subpart 3-304.13 and cloth napkins shall be laundered between each use.
- (D) Wet wiping cloths shall be laundered daily.
- (E) Dry wiping cloths shall be laundered as necessary to prevent contamination of FOOD and clean serving UTENSILS.

Methods

4-803.11 Storage of Soiled Linens.

Soiled LINENS shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of FOOD, clean EQUIPMENT, clean UTENSILS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

4-803.12 Mechanical Washing.

- (A) Except as specified in Paragraph (B) of this section, LINENS shall be mechanically washed.
- (B) *In RETAIL FOOD ESTABLISHMENTS in which only wiping cloths are laundered as specified in Subparagraph 4-301.15(B), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a WAREWASHING or FOOD preparation sink that is cleaned as specified under Subpart 4-501.14.*

4-803.13 Use of Laundry Facilities.

- (A) Except as specified in Paragraph (B) of this section, laundry facilities on the PREMISES of a RETAIL FOOD ESTABLISHMENT shall be used only for the washing and drying of items used in the operation of the establishment.
- (B) *Separate laundry facilities located on the PREMISES for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering RETAIL FOOD ESTABLISHMENT items.*

4-9 PROTECTION OF CLEAN ITEMS

Subparts

<u>4-901</u>	<u>Drying</u>
<u>4-902</u>	<u>Lubricating and Reassembling</u>
<u>4-903</u>	<u>Storing</u>
<u>4-904</u>	<u>Handling</u>

Drying

4-901.11 Equipment and Utensils, Air-Drying Required.

After cleaning and SANITIZING, EQUIPMENT and UTENSILS:

- (A) Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface SANITIZING solutions), before contact with FOOD; and
- (B) May not be cloth dried *except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry.*

4-901.12 Wiping Cloths, Air-Drying Locations.

Wiping cloths laundered in a RETAIL FOOD ESTABLISHMENT that does not have a mechanical clothes dryer as specified in Subparagraph 4-301.15(B) shall be air-dried in a location and in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and the wiping cloths. *This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under Subpart 4-501.114.*

Lubricating and Reassembling

4-902.11 Food-Contact Surfaces.

Lubricants as specified under § 7-205.11 shall be applied to FOOD-CONTACT SURFACES that require lubrication in a manner that does not contaminate FOOD-CONTACT SURFACES.

4-902.12 Equipment.

EQUIPMENT shall be reassembled so that FOOD-CONTACT SURFACES are not contaminated.

Storing

4-903.11 Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.

(A) Except as specified in Paragraph (D) of this section, cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored:

- (1) In a clean, dry location;
- (2) Where they are not exposed to splash, dust, or other contamination; and
- (3) At least 15 cm (6 inches) above the floor.

(B) Clean EQUIPMENT and UTENSILS shall be stored as specified under Paragraph (A) of this section and shall be stored:

- (1) In a self-draining position that allows air drying; and
- (2) Covered or inverted.

(C) SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored as specified under Paragraph (A) of this section and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

(D) *Items that are kept in closed packages PACKAGES may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids that are designed as specified under Subparagraph 4-204.122.*

4-903.12 Prohibitions.

(A) Except as specified in Paragraph (B) of this section, cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be stored:

4-903.12 Prohibitions continued.

- (1) In locker rooms;
 - (2) In toilet rooms;
 - (3) In garbage rooms;
 - (4) In mechanical rooms;
 - (5) Under sewer lines that are not shielded to intercept potential drips;
 - (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - (7) Under open stairwells; or
 - (8) Under other sources of contamination.
- (B) *Laundered LINENS and SINGLE-SERVICE and SINGLE-USE ARTICLES that are PACKAGED or in a facility such as a cabinet may be stored in a locker room.*

Handling—Preventing Contamination

4-904.11 Kitchenware and Tableware.

- (A) SINGLE-SERVICE and SINGLE-USE ARTICLES and cleaned and SANITIZED UTENSILS shall be handled, displayed, and dispensed so that contamination of FOOD- and lip-contact surfaces is prevented.
- (B) Knives, forks, and spoons that are not pre-wrapped shall be presented so that only the handles are touched by EMPLOYEES and by CONSUMERS if CONSUMER self-service is provided.
- (C) Except as specified under Paragraph (B) of this section, SINGLE-SERVICE ARTICLES that are intended for FOOD- or lip-contact shall be furnished for CONSUMER self-service with the original individual wrapper intact or from an APPROVED dispenser.

4-904.12 Soiled and Clean Tableware.

Soiled TABLEWARE shall be removed from CONSUMER eating and drinking areas and handled so that clean TABLEWARE is not contaminated.

4-904.13 Preset Tableware.

- (A) Except as specified in (B) of this section, TABLEWARE that is preset shall be protected from contamination by being wrapped, covered, or inverted;
- (B) *Preset TABLEWARE may be exposed if:*
 - (1) *Unused settings are removed when a CONSUMER is seated; or*
 - (2) *Settings not removed when a CONSUMER is seated are cleaned and SANITIZED before further use.*

4-904.14 —Rinsing Equipment and Utensils after Cleaning and Sanitizing.

After being cleaned and SANITIZED, EQUIPMENT and UTENSILS shall not be rinsed before air drying or use unless:

(A) (A) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under Subparts 4-20204 and 4-501; and

(B) (B) The rinse is applied only after the EQUIPMENT and UTENSILS have been SANITIZED by the application of hot water or by the application of a chemical SANITIZER solution whose EPA-registered label use instructions call for rinsing off the SANITIZER after it is applied in a commercial WAREWASHING machine.

Chapter

5

Water, Plumbing, and Waste

Parts

- 5-1 WATER
- 5-2 PLUMBING SYSTEM
- 5-3 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT
WATER TANK
- 5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER
- 5-5 REFUSE, RECYCLABLES, AND RETURNABLES

5-1 WATER

Subparts

- | | |
|--------------|--|
| <u>5-101</u> | <u>Source</u> |
| <u>5-102</u> | <u>Quality</u> |
| <u>5-103</u> | <u>Quantity and Availability</u> |
| <u>5-104</u> | <u>Distribution, Delivery, and Retention</u> |

Source

5-101.11 Approved System.*

DRINKING WATER shall be obtained from an APPROVED source that is:

- (A) A PUBLIC WATER SYSTEM; ^P or
- (B) A SEMI-PUBLIC WATER SYSTEM that is constructed, maintained, and operated according to LAW. ^P

5-101.12 System Flushing and Disinfection.*

A DRINKING WATER system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system. ^P

5-101.13 Bottled Drinking Water.*

BOTTLED DRINKING WATER used or sold in a RETAIL FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with 21 CFR 129 - Processing and Bottling of Bottled DRINKING WATER. ^P

Quality

5-102.11 Standards.*

Except as specified under Subpart 5-102.12:

- (A) Water from a PUBLIC WATER SYSTEM shall meet 40 CFR 141 - National Primary Drinking Water Regulations and state DRINKING WATER quality standards; ^P and
- (B) Water from a SEMI-PUBLIC WATER SYSTEM shall meet state DRINKING WATER quality standards. ^P

5-102.12 Nondrinking Water.*

- (A) A non-DRINKING WATER supply shall be used only if its use is APPROVED BY ARKANSAS PLUMBING CODE. ^P
- (B) Non-DRINKING WATER shall be used only for non-culinary purposes such as air conditioning, non-FOOD EQUIPMENT cooling, and fire protection. ^P

5-102.13 Sampling.

Except when used as specified under Subpart 5-102.12, water from a SEMI-PUBLIC-~~nonPUBLIC~~ WATER SYSTEM shall be sampled and tested at least annually and as required by state water quality regulations. ^{Pf}

5-102.14 Sample Report.

The most recent sample report for the SEMI-PUBLIC-~~nonPUBLIC~~ WATER SYSTEM shall be retained on file in the RETAIL FOOD ESTABLISHMENT or the report shall be maintained as specified by state water quality regulations.

Quantity and Availability

5-103.11 Capacity.*

- (A) The water source and system shall be of sufficient capacity to meet the peak water demands of the RETAIL-FOOD ESTABLISHMENT. ^{Pf}
- (B) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the RETAIL-FOOD ESTABLISHMENT. ^{Pf}

5-103.12 Pressure.

Water under pressure shall be provided to all fixtures, EQUIPMENT, and nonFOOD EQUIPMENT that are required to use water *except that water supplied as specified under Subparagraphs 5-104.12(A) and (B) to a TEMPORARY FOOD ESTABLISHMENT or in response to a temporary interruption of a water supply need not be under pressure.* ^{Pf}

Distribution, Delivery, and Retention

5-104.11 System.

Water shall be received from the source through the use of:

- (A) An APPROVED public water main; ^{Pf} or
- (B) One or more of the following that shall be constructed, maintained, and operated according to LAW: ^{Pf}

5-104.11 System continued.

- (1) Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances, ^{Pf}
- (2) Water transport vehicles, ^{Pf} and
- (3) Water containers. ^{Pf}

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be made available for a mobile facility, for a TEMPORARY FOOD ESTABLISHMENT without a permanent water supply, and for a RETAIL FOOD ESTABLISHMENT with a temporary interruption of its water supply through:

- (A) A supply of containers of commercially BOTTLED DRINKING WATER; ^{Pf}
- (B) One or more closed portable water containers; ^{Pf}
- (C) An enclosed vehicular water tank; ^{Pf}
- (D) An on-PREMISES water storage tank; ^{Pf} or
- (E) Piping, tubing, or hoses connected to an adjacent APPROVED source. ^{Pf}

5-2 PLUMBING SYSTEM

Subparts

5-201

Materials

5-202

Design, Construction, and Installation

5-203

Numbers and Capacities

5-204

Location and Placement

5-205

Operation and Maintenance

Materials

5-201.11 Approved.*

- (A) A PLUMBING SYSTEM and hoses conveying water shall be constructed and repaired with APPROVED materials according to LAW. ^P
- (B) A water filter shall be made of SAFE MATERIALS. ^P

Design, Construction, and Installation

5-202.11 Approved System and Cleanable Fixtures.*

- (A) A PLUMBING SYSTEM shall be designed, constructed, and installed according to LAW. ^P
- (B) A PLUMBING FIXTURE such as a ~~handwashing sink~~ HANDWASHING SINK, toilet, or urinal shall be EASILY CLEANABLE.

5-202.12 Handwashing Sink, Installation.

- (A) A handwashing sink shall be equipped to provide water at a temperature of at least 38 C (100 F) through a mixing valve or combination faucet. ^{Pf}
- (B) A steam mixing valve may not be used at a HANDWASHING SINK.
- (C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
- (D) An automatic HANDWASHING SINK shall be installed in accordance with manufacturer's instructions.

5-202.13 Backflow Prevention, Air Gap.*

An air gap between the water supply inlet and the flood level rim of the PLUMBING FIXTURE, EQUIPMENT, or non-FOOD EQUIPMENT shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch). ^P

5-202.14 Backflow Prevention Device, Design Standard.

A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device. ^P

5-202.15 Conditioning Device, Design.

A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

Numbers and Capacities

5-203.11 Handwashing Sinks.*

- (A) Except as specified in Paragraphs (B) and (C) of this section, at least 1 HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under Subpart 5-204.11, and not fewer than the number of HANDWASHING SINKS required by LAW shall be provided. ^{Pf}
- (B) *If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic HANDWASHING SINKS handwashing facilities may be substituted for HANDWASHING SINKS in a RETAIL FOOD ESTABLISHMENT that has at least one HANDWASHING SINK.*
- (C) ~~If APPROVED, when FOOD exposure is limited and HANDWASHING SINKS are not conveniently available, such as in some mobile or TEMPORARY FOOD ESTABLISHMENTS or at some VENDING MACHINE LOCATIONS, EMPLOYEES may use chemically treated towlettes for handwashing.~~

5-203.12 Toilets and Urinals.*

- (A) At least 1 toilet and not fewer than the toilets required by LAW shall be provided. If authorized by LAW and urinals are substituted for toilets, the substitution shall be done as specified in LAW.
- (A)(B) ~~Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.~~

5-203.13 Service Sink.

At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

~~(A) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.~~

(A)

5-203.14 Backflow Prevention Device, When Required.*

A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the ~~RETAIL~~RETAIL-FOOD ESTABLISHMENT, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by LAW, by:

(A) Providing an air gap as specified under Subpart 5-202.13; ^P or

(B) Installing an APPROVED backflow prevention device as specified under Subpart 5-202.14. ^P

5-203.15 Backflow Prevention Device, Carbonator.*

(A) If not provided with an air gap as specified under Subpart 5-202.13, a ~~double-~~dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (~~400 mesh to~~ 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(B) *A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under Paragraph (A) of this section.*

Location and Placement

5-204.11 Handwashing Sinks.*

A handwashing facility shall be located:

(A) To allow convenient use by EMPLOYEES in FOOD preparation, FOOD dispensing, and WAREWASHING areas; ^{Pf} and

(B) In, or immediately adjacent to, toilet rooms. ^{Pf}

5-204.12 Backflow Prevention Device, Location.

A backflow prevention device shall be located so that it may be serviced and maintained.

5-204.13 Conditioning Device, Location.

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

Operation and Maintenance

5-205.11 Using a Handwashing Sink.

(A) A HANDWASHING SINK shall be maintained so that it is accessible at all times for EMPLOYEE use. ^{Pf}

- (B) A HANDWASHING SINK may not be used for purposes other than handwashing. ^{Pf}
- (C) An automatic HANDWASHING SINK shall be used in accordance with manufacturer's instructions. ^{Pf}

5-205.12 Prohibiting a Cross Connection.*

- (A) ~~Except as specified in 9 CFR 308.3(d) for firefighting,~~ a A PERSON may not create a cross connection by connecting a pipe or conduit between the DRINKING WATER system and a non-DRINKING WATER SYSTEM or a water system of unknown quality. ^P
- (B) The piping of a non-DRINKING WATER SYSTEM shall be durably identified so that it is readily distinguishable from piping that carries DRINKING WATER. ^{Pf}

5-205.13 Scheduling Inspection and Service for a Water System Device.

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the PERSON IN CHARGE. ^{Pf}

5-205.14 Water Reservoir of Fogging Devices, Cleaning.*

- (A) A reservoir that is used to supply water to a device such as a produce fogger shall be:
- (1) Maintained in accordance with manufacturer's specifications; ^P and
 - (2) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under Paragraph (B) of this section, whichever is more stringent. ^P
- (B) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:
- (1) Draining and complete disassembly of the water and aerosol contact parts; ^P
 - (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution; ^P
 - (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation; ^P and
 - (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/L hypochlorite solution. ^P

5-205.15 System Maintained in Good Repair.*

A PLUMBING SYSTEM shall be:

- (A) Repaired according to LAW; ^P and
- (B) Maintained in good repair.

5-3 MOBILE RETAIL FOOD ESTABLISHMENT WATER TANK, SEASONAL RETAIL FOOD ESTABLISHMENT WATER TANK, PUSH CART RETAIL FOOD ESTABLISHMENTS WATER TANK AND COFFEE KIOSK RETAIL FOOD ESTABLISHMENT WATER TANK

Subparts

<u>5-301</u>	<u>Materials</u>
<u>5-302</u>	<u>Design and Construction</u>
<u>5-303</u>	<u>Numbers and Capacities</u>
<u>5-304</u>	<u>Operation and Maintenance</u>

Materials

5-301.11 Approved.

Materials that are used in the construction of a mobile water tank, MOBILE, SEASONAL FOOD ESTABLISHMENT, PUSH CART, AND COFFEE KIOSK water tank and appurtenances shall be:

- (A) Safe; ^P
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent; and
- (C) Finished to have a SMOOTH, EASILY CLEANABLE surface.

Design and Construction

5-302.11 Enclosed System, Sloped to Drain.

A MOBILE, SEASONAL, PUSH CART, OR COFFEE KIOSK water tank shall be:

- (A) Enclosed from the filling inlet to the discharge outlet; and
- (B) Sloped to an outlet that allows complete drainage of the tank.

5-302.12 Inspection and Cleaning Port, Protected and Secured.

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (A) Flanged upward at least 13 mm (one-half inch); and
- (B) Equipped with a port cover assembly that is:
 - (1) Provided with a gasket and a device for securing the cover in place, and
 - (2) Flanged to overlap the opening and sloped to drain.

5-302.13 "V" Type Threads, Use Limitation.

A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

5-302.14 Tank Vent, Protected.

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area; or
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

5-302.15 Inlet and Outlet, Sloped to Drain.

- (A) A water tank and its inlet and outlet shall be sloped to drain.
- (B) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

5-302.16 Hose, Construction and Identification.

A hose used for conveying DRINKING WATER from a water tank shall be:

- (A) Safe; ^P
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent;
- (C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (D) Finished with a SMOOTH interior surface; and
- (E) Clearly and durably identified as to its use if not permanently attached.

Numbers and Capacities

5-303.11 Filter, Compressed Air.

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and DRINKING WATER system when compressed air is used to pressurize the water tank system. ^P

5-303.12 Protective Cover or Device.

A cap and keeper chain, closed cabinet, closed storage tube, or other APPROVED protective cover or device shall be provided for a water inlet, outlet, and hose.

5-303.13 Mobile, Seasonal, Pushcart, Coffee Kiosk Food Establishment Tank Inlet.

A MOBILE, SEASONAL, COFFEE KIOSK FOOD ESTABLISHMENT'S water tank inlet shall be:

- (A) 19.4 mm (three-fourths inch) in inner diameter or less; and
- (B) Provided with a hose connection of a size or type that will prevent its use for any other service.

Operation and Maintenance

5-304.10 Operation

If a water tank in a MOBILE RETAIL FOOD ESTABLISHMENT, a SEASONAL RETAIL FOOD ESTABLISHMENT, PUSHCART a COFFEE KIOSK RETAIL FOOD ESTABLISHMENT, or a RETAIL FOOD ESTABLISHMENT with a temporary interruption of its water supply in accordance with Subpart 5-104.12, is to be used as alternative water supply, then in accordance with manufacturer specifications or at least every 14 consecutive days, the water tank must be drained, sanitized, and filled with water from an APPROVED source. A log must be maintained of the sanitizing and fresh water filling of the water tank.

5-304.11 System Flushing and Disinfection.*

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse. ^P

5-304.12 Using a Pump and Hoses, Backflow Prevention.

A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

5-304.13 Protecting Inlet, Outlet, and Hose Fitting.

If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under Subpart 5-303.12.

5-304.14 Tank, Pump, and Hoses, Dedication.

(A) Except as specified in Paragraph (B) of this section, a water tank, pump, and hoses used for conveying DRINKING WATER shall be used for no other purpose. ^P

(B) *Water tanks, pumps, and hoses APPROVED for liquid FOODS may be used for conveying DRINKING WATER if they are cleaned and SANITIZED before they are used to convey water.*

5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER

Subparts

5-401 Mobile, Seasonal, Pushcart, Coffee Kiosk Holding Tank

5-402 Retention, Drainage, and Delivery

5-403 Disposal Facility

Mobile, Seasonal, Pushcart, Coffee Kiosk Holding Tank

5-401.11 Capacity and Drainage.

A SEWAGE holding tank in a MOBILE FOOD ESTABLISHMENT, a SEASONAL RETAIL FOOD ESTABLISHMENT, PUSHCART or a COFFEE KIOSK RETAIL FOOD ESTABLISHMENT shall be:

(A) Sized 15 percent larger in capacity than the water supply tank; and

(B) Sloped to a drain that is 25-mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

5-401.11 Capacity and Drainage continued.

- (C) A wastewater holding tank may only be used when the establishment is in compliance with 5-304.10.

Retention, Drainage, and Delivery

design, construction, and installation

5-402.10 Establishment Drainage System.

RETAIL FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE shall be designed and installed as specified under Subparagraph 5-202.11(A).

5-402.11 Backflow Prevention.*

- (A) Except as specified in Paragraphs (B) and (C) of this section, a direct connection may not exist between the SEWAGE system and a drain originating from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed. ^P
- (B) *Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.*
- (C) If allowed by LAW a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.
- (D) If allowed by LAW, a WAREWASHING or culinary sink may have a direct connection.

location and placement

5-402.12 Grease Trap.

If used, a grease trap shall be located to be easily accessible for cleaning.

5-402.13 Conveying Sewage.*

SEWAGE shall be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system or other system, including use of SEWAGE transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to LAW. ^P

5-402.14 Removing Mobile Food Establishment, Seasonal, Pushcart and Coffee Kiosk, Wastes.

- (A) SEWAGE and other liquid wastes shall be removed from a MOBILE FOOD ESTABLISHMENT, PUSHCART, or COFFEE KIOSK FOOD ESTABLISHMENT at an APPROVED waste SERVICING AREA or by a SEWAGE transport vehicle in such a way that a public health HAZARD or nuisance is not created. ^{Pf}
- (A)(B) These food establishments, in 5-402.14 (A), must have a written agreement with the approved waste disposal site. ^{Pf}

5-402.15 Flushing a Waste Retention Tank.

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

Disposal Facility

5-403.11 Approved Sewage Disposal System.*

SEWAGE shall be disposed through an APPROVED facility that is:

- (A) A public SEWAGE treatment plant; ^P or
- (B) An individual SEWAGE disposal system that is sized, constructed, maintained, and operated according TO LAW. ^P

5-403.12 Other Liquid Wastes and Rainwater.

Condensate drainage and other non-SEWAGE liquids and rainwater shall be drained from point of discharge to disposal according to LAW.

5-5 REFUSE, RECYCLABLES, AND RETURNABLES

Subparts

5-501 Facilities on the Premises

5-502 Removal

5-503 Facilities for Disposal and Recycling

Facilities on the Premises

5-501.10 Indoor Storage Area.

If located within the RETAIL FOOD ESTABLISHMENT, a storage area for REFUSE, recyclables, and returnables shall meet the requirements specified under Subparts 6-101.11, 6-201.11, 6-201.18, 6-202.15, and 6-202.16.

5-501.11 Outdoor Storage Surface.

An outdoor storage surface for REFUSE, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be SMOOTH, durable, and sloped to drain.

5-501.12 Outdoor Enclosure.

If used, an outdoor enclosure for REFUSE, recyclables, and returnables shall be constructed of durable and cleanable materials.

5-501.13 Receptacles.

- (A) Except as specified in Paragraph (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing FOOD residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.
- (B) *Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the RETAIL FOOD ESTABLISHMENT, or within closed outside receptacles.*

5-501.14 Receptacles in Vending Machines.

A REFUSE receptacle may not be located within a VENDING MACHINE, *except that a receptacle for BEVERAGE bottle crown closures may be located within a VENDING MACHINE.*

5-501.15 Outside Receptacles.

- (A) Receptacles and waste handling units for REFUSE, recyclables, and returnables used with materials containing FOOD residue and used outside the RETAIL FOOD ESTABLISHMENT shall be designed and constructed to have tight-fitting lids, doors, or covers.
- (B) Receptacles and waste handling units for REFUSE and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

5-501.16 Storage Areas, Rooms, and Receptacles, Capacity and Availability.

- (A) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold REFUSE, recyclables, and returnables that accumulate.
- (B) A receptacle shall be provided in each area of the RETAIL FOOD ESTABLISHMENT or PREMISES where REFUSE is generated or commonly discarded, or where recyclables or returnables are placed.
- (C) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

5-501.17 Toilet Room Receptacle, Covered.

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

5-501.18 Cleaning Implements and Supplies.

- (A) Except as specified in Paragraph (B) of this section, suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for REFUSE, recyclables, and returnables.
- (B) *If APPROVED, off-PREMISES-based cleaning services may be used if on-PREMISES cleaning implements and supplies are not provided.*

5-501.19 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.

- (A) An area designated for REFUSE, recyclables, returnables, and, except as specified in Paragraph (B) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and a public health HAZARD or nuisance is not created.
- (B) *A redeeming machine may be located in the PACKAGED FOOD storage area or CONSUMER area of a RETAIL FOOD ESTABLISHMENT if FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are not subject to contamination from the machines and a public health HAZARD or nuisance is not created.*

5-501.19 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location continued.

- (C) The location of receptacles and waste handling units for REFUSE, recyclables, and returnables may not create a public health HAZARD or nuisance or interfere with the cleaning of adjacent space.

5-501.110 Storing Refuse, Recyclables, and Returnables.

REFUSE, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

5-501.111 Areas, Enclosures, and Receptacles, Good Repair.

Storage areas, enclosures, and receptacles for REFUSE, recyclables, and returnables shall be maintained in good repair.

5-501.112 Outside Storage Prohibitions.

- (A) Except as specified in Paragraph (B) of this section, REFUSE receptacles not meeting the requirements specified under Subparagraph 5-501.13(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with FOOD residue may not be stored outside.
- (B) *Cardboard or other packaging material that does not contain FOOD residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.*

5-501.113 Covering Receptacles.

Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered:

- (A) Inside the RETAIL FOOD ESTABLISHMENT if the receptacles and units:
- (1) Contain FOOD residue and are not in continuous use; or
 - (2) After they are filled; and
- (B) With tight-fitting lids or doors if kept outside the RETAIL FOOD ESTABLISHMENT.

5-501.114 Using Drain Plugs.

Drains in receptacles and waste handling units for REFUSE, recyclables, and returnables shall have drain plugs in place.

5-501.115 Maintaining Refuse Areas and Enclosures.

A storage area and enclosure for REFUSE, recyclables, or returnables shall be maintained free of unnecessary items, as specified under Subpart 6-501.114, and clean.

5-501.116 Cleaning Receptacles.

- (A) Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, or SINGLE-SERVICE and SINGLE-USE ARTICLES, and waste water shall be disposed of as specified under Subpart 5-402.13.
- (B) Soiled receptacles and waste handling units for REFUSE, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

Removal

5-502.11 Frequency.

REFUSE, recyclables, and returnables shall be removed from the PREMISES at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

5-502.12 Receptacles or Vehicles.

REFUSE, recyclables, and returnables shall be removed from the PREMISES by way of:

- (A) Portable receptacles that are constructed and maintained according to LAW; or
- (B) A transport vehicle that is constructed, maintained, and operated according to LAW.

Facilities for Disposal and Recycling

5-503.11 Community or Individual Facility.

Solid waste, not disposed of through the SEWAGE system such as through grinders and pulpers, shall be recycled or disposed of in an APPROVED public or private community recycling or REFUSE facility; or solid waste shall be disposed of in an individual REFUSE facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to LAW.

Chapter 6

Physical Facilities

Parts

- 6-1 MATERIALS FOR CONSTRUCTION AND REPAIR**
- 6-2 DESIGN, CONSTRUCTION, AND INSTALLATION**
- 6-3 NUMBERS AND CAPACITIES**
- 6-4 LOCATION AND PLACEMENT**
- 6-5 MAINTENANCE AND OPERATION**

6-1 MATERIALS FOR CONSTRUCTION AND REPAIR

Subparts

6-101 Indoor Areas

6-102 Outdoor Areas

Indoor Areas

6-101.11 Surface Characteristics.

- (A) Except as specified in Paragraph (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:
- (1) SMOOTH, durable, and EASILY CLEANABLE for areas where RETAIL FOOD ESTABLISHMENT operations are conducted;
 - (2) Closely woven and EASILY CLEANABLE carpet for carpeted areas; and
 - (3) Nonabsorbent for areas subject to moisture such as FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet rooms, MOBILE FOOD ESTABLISHMENT SERVICING AREAS, and areas subject to flushing or spray cleaning methods.
- (B) *In a TEMPORARY FOOD ESTABLISHMENT:*
- (1) *If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable APPROVED materials that are effectively treated to control dust and mud; and*
 - (2) *Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.*

Outdoor Areas

6-102.11 Surface Characteristics.

- (A) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (B) Exterior surfaces of buildings and MOBILE FOOD ESTABLISHMENTS shall be of weather-resistant materials and shall comply with LAW.
- (C) Outdoor storage areas for REFUSE, recyclables, or returnables shall be of materials specified under Subpart 5-501.11 and 5-501.12.

6-2 DESIGN, CONSTRUCTION, AND INSTALLATION

Subparts

<u>6-201</u>	<u>Cleanability</u>
<u>6-202</u>	<u>Functionality</u>

Cleanability

6-201.11 Floors, Walls, and Ceilings.

Except as specified under Subpart 6-201.14, and *except for anti-slip floor coverings or applications that may be used for safety reasons*, floors, floor coverings, walls, wall

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coverings, and ceilings shall be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE.



6-201.12 Floors, Walls, and Ceilings, Utility Lines.

- (A) Utility service lines and pipes may not be unnecessarily exposed.
- (B) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
- (C) Exposed horizontal utility service lines and pipes may not be installed on the floor.

6-201.13 Floor and Wall Junctionures, Coved, and Enclosed or Sealed.

- (A) In RETAIL FOOD ESTABLISHMENTS in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctionures shall be coved and closed to no larger than 1 mm (one thirty-second inch).
- (B) The floors in RETAIL FOOD ESTABLISHMENTS in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctionures shall be coved and SEALED.

6-201.14 Floor Carpeting, Restrictions and Installation.

- (A) A floor covering such as carpeting or similar material may not be installed as a floor covering in FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, REFUSE storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.
- (B) If carpeting is installed as a floor covering in areas other than those specified under Paragraph (A) of this section, it shall be:
 - (1) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and
 - (2) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

6-201.15 Floor Covering, Mats and Duckboards.

Mats and duckboards shall be designed to be removable and EASILY CLEANABLE.

6-201.16 Wall and Ceiling Coverings and Coatings.

- (A) Wall and ceiling covering materials shall be attached so that they are EASILY CLEANABLE.
- (B) *Except in areas used only for dry storage*, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and SEALED to provide a SMOOTH, nonabsorbent, EASILY CLEANABLE surface.

6-201.17 Walls and Ceilings, Attachments.

- (A) Except as specified in Paragraph (B) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be EASILY CLEANABLE.
- (B) *In a CONSUMER area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.*

6-201.18 Walls and Ceilings, Studs, Joists, and Rafters.

Except for TEMPORARY FOOD ESTABLISHMENTS, studs, joists, and rafters may not be exposed in areas subject to moisture.

Functionality

6-202.11 Light Bulbs, Protective Shielding.

- (A) Except as specified in Paragraph (B) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.
- (B) *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened packages, if:*
 - (1) *The integrity of the packages can not be affected by broken glass falling onto them; and*
 - (2) *The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.*
- (C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

6-202.12 Heating, Ventilating, Air Conditioning System Vents.

Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of FOOD, FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS.

6-202.13 Insect Control Devices, Design and Installation.

- (A) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.
- (B) Insect control devices shall be installed so that:
 - (1) The devices are not located over a FOOD preparation area; and
 - (2) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

6-202.14 Toilet Rooms, Enclosed.

Except where a toilet room is located outside a FOOD ESTABLISHMENT and does not open directly into the FOOD ESTABLISHMENT such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the PREMISES shall be completely enclosed and provided with a tight-fitting and self-closing door.

6-202.15 Outer Openings, Protected.

- (A) Except as specified in Paragraphs (B), (C), and (E) and under Paragraph (D) of this section, outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by:
 - (1) Filling or closing holes and other gaps along floors, walls, and ceilings;
 - (2) Closed, tight-fitting windows; and

6-202.15 Outer Openings, Protected continued.

- (3) Solid, self-closing, tight-fitting doors.
- (B) *Paragraph (A) of this section does not apply if a RETAIL FOOD ESTABLISHMENT opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.*
- (C) *Exterior doors used as exits need not be self-closing if they are:*
 - (1)) *Solid and tight-fitting;*
 - (2) *Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the RETAIL FOOD ESTABLISHMENT; and*
 - (3) *Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.*
- (D) *Except as specified in Paragraphs (B) and (E) of this section, if the windows or doors of a RETAIL FOOD ESTABLISHMENT, or of a larger structure within which a RETAIL FOOD ESTABLISHMENT is located, are kept open for ventilation or other purposes or a TEMPORARY FOOD ESTABLISHMENT is not provided with windows and doors as specified under Paragraph (A) of this section, the openings shall be protected against the entry of insects and rodents by:*
 - (1) 16 mesh to 25 mm (16 mesh to 1 inch) screens;
 - (2) Properly designed and installed air curtains to control flying insects; or
 - (3) Other effective means.
- (E) *Paragraph (D) of this section does not apply if flying insects and other pests are absent due to the location of the ESTABLISHMENT, the weather, or other limiting condition.*

6-202.16 Exterior Walls and Roofs, Protective Barrier.

Perimeter walls and roofs of a RETAIL FOOD ESTABLISHMENT shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

6-202.17 Outdoor Food Vending Areas, Overhead Protection.

Except for machines that vend canned BEVERAGES, if located outside, a machine used to vend FOOD shall be provided with overhead protection.

6-202.18 Outdoor Servicing Areas, Overhead Protection.

SERVICING AREAS shall be provided with overhead protection except that areas used only for the loading of water or the discharge of SEWAGE and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

6-202.19 Outdoor Walking and Driving Surfaces, Graded to Drain.

Exterior walking and driving surfaces shall be graded to drain.

6-202.110 Outdoor Refuse Areas, Curbed and Graded to Drain.

Outdoor REFUSE areas shall be constructed in accordance with LAW and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the REFUSE and from cleaning the area and waste receptacles.

6-202.111 Private Homes and Living or Sleeping Quarters, Use Prohibition.

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting RETAIL FOOD ESTABLISHMENT operations. ^{Pf}

6-202.112 Living or Sleeping Quarters, Separation.

Living or sleeping quarters located on the PREMISES of a RETAIL FOOD ESTABLISHMENT such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for RETAIL FOOD ESTABLISHMENT operations by complete partitioning and solid self-closing doors.

6-3 NUMBERS AND CAPACITIES

Subparts

<u>6-301</u>	<u>Handwashing Facilities</u>
<u>6-302</u>	<u>Toilets and Urinals</u>
<u>6-303</u>	<u>Lighting</u>
<u>6-304</u>	<u>Ventilation</u>
<u>6-305</u>	<u>Dressing Areas and Lockers</u>
<u>6-306</u>	<u>Service Sinks</u>

Handwashing Facilities

6-301.10 Minimum Number.

HANDWASHING SINKS, shall be provided as specified under Subpart 5-203.11.

6-301.11 Handwashing Cleanser, Availability.

Each HANDWASHING SINK or group of 2 adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, powder, or bar soap. ^{Pf}

6-301.12 Hand Drying Provision.

Each HANDWASHING SINKS or group of adjacent HANDWASHING SINKS shall be provided with:

- (A) Individual, disposable towels; ^{Pf}
- (B) A continuous towel system that supplies the user with a clean towel; ^{Pf} or
- (C) A heated-air hand drying device; ^{Pf} or
- (D) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. ^{Pf}

6-301.13 Handwashing Aids and Devices, Use Restrictions.

A sink used for FOOD preparation or UTENSIL washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing lavatory as specified under Subparts 6-301.11 and 6-301.12 and Subparagraph 5-501.16(C).

6-301.14 Handwashing Signage.

A sign or poster that notifies FOOD EMPLOYEES to wash their hands shall be provided at all HANDWASHING SINKS used by FOOD EMPLOYEES and shall be clearly visible to FOOD EMPLOYEES.

6-301.20 Disposable Towels, Waste Receptacle.

A HANDWASHING SINK or group of adjacent HANDWASHING SINKS that is provided with disposable towels shall be provided with a waste receptacle as specified under Subparagraph 5-501.16(C).

Toilets and Urinals

6-302.10 Minimum Number.

Toilets and urinals shall be provided as specified under Subpart 5-203.12.

6-302.11 Toilet Tissue, Availability.

A supply of toilet tissue shall be available at each toilet. ^{Pf}

Lighting

6-303.11 Intensity.

The light intensity shall be:

- (A) At least 108 lux (10 foot candles) at a distance of 30 inches above the floor, in walk-in refrigeration units and dry FOOD storage areas and in other areas and rooms during periods of cleaning;
- (B) At least 215 lux (20 foot candles):
 - (1) At a surface where FOOD is provided for CONSUMER self-service such as buffets and salad bars or where fresh produce or PACKAGED FOODS are sold or offered for consumption;
 - (2) Inside EQUIPMENT such as reach-in and under-counter refrigerators;
 - (3) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, WAREWASHING, and EQUIPMENT and UTENSIL storage, and in toilet rooms; and
- (C) At least 540 lux (50 foot candles) at a surface where a FOOD EMPLOYEE is working with FOOD or working with UTENSILS or EQUIPMENT such as knives, slicers, grinders, or saws where EMPLOYEE safety is a factor.

Ventilation

6-304.11 Mechanical.

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

Dressing Areas and Lockers

6-305.11 Designation.

- (A) Dressing rooms or dressing areas shall be designated if EMPLOYEES routinely change their clothes in the establishment.
- (B) Lockers or other suitable facilities shall be provided for the orderly storage of EMPLOYEES' clothing and other possessions.

Service Sinks

6-306.10 Availability.

A service sink or curbed cleaning facility shall be provided as specified under Subpart 5 203.13 (A).

6-4 LOCATION AND PLACEMENT

Subparts

<u>6-401</u>	<u>Handwashing Sinks</u>
<u>6-402</u>	<u>Toilet Rooms</u>
<u>6-403</u>	<u>Employee Accommodations</u>
<u>6-404</u>	<u>Distressed Merchandise</u>
<u>6-405</u>	<u>Refuse, Recyclables, and Returnables</u>

Handwashing Sinks

6-401.10 Conveniently Located.

HANDWASHING SINKS shall be conveniently located as specified under Subpart 5-204.11.

Toilet Rooms

6-402.11 Convenience and Accessibility.

Toilet rooms shall be conveniently located and accessible to EMPLOYEES during all hours of operation.

Employee Accommodations

6-403.11 Designated Areas.

- (A) Areas designated for EMPLOYEES to eat, drink, and use tobacco shall be located so that FOOD, EQUIPMENT, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination.
- (B) Lockers or other suitable facilities shall be located in a designated room or area where contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE

and SINGLE-USE ARTICLES cannot occur.

Distressed Merchandise

6-404.11 Segregation and Location.

Products that are held by the PERMIT HOLDER for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES. ^{Pf}

Refuse, Recyclables, and Returnables

6-405.10 Receptacles, Waste Handling Units, and Designated Storage Areas.

Units, receptacles, and areas designated for storage of REFUSE and recyclable and returnable containers shall be located as specified under Subpart 5-501.19.

6-5 MAINTENANCE AND OPERATION

Subpart

6-501 Premises, Structures, Attachments, and Fixtures - Methods

Premises, Structures, Attachments, and Fixtures – Methods

6-501.11 Repairing

The PHYSICAL FACILITIES shall be maintained in good repair.

6-501.12 Cleaning, Frequency and Restrictions.

- (A) The PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.
- (B) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing.

6-501.13 Cleaning Floors, Dustless Methods.

- (A) Except as specified in Paragraph (B) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.
- (B) *Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:*
 - (1) *Without the use of dust-arresting compounds; and*
 - (2) *In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.*

6-501.14 Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.

- (A) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.
- (B) If vented to the outside, ventilation systems may not create a public health HAZARD or nuisance or unlawful discharge.

6-501.15 Cleaning Maintenance Tools, Preventing Contamination.*

FOOD preparation sinks, HANDWASHING SINKS, and WAREWASHING EQUIPMENT may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes. ^{Pf}

6-501.16 Drying Mops.

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, EQUIPMENT, or supplies.

6-501.17 Absorbent Materials on Floors, Use Limitation.

Except as specified in Subparagraph 6-501.13(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

6-501.18 Maintaining and Using Handwashing Facilities.

PLUMBING FIXTURES SUCH AS HANDWASHING SINKS, toilets, and urinals shall be cleaned as often as necessary to keep them clean.

6-501.19 Closing Toilet Room Doors.

Except during cleaning and maintenance operations, toilet room doors as specified under Subpart 6-202.14 shall be kept closed.

6-501.110 Using Dressing Rooms and Lockers.

- (A) Dressing rooms shall be used by EMPLOYEES if the EMPLOYEES regularly change their clothes in the establishment.
- (B) Lockers or other suitable facilities shall be used for the orderly storage of EMPLOYEE clothing and other possessions.

6-501.111 Controlling Pests.*

The PREMISES shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the PREMISES by:

- (A) Routinely inspecting incoming shipments of FOOD and supplies;
- (B) Routinely inspecting the PREMISES for evidence of pests;
- (C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under Subparts 7-202.12, 7-206.12, and 7-206.13; ^{Pf} and
- (D) Eliminating harborage conditions.

6-501.112 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests.

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

6-501.113 Storing Maintenance Tools.

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

- (A) Stored so they do not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES; and
- (B) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

6-501.114 Maintaining Premises, Unnecessary Items and Litter.

The PREMISES shall be free of:

- (A) Items that are unnecessary to the operation or maintenance of the establishment such as EQUIPMENT that is nonfunctional or no longer used; and
- (B) Litter.

6-501.115 Prohibiting Animals.*

- (A) Except as specified in Paragraphs (B) and (C) of this section, live animals may not be allowed on the PREMISES of a RETAIL FOOD ESTABLISHMENT. ^{Pf}
- (B) *Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result*
 - (1) *Edible FISH or decorative FISH in aquariums, SHELLFISH or crustacea on ice or under refrigeration, and SHELLFISH and crustacea in display tank systems;*
 - (2) *Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;*
 - (3) *In areas that are not used for FOOD preparation and that are usually open for customers, such as dining and sales areas, SERVICE ANIMALS that are controlled and utilized by the disabled EMPLOYEE or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL;*
 - (4) *Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:*
 - (a) *Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD preparation areas;*
 - (b) *Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present, and*
 - (c) *Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and*
 - (5) *In areas that are not used for FOOD preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.*

6-501.115 Prohibiting Animals continued.*

(C) Live or dead FISH bait may be stored if contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result.

Parts

- 7-1 LABELING AND IDENTIFICATION**
- 7-2 OPERATIONAL SUPPLIES AND APPLICATIONS**
- 7-3 STOCK AND RETAIL SALE**

7-1 LABELING AND IDENTIFICATION

Subparts

- | | |
|---------------------|-----------------------------------|
| <u>7-101</u> | <u>Original Containers</u> |
| <u>7-102</u> | <u>Working Containers</u> |

Original Containers

7-101.11 Identifying Information, Prominence.*

Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS shall bear a legible manufacturer's label. ^{Pf}

Working Containers

7-102.11 Common Name.*

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material. ^{Pf}

7-2 OPERATIONAL SUPPLIES AND APPLICATIONS

Subparts

<u>7-201</u>	<u>Storage</u>
<u>7-202</u>	<u>Presence and Use</u>
<u>7-203</u>	<u>Container Prohibitions</u>
<u>7-204</u>	<u>Chemicals</u>
<u>7-205</u>	<u>Lubricants</u>
<u>7-206</u>	<u>Pesticides</u>
<u>7-207</u>	<u>Medicines</u>
<u>7-208</u>	<u>First Aid Supplies</u>
<u>7-209</u>	<u>Other Personal Care Items</u>

Storage

7-201.11 Separation.*

POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

- (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning; ^P and
- (B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.* ^P

Presence and Use

7-202.11 Restriction.*

- (A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a RETAIL FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a RETAIL FOOD ESTABLISHMENT. ^{Pf}
- (B) *Paragraph (A) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.*

7-202.12 Conditions of Use.*

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

- (1) LAW and RULES AND REGULATIONS.
- (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a RETAIL FOOD ESTABLISHMENT, ^P
- (3) The conditions of certification, if certification is required, for use of the pest control materials, ^P and
- (4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

- (1) A HAZARD to EMPLOYEES or other PERSONS is not constituted, ^P and
- (2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a RESTRICTED USE PESTICIDE, this is achieved by: ^P
 - (a) Removing the items, ^P
 - (b) Covering the items with impermeable covers, ^P or
 - (c) Taking other appropriate preventive actions, ^P and
 - (d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application. ^P
- (C) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator. ^{Pf}

Container Prohibitions

7-203.11 Poisonous or Toxic Material Containers.*

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD. ^P

Chemicals

7-204.11 Sanitizers, Criteria.*

Chemical SANITIZERS and other chemical antimicrobials applied to FOOD-CONTACT SURFACES shall meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions). ^P

7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria.*

- (A) Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 Chemicals used in washing or to assist in the peeling of fruits and vegetables. ^P
- (B) Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a food establishment shall meet the requirements specified in 21 CFR 173.368 Ozone.

7-204.13 Boiler Water Additives, Criteria.*

Chemicals used as boiler water ADDITIVES shall meet the requirements specified in 21 CFR 173.310 Boiler Water Additives. ^P

7-204.14 Drying Agents, Criteria.*

Drying agents used in conjunction with SANITIZATION shall:

- (A) Contain only components that are listed as one of the following:
 - (1) Generally recognized as safe for use in FOOD as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe, ^P
 - (2) Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe, ^P
 - (3) APPROVED for use as a drying agent under a prior sanction specified in 21 CFR 181 - Prior-Sanctioned Food Ingredients, ^P
 - (4) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 CFR Parts 175-178, ^P or
 - (5) APPROVED for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; ^P and
- (B) When SANITIZATION is with chemicals, the approval required under Subparagraph (A)(3) or (A)(5) of this section or the regulation as an indirect FOOD ADDITIVE required under Subparagraph (A)(4) of this section, shall be specifically for use with chemical SANITIZING solutions. ^P

Lubricants

7-205.11 Incidental Food Contact, Criteria.*

Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES. ^P

Pesticides

7-206.11 Restricted Use Pesticides, Criteria.*

RESTRICTED USE PESTICIDES specified under Subparagraph 7-202.12(C) shall meet the requirements specified in 40 CFR 152 Subpart I - Classification of Pesticides. ^P

7-206.12 Rodent Bait Stations.*

Rodent bait shall be contained in a covered, tamper-resistant bait station. ^P

7-206.13 Tracking Powders, Pest Control and Monitoring.*

- (A) Except as specified in (B) of this section, a tracking powder pesticide may not be used in a RETAIL FOOD ESTABLISHMENT. ^P
- (B) If used, a nontoxic tracking powder such as talcum or flour may not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

Medicines

7-207.11 Restriction and Storage.*

- (A) Only those medicines that are necessary for the health of EMPLOYEES shall be allowed in a RETAIL FOOD ESTABLISHMENT. *This section does not apply to medicines that are stored or displayed for retail sale.* ^{Pf}
- (B) Medicines that are in a RETAIL FOOD ESTABLISHMENT for the EMPLOYEES' use shall be labeled as specified under Subpart 7-101.11 and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES. ^P

7-207.12 Refrigerated Medicines, Storage.*

Medicines belonging to EMPLOYEES or to children in a day care center that require refrigeration and are stored in a FOOD refrigerator shall be:

- (A) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; ^P and
- (B) Located so they are inaccessible to children. ^P

First Aid Supplies

7-208.11 Storage.*

First aid supplies that are in a RETAIL FOOD ESTABLISHMENT for the EMPLOYEES' use shall be:

- (A) Labeled as specified under Subpart 7-101.11; ^{Pf} and
- (B) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES. ^P

Other Personal Care Items

7-209.11 Storage.

Except as specified under Subparts 7-207.12 and 7-208.11, EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under Subparagraph 6-305.11(B).

7-3 STOCK AND RETAIL SALE

Subpart

7-301

Storage and Display

Storage and Display

7-301.11 Separation.*

POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

- (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;^P and
- (B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES.^P

Chapter 8

Compliance and Enforcement

Parts

- 8-1 CODE APPLICABILITY**
- 8-2 PLAN SUBMISSION AND APPROVAL**
- 8-3 PERMIT TO OPERATE**
- 8-4 INSPECTION AND CORRECTION OF VIOLATIONS**

8-5 PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY
EMPLOYEES

8-6 LEGAL ACTIONS

8-1 **CODE APPLICABILITY**

Subparts

8-101 Use for Intended Purpose

8-102 Additional Requirements

8-103 Variances

Use for Intended Purpose

8-101.10 Public Health Protection.

- (A) The REGULATORY AUTHORITY shall apply these RULES AND REGULATIONS to promote its underlying purpose, as specified in ~~§Subpart 1-102.10~~, of safeguarding public health and ensuring that FOOD is safe, UNADULTERATED, and honestly presented when offered to the CONSUMER.
- (B) In enforcing the provisions of these RULES AND REGULATIONS, the REGULATORY AUTHORITY shall assess existing facilities or EQUIPMENT that were in use before the effective date of these RULES AND REGULATIONS based on the following considerations:
 - (1) Whether the facilities or EQUIPMENT are in good repair and capable of being maintained in a sanitary condition;
 - (2) Whether FOOD-CONTACT SURFACES comply with Subpart 4-101;
 - (3) Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with ~~§Subpart 4-301.11~~; and
 - (4) The existence of a documented agreement with the PERMIT HOLDER that the facilities or EQUIPMENT will be replaced as specified under ~~¶Subparagraph 8- 304.11(G)~~

Additional Requirements

8-102.10 Preventing Health Hazards, Provision for Conditions Not Addressed.

- (A) If necessary to protect against public health HAZARDS or nuisances, the REGULATORY AUTHORITY may impose specific requirements in addition to the requirements contained in these RULES AND REGULATIONS that are authorized by LAW.
- (B) The REGULATORY AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the PERMIT applicant or PERMIT HOLDER and a copy shall be maintained in the REGULATORY AUTHORITY'S file for the RETAIL-FOOD ESTABLISHMENT.

Variances

8-103.10 Modifications and Waivers.

The REGULATORY AUTHORITY may grant a VARIANCE by modifying or waiving the requirements of THESE RULES AND REGULATIONS if in the opinion of the REGULATORY AUTHORITY a health HAZARD or nuisance will not result from the VARIANCE. If a VARIANCE is granted, the REGULATORY AUTHORITY shall retain the information specified under Subpart 8-103.11 in its records for the RETAIL FOOD ESTABLISHMENT.

8-103.11 Documentation of Proposed Variance and Justification.

Before a VARIANCE from a requirement of these RULES AND REGULATIONS is APPROVED, the information that shall be provided by the PERSON requesting the VARIANCE and retained in the REGULATORY AUTHORITY'S file on the RETAIL FOOD ESTABLISHMENT includes:

8-103.11 Documentation of Proposed Variance and Justification continued.

- (A) A statement of the proposed VARIANCE of these RULES AND REGULATIONS requirement citing relevant Regulation-RULES AND REGULATIONS section numbers; ^{Pf}
- (B) An analysis of the rationale for how the potential public health HAZARDS and nuisances addressed by the relevant Regulation sections will be alternatively addressed by the proposal; ^{Pf} and
- (C) A HACCP PLAN if required as specified under ¶ Subparagraph 8-201.13(A) that includes the information specified under § Subpart 8-201.14 as it is relevant to the VARIANCE requested. ^{Pf}

8-103.12 Conformance with Approved Procedures.*

If the REGULATORY AUTHORITY grants a VARIANCE as specified in § Subpart 8-103.10, or a HACCP PLAN is otherwise required as specified under § Subpart 8-201.13, the PERMIT HOLDER shall:

- (A) Comply with the HACCP PLANS and procedures that are submitted as specified under § Subpart 8-201.14 and APPROVED as a basis for the modification or waiver; ^P and
- (B) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under ¶ Subparagraphs 8-201.14(D) and (E) that demonstrate that the following are routinely employed;
 - (1) Procedures for monitoring CRITICAL CONTROL POINTS; ^{Pf}
 - (2) Monitoring of the CRITICAL CONTROL POINTS; ^{Pf}
 - (3) Verification of the effectiveness of an operation or process; ^{Pf} and
 - (4) Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT; ^{Pf}

8-2 PLAN SUBMISSION AND APPROVAL

Subparts

<u>8-201</u>	<u>Facility and Operating Plans</u>
<u>8-202</u>	<u>Confidentiality</u>
<u>8-203</u>	<u>Construction Inspection and Approval</u>

Facility and Operating Plans

8-201.11 When Plans Are Required.

A PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY properly prepared plans and specifications for review and approval before:

- (A) The construction of a RETAIL-FOOD ESTABLISHMENT; ^{Pf}
- (B) The conversion of an existing structure for use as a RETAIL FOOD

ESTABLISHMENT; ^{Pf} or

8-201.11 When Plans Are Required continued.

- (C) The remodeling of a RETAIL FOOD ESTABLISHMENT or a change of type of RETAIL FOOD ESTABLISHMENT or FOOD operation as specified under ¶ 8-302.14(C) if the REGULATORY AUTHORITY determines that plans and specifications are necessary to ensure compliance with ~~this~~ these RULES AND REGULATIONS Regulation.^{Pf}

8-201.12 Contents of the Plans and Specifications.

The plans and specifications for a FOOD ESTABLISHMENT, including a RETAIL FOOD ESTABLISHMENT specified under §Subpart 8-201.13, shall include, as required by the REGULATORY AUTHORITY based on the type of operation, type of FOOD preparation, and FOODS prepared, the following information to demonstrate conformance with THESE RULES AND REGULATIONS provisions:

- (A) Intended menu;
- (B) Anticipated volume of FOOD to be stored, prepared, and sold or served;
- (C) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (D) Proposed EQUIPMENT types, locations, dimensions, performance capacities, and installation specifications;
- (E) Evidence that standard procedures that ensure compliance with the requirements of THESE RULES AND REGULATIONS are developed or are being developed; and
- (F) Other information that may be required by the REGULATORY AUTHORITY for the proper review of the proposed construction, conversion or modification, and procedures for operating a RETAIL FOOD ESTABLISHMENT.

8-201.13 When a HACCP Plan is Required.

- (A) Before engaging in an activity that requires a HACCP PLAN, a PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY for approval a properly prepared HACCP PLAN as specified under §Subpart 8-201.14 and the relevant provisions of these RULES AND REGULATIONS 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)(3); §Subpart 3-502.11 or, ¶Subparagraph 4-204.110(B); or
 - (3) The REGULATORY AUTHORITY determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under §subpart 8-201.12, an inspectional finding, or a VARIANCE request.
- (B) ~~A~~ Before engaging in REDUCED OXYGEN PACKAGING as submittal specified under §Paragraph 3-502.12, a ~~A~~ PERMIT applicant or PERMIT HOLDER shall ~~have submit~~ a properly prepared HACCP PLAN to the REGULATORY AUTHORITY, ~~as specified under Subpart 3-502.12 to the REGULATORY AUTHORITY.~~

8-201.14 Contents of a HACCP Plan.

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

- (A) A categorization of the types of ~~POTENTIALLY HAZARDOUS FOODS~~ ~~(TIME/TEMPERATURE CONTROL FOR SAFETY FOODS)~~ 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; Pf

8-201.14 Contents of a HACCP Plan continued.

- (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, ^{Pf} and
 - (2) Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved; ^{Pf}
- (C) FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern; ^{Pf}
- (D) A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - (1) Each CRITICAL CONTROL POINT, ^{Pf}
 - (2) The CRITICAL LIMITS for each CRITICAL CONTROL POINT, ^{Pf}
 - (3) The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the FOOD EMPLOYEE designated by the PERSON IN CHARGE, ^{Pf}
 - (4) The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS, ^{Pf}
 - (5) Action to be taken by the PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met, ^{Pf} and
 - (6) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed; ^{Pf} 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. ^{Pf}

Confidentiality

8-202.10 Trade Secrets.

The REGULATORY AUTHORITY shall treat as confidential in accordance with LAW, information that meets the criteria specified in LAW for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under §§Subparts 8-201.12 and 8-201.14.

Construction Inspection and Approval

8-203.10 Preoperational Inspections.

The REGULATORY AUTHORITY shall conduct one or more preoperational inspections to verify that the RETAIL FOOD ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans, has established standard operating procedures as specified under 1Subparagraph 8-201.12(E), and is in compliance with LAW and THESE RULES AND REGULATIONS.

8-3 PERMIT TO OPERATE

Subparts

<u>8-301</u>	<u>Requirement</u>
<u>8-302</u>	<u>Application Procedure</u>
<u>8-303</u>	<u>Issuance</u>
<u>8-304</u>	<u>Conditions of Retention</u>

Requirement

8-301.11 Prerequisite for Operation.

A PERSON may not operate a RETAIL FOOD ESTABLISHMENT without a valid PERMIT to operate issued by the REGULATORY AUTHORITY. ^{Pf}

8-302.11 Submission 30 Calendar Days Before Proposed Opening.

An applicant shall submit an application for a PERMIT at least 30 calendar days before the date planned for opening a FOOD ESTABLISHMENT or the expiration date of the current PERMIT for an existing facility.

8-302.12 Form of Submission.

A PERSON desiring to operate a FOOD ESTABLISHMENT shall submit to the REGULATORY AUTHORITY a written application for a PERMIT on a form provided by the REGULATORY AUTHORITY.

8-302.13 Qualifications and Responsibilities of Applicants.

To qualify for a PERMIT, an applicant shall:

- (A) Be an owner of the FOOD ESTABLISHMENT or an officer of the legal ownership;
- (B) Comply with the requirements of these RULES AND REGULATIONS~~in this Code~~;
- (C) As specified under § 8-402.11, agree to allow access to the FOOD ESTABLISHMENT and to provide required information; and
- (D) Pay the applicable permit application fee at the time the application is submitted.

8-302.14 Contents of the Application.

The application ~~shall~~should include:

- (A) The name, birth date, mailing address, telephone number, and signature of the PERSON applying for the PERMIT and the name, mailing address, and location of the FOOD ESTABLISHMENT;
- (B) Information specifying whether the FOOD ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity;
- (C) A statement specifying whether the FOOD ESTABLISHMENT:
 - (1) Is mobile or stationary and temporary or permanent, and
 - (2) Is an operation that includes one or more of the following:

8-302.14 8-302.14 Contents of the Application continued.

~~(a)-(a)~~ Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD

~~(b) (~~ _____ TIME/TEMPERATURE CONTROL FOR SAFETY FOOD):

(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 §subpart 3-501.19,

~~(c)(b)~~ _____ Prepares POTENTIALLY HAZARDOUS FOOD ~~(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~ in advance using a FOOD preparation method that involves two or more steps which may include combining POTENTIALLY HAZARDOUS ~~(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~ ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,

~~(d)(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,

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

~~(f)~~ Prepares only FOOD that is not POTENTIALLY HAZARDOUS ~~(g) (TIME/TEMPERATURE CONTROL OF FOR SAFETY FOOD)~~, or

~~(h)(e)~~ _____ Does not prepare, but offers for sale only prePACKAGED FOOD that is not POTENTIALLY HAZARDOUS ~~(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~;

(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 ~~subpart 11(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 §subpart (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;

(G) A statement signed by the applicant that:

(1) Attests to the accuracy of the information provided in the application, and

(2) Affirms that the applicant will:

(a) Comply with ~~this Code~~ these RULES AND REGULATIONS, and

(b) Allow the REGULATORY AUTHORITY access to the establishment as specified under § 8-402.11 and to the records specified under §§ 3-

203.12 and 5-205.13 and Subparagraph 8-201.14(D)(6); and
(H) Other information required by the REGULATORY AUTHORITY.

Issuance

8-303.10 New Converted, or Remodeled Establishments.

For RETAIL FOOD ESTABLISHMENTS that are required to submit plans as specified under ~~§~~Subpart 8-201.11 the REGULATORY AUTHORITY shall issue a PERMIT after:

- (A) A properly completed application is submitted;
- (B) The required fee is submitted.
- (C) The required plans, specifications, and information are reviewed and APPROVED; and
- (D) A preoperational inspection as specified in Subpart 8-203.10 shows that the establishment is built or remodeled in accordance with the APPROVED plans and specifications and that the establishment is in compliance with THESE RULES AND REGULATIONS.

8-303.20 Existing Establishments, Permit Renewal, and Change of Ownership.

The REGULATORY AUTHORITY may renew a PERMIT for an existing RETAIL FOOD ESTABLISHMENT or may issue a PERMIT to a new owner of an existing RETAIL FOOD ESTABLISHMENT after a properly completed application is submitted, reviewed, and APPROVED, the fees are paid, and an inspection shows that the establishment is in compliance with this Regulation~~these RULES AND REGULATIONS, and the fees are paid.~~

8-303.30 Denial of Application for Permit, Notice.

If an application for a PERMIT to operate is denied, the REGULATORY AUTHORITY shall provide the applicant with a notice that includes:

- (A) The specific reasons and Code citations for the PERMIT denial;
- (B) The actions, if any, that the applicant must take to qualify for a PERMIT; and
- (C) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in LAW.

Conditions of Retention

8-304.10 Responsibilities of the Regulatory Authority.

- (A) At the time a PERMIT is first issued, the REGULATORY AUTHORITY shall provide to the PERMIT HOLDER a copy of THESE RULES AND REGULATIONS so that the PERMIT HOLDER is notified of the compliance requirements and the conditions of retention as specified under § 8-304.11, that are applicable to the PERMIT.
- (B) *Failure to provide the information specified in ~~¶~~Paragraph (A) of this section does not prevent the REGULATORY AUTHORITY from taking authorized action or seeking remedies if the PERMIT HOLDER fails to comply with THESE RULES AND REGULATIONS or an order, warning, or directive of the REGULATORY AUTHORITY.*

8-304.11 Responsibilities of the Permit Holder.

Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

- (A) Post the PERMIT in a location in the RETAIL FOOD ESTABLISHMENT that is conspicuous to CONSUMERS;

8-304.11 Responsibilities of the Permit Holder continued.

- (B) Comply with the provisions of THESE RULES AND REGULATIONS including the conditions of a granted VARIANCE as specified under §Subpart 8-103.12, and APPROVED plans as specified under §Subpart 8-201.12;
- (C) If a RETAIL FOOD ESTABLISHMENT is required under §Subpart 8-201.13 to operate under a HACCP PLAN, comply with the plan as specified under §Subpart 8-103.12;
- (D) Immediately contact the REGULATORY AUTHORITY to report an illness of a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE as specified under Subpart 12-201.11(B);
- (E) Immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist as specified under §Subpart 8-404.11;
- (F) Allow representatives of the REGULATORY AUTHORITY access to the RETAIL FOOD ESTABLISHMENT as specified under §Subpart 8-402.11;
- (G) Replace existing facilities and EQUIPMENT specified in §Subpart 8-101.10 with facilities and EQUIPMENT that comply with THESE RULES AND REGULATIONS if:
 - (1) The REGULATORY AUTHORITY directs the replacement because the facilities and EQUIPMENT constitute a public health HAZARD or nuisance or no longer comply with the criteria upon which the facilities and EQUIPMENT were accepted,
 - (2) The REGULATORY AUTHORITY directs the replacement of the facilities and EQUIPMENT because of a change of ownership, or
 - (3) The facilities and EQUIPMENT are replaced in the normal course of operation;
- (H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;
- (I) Accept notices issued and served by the REGULATORY AUTHORITY according to THESE RULES AND REGULATIONS; and
- (J) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in LAW for failure to comply with THESE RULES AND REGULATIONS or a directive of the REGULATORY AUTHORITY, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.
- (K) Notify customers that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the food establishment that is conspicuous to customers or by another method acceptable to the REGULATORY AUTHORITY.

8-304.20 Permits Not Transferable.

A PERMIT may not be transferred from one PERSON to another PERSON, from one RETAIL FOOD ESTABLISHMENT to another, or from one type of operation to another if the FOOD operation changes from the type of operation specified in the application as specified under §8-302.14(C) and the change in operation is not APPROVED.

8-4 INSPECTION AND CORRECTION OF VIOLATIONS

Subparts

<u>8-401</u>	<u>Frequency</u>
<u>8-402</u>	<u>Competency and Access</u>
<u>8-403</u>	<u>Report of Findings</u>
<u>8-404</u>	<u>Imminent Health Hazard</u>
<u>8-405</u>	<u>Critical Violation of /Priority Item or Priority</u>
	<u>Foundation Item</u>
<u>8-406</u>	<u>Noncritical Violation/Core Item Violation</u>

Frequency

8-401.10 Establishing Inspection Interval.

- (A) Except as specified in Paragraphs ~~111~~ (B), ~~and~~ (C) ~~and~~ (D) of this section, the REGULATORY AUTHORITY shall inspect a RETAIL FOOD ESTABLISHMENT at least once every 6 months.
- (B) *The REGULATORY AUTHORITY may increase the interval between inspections beyond 6 months if:*
- (1) *The RETAIL FOOD ESTABLISHMENT is fully operating under an APPROVED and validated HACCP PLAN as specified under ~~§Subpart 8-201.14 and 111 Subparagraphs 8-103.12~~(A) and (B);*
 - (2) *The RETAIL FOOD ESTABLISHMENT is assigned a less frequent inspection frequency based on a written RISK-based inspection schedule that is being uniformly applied throughout the jurisdiction and at least once every 6 months the establishment is contacted by telephone or other means by the REGULATORY AUTHORITY to ensure that the establishment manager and the nature of FOOD operation are not changed; or*
 - (3) *The establishment's operation involves only coffee service and other un-PACKAGED or pre-PACKAGED FOOD that is not POTENTIALLY-
HAZARDOUS TIME/TEMPERATURE CONTROL FOR SAFETY FOOD such as carbonated BEVERAGES and snack FOOD such as chips, nuts, popcorn, and pretzels.*
- (C) The REGULATORY AUTHORITY shall periodically inspect throughout its PERMIT period a TEMPORARY FOOD ESTABLISHMENT that prepares, sells, or serves un-PACKAGED POTENTIALLY HAZARDOUS FOOD ~~(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~ and that:
- (1) Has improvised rather than permanent facilities or EQUIPMENT for

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accomplishing functions such as handwashing, FOOD preparation and protection, FOOD temperature control, WAREWASHING, providing DRINKING WATER, waste retention and disposal, and insect and rodent control; or

(2) Has inexperienced FOOD EMPLOYEES.

8-401.20 Performance- and Risk-Based.

Within the parameters specified in ~~§Subpart 8-401.10~~, the REGULATORY AUTHORITY shall prioritize, and conduct more frequent inspections based upon its assessment of a RETAIL FOOD ESTABLISHMENT'S history of compliance with THESE RULES AND REGULATIONS and the establishment's potential as a vector of foodborne illness by evaluating:

- (A) Past performance, for nonconformance with THESE RULES AND REGULATIONS or HACCP PLAN requirements that are ~~critical~~/PRIORITY ITEMS OR PRIORITY FOUNDATION ITEMS;
- (B) Past performance, for numerous or repeat violations of THESE RULES AND REGULATIONS or HACCP PLAN requirements that are ~~noncritical~~/CORE ITEMS;
- (C) Past performance, for complaints investigated and found to be valid;
- (D) The HAZARDS associated with the particular FOODS that are prepared, stored, or served;
- (E) The type of operation including the methods and extent of FOOD storage, preparation, and service;
- (F) The number of people served; and
- (G) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION.

8-402.10 Competency of Inspectors.

An authorized representative of the REGULATORY AUTHORITY who inspects a FOOD ESTABLISHMENT or conducts plan review for compliance with ~~this Code~~THESE RULES AND REGULATIONS shall have the knowledge, skills, and ability to adequately perform the required duties.

Access

8-402.11 Allowed at Reasonable Times after Due Notice.

After the REGULATORY AUTHORITY presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the PERSON IN CHARGE shall allow the REGULATORY AUTHORITY to determine if the RETAIL FOOD ESTABLISHMENT is in compliance with THESE RULES AND REGULATIONS by allowing access to the establishment, allowing inspection, and providing information and records specified in THESE RULES AND REGULATIONS and to which the REGULATORY AUTHORITY is entitled according to LAW, during the RETAIL FOOD ESTABLISHMENT'S hours of operation and other reasonable times.

8-402.20 Refusal, Notification of Right to Access, and Final Request for Access.

If a PERSON denies access to the REGULATORY AUTHORITY, the REGULATORY AUTHORITY shall:

- (A) Inform the PERSON that:
 - (1) The PERMIT HOLDER is required to allow access to the REGULATORY AUTHORITY as specified under ~~§Subpart 8-402.11~~ of THESE RULES AND REGULATIONS,
 - (2) Access is a condition of the acceptance and retention of a RETAIL FOOD ESTABLISHMENT PERMIT to operate as specified under § 8-304.11(F), and

8-402.20 Refusal, Notification of Right to Access, and Final Request for Access continued.

(3) If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to LAW; and

(B) Make a final request for access.

8-402.30 Refusal, Reporting.

If after the REGULATORY AUTHORITY presents credentials and provides notice as specified under §Subpart 8-402.11, explains the authority upon which access is requested, and makes a final request for access as specified in §Subpart 8-402.20, the PERSON IN CHARGE continues to ~~REFUSE~~ refuse access, the REGULATORY AUTHORITY shall provide details of the denial of access on an inspection report form.

8-402.40 Inspection Order to Gain Access.

If denied access to a RETAIL FOOD ESTABLISHMENT for an authorized purpose and after complying with §Subpart 8-402.20, the REGULATORY AUTHORITY may issue, or apply for the issuance of, an inspection order to gain access as provided in LAW.

Report of Findings

8-403.10 Documenting Information and Observations.

The REGULATORY AUTHORITY shall document on an inspection report form:

(A) Administrative information about the RETAIL FOOD ESTABLISHMENT'S legal identity, street and mailing addresses, type of establishment and operation as specified under §8-302.14(C), inspection date, and other information such as type of water supply and SEWAGE disposal, status of the PERMIT, and personnel certificates that may be required; and

(B) Specific factual observations of violative conditions or other deviations from THESE RULES AND REGULATIONS that require correction by the PERMIT HOLDER including:

- (1) Failure of the PERSON IN CHARGE to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of THESE RULES AND REGULATIONS specified under §Subpart 2-102.11,
- (2) Failure of FOOD EMPLOYEES ~~CONDITIONAL EMPLOYEES~~ and the PERSON IN CHARGE to report a disease or medical condition as specified under ~~Subparts 112-201.11(B) and (D)~~,
- (3) Nonconformance with ~~CRITICAL ITEMS~~ (Priority Items or Priority Foundation Items) of THESE RULES AND REGULATIONS,
- (4) Failure of the appropriate FOOD EMPLOYEES to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the REGULATORY AUTHORITY as specified under §Subpart 8-103.12,
- (5) Failure of the PERSON IN CHARGE to provide records required by the REGULATORY AUTHORITY for determining conformance with a HACCP PLAN as specified under Subparagraph 8-201.14(D)(6), and

(6) Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

8-403.20 Specifying Timeframe for Corrections.

The REGULATORY AUTHORITY shall specify on the inspection report form, the time frame for correction of the violations as specified under ~~§§Subparts~~ 8-404.11, 8-405.11, and 8-406.11.

8-403.30 Issuing Report and Obtaining Acknowledgment of Receipt.

At the conclusion of the inspection and according to THESE RULES AND REGULATIONS, the REGULATORY AUTHORITY shall provide a copy of the completed inspection report and the notice to correct violations to the PERMIT HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

8-403.40 Refusal to Sign Acknowledgment.

The REGULATORY AUTHORITY shall:

(A) Inform a PERSON who declines to sign an acknowledgment of receipt of inspectional findings as specified in ~~§Subpart~~ 8-403.30 that:

- (1) An acknowledgment of receipt is not an agreement with findings,
- (2) Refusal to sign an acknowledgment of receipt will not affect the PERMIT HOLDER'S obligation to correct the violations noted in the inspection report within the time frames specified, and
- (3) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the REGULATORY AUTHORITY'S historical record for the RETAIL FOOD ESTABLISHMENT; and

(B) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspectional findings.

8-403.50 Public Information.

Except as specified in ~~§Subpart~~ 8-202.10, the REGULATORY AUTHORITY shall treat the inspection report as a public document and shall make it available for disclosure to a PERSON who requests it as provided in LAW.

Imminent Health Hazard

~~8-404.11~~ 8-404.11 — Ceasing Operations and Reporting.

(A) ~~Except as specified in ¶Paragraph (B) of this section,~~ a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.^P

(B) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.

8-404.12 Resumption of Operations.

If operations are discontinued as specified under ~~§Subpart~~ 8-404.11 or otherwise according to LAW, the PERMIT HOLDER shall obtain approval from the REGULATORY AUTHORITY before resuming operations.

Critical-Violation/ of Priority Item or Priority Foundation Item

8-405.11 Timely Correction.

- (A) Except as specified in Paragraph ¶ (B) of this section, a PERMIT HOLDER shall at the time of inspection correct a ~~critical/violation of a PRIORITY ITEM OR PRIORITY FOUNDATION ITEM~~ violation of THESE RULES AND REGULATIONS and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT. ^{Pf}
- (A) *Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to or specify a longer time frame, not to exceed:-*
- (1) 72 hours after the inspection, for the PERMIT HOLDER to correct violations of a PRIORITY ITEM; or
 - (B) *10 calendar days after the inspection, for the PERMIT HOLDER to correct ~~critical/Priority Item or Priority Foundation Item Regulation violations or HACCP PLAN deviations.~~*
 - (1) 72 hours after the inspection, for the PERMIT HOLDER to correct violations of a PRIORITY ITEM; or
 - (2) 10 calendar days after the inspection, for the PERMIT HOLDER to correct violations of a PRIORITY FOUNDATION ITEM or HACCP PLAN deviations.

8-405.20 Verification and Documentation of Correction.

- (A) After observing at the time of inspection a correction of a ~~critical/violation of a PRIORITY ITEM OR PRIORITY FOUNDATION ITEM~~ ~~Priority Item or Priority Foundation-Item violation or~~ deviation of a HACCP Plan, the REGULATORY AUTHORITY shall enter the violation and information about the corrective action on the inspection report.
- (B) As specified under ¶ 8-405.11(B), after receiving notification that the PERMIT HOLDER has corrected a ~~critical/violation of a PRIORITY ITEM OR PRIORITY FOUNDATION ITEM~~ ~~Priority Item or Priority Foundation Item violation or~~ HACCP PLAN deviation, or at the end of the specified period of time, the REGULATORY AUTHORITY shall verify correction of the violation, document the information on an inspection report, and enter the report in the REGULATORY AUTHORITY'S records.

Noncritical/Core Item Violation

8-406.11 Time Frame for Correction.

- (A) Except as specified in Paragraph ¶ (B) of this section, the PERMIT HOLDER shall correct ~~noncritical/CORE ITEMS~~ by a date and time agreed to or specified by the REGULATORY AUTHORITY but no later than 90 calendar days after the inspection.
- (B) *The REGULATORY AUTHORITY may approve a compliance schedule that extends beyond the time limits specified under Paragraph ¶ (A) of this section if a written schedule of compliance is submitted by the PERMIT HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance.*

8-5 **PREVENTION OF FOODBORNE DISEASE
TRANSMISSION BY EMPLOYEES**

Subpart

8-501

Investigation and Control

Investigation and Control

8-501.10 Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis.

The REGULATORY AUTHORITY shall act when it has reasonable cause to believe that a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE has possibly transmitted disease; may be infected with a disease in a communicable form that is transmissible through FOOD; may be a carrier of infectious agents that cause a disease that is transmissible through FOOD; or is affected with a boil, an infected wound, or acute respiratory infection, by:

- (A) Securing a confidential medical history of the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE suspected of transmitting disease or making other investigations as deemed appropriate; and
- (B) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected FOOD EMPLOYEE and ~~CONDITIONAL~~ other EMPLOYEES or CONDITIONAL EMPLOYEE.

8-501.20 Restriction or Exclusion of Food Employee, or Summary Suspension of Permit.

Based on the findings of an investigation related to a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE who is suspected of being infected or diseased, the REGULATORY AUTHORITY may issue an order to the suspected FOOD EMPLOYEE, ~~CONDITIONAL EMPLOYEE~~ or PERMIT HOLDER instituting one or more of the following control measures:

- (A) RESTRICTING the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE;
- (B) EXCLUDING the FOOD EMPLOYEE; or ~~CONDITIONAL EMPLOYEE;~~ or
- (C) Closing the RETAIL FOOD ESTABLISHMENT by summarily suspending a PERMIT to operate in accordance with THESE RULES AND REGULATIONS.

8-501.30 Restriction or Exclusion Order: Warning or Hearing Not Required, Information Required in Order.

Based on the findings of the investigation as specified in Subpart 8-501.10 and to control disease transmission, the REGULATORY AUTHORITY may issue an order of RESTRICTION OR EXCLUSION to a suspected FOOD EMPLOYEE or the PERMIT HOLDER without prior warning, notice of a hearing, or a hearing if the order:

- (A) States the reasons for the RESTRICTION OR EXCLUSION that is ordered;
- (B) States the evidence that the FOOD EMPLOYEE or PERMIT HOLDER shall provide in order to demonstrate that the reasons for the RESTRICTION OR EXCLUSION are eliminated;
- (C) States that the suspected FOOD EMPLOYEE or the PERMIT HOLDER may request an appeal hearing by submitting a timely request as provided in THESE RULES AND REGULATIONS; and
- (D) Provides the name and address of the REGULATORY AUTHORITY representative to whom a request for an appeal hearing may be made.

8-501.40 Removal of Exclusions and Restrictions.

The REGULATORY AUTHORITY shall release a FOOD EMPLOYEE or ~~CONDITIONAL EMPLOYEE~~ from RESTRICTION or EXCLUSION according to THESE RULES AND REGULATIONS.

~~EXCLUSION according to THESE RULES AND REGULATIONS~~ and the conditions specified under

|
| § 2-201.13.-

8-6**LEGAL ACTIONS****Subparts**

<u>8-601</u>	<u>Criminal Proceedings</u>
<u>8-602</u>	<u>Civil Proceedings</u>

Criminal Proceedings**8-601.10 Authorities, Methods, Fines, and Sentences.**

- (A) The REGULATORY AUTHORITY may seek to enforce the provisions of THESE RULES AND REGULATIONS and its orders by instituting criminal proceedings as provided in LAW against the PERMIT HOLDER or other PERSONS who violate its provisions.
- (B) A PERSON who violates a provision of THESE RULES AND REGULATIONS shall be guilty of a misdemeanor, punishable by:
A fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment not exceeding 1 month, or both the fine and imprisonment; or
- (C) Each day on which a violation occurs is a separate violation under this section.

Civil Proceedings**8-602.10 Petitions, Penalties, and Continuing Violations.**

- (A) The REGULATORY AUTHORITY may petition a court of competent jurisdiction to enforce the provisions of THESE RULES AND REGULATIONS or its administrative orders and according to LAW collect penalties and fees for violations.
- (B) In addition to any criminal fines and sentences imposed as specified in ~~§Subpart~~ 8- 811.10, or to being enjoined as specified in ~~§Subpart~~ 8-812.10, a PERSON who violates a provision of THESE RULES AND REGULATIONS, any rule or regulation adopted in accordance with LAW related to RETAIL FOOD ESTABLISHMENTS within the scope of THESE RULES AND REGULATIONS, or to any term, condition, or limitation of a PERMIT issued as specified in ~~§Subparts~~ 8-303.10 and 8-303.20 is subject to a civil penalty not exceeding one thousand dollars (\$1,000.00).
- (C) Each day on which a violation occurs is a separate violation under this section.

SEVERABILITY

If any provision of these Rules and Regulations or the application thereof to any person is held invalid, such invalidity shall not affect other provisions of applications of these Rules and Regulations which can affect the invalid provisions of applications, and to this end the provisions hereto are declared severable.

REPEAL

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules and Regulations Pertaining to Retail Food Establishments were adopted by the Arkansas Department of Health at the regular session of the Board of Health held in Little Rock, Arkansas on the 26th day of April, 2012.



Paul Halverson, DrPH, FACHE
Director and State Health Officer
Arkansas Department of Health

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