

ARKANSAS STATE BOARD OF HEALTH

RULES AND REGULATIONS PERTAINING TO FOOD ESTABLISHMENTS



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Promulgated Under Authority of Ark. Code Ann. § § 20-7-101 through 20-7-130, §§ 20-56-201 through 20-56-223, and §§ 20-57-201 through 20-57-208.

Effective August 1, 2012

Environmental Health Protection

Arkansas Department of Health

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AUTHORITY

The following Rules and Regulations Pertaining to Retail Food Establishments are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 96 of 1913 (Ark. Code Ann. § § 20-7-101 through 20-7-130) and Act 415 of 1953 (Ark. Code Ann. §§ 20-56-201 through 20-56-223) and Act 357 of 1977 Ark. Code Ann. §§ 20-57-201 through 20-57-208).

Chapter

1

Purpose and Definitions

Parts

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1-1 TITLE, INTENT, SCOPE

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Title **1-101.10 Food Code.**

These provisions shall be known as the Food Code, hereinafter referred to "THESE RULES AND REGULATIONS OR THIS REGULATION."

Intent **1-102.10 Food Safety, Illness Prevention, and Honest Presentation.**

The purpose of THESE RULES AND REGULATIONS is to safeguard public health and provide to CONSUMERS FOOD that is safe, unADULTERATED, and honestly presented.

Scope **1-103.10 Statement.**

THESE RULES AND REGULATIONS establishes definitions; sets standards for management and personnel, FOOD operations, and EQUIPMENT and facilities; and provides for FOOD ESTABLISHMENT plan review, PERMIT issuance, inspection, EMPLOYEE RESTRICTION, and PERMIT suspension.

1-2 DEFINITIONS

Subpart

1-201 Applicability and Terms Defined

Applicability and Term Defined

1-201.10 Statement of Application of Listing of Terms.

(A) The following definitions apply in the interpretation and application of THESE RULES AND REGULATIONS.

(B) Terms Defined. As used in this Rules and Regulation, each of the terms listed in ¶ 1-201.10(B) shall have the meaning stated below.

Accredited program.

- (1) **"Accredited program"** means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.
- (2) **"Accredited program"** refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.
- (3) **"Accredited program"** does not refer to training functions or educational programs.

Additive.

- (1) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).
- (2) **"Color additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

"Adulterated" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

"Approved" means acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

Asymptomatic.

- (1) **"Asymptomatic"** means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.
- (2) **"Asymptomatic"** includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

"a_w" means water activity which is a measure of the free moisture in a FOOD, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w.

"Balut" means an embryo inside a fertile EGG that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

Bed and Breakfast is an establishment offering lodging and breakfast which must comply with this Regulation if its food service facility is operated in connection with 6 or more sleeping rooms and/or more than 10 people.

"Beverage" means a liquid for drinking, including water.

"Bottled drinking water" means water that is SEALED in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

"Casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material.

"Certification number" means a unique combination of letters and numbers assigned by a SHELLFISH CONTROL AUTHORITY to a MOLLUSCAN SHELLFISH dealer according to the provisions of the National Shellfish Sanitation Program.

"CFR" means CODE OF FEDERAL REGULATIONS. Citations in THESE RULES AND REGULATIONS to the CFR refer sequentially to the Title, Part, and Section numbers, such as 40 CFR 180.194 refers to Title 40, Part 180, Section 194.

CIP.

- (1) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and SANITIZING solution onto or over EQUIPMENT surfaces that require cleaning, such as the method used, in part, to clean and SANITIZE a frozen dessert machine.
- (2) **"CIP"** does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

"CFR" means ~~CODE OF FEDERAL REGULATIONS. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.~~

"Code of Federal Regulations" means the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which:

- (1) Is published annually by the U.S. Government Printing Office; and
- (2) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and Wildlife and Fisheries rules in 50 CFR.

"Coffee Kiosk" means:

- (1) An establishment RETAIL FOOD ESTABLISHMENT limited to the preparation and service of coffee based products BEVERAGES.
- (2) Items that are offered for sale that are not coffee based drinks BEVERAGES must be offered in pre-packaged form and not requiring refrigeration.

"Commingle" means:

- (1) To combine SHELLSTOCK harvested on different days or from different growing areas as identified on the tag or label, or
- (2) To combine SHUCKED SHELLFISH from containers with different container codes or different shucking dates.

Comminuted.

- (1) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing.
- (2) **"Comminuted"** includes FISH or MEAT products that are reduced in size and restructured or reformulated such as gefilte FISH, gyros, ground beef, and sausage; and a mixture of 2 or more types of MEAT that have been reduced in size and combined, such as sausages made from 2 or more MEATS.

"Commissary" means a catering operation, restaurant, central preparation facility, or any other place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

"Conditional employee" means a potential FOOD EMPLOYEE to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential FOOD EMPLOYEES who may be suffering from a disease that can be transmitted through FOOD and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

"Confirmed disease outbreak" means a FOODBORNE DISEASE OUTBREAK in which laboratory analysis of appropriate specimens identifies a causative agent and

epidemiological analysis implicates the FOOD as the source of the illness.

"Consumer" means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT, and does not offer the FOOD for resale.

Core Item.

- (1) **"Core item"** means a provision in these RULES AND REGULATIONS that is not designated as a PRIORITY ITEM or a PRIORITY FOUNDATION ITEM.
- (2) **"Core item"** includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

"Corrosion-resistant material" means a material that maintains acceptable surface clean-ability characteristics under prolonged influence of the FOOD, to be contacted, the normal use of cleaning and SANITIZING solutions, and other conditions of the use environment.

"Counter-mounted equipment" means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

"Critical control point" means a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health RISK.

Critical Item (Priority Item or Priority Foundation Item).

(1) **"Priority item"** means a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with food borne illness or injury and there is no other provision that more directly controls the hazard.

"Priority item" includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing, and is an item that is denoted in this Code with a superscript P.

(2) **"Priority Foundation Item"** means a provision of THESE RULES AND REGULATIONS whose application supports, facilitates or enables one or more PRIORITY ITEMS.

Core Item

(1) **"Core item"** means a provision in this Code that is not designated as a PRIORITY ITEM OR A PRIORITY FOUNDATION ITEM.

(2) **"Core item"** includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

"Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a CRITICAL CONTROL POINT to minimize the RISK that the identified FOOD safety HAZARD may occur.

"Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula, and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

"Dealer" means a PERSON who is authorized by a SHELLFISH CONTROL AUTHORITY for the activities of SHELLSTOCK shipper, shucker-packer, repacker, reshipper, or depuration processor of MOLLUSCAN SHELLFISH according to the provisions of the National Shellfish Sanitation Program.

"Disclosure" means a written statement that clearly identifies the animal-derived FOODS which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or item that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

Day Care Family Home is a facility where children are cared for in a caregivers own family residence which routinely serves more than 10 children with a maximum of 16 under the purview of the Child Care Facility Licensing Act, Act 434 of 1969, which must meet the requirements of the Regulation. THESE RULES AND REGULATIONS.

Drinking Water.

- (1) **"Drinking water"** means water that meets 40 CFR 141 National Primary Drinking Water Regulations.
- (2) **"Drinking water"** is traditionally known as "potable water."
- (3) **"Drinking water"** includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

"Dry storage area" means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not POTENTIALLY HAZARDOUS and dry goods such as SINGLE-SERVICE items.

Easily Cleanable means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

- (1) **"Easily cleanable"** means a characteristic of a surface that:
 - (a) Allows effective removal of soil by normal cleaning methods;
 - (b) Is dependent on the material, design, construction, and installation of the surface; and
 - (c) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD based on the surface's APPROVED placement, purpose, and use.
- (2) **"Easily cleanable"** includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified in Subparagraph (1) of this definition to different situations in which varying degrees of cleanability are required such as:
 - (a) The appropriateness of stainless steel for a FOOD preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
 - (b) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

"Easily movable" means:

- (1) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of EQUIPMENT for cleaning; and
- (2) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and adjacent area.

Egg.

- (1) **"Egg"** means the shell EGG of avian species such as chicken, duck, goose, guinea, quail, RATITES or turkey.
- (2) **"Egg"** does not include:
 - (a) A BALUT;
 - (b) The egg of reptile species such as alligator; or

(c) An _____ EGG PRODUCT.

Egg Product.

- (1) **"Egg Product"** means all, or a portion of, the contents found inside EGGS separated from the shell and pasteurized in a FOOD PROCESSING PLANT, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.
- (2) **"Egg Product"** does not include FOOD which contains EGGS only in a relatively small proportion such as cake mixes.

"Employee" means the PERMIT HOLDER, PERSON IN CHARGE, PERSON having supervisory or management duties, PERSON on the payroll, family member, volunteer, PERSON performing work under contractual agreement, or other PERSON working in a RETAIL FOOD ESTABLISHMENT.

~~"Enterohemorrhagic Escherichia Coli" (EHEC) means *E. coli* which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with *E. coli* that has the capacity to produce Shiga toxins and to cause attaching and effacing lesions in the intestine. EHEC is a subset of STEC, whose members produce additional virulence factors. Infections with EHEC may be asymptomatic but are classically associated with bloody diarrhea (hemorrhagic colitis) and hemolytic uremic syndrome (HUS) or thrombotic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: *E. coli* 0157:H7; *E. coli* 0157:NM; *E. coli* 026:H11; *E. coli* 0145:NM; *E. coli* 0103:H2; or *E. coli* 0111:NM. Also see SHIGA-TOXIN-PRODUCING *E. coli*.~~

"EPA" means the U.S. Environmental Protection Agency.

Equipment.

- (1) **"Equipment"** means an article that is used in the operation of a RETAIL FOOD SERVICE ESTABLISHMENT such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WAREWASHING machine.
- (2) **"Equipment"** does not include ~~items~~apparatuses used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

"Exclude" means to prevent a PERSON from working as an a FOOD-EMPLOYEE ~~in or entering a~~ FOOD ESTABLISHMENT ~~except for those areas open to the general public or entering a~~ FOOD ESTABLISHMENT as an employee.

"FDA" means the U.S. Food and Drug Administration.

Fish.

- (1) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.
- (2) **"Fish"** includes an edible human FOOD product derived in whole or in part from FISH, including FISH that have been processed in any manner.

"Food" means a raw, cooked, or processed edible substance, ice, BEVERAGE, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

"Food borne disease outbreak" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common ~~feed~~FOOD.

"Food-contact surface" means:

- (1) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact; or
- (2) A surfaces of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash:
 - (a) Into a FOOD, or
 - (b) Onto a surface normally in contact with FOOD.

"Food employee" means an individual working with UNPACKAGED FOOD, FOOD EQUIPMENT or UTENSILS, or FOOD-CONTACT SURFACES.

Food Processing Plant.

- (1) **"Food processing establishment plant"** means a commercial operation that manufactures, packages, labels, or stores FOOD for human consumption, and ~~does not provide FOOD directly to a CONSUMER. The term does not include a food service establishment, retail food store, or commissary operation.~~ provides FOOD for sale or distribution to other business entities such as FOOD PROCESSING PLANTS or FOOD ESTABLISHMENTS.
- (2) **"Food processing plant"** does not include a RETAIL FOOD ESTABLISHMENT.

Game Animal.

- (1) **"Game animal"** means an animal, the products of which are FOOD, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301 Definitions, or as Poultry, or FISH.
- (2) **"Game animal"** includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and non-aquatic reptiles such as land snakes.
- (3) **"Game animal"** does not include ~~ratites~~ RATITES ~~such as ostrich, emu, and rhea.~~

"General use pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175. Pesticides classified for restricted use.

"Grade A standards" means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.

"HACCP plan" means a written document that delineates the formal procedures for following the HAZARD Analysis CRITICAL CONTROL POINT principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

Handwashing Sink.

- (1) **"Handwashing sink"** means a lavatory, a basin or vessel for washing, a wash basin, or a PLUMBING FIXTURE especially placed for use in personal hygiene and designed for the washing of the hands.
- (2) **"Handwashing sink"** includes an automatic handwashing facility.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

"Health practitioner" means a physician licensed to practice medicine, or if allowed by LAW, a nurse practitioner, physician assistant, or similar medical professional.

"Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned FOODS, to maintain the commercial sterility of its contents after processing.

"Highly susceptible population" means PERSONS who are more likely than other people in the general population to experience food borne disease because they are:

- (1) Immunocompromised; preschool age children, or older adults; and
- (2) Obtaining FOOD at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney

dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

"Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on.

- (1) The number of potential injuries, and
- (2) The nature, severity, and duration of the anticipated injury.

"Injected" means manipulating a MEAT to which a solution has been introduced into its interior by processes referred to as "injection", "pump marinating", or "stitch pumping".

"Juice"

- (1) **"Juice"** means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purée.
- (2) **"Juice"** *does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as BEVERAGES or ingredients of BEVERAGES.*

"Kitchenware" means FOOD preparation and storage UTENSILS.

"Law" means applicable local, state, and federal statutes, regulations, and ordinances.

"Linens" means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

Major Food Allergen.

(1) **"Major food allergen"** means:

- (a) Milk, EGG, FISH (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or
- (b) A FOOD ingredient that contains protein derived from a FOOD, as specified in Subparagraph (1)(a) of this definition.

(2) **"Major food allergen"** does not include:

- (a) Any highly refined oil derived from a FOOD specified in Subparagraph (1)(a) of this definition and any ingredient derived from such highly refined oil; or
- (b) Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282)

"Meat" means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except fish, poultry, and wild game animals as specified under Subparagraphs 3-201.17(A)(3) and (4).*

Mechanically Tenderized.

- (1) **"Mechanically tenderized"** means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding", "pinning", "needling," or using blades, pins, needles or any mechanical device.
- (2) **"Mechanically tenderized"** does not include processes by which solutions are injected into meat.

"mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, *except when the scallop product consists only of the shucked adductor muscle.*

Non-Continuous Cooking.

- (1) **"Non-continuous cooking"** means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.
- (2) **"Non-continuous cooking"** does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

Mobile retail food establishment means a vehicle mounted food service establishment RETAIL FOOD ESTABLISHMENT designed to be readily movable and approved by LAW to travel highways, roadways, and/or waterways in the state of Arkansas that is a self-contained RETAIL FOOD ESTABLISHMENT equipped with permanently mounted fresh water holding tanks and waste holding tanks.

Packaged.

- (1) **"Packaged"** means bottled, canned, cartoned, securely bagged, or securely wrapped, whether PACKAGED in a RETAIL FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT.
- (2) **"Packaged"** does not include a wrapper, carry-out box, or other nondurable container used to containerize FOOD with the purpose of facilitating FOOD protection during service and receipt of the FOOD by the CONSUMER wrapped or placed in a carry-out container to protect the food during service or delivery to the CONSUMER, by a FOOD EMPLOYEE, upon CONSUMER request.

"Permit" means the document issued by the REGULATORY AUTHORITY that authorizes a PERSON to operate a RETAIL FOOD ESTABLISHMENT.

"Permit holder" means the entity that:

- (1) Is legally responsible for the operation of the RETAIL FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and
- (2) Possesses a valid PERMIT to operate a RETAIL FOOD ESTABLISHMENT.

"Persons" means an association, a corporation, individual, partnership, or other legal entity, government, or governmental subdivision or agency.

"Person in charge" means the individual present in at a RETAIL FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

Personal Care Items.

- (1) **"Personal care items"** means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a PERSON'S health, hygiene, or appearance.
- (2) **"Personal care items"** include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

"pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

____ Values between 0 and 7 indicate acidity and values between 7 and 14 indicate ____ alkalinity. The value for pure distilled water is 7, which is considered neutral.

"Physical facilities" means the structure and interior surfaces of a RETAIL FOOD ESTABLISHMENT including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

"Plumbing fixture" means a receptacle or device that:

- (1) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system; or

- (2) Discharges used water, waste materials, or SEWAGE directly or indirectly to the drainage system of the PREMISES.

"Plumbing system" means the water supply and distribution pipes; PLUMBING FIXTURES and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the PREMISES; and water-treating EQUIPMENT.

"Poisonous or toxic materials" means substances that are not intended for ingestion and are included in 4 categories:

- (1) Cleaners and SANITIZERS, which include cleaning and SANITIZING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (2) Pesticides, *except* SANITIZERS, which include substances such as insecticides and rodenticides;
- (3) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health; and
- (4) Substances that are not necessary for the operation and maintenance of the establishment and are on the PREMISES for retail sale, such as petroleum products and paints.

Potentially Hazardous Food (Time/Temperature Control for Safety Food).

- (1) **"Potentially hazardous food (time/temperature control for safety food)"** means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.
- (2) **"Potentially hazardous food (time/temperature control for safety food)"** includes:
 - (a) ~~an animal FOOD that is raw or heat-treated, plant food origin that is heat-treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; or garlic-in-oil mixtures that are not modified in a way that results in mixtures that support they are unable to support microorganism growth or toxin formation, and.~~
 - (b) Except as specified in Subparagraph (3) (d) of this definition, a FOOD that because of the interaction of its a_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and a_w for control of spores in FOOD heat treated to destroy vegetative cells and subsequently PACKAGED

a_w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
< 0.92	non-PHF*/non-TCS FOOD**	non-PHF/non-TCS FOOD	non-PHF/non-TCS FOOD
> 0.92 - 0.95	non-PHF/non-TCS FOOD	non-PHF/non-TCS FOOD	PA ***
> 0.95	non-PHF/non-TCS FOOD	PA	PA

* PHF means POTENTIALLY HAZARDOUS FOOD ** TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD *** PA means Product Assessment required

Table B. Interaction of pH and a_w for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED

a_w values	pH values			
	< 4.2	4.2—4.6	> 4.6—5.0	> 5.0
< 0.88	non-PHF*/non-TCS food**	non-PHF/non-TCS food	non-PHF/non-TCS food	non-PHF/non-TCS food
0.88—0.90	non-PHF/non-TCS food	non-PHF/non-TCS food	non-PHF/non-TCS food	PA***
> 0.90—0.92	non-PHF/non-TCS food	non-PHF/non-TCS food	PA	PA
> 0.92	non-PHF/non-TCS food	PA	PA	PA

* PHF means POTENTIALLY HAZARDOUS FOOD ** TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD *** PA means Product Assessment required

(3) ~~Potentially hazardous food (time/temperature control for safety food does not include:~~

- ~~(a) An air-cooled hard-boiled EGG with shell intact, or a shell EGG that is not hard-boiled, but has been treated to destroy all viable *Salmonellae*;~~
- ~~(b) A FOOD, in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;~~
- ~~(c) A FOOD that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-PHF/non-TCS FOOD in Table A or B of this definition;~~
- ~~(d) A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD is precluded due to:—~~
 - ~~(i) — Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants, or nutrients;~~
 - ~~(ii) — Extrinsic factors including environmental or operational factors that affect the FOOD such as packaging, modified atmosphere such as REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use, or~~
 - ~~(ii) — A combination of intrinsic and extrinsic factors; or~~
- ~~(e) FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (3)(a)-(3)(d) of this definition even though the FOOD may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.~~

Poultry

- (1) Any domesticated bird (chickens, turkeys, ducks, geese, guineas, RATITES, or squabs, whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definition, Poultry; and
- (2) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions.

"Premises" means:

- (1) The physical facility, its contents, and the contiguous land or property under the control of the PERMIT HOLDER; or
- (2) The physical facility, its contents, and the land or property not described under Subparagraph (1) of this definition if its facilities and contents are under the control of the PERMIT HOLDER and may impact RETAIL FOOD ESTABLISHMENT personnel, facilities, or operations, and a RETAIL FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

"Primal cut" means a basic major cut into which carcasses and sides of MEAT are separated, such as a beef round, pork loin, lamb flank, or veal breast.

Priority Foundation Item.

- (1) **"Priority foundation item"** means a provision in this RULES AND REGULATION whose application supports, facilitates or enables one or more PRIORITY ITEMS.
- (2) **"Priority foundation item"** includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to food borne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; and ~~is an item that is denoted in this Code with a superscript Pf.~~^{Pf}
- (3) **"Priority foundation item"** is an item that is denoted in THESE RULES AND REGULATIONS with a superscript Pf.^{Pf}

Priority Item.

- (1) **"Priority item"** means a provision in THESE RULES AND REGULATIONS whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with food borne illness or injury and there is no other provision that more directly controls the hazard.
- (2) **"Priority item"** includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and is an item that is denoted in this RULES AND REGULATIONS with a superscript P-.^{P-}
- (3) **"Priority Foundation Item"** means a provision of THESE RULES AND REGULATIONS whose application supports, facilitates or enables one or more PRIORITY ITEMS.

"Public water system" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

"Pushcart" means a non-self-propelled vehicle equipped with permanently mounted fresh water holding tanks and waste holding tanks, limited to serving ~~food~~ FOOD.

requiring minimal handling or commissary ~~COMMISSARY~~-wrapped food-~~FOOD~~ maintained at ~~proper temperatures~~ temperatures specified in THIS REGULATION.

- (1) Food products prepared on and served from such units are limited to: non-potentially hazardous foods; or the preparation and service of frankfurters; except that other potentially hazardous food products, including soft serve frozen desserts, may be prepared on and served from such units if the unit is operated only within a fully enclosed facility such as a mall, coliseum, arena, stadium, etc.
- (2) Must operate from an ~~approved~~ APPROVED, ~~permitted~~ PERMITTED, ~~commissary~~ COMMISSARY and must report back to the ~~commissary~~ COMMISSARY daily for cleaning and resupply.

"**Ratite**" means a flightless bird such as an emu, ostrich, or rhea.

Ready-to-Eat Food.

- (1) "**Ready-to-eat food**" means FOOD that:

- (a) Is in a form that is edible without additional preparation to achieve FOOD safety, as specified under ~~¶ Subparagraph 3-401.11(A) (C) or (B) or~~ § Subpart 3-401.12 or Subpart 3-402.11, or as specified in ¶ 3-401.11 (C); or
- (b) Is a raw or partially cooked animal FOOD and the consumer is advised as specified under Subparagraph 3-401.11(D)(1) and (3); or

(a)(c) Is prepared in accordance with a variance that is granted as specified under Subparagraphs 3-401.11(D)(4); and

(b)(d) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(2) "Ready-to-eat food" includes:

(a) Raw animal FOOD that is cooked as specified under ~~§Subpart 3-401~~3401.11 or 3-401.12, or frozen as specified under Subpart 3-402.11;

(b) Raw fruits and vegetables that are washed as specified under ~~§Subpart 3-302.15~~;

(c) Fruits and vegetables that are cooked for hot holding, as specified under ~~§Subpart 3-401.13~~;

(d) All ~~POTENTIALLY HAZARDOUS FOOD (time and temperature controlled for safe food)~~TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific food-~~FOOD~~ under Subpart 3-401 and cooled as specified in ~~§Subpart 3-501.14~~;

(e) Plant FOOD for which further washing, cooking, or other processing is not required for FOOD safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(f) Substances derived from plants such as spices, seasonings, and sugar;

(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for FOOD safety;

(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured MEAT and POULTRY products, such as prosciutto ham, country cured ham, and Parma ham; and dried MEAT and POULTRY products, such as jerky or beef sticks; and

(i) FOODS manufactured according to 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

Reduced Oxygen Packaging.

(1) "Reduced oxygen packaging" means:

(a) The reduction of the amount of oxygen in a PACKAGE by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the ~~surrounding atmosphere; (approximately, 21% oxygen atmosphere at sea level);~~ and

(b) A process as specified in Subparagraph (1) (a) of this definition that involves a FOOD for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final PACKAGED form.

(2) "Reduced oxygen packaging" includes:

(a) Vacuum PACKAGING, in which air is removed from a PACKAGE of FOOD

and the PACKAGE is HERMETICALLY SEALED so that a vacuum remains inside the PACKAGE, ~~such as sous-vide~~;

(2) **"Reduced oxygen packaging"** inclusions continued:

- (b) Modified atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the PACKAGING material or the respiration of the FOOD. Modified atmosphere PACKAGING includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen; and
- (c) Controlled atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that until the PACKAGE is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable ~~packaging~~ PACKAGING material.
- (d) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or
- (e) Sous vide PACKAGING, in which raw or partially cooked FOOD is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens

"Refuse" means solid waste not carried by water through the SEWAGE system.

"Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the RETAIL FOOD ESTABLISHMENT.

"Reminder" means a written statement concerning the health RISK of consuming animal FOODS raw, undercooked, or without otherwise being processed to eliminate pathogens.

"Re-service" means the transfer of food that is unused and returned by a CONSUMER after being served or sold and in the possession of the CONSUMER to another PERSON.

"Restrict" means to limit the activities of a FOOD EMPLOYEE so that there is no RISK of transmitting a disease that is transmissible through FOOD and the FOOD EMPLOYEE does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS; and unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

"Restricted egg" means any check, dirty EGG, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

"Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

Retail Food Establishment.

- (1) **"Retail Food Establishment"** means an operation that: ~~stores, prepares, packages, serves, vends, or otherwise provides FOOD for human consumption;~~
 - (a) stores, prepares, package ~~PACKAGES~~, serves, vends, or otherwise provides FOOD for human consumption ~~such such such~~ as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to

transport people; market; vending location; institution; or FOOD bank; and

- (b) That relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(2) **"Retail Food Establishment"** includes:

- (a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location *unless the vending or feeding location is PERMITTED by the REGULATORY AUTHORITY*; and
- (b) An operation that is conducted in a mobile, stationary, temporary, or permanent, or permanent facility or location; where consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.

(3) **"Retail Food Establishment"** does not include:

- (a) *An establishment that offers only pre-PACKAGED FOODS that are not POTENTIALLY HAZARDOUS TIME/TEMPERATURE CONTROL FOR SAFETY FOODS*;
- (b) *A produce stand that only offers whole, uncut fresh fruits and vegetables*;
- (c) *A ~~food~~ FOOD PROCESSING PLANT; including those that are located on the premises of a FOOD ESTABLISHMENT*
- (d) *A kitchen in a private home if only FOOD that is not POTENTIALLY HAZARDOUS TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by Arkansas Annotated Code 1403.*
- (e) An area where FOOD that is prepared as specified in Subparagraph (3)(d) of this definition is sold or offered for human consumption:
- (f) *A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 10, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY; or*
- (g) *A private home that receives catered or home-delivered FOOD.*

"Risk" means the likelihood that an adverse health effect will occur within a population as a result of a HAZARD in a FOOD.

"Safe material" means:

- (1) An articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD;
- (2) An additive that is used as specified in § 409 ~~or 706~~ of the Federal Food, Drug, and Cosmetic Act; or
- (3) Other materials that are not ADDITIVES and that are used in conformity with applicable regulations of the Food and Drug Administration.

"Sanitization" means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

"Seasonal operation" means an establishment operating on a seasonal basis not to exceed in 150 day period of time per calendar year, limited to the serving of dispensed drinks, coffee, snow cones, shaved ice, and other similar ice based products.

Semi-Public Water System means any water supply used or made available to the public for drinking or in connection with the manufacturing, processing or handling of ice, foodFOOD, or drink. This definition does not include single-family residences, water vending machines, bottle water dispensers or distribution systems that distribute regulated, tested and approved water purchased from a regulated system. NOTE: Owners of water systems serving a population equal or exceeding 25 people or 15 connections, 60 days a year are considered a public water supply and must comply with the Arkansas Department of Health Rules and Regulations Pertaining to Public Water Supplies. Semi- Public water supply owners anticipating substantial growth should be aware of the Arkansas Department of Health public water regulations.

"Service animal" means ~~an animal such as a guide, a dog, signal dog, or other animal that is individually trained to do work or perform tasks for people with disabilities provide assistance to an individual with a disability.~~

"Servicing area" means an operating base location to which a ~~mobile~~MOBILE FOOD ESTABLISHMENT or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD.

"Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of MOLLUSCAN SHELLFISH harvesters and ~~dealers~~DEALERS for interstate commerce.

"Shellstock" means raw, in-shell MOLLUSCAN SHELLFISH.

"Shiga toxin-producing *Escherichia coli*" (STEC) means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). This includes, ~~examples of serotypes of STEC include both O157:H7 and non O157 E.coli. Also see~~ **Enterohemorrhagic *Escherichia coli*** STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS – a type of kidney failure). ~~Examples of serotypes of STEC include: *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (Enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.~~

"Shucked shellfish" means MOLLUSCAN SHELLFISH that have one or both shells removed.

"Single-service articles" means TABLEWARE, carry-out UTENSILS, and other items such

as bags, containers, lids, closures, plates, knives, forks, spoons, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one PERSON use after which they are intended for discard.

Single-Use Articles.

- (1) **"Single-use articles"** means UTENSILS and bulk FOOD containers designed and constructed to be used once and discarded.

Single-Use Articles continued.

- (2) **"Single-use articles"** includes items such as wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under §§Subpart 4-101.11, 4-201.11, and 4-202.11 for multiuse UTENSILS.

"Slacking" means the process of moderating the temperature of a FOOD such as allowing a FOOD to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD such as shrimp.

"Smooth" means:

- (1) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;
- (2) A non-FOOD-CONTACT SURFACE of EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
- (3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

"Table-mounted equipment" means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

"Tableware" means eating and drinking, and serving UTENSILS for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

"Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

"Temporary food establishment" means a RETAIL FOOD ESTABLISHMENT that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

Time/Temperature Control for Safety Food (formerly "potentially hazardous food" (PHF)).

- (1) **"Time/temperature control for safety food"** means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(2) "Time/temperature control for safety food " includes:

- (a) An animal FOOD that is raw or heat-treated: plant FOOD origin that is heat- treated or consists of raw seed sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic micro-organism growth or toxin formation; or garlic-in-oil mixtures that are not modified in a way that results in mixtures that support they are unable to support microorganism growth or toxin formation, and
- (b) Except as specified in Subparagraph (3) (d) of this definition, a FOOD that because of the interaction of it's a_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of PH and a_w for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently PACKAGED

<u>a_w values</u>	<u>PH: 4.6 or less</u>	<u>pH: > 4.6 - 5.6</u>	<u>pH: > 5.6</u>
<u><0.92</u>	<u>non-TCS FOOD*</u>	<u>non- TCS FOOD*</u>	<u>non- TCS FOOD*</u>
<u>> 0.92 - 0.95</u>	<u>non-TCS FOOD*</u>	<u>non- TCS FOOD*</u>	<u>PA **</u>
<u>> 0.95</u>	<u>non-TCS FOOD*</u>	<u>PA**</u>	<u>PA**</u>
* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD			
** PA means Product Assessment required			

Table B. Interaction of pH and a_w for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED

a_w values	pH: < 4.2	pH: 4.2 - 4.6	pH: > 4.6 - 5.0	pH: > 5.0
< 0.88	non- TCS food*	non- TCS food*	non- TCS food*	non- TCS food*
0.88 – 0.90	non- TCS food*	non- TCS food*	non- TCS food*	PA**
> 0.90 – 0.92	non- TCS food*	non- TCS food*	PA**	PA**
> 0.92	non- TCS food*	PA**	PA**	PA**

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD
 ** PA means Product Assessment required

(3) "Time/temperature control for safety food" does not include:

- (a) An air-cooled hard-boiled EGG with shell intact, or a shell EGG that is not hard-boiled, but has been treated to destroy all viable *salmonellae*.
- (b) A FOOD, in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.
- (c) A FOOD that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-PHF/non-TCS FOOD in Table A or B of this definition.
- (d) A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD is precluded due to –
 - (i) Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants, or nutrients.
 - (ii) Extrinsic factors including environmental or operational factors that affect the FOOD such as packaging, modified atmosphere such as REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use, or
 - (ii) A combination of intrinsic and extrinsic factors; or
- (e) FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (3)(a)-(3)(d) of this definition even though the FOOD may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

"USDA" means the U.S. Department of Agriculture.

"Utensil" means a FOOD-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES; and probe-type price or identification tags used in contact with FOOD.

"Variance" means a written document issued by the REGULATORY AUTHORITY that authorizes a modification or waiver of one or more requirements of ~~these~~THESE is this Code ~~RULES AND REGULATIONS~~ if, in the opinion of the REGULATORY AUTHORITY, a health HAZARD or nuisance will not result from the modification or waiver.

"Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of FOOD in bulk or in packages without the necessity of replenishing the device between each vending operation.

"Vending machine location" means the room, enclosure, space, or area where one or more VENDING MACHINES are installed and operated and includes the storage areas and areas on the PREMISES that are used to service and maintain the VENDING MACHINES.

"Warewashing" means the cleaning and SANITIZING of UTENSILS and FOODCONTACT SURFACES of EQUIPMENT.

"Whole-muscle, intact beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Parts

2-1 SUPERVISION

2-2 EMPLOYEE HEALTH

2-3 PERSONAL CLEANLINESS

2-4 HYGIENIC PRACTICES

2-5 RESPONDING TO CONTAMINATION EVENTS

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Responsibility

2-101.11 Assignment*

- (A) Except as specified in (B) of this section, the PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the RETAIL FOOD ESTABLISHMENT during all hours of operation. ^{Pf}
- (B) In a FOOD ESTABLISHMENT with two or more separately PERMITTED departments that are the legal responsibility of the same PERMIT HOLDER and that are located on the same PREMISES, the PERMIT HOLDER may, during specific time periods when food is not being prepared, packaged, or served, designate a single PERSON IN CHARGE who is present on the PREMISES during all hours of operation, and who is responsible for each separately PERMITTED FOOD ESTABLISHMENT on the PREMISES. ^{Pf}

2-101.11 Assignment* continued.

~~(C) Documenting or demonstrating the implementation of standard operating procedures that ensures compliance with the requirements of these RULES AND REGULATIONS.~~

- ~~(1) Food preparation activities are directed and corrective action is taken, as needed, to protect the health of the consumer; and~~
- ~~(2) In-house self-inspections of operations are conducted on a daily basis to ensure that food safety policies and procedures are followed.~~

Knowledge

2-102.11 Demonstration.*

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis CRITICAL CONTROL POINT principles, and the requirements of this Regulation. The PERSON IN CHARGE ~~at the time of inspection~~ shall demonstrate this knowledge by:

(A) Complying with this Regulation by having no violations of CRITICAL ITEMS (Priority Items) during the current inspection; ^{Pf}

(B) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM; ^{Pf} or

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

- (1) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a FOOD EMPLOYEE; ^{Pf}
- (2) Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of foodborne disease by a FOOD EMPLOYEE who has a disease or medical condition that may cause foodborne disease; ^{Pf}
- (3) Describing the symptoms associated with the diseases that are transmissible through FOOD; ^{Pf}
- (4) Explaining the significance of the relationship between maintaining the time and temperature of POTENTIALLY-HAZARDOUS-FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) and the prevention of foodborne illness; ^{Pf}
- (5) Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, and FISH; ^{Pf}
- (6) Stating the required FOOD temperatures and times for safe cooking of POTENTIALLY-HAZARDOUS-FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) including MEAT, POULTRY, EGGS, and FISH; ^{Pf}
- (7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of POTENTIALLY-HAZARDOUS-FOOD (Time/Temperature Control for Safety Food); ^{Pf}
- (8) Describing the relationship between the prevention of foodborne illness and the management and control of the following:
 - (a) Cross contamination; ^{Pf}
 - (b) Hand contact with READY-TO-EAT FOODS; ^{Pf}

2-102.11 Demonstration continued.*

- (c) Hand washing ~~Handwashing~~, ^{Pf} and
- (d) Maintaining the RETAIL FOOD ESTABLISHMENT in a clean condition and in good repair; ^{Pf}

~~2-102.11 Demonstration continued.*~~

- (9) Describing FOODS identified as MAJOR FOOD ALLERGENS and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction. ^{Pf}
- (10) Explaining the relationship between FOOD safety and providing EQUIPMENT that is:
 - (a) Sufficient in number and capacity, ^{Pf} and
 - (b) Properly designed, constructed, located, installed, operated, maintained, and cleaned; ^{Pf}
- (11) Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT; ^{Pf}
- (12) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections; ^{Pf}
- (13) Identifying POISONOUS OR TOXIC MATERIALS in the RETAIL FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to THESE RULES AND REGULATIONS; ^{Pf}
- (14) Identifying CRITICAL CONTROL POINTS in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Regulation; ^{Pf}
- (15) Explaining the details of how the PERSON IN CHARGE and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW, this Regulation, or an agreement between the REGULATORY AUTHORITY and the FOOD ESTABLISHMENT; ^{Pf}
- (16) Explaining the responsibilities, rights, and authorities assigned by this Regulation to the:
 - (a) FOOD EMPLOYEE, ^{Pf}
 - (a) CONDITIONAL EMPLOYEE, ^{Pf}
 - (a)(b) PERSON IN CHARGE, ^{Pf} and
 - (b)(c) REGULATORY AUTHORITY; ^{Pf} and ^{Pf}
- (17) Explaining how the PERSON IN CHARGE and FOOD EMPLOYEES and CONDITIONAL EMPLOYEES comply with reporting responsibilities and EXCLUSION or RESTRICTION of FOOD EMPLOYEES. ^{Pf}

2-102.12 Certified Food Protection Manager

(A) At least one EMPLOYEE that has supervisory and management responsibility and the authority to direct and control FOOD preparation and service shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM. (Note: Existing RETAIL FOOD ESTABLISHMENTS have 1 year from the effective date of THIS REGULATION to comply with this section).

(A) (B) This section does not apply to certain types of RETAIL FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of FOOD preparation. Including:

1. RETAIL FOOD ESTABLISHMENTS that only provide commercially prepackaged foods, or
2. RETAIL FOOD ESTABLISHMENTS, providing only low risk non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS, that are APPROVED by the REGUALTORY AUTHORITY.

2-102.20 Food Protection Manager Certification.

(A) A PERSON IN CHARGE who demonstrates knowledge by being a FOOD protection manager that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with Subpart 2-102.11(B).

(B) A RETAIL FOOD ESTABLISHMENT that has an EMPLOYEE that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of FOOD Protection Manager Certification Programs is deemed to comply with Subpart 2-102.12.

Duties

2-103.11 Person in Charge

The PERSON IN CHARGE shall ensure that:

- (A) RETAIL FOOD ESTABLISHMENT operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under Subpart 6-202.111; ~~except as provided in this Regulation.~~^{Pf}
- (B) PERSONS unnecessary to the RETAIL FOOD ESTABLISHMENT operation are not allowed in the FOOD preparation, FOOD storage, or WAREWASHING areas, except that brief visits and tours may be authorized by the PERSON IN CHARGE if steps are taken to ensure that exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination;^{Pf}
- (C) EMPLOYEES and other PERSONS such as delivery and maintenance PERSONS and pesticide applicators entering the FOOD preparation, FOOD storage, and WAREWASHING areas comply with this Regulation;^{Pf}
- (D) EMPLOYEES are effectively cleaning their hands, by routinely monitoring the EMPLOYEES' ~~hand washing~~ ~~handwashing~~;^{Pf}
- (E) EMPLOYEES are visibly observing FOODS as they are received to determine that they are from APPROVED sources, delivered at the required temperatures, protected from contamination, UNADULTERATED, and accurately presented, by routinely monitoring the EMPLOYEES' observations and periodically evaluating FOODS upon their receipt;^{Pf}
- ~~(A) EMPLOYEES are verifying that FOODS delivered to the RETAIL FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unadulterated~~ UNADULTERATED, and accurately presented;^{Pf}
- (F) EMPLOYEES are properly cooking POTENTIALLY-HAZARDOUS-FOOD, (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, being particularly careful in cooking those FOODS known to cause severe foodborne illness and death, such as EGGS and COMMINUTED MEATS, through daily oversight of the EMPLOYEES' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under Subpart 4-203.11 and Subparagraph 4-502.11(B);^{Pf}
- (G) EMPLOYEES are using proper methods to rapidly cool POTENTIALLY-HAZARDOUS-FOODS- (TIME/TEMPERATURE CONTROL FOR SAFETY FOODS-FOOD) that are not held hot or are not for consumption within 4 hours, through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures during cooling;^{Pf}
- (H) CONSUMERS who order raw; or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under § 3-603.11 that the FOOD is not cooked sufficiently to ensure its safety;^{Pf}
- (I) EMPLOYEES are properly SANITIZING cleaned multiuse EQUIPMENT and UTENSILS before they are reused, through routine monitoring of solution temperature and exposure time for hot water SANITIZING, and chemical concentration, pH, temperature, and exposure time for chemical SANITIZING;^{Pf}
- (J) CONSUMERS are notified that clean TABLEWARE is to be used when they return to self-service areas such as salad bars and buffets as specified under Subpart 3-304.16;^{Pf}
- ~~(K)~~ (L) Except when otherwise approved as specified APPROVAL is obtained from the

REGULATORY AUTHORITY as specified in ~~in~~ Subparagraph 3-301.11(D),
EMPLOYEES are preventing cross-contamination of READY-TO-EAT FOOD with bare hands
by properly using suitable UTENSILS such as deli tissue, spatulas, tongs, single- use
gloves, or dispensing EQUIPMENT; ^{Pf}

(K) EMPLOYEES are properly trained in FOOD safety, including FOOD allergy awareness as, as
it relates to their assigned duties; ^{Pf}
and

(L) (N) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed in a
verifiable manner of their responsibility to report in accordance with LAW, to the
PERSON IN CHARGE, information about their health and activities as they relate to
diseases that are transmissible through FOOD, as specified under Subpart 2-
201.11(A).).); and ^{Pf}

(O) Written procedures and plans, where specified by this REGULATION and as developed by
the FOOD ESTABLISHMENT, are maintained and implemented as required. ^{Pf}

2-2 EMPLOYEE HEALTH

Subpart

2-201

Disease or Medical Condition

2-2 EMPLOYEE HEALTH

Subpart

2-201

Responsibility of Permit Holder, Person
in Charge, and Conditional Employees.

Disease or Medical Condition

2-201.11 ~~Responsibility of the Person in Charge to Require Reporting by Food
Employees and Applicants~~ Permit Holder, Person in Charge, and
Conditional Employees*

~~employer requires employee reporting of:~~

(A) ~~The PERMIT HOLDER shall require FOOD EMPLOYEES and and~~ CONDITIONAL
EMPLOYEES applicants to whom a conditional offer of employment is made
and FOOD EMPLOYEES to report to the PERSON IN CHARGE, information about
their health and activities as they relate to diseases that are transmissible
through FOOD. A FOOD EMPLOYEE or applicant CONDITIONAL EMPLOYEE shall
report the information in a manner that allows the PERSON IN CHARGE to
prevent the likelihood RISK of foodborne disease transmission, including
providing necessary additional information, such as the date of onset of
symptoms and an illness, or of a diagnosis without symptoms, if the FOOD
EMPLOYEE or applicant CONDITIONAL EMPLOYEE:

(1) Has any of the following symptoms:

(A) Vomiting.^P

(B) Diarrhea.^P

(C) Jaundice.^P

(D) Sore throat with fever,^P or

(E) A lesion containing pus such as a boil or infected
wound that is open or draining and is:

i. On the hands or wrists, unless an impermeable cover
such as a finger cot or stall protects the lesion and a
SINGLE-USE glove is worn over the impermeable cover.^P

ii. On exposed portions of the arms, unless the lesion is
protected by an impermeable cover,^P or

(iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage

(a) Has an illness diagnosed by a HEALTH PRACTITIONER due to:

(a) Norovirus.^P

(b) Hepatitis A virus.^P

(c) Shigella spp..^P

(d) SHIGA TOXIN-PRODUCING ESCHERICHIA COLI.^P

(e) Salmonella Typhi.^P or

(f) nontyphoidal Salmonella.^P

(b) Had a previous illness, diagnosed by a HEALTH PRACTITIONER, within the past 3 months due to Salmonella Typhi, without having received antibiotic therapy, as determined by a HEALTH PRACTITIONER.^P

(c) Has been exposed to, or is the suspected source of, a CONFIRMED DISEASE OUTBREAK, because the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE consumed or prepared FOOD implicated in the outbreak, or consumed FOOD at an event prepared by a PERSON who is infected or ill with:

(a) Norovirus within the past 48 hours of the last exposure.^P

i. SHIGA TOXIN-PRODUCING ESCHERICHIA COLI or Shigella spp. within the past 3 days of the last exposure.^P

ii. Salmonella Typhi within the past 14 days of the last exposure.^P or

iii. Hepatitis A virus within the past 30 days of the last exposure.^P or

(5) Has been exposed by attending or working in a setting where there is a CONFIRMED DISEASE OUTBREAK, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a CONFIRMED OUTBREAK, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

(1) Norovirus within the past 48 hours of the last exposure.^P

(2) SHIGA TOXIN-PRODUCING ESCHERICHIA COLI or Shigella spp. within the past 3 days of the last exposure.^P

(3) Salmonella Typhi within the past 14 days of the last exposure.^P or

(4) Hepatitis A virus within the past 30 days of the last exposure.^P

~~(D)~~

(B) The PERSON IN CHARGE shall notify the REGULATORY AUTHORITY when a FOOD EMPLOYEE is:

(1) Jaundiced,^{Pf} or

(2) Diagnosed with an illness due to a pathogen as specified under Subparagraphs (A)(2)(a) - (f) of this section.^{Pf}

~~(1)~~

The

(C) PERSON IN CHARGE shall ensure that a CONDITIONAL EMPLOYEE:

(1) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under Subparagraphs (A)(1) - (3) of this section, is prohibited from becoming a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria for the specific symptoms or diagnosed illness as specified under § 2-201.13;^P
and

(2) Who will work as a FOOD EMPLOYEE in a FOOD ESTABLISHMENT that serves as a HIGHLY SUSCEPTIBLE POPULATION and reports a history of exposure as specified under Subparagraphs (A)(4) - (5), is prohibited from becoming a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria as specified under ¶ 2-201.13(l).^P

(D) The PERSON IN CHARGE shall ensure that a FOOD EMPLOYEE who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under Subparagraphs (A) (1)-(5) of this section is:

(1) EXCLUDED as specified under ¶¶ 2-201.12 (A) - (C), and Subparagraphs (D)(1), (E)(1), (F)(1), (G) or (H)(1) and in compliance with the provisions specified under ¶¶ 2-201.13(A) - (H);^P or

(2) RESTRICTED as specified under Subparagraphs 2-201.12 (D)(2), (E)(2), (F)(2), (H)(2), or ¶¶ 2-201.12(l) or (j) and in compliance with the provisions specified under ¶¶ 2-201.13(D) - (J).^P

(E) A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report to the PERSON IN CHARGE the information as specified under ¶ (A) of this section.^{Pf}

(F) A FOOD EMPLOYEE shall:

(1) Comply with an EXCLUSION as specified under ¶¶ 2-201.12(A) - (C) and Subparagraphs 2-201.12(D)(1), (E)(1), (F)(1), (G), or (H)(1) and with the provisions specified under ¶¶ 2-201.13(A) - (H);^P or

(2) Comply with a RESTRICTION as specified under Subparagraphs 2-201.12(D)(2), (E)(2), (F)(2), (G), (H)(2), or ~~111~~ 2-201.12 (H), (I), or (J) and comply with the provisions specified under ~~111~~ 2-201.13(D) - (J).^P

2-201.12 Exclusions and Restrictions.

The PERSON IN CHARGE shall EXCLUDE or RESTRICT a FOOD EMPLOYEE from a FOOD ESTABLISHMENT in accordance with the following:

~~(a)-~~

(A) ~~Except when the symptom is from a noninfectious condition,~~ EXCLUDE a FOOD EMPLOYEE if the FOOD EMPLOYEE is:

(1) Symptomatic with vomiting or diarrhea;^P or

(2) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., nontyphoidal *Salmonella*, or SHIGA TOXIN-PRODUCING *E. COLI*.^P

(B) EXCLUDE a FOOD EMPLOYEE who is:

(1) Jaundiced and the onset of jaundice occurred within the last 7 calendar days, unless the FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection.^P

(2) Diagnosed with an infection from hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within 7 calendar days of the onset of jaundice;^P or

(3) Diagnosed with an infection from hepatitis A virus without developing symptoms.^P

(C) EXCLUDE a FOOD EMPLOYEE who is diagnosed with an infection from *Salmonella* Typhi, or reports a previous infection with *Salmonella* Typhi within the past 3 months as specified under Subparagraph 2-201.11(A)(3).^P

(D) If a FOOD EMPLOYEE is diagnosed with an infection from Norovirus and is ASYMPTOMATIC:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(E) If a FOOD EMPLOYEE is diagnosed with an infection from *Shigella* spp. and is ASYMPTOMATIC:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION.^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(F) If a FOOD EMPLOYEE is diagnosed with an infection from SHIGA TOXIN-PRODUCING *E. COLI* and is ASYMPTOMATIC:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION.^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(G) If a FOOD EMPLOYEE is diagnosed with an infection from nontyphoidal *Salmonella* and is ASYMPTOMATIC, RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION or in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(H) If a FOOD EMPLOYEE is ill with symptoms of acute onset of sore throat with fever:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION.^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(1) If a FOOD EMPLOYEE is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under Subparagraph 2-201.11(A)(1)(e), RESTRICT the FOOD EMPLOYEE.^P

(2) If a FOOD EMPLOYEE is exposed to a foodborne pathogen as specified under Subparagraphs 2-201.11(A)(4)(a-d) or 2-201.11(A)(5)(a-d), RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION.^P

2-201.13 Removal, Adjustment, or Retention of Exclusions and Restrictions.

The PERSON IN CHARGE shall adhere to the following conditions when removing, adjusting, or retaining the EXCLUSION or RESTRICTION of a FOOD EMPLOYEE:

(A) Except when a FOOD EMPLOYEE is diagnosed with an infection from hepatitis A virus or *Salmonella* Typhi:

(1) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 2-201.12(A)(1) if the FOOD EMPLOYEE:

~~(a)~~

(a) ~~is~~ ASYMPTOMATIC for at least 24 hours;^P or

(b) Provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the symptom is from a noninfectious condition.^P

(2) If a FOOD EMPLOYEE was diagnosed with an infection from Norovirus and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met;^P or

(b) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met.^P

(3) If a FOOD EMPLOYEE was diagnosed with an infection from *Shigella* spp. and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2) of this section are met;^P or

(b) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2), or (E)(1) and (3)(a) of this section are met.^P

(4) If a FOOD EMPLOYEE was diagnosed with an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) of this section are met;^P or

(b) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) are met.^P

(5) If a FOOD EMPLOYEE was diagnosed with an infection from nontyphoidal *Salmonella* and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 30 days until conditions for reinstatement as specified under Subparagraphs (G)(1) or (2) of this section are met;^P or

(b) Retain the EXCLUSION for the FOOD EMPLOYEE who is SYMPTOMATIC, until conditions for reinstatement as specified under Paragraphs (G)(1) or (G)(2) of this section are met.^P

(B) Reinstatement a FOOD EMPLOYEE who was EXCLUDED as specified under ¶ 2-201.12(B) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) The FOOD EMPLOYEE has been jaundiced for more than 7 calendar days.^P

(2) The anicteric FOOD EMPLOYEE has been symptomatic with symptoms other than jaundice for more than 14 calendar days;^P or

(3) The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a hepatitis A virus infection.^P

(C) Reinstatement a FOOD EMPLOYEE who was EXCLUDED as specified under ¶ 2-201.12(C) if:

(1) The PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY;^P and

(2) The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the FOOD EMPLOYEE is free from *S. Typhi* infection.^P

(d) Reinstatement a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 2-201.12(A)(2) or (D)(1) who was RESTRICTED under Subparagraph 2-201.12(D)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(a) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH

PRACTITIONER stating that the FOOD EMPLOYEE is free of a Norovirus infection;^P

(b) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

(c) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 48 hours have passed since the FOOD EMPLOYEE was diagnosed.^P

(E) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 2-201.12(A)(2) or (E)(1) or who was RESTRICTED under Subparagraph 2-201.12(E)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Shigella* spp. infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

(a) Not earlier than 48 hours after discontinuance of antibiotics;^P and

(b) At least 24 hours apart;^P

(2) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 7 calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

(3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 7 calendar days have passed since the FOOD EMPLOYEE was diagnosed.^P

(F) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(A)(2) or (F)(1) or who was RESTRICTED under Subparagraph 2-201.12(F)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of an infection from SHIGA TOXIN- PRODUCING *ESCHERICHIA COLI* based on test results that show 2 consecutive negative stool specimen cultures that are taken:

(a) Not earlier than 48 hours after discontinuance of antibiotics;^P and

(b) At least 24 hours apart;^P

(2) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved and more than 7 calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

(3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 7 days have passed since the FOOD EMPLOYEE was diagnosed.^P

(G) Reinstate a food employee who was EXCLUDED as specified under Subparagraph 2-201.12(A)(2) or who was RESTRICTED as specified under ¶ 2-201.12(G) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY^P and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a nontyphoidal *Salmonella* infection based on test results showing 2 consecutive negative stool specimen cultures that are taken

(a) Not earlier than 48 hours after discontinuance of antibiotics;^P and

(b) At least 24 hours apart;^P

(2) The FOOD EMPLOYEE was RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 30 days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

(3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 30 days have passed since the FOOD EMPLOYEE was diagnosed.^P

(H) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(H)(1) or (2) if the FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE meets one of the following conditions:

(1) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours;^P

(2) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection;^P or

(4)

(3) otherwise determined by a HEALTH PRACTITIONER to be free of a *Streptococcus pyogenes* infection.^P

(I) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under ¶ 2-201.12(I) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

~~(4)~~

(1) ~~An~~ impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist.^P

~~(3)~~

(2) ~~An~~ impermeable cover on the arm if the infected wound or pustular boil is on the arm.^P or

(3) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.^P

(J) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under ¶ 2-201.12(J) and was exposed to one of the following pathogens as specified under Subparagraph 2-201.11(A)(4)(a-d) or 2-201.11(A)(5)(a-d):

(1) Norovirus and one of the following conditions is met:

(a) More than 48 hours have passed since the last day the FOOD EMPLOYEE was potentially exposed.^P or

(b) More than 48 hours have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

(2) *Shigella* spp. or SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and one of the following conditions is met:

(a) More than 3 calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or

(b) More than 3 calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

(3) *S. Typhi* and one of the following conditions is met:

(a) More than 14 calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or

(b) More than 14 calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

(4) Hepatitis A virus and one of the following conditions is met:

(a) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of a prior illness from hepatitis A.^P

(b) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of vaccination against hepatitis A.^P

(c) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of IgG administration.^P

(d) More than 30 calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed.^P

(e) More than 30 calendar days have passed since the FOOD EMPLOYEE'S household contact became jaundiced.^P or

(f) The FOOD EMPLOYEE does not use an alternative procedure that allows bare hand contact with READY-TO- EAT FOOD until at least 30 days after the potential exposure, as specified in Subparagraphs (I)(4)(d) and (e) of this section, and the FOOD EMPLOYEE receives additional training about:

(i) Hepatitis A symptoms and preventing the transmission of infection.^P

(ii) Proper handwashing procedures.^P and

(iii) Protecting READY-TO-EAT FOOD from contamination introduced by bare hand contact.^P

(A) _____

2-3 PERSONAL CLEANLINESS

Subparts

2-301	Hands and Arms
2-302	Fingernails
2-303	Jewelry
2-304	Outer Clothing

Hands and Arms

2-301.11 Clean Condition.*

FOOD EMPLOYEES shall keep their hands and exposed portions of their arms clean. ^P

2-301.12 Cleaning Procedure.*

(A) Except as specified in Subparagraph (D) of this section, FOOD EMPLOYEES shall clean their hands and exposed portions of their arms including (surrogate prosthetic devices for hands or arms) for at least 20 seconds, using a cleaning compound in a HANDWASHING SINK that is equipped as specified under Subpart 5-202.12 and Subpart 6-301. ^P

2-301.12 Cleaning Procedure continued.*

- (B) FOOD EMPLOYEES shall use the following cleaning procedure, in the order stated, to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:
- (1) Rinse under clean, running warm water; ^P
 - (2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer; ^P
 - (3) Rub together vigorously for at least 10 to 15 seconds while:
 - (a) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, ^P and
 - (b) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers; ^P
 - (4) Thoroughly rinse under clean, running warm water; ^P and
 - (5) Immediately follow the cleaning procedure with thorough drying using a method as specified under § 6-301.12. ^P
- (C) To avoid re-contaminating their hands or surrogate prosthetic devices, FOOD EMPLOYEES may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a HANDWASHING SINK or the handle of a restroom door.
- (D) *If APPROVED and capable of removing the types of soils encountered in the FOOD OPERATIONS involved, an automatic handwashing facility may be used by food employees to clean their hands or surrogate prosthetic devices. This equipment must be installed and operated per the manufacturer's instructions.*

2-301.13 Reserved for future use.

2-301.14 When to Wash.*

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under Subpart 2-301.12 immediately before engaging in food preparations including working with exposed ~~food~~ FOOD, ~~clean equipment~~ EQUIPMENT and ~~utensils~~ UTENSILS, and unwrapped ~~single-service~~ SINGLE-SERVICE and ~~single-use articles~~ SINGLE-USE ARTICLES. ^P and:

- (A) After touching bare human body parts other than clean hands and clean, exposed portions of arms; ^P
- (B) After touching lacerations/cuts, sores or infected areas of the skin. ^P
- (C) After using the toilet room. ^P
- (D) After caring for or handling ~~animals~~ SERVICE ANIMALS or aquatic animals as specified in Subpart 2-403.11(B). ^P
- (E) Except as specified under 2-401.11(B) after coughing, sneezing, using a handkerchief or disposable tissue. ^P
- (F) After using tobacco; ^P
- (G) After eating or drinking; ^P
- (H) After handling soiled EQUIPMENT or UTENSILS; ^P

(I) ~~Prior to glove use~~; (I) Before donning gloves to initiate a task that involves working with FOOD; ^P and

(J) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks.^P

(K) When switching between working with raw FOOD and working with READY-TO-EAT FOOD.^P

(L) After engaging in other activities that contaminate the hands.^P

(M) When hands are visibly soiled.^P

2-301.14 When to Wash continued.*

~~(L) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;~~^P

~~(M) When switching between working with raw FOOD and working with READY-TO-EAT FOODS.~~^P

~~(N) After engaging in other activities that contaminate the hands.~~^P

~~(O) When hands are visibly soiled.~~^P

2-301.15 Where to Wash.

FOOD EMPLOYEES shall clean their hands in a HANDWASHING SINK or APPROVED automatic handwashing facility and may not clean their hands in a sink used for FOOD preparation or WAREWASHING, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.^{Pf}

2-301.16 Hand Antiseptics.

~~(A) Hand sanitizers and a chemical hand sanitizing solution used as a hand dip shall not be used in lieu of handwashing.~~

~~(B) If used after handwashing must be approved for usage as a food additive which is generally recognized as safe (GRAS) within the meaning of the Federal Food, Drug and Cosmetic Act.~~

~~(C) Be applied only to hands that are cleaned as specified in these Regulations.~~

~~(D) If used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/l chlorine.~~

(A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(1) Comply with one of the following:

(a) Be an APPROVED drug that is listed in the FDA publication **Approved Drug Products with Therapeutic Equivalence Evaluations** as an APPROVED drug based on safety and effectiveness;^{Pf} or

(b) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash;^{Pf} and

(2) Consist only of components which the intended use of each complies with one of the following:

- (a) A threshold of regulation exemption under 21 CFR 170.39 - threshold of regulation for substances used in FOOD-contact articles;^{Pf} or
- (b) 21 CFR 178 - Indirect FOOD Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a FOOD ADDITIVE with conditions of safe use;^{Pf} or
- (c) A determination of generally recognized as safe (GRAS). Partial listings of substances with FOOD uses that are GRAS may be found in 21 CFR 182 - Substances Generally Recognized as Safe, 21 CFR 184 - Direct FOOD Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 - Indirect FOOD Substances Affirmed as Generally Recognized as Safe for use in contact with FOOD, and in FDA's Inventory of GRAS Notices;^{Pf} or
- (d) A prior sanction listed under 21 CFR 181 - Prior Sanctioned FOOD ingredients;^{Pf} or
- (e) a FOOD Contact Notification that is effective;^{PF} and

^{Pf} (3) Be applied only to hands that are cleaned as specified under § 2-301.12

(B) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Subparagraph (A)(2) of this section, use shall be:

- (1) Followed by thorough hand rinsing in clean water before hand contact with FOOD or by the use of gloves;^{Pf} or
- (2) Limited to situations that involve no direct contact with FOOD by the bare hands.^{Pf}

(C) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 MG/L chlorine.^{Pf}

Fingernails

2-302.11 Maintenance.

- (A) FOOD EMPLOYEES shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (B) *Unless wearing intact gloves in good repair,* a FOOD EMPLOYEE may not wear fingernail polish or artificial fingernails when working with exposed FOOD.

Jewelry

2-303.11 Prohibition.

Except for a plain ring such as a wedding band, while preparing FOOD, FOOD EMPLOYEES may not wear jewelry including medical information jewelry on their arms and hands.

Outer Clothing

2-304.11 Clean Condition.

FOOD EMPLOYEES shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

2-4 HYGIENIC PRACTICES

Subparts

2-401 Food Contamination Prevention

2-402 Hair Restraints

2-403 Animals

Food Contamination Prevention

2-401.11 Eating, Drinking, or Using Tobacco.*

(A) Except as specified in Subparagraph (B) of this section, an EMPLOYEE shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection can result.

(B) A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of:

- (1) The EMPLOYEE's hands;
- (2) The container; and
- (3) Exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

2-401.12 Discharges from the Eyes, Nose, and Mouth.*

FOOD EMPLOYEES experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

Hair Restraints

2-402.11 Effectiveness.

(A) Except as provided in Subparagraph (B) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(B) *This section does not apply to FOOD EMPLOYEES such as counter staff who only serve BEVERAGES and wrapped or PACKAGED FOODS, hostesses, and wait staff if they present a minimal RISK of contaminating exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

Animals

2-403.11 Handling Prohibition.*

(A) Except as specified in Subparagraph (B) of this section, FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SERVICE ANIMALS, or pets that are allowed as specified in Subparagraphs 6-501.115 (B)(2)-(5). ^{Pf}

~~(B)~~ (B) FOOD EMPLOYEES with SERVICE ANIMALS may handle or care for their SERVICE ANIMALS and FOOD EMPLOYEES may handle or care for FISH in aquariums or MOLLUSCAN SHELLFISH or crustacea in display tanks if they wash their hands as specified under Subpart 2-301.12 and Subparagraph 2-301.14(C). ^Q

Chapter

3

Food

2-5 RESPONDING TO CONTAMINATION EVENTS

Subparts

2-501 Procedures for Responding

2-501.11 Clean-up of Vomiting and Diarrheal Events.*

A RETAIL FOOD ESTABLISHMENT shall have procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the RETAIL FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter.^P

Chapter

3

Food

Parts

- 3-1 CHARACTERISTICS
- 3-2 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS
- 3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING
- 3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN
- 3-5 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN
- 3-6 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING
- 3-7 CONTAMINATED FOOD
- 3-8 SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS

3-1 CHARACTERISTICS

Subparts

3-101 Condition

Condition

3-101.11 Safe, Unadulterated, and Honestly Presented.*

FOOD shall be safe, UNADULTERATED, and, as specified under Subpart 3-601.12, honestly presented.^P

3-2 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS

Subparts

3-201	Sources
3-202	Specifications for Receiving
3-203	Original Containers and Records

Sources

3-201.11 Compliance with Food Law.*

- (A) FOOD shall be obtained from sources that comply with LAW.^P
- (B) FOOD prepared in a private home may not be used or offered for human consumption in a FOOD ESTABLISHMENT.^P
- (C) PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR 101 FOOD Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under Subparts 3-202.17 and 3-202.18.^{Pf}
- (D) FISH, *other than those specified in paragraph 3-402.11(B), that are intended for consumption in raw or undercooked form and allowed as specified in Subparagraph 3-401.11(D), may be offered for sale or service if they are obtained from a supplier that freezes the FISH as specified under paragraph 3-402.11; or if they are frozen on the PREMISES as specified under paragraph 3-402.11 and records are retained as specified under paragraph 3-402.12.*
- (E) WHOLE-MUSCLE, INTACT BEEF steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in 3-401.11(C) shall be:
 - (1) Obtained from a FOOD PROCESSING PLANT that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,^{Pf} or
 - (2) Deemed acceptable by the REGULATORY AUTHORITY based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,^{Pf} and
 - (3) If individually cut in a RETAIL FOOD ESTABLISHMENT:
 - (a) Cut from WHOLE-MUSCLE INTACT BEEF that is labeled by a FOOD PROCESSING PLANT as specified in Subparagraph (1) or identified as specified in Subparagraph (2) of this section,^{Pf}
 - (b) Prepared so they remain intact,^{Pf} and
 - (c) If PACKAGED for undercooking in a Retail FOOD ESTABLISHMENT,

labeled as specified in Subparagraph (E)(1) or identified as
specified in (E)(2) of this section.^{Pf}
(2) of this section.^{Pf}

3-201.11 Compliance with Food Law continued.*

- (F) MEAT and POULTRY that is not a READY-TO-EAT FOOD and is in a PACKAGED form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in ~~THESE RULES AND REGULATIONS~~ LAW, including 9 CFR 317.2(l) and 9 CFR 381.125(b).
- (G) Shell EGGS that have not been specifically treated to destroy all viable *Salmonellae spp.* shall be labeled to include safe handling instructions as specified in LAW, including 21 CFR 101.17(h).

3-201.12 Food in a Hermetically Sealed Container.*

FOOD in a HERMETICALLY SEALED CONTAINER shall be obtained from a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant. ^P

3-201.13 Fluid Milk and Milk Products.*

Fluid milk and milk products shall be obtained from sources that comply with GRADE A STANDARDS as specified in LAW. ^P

3-201.14 Fish.*

- (A) FISH that are received for sale or service shall be:
- (1) Commercially and legally caught or harvested; ^P or
 - (2) APPROVED for sale or service. ^P
- (B) MOLLUSCAN SHELLFISH that are recreationally caught may not be received for sale or service. ^P

3-201.15 Molluscan Shellfish.*

- (A) MOLLUSCAN SHELLFISH shall be obtained from sources according to ~~THESE RULES AND LAW REGULATIONS~~ and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. ^P
- (B) MOLLUSCAN SHELLFISH received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List. ^P

3-201.16 Wild Mushrooms.*

If wild mushrooms are to be sold they must be:

- (1) *Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the FOOD regulatory agency that has jurisdiction over the operation; or*
- (2) *Wild mushroom species in PACKAGED form and are the product of a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant.*

3-201.17 Game Animals.*

- (A) If GAME ANIMALS are received for sale or service they shall be:
- (1) Commercially raised for food ^P and:

3-201.17 Game Animals continued.*

- (a) Raised slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction,^P or
 - (b) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction,^P and
 - (c) Raised, slaughtered, and processed according to:
 - (i) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program,^P and
 - (ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an APPROVED veterinarian or veterinarian's designee;^P
- (2) Under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are "inspected and APPROVED" in accordance with 9 CFR 352 Exotic Animals; Voluntary Inspection or rabbits that are "inspected and certified" in accordance with 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof;^P
- (3) As allowed by LAW, for wild GAME ANIMALS that are live-caught:
 - (a) Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction,^P and
 - (b) Slaughtered and processed according to:
 - (i) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program,^P and
 - (ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an APPROVED veterinarian or veterinarian's designee;^P or
- (4) As ALLOWED by LAW, for field-dressed wild GAME ANIMALS under a routine inspection program that ensures the animals:
 - (a) Receive a postmortem examination by an APPROVED veterinarian or veterinarian's designee,^P or
 - (b) Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program,^P and
 - (c) Are processed according to LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.^P

3-201.17 Game Animals continued.*

- (B) A GAME ANIMAL may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 Endangered and Threatened Wildlife and Plants.

Specifications for Receiving

3-202.11 Temperature.*

- (A) Except as specified in Paragraph (B) of this section, refrigerated, ~~POTENTIALLY-
HAZARDOUS FOOD (Time/Temperature Control for Safety Food)~~ shall be at TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be at a temperature of 5 C (41 F) or below when received. ^P
- (B) *If a temperature other than 5°C (41°F) for a ~~POTENTIALLY-
HAZARDOUS FOOD (Time/Temperature Control for Safety Food)~~ TIME/TEMPERATURE CONTROL FOR
SAFETY FOOD is specified in LAW governing its distribution, such as LAWS governing milk and MOLLUSCAN SHELLFISH, the FOOD may be received at the specified temperature.*
- (C) Raw shell EGGS shall be received in refrigerated equipment that maintains an ambient air temperature of 7°C (45°F) or less. ^P
- (D) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to a temperature and for a time specified under Subpart 3-401.11 - 3-401.13 and received hot shall be at a temperature of 57°C (135°F) or above. ^P
- ~~(D) POTENTIALLY-
HAZARDOUS FOOD (Time/Temperature Control for Safety Food) that is cooked to a temperature and for a time specified under Subpart 3-401.11 - 3-401.13 and received hot shall be at a temperature of 57°C (135°F) or above. ^P~~
- ~~(C):~~
- (E) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen. ^{Pf}
- (F) Upon receipt, ~~POTENTIALLY-
HAZARDOUS FOOD (Time/Temperature Control for Safety Food)~~ TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be free of evidence of previous temperature abuse. ^{Pf}

3-202.12 Additives.*

FOOD may not contain UNAPPROVED FOOD ADDITIVES or ADDITIVES that exceed amounts specified in 21 CFR 170-180 relating TO FOOD ADDITIVES, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) Food ingredients and sources of radiation, or pesticide residues that exceed provisions specified in 40 CFR 180 Tolerances for pesticide chemicals in food, and exceptions. ^P

3-202.13 Eggs.*

EGGS shall be received clean and sound and may not exceed the RESTRICTED EGG tolerances for U.S. CONSUMER Grade B as specified in United States Standards, Grades and Weight Classes for Shell Eggs, AMS 56 200et seq., administered by the Agricultural Marketing Service of USDA. ^P

3-202.14 Eggs and Milk Products, Pasteurized.*

(A) EGG PRODUCTS shall be obtained pasteurized. ^P

(B) Fluid and dry milk and milk products shall:

(1) Be obtained pasteurized; ^P and

(2) Comply with GRADE A STANDARDS as specified in LAW. ^P

(C) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 - Frozen Desserts. ^P

3-202.14 Eggs and Milk Products, Pasteurized continued.*

- (D) Cheese shall be obtained pasteurized *unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 - Cheeses and Related Cheese Products, for curing certain cheese varieties.*^P

3-202.15 Package Integrity.*

FOOD packages shall be in good condition and protect the integrity of the contents so that the FOOD is not exposed to ADULTERATION or potential contaminants.^{Pf}

3-202.16 Ice.*

Ice for use as a FOOD or a cooling medium shall be made from DRINKING WATER.^P

3-202.17 Shucked Shellfish, Packaging and Identification.

- (A) Raw SHUCKED SHELLFISH shall be obtained in nonreturnable packages which bear a legible label that identifies the:^{Pf}
- (1) Name, address, and CERTIFICATION NUMBER of the shucker-packer or repacker of the MOLLUSCAN SHELLFISH;^{Pf} and
 - (2) The "sell by" or "best used by" date for packages with a capacity of less than 1.89 L (one-half gallon) or the date shucked for packages with a capacity of 1.89 L (one-half gallon) or more.^{Pf}
- (B) A package of raw SHUCKED SHELLFISH that does not bear a label or which bears a label which does not contain all the information as specified under Paragraph (A) of this section shall be subject to a hold order, as allowed by LAW, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d). Molluscan shellfish.

3-202.18 Shellstock Identification.*

- (A) SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the SHELLSTOCK, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list:^{Pf}
- (1) Except as specified under Paragraph (C) of this section, on the harvester's tag or label, the following information in the following order:^{Pf}
 - (a) The harvester's identification number that is assigned by the SHELLFISH CONTROL AUTHORITY,^{Pf}
 - (b) The date of harvesting,^{Pf}
 - (c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the SHELLFISH CONTROL AUTHORITY and including the abbreviation of the name of the state or country in which the shellfish are harvested,^{Pf}
 - (d) The type and quantity of shellfish,^{Pf} and
 - (e) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS."^{Pf} and
 - (2) Except as specified in Subparagraph (D) of this section, on each dealer's tag or label, the following information in the following order:^{Pf}

3-202.18 Shellstock Identification continued.*

- (a) The dealer's name and address, and the CERTIFICATION NUMBER assigned by the SHELLFISH CONTROL AUTHORITY, ^{Pf}
 - (c) The original shipper's CERTIFICATION NUMBER including the abbreviation of the name of the state or country in which the shellfish are harvested, ^{Pf}
 - (c) The same information as specified for a harvester's tag under Subparagraphs (A)(1)(b)-(d) of this section, ^{Pf} and
 - (d) The following statement in bold, capitalized type: " THIS TAG IS ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS." ^{Pf}
- (B) A container of SHELLSTOCK that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under Subparagraph (A) of this section shall be subject to a hold order, as allowed by LAW, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).
- (C) If a place is provided on the harvester's tag or label for a DEALER's name, address, and CERTIFICATION NUMBER, the DEALER's information shall be listed first.
- (D) *If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual dealer tags or labels need not be provided.*

3-202.19 Shellstock, Condition.

When received by a RETAIL FOOD ESTABLISHMENT, SHELLSTOCK shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or SHELLSTOCK with badly broken shells shall be discarded.

3-202.110 Juice Treated.

Pre-PACKAGED JUICE shall

- (A) Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120; Hazard Analysis and Critical Control (HACCP) Systems; ^{Pf} and
- (B) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24; or Process Controls. ^P

Original Containers and Records

3-203.11 Molluscan Shellfish, Original Container.

- (A) Except as specified in (B) of this section, MOLLUSCAN SHELLFISH may not be removed from the lot in which they are received other than immediately before sale or preparation for service.
- (B) For display purposes, SHELLSTOCK may be removed from the lot in which they are received, displayed on drained ice, or held in a display lot, and a quantity specified by a CONSUMER may be removed from the display or display container and provided to the CONSUMER if:
 - (1) *The source of the SHELLSTOCK on display is identified as specified under 3-202.18 and recorded as specified under 3-203.12; and*

3-203.11 Molluscan Shellfish, Original Container continued.

- (2) The SHELLSTOCK are protected from contamination.*
- (C) SHUCKED SHELLFISH may be removed from the lot in which they were received and held in a display container from which individual servings are dispensed upon a CONSUMER'S request if:*
 - (1) The labeling information for the shellfish on display as specified under 3-202.17 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and*
 - (2) The shellfish are protected from contamination.*

3-203.12 Shellstock, Maintaining Identification.*

- (A) Except as specified under Subparagraph (C)(2) of this section, SHELLSTOCK tags shall remain attached to the lot in which the shellstock are received until the container is empty. ^{Pf}*
- (B) The date when the last SHELLSTOCK from the container is sold or served shall be recorded on the tag or label. ^{Pf}*
- (C) The identity of the source of SHELLSTOCK that are sold or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date that is recorded on the tag or label, as specified under B of this section, by: ^{Pf}*
 - (1) Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under B of this section, ^{Pf} and*
 - (2) If SHELLSTOCK are removed from their tagged or labeled container:*
 - (a) Preserving source identification by using a record keeping system as specified under Subparagraph (C)(1) of this section, ^{Pf} and*
 - (b) Ensuring that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container with different CERTIFICATION NUMBERS; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer. ^{Pf}*

3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING

Subparts

- 3-301 Preventing Contamination by Employees**
- 3-302 Preventing Food and Ingredient Contamination**
- 3-303 Preventing Contamination from Ice Used as a
Coolant**
- 3-304 Preventing Contamination from Equipment, Utensils,
and Linens**
- 3-305 Preventing Contamination from the Premises**
- 3-306 Preventing Contamination by Consumers**
- 3-307 Preventing Contamination from Other Sources**

Preventing Contamination by Employees

3-301.11 Preventing Contamination from Hands.*

- (A) FOOD EMPLOYEES shall wash their hands as specified under 2-301.12.
- (B) *Except when washing fruits and vegetables as specified under 3-302.15, or as specified in D and E of this section, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.*^P
- (C) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.^{Pf}

(A) Paragraph (B) of this section does not apply to a FOOD EMPLOYEE that contacts exposed, READY-TO-EAT FOOD with bare hands at the time the READY-TO-EAT FOOD is being added as an ingredient to a FOOD that:

(1) contains a raw animal FOOD and is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to the minimum temperatures specified in 3-401.11 (A)-(B) or 3-401.12; or

(2) does not contain a raw animal FOOD but is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to a temperature of at least 63°C (145°F).

(D) FOOD EMPLOYEES not serving a HIGHLY SUSCEPTIBLE POPULATION may contact exposed, READY-TO-EAT FOOD with their bare hands if:

- (1) *The PERMIT HOLDER obtains prior APPROVAL from the REGULATORY AUTHORITY;*
- (2) *Written procedures are maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request that include:*
 - (a) *For each bare hand contact procedure, a listing of the specific READY-TO-EAT FOODS that are touched by bare hands,*

(b) *Diagrams and other information showing that hand washing facilities, installed, located, equipped, and maintained as specified under 5-203.11, 5-204.11, 5-205.11, 6-301.11, 6-301.12, and 6-301.14, are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;*

3-301.12 Preventing Contamination from Hands continued.*

- (3) A written *EMPLOYEE* health policy that details how the *FOOD ESTABLISHMENT* complies with §§ 2-201.11, 2-201.12, and 2-201.13 including:
- (a) Documentation that *FOOD EMPLOYEES* acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through *FOOD* as specified under 2-201.11(A),
 - (b) Documentation that *FOOD EMPLOYEES* acknowledge their responsibilities as specified under 2-201.11(E) and (F), and
 - (c) Documentation that the *PERSON IN CHARGE* acknowledges the responsibilities as specified under 2-201.11(B), (C) and (D), and 2-201.12 and 2-201.13;
- (4) Documentation that *FOOD EMPLOYEES* acknowledge that they have received training in:
- (a) The *RISKS* of contacting the specific *READY-TO-EAT FOODS* with bare hands,
 - (b) Proper hand washing ~~handwashing~~ as specified under 2-301.12,
 - (c) When to wash their hands as specified under 2-301.14,
 - (d) Where to wash their hands as specified under 2-301.15,
 - (e) Proper fingernail maintenance as specified under 2-302.11,
 - (f) Prohibition of jewelry as specified under 2-303.11, and
 - (g) Good hygienic practices as specified under 2-401.11 and 2-401.12;
- (5) Documentation that hands are washed before *FOOD* preparation and as necessary to prevent cross contamination by *FOOD EMPLOYEES* as specified under 2-301.11, 2-301.12, 2-301.14, and 2-301.15 during all hours of operation when the specific *READY-TO-EAT FOODS* are prepared;
- (6) Documentation that *FOOD EMPLOYEES* contacting *READY-TO-EAT FOOD* with bare hands use two or more of the following control measures to provide additional safeguards to *HAZARDS* associated with bare hand contact.
- (a) Double hand washing ~~handwashing~~,
 - (b) Nail brushes,
 - (c) A hand antiseptic after hand washing ~~handwashing~~ as specified under 2-301.16,
 - (d) Incentive programs such as paid sick leave that assist or encourage *FOOD EMPLOYEES* not to work when they are ill, or
 - (e) Other control measures *APPROVED* by the *REGULATORY AUTHORITY*; and
- (7) Documentation that corrective action is taken when Subparagraphs (D) (1) - (6) of this section are not followed.

3-301.12 Preventing Contamination When Tasting.*

A *FOOD EMPLOYEE* may not use a *UTENSIL* more than once to taste *FOOD* that is to be sold or served. ^P

Preventing Food and Ingredient Contamination

3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.*

(A) FOOD shall be protected from cross contamination by:

- (1) ~~Except as specified by (1)(c) below, separating~~Separating raw animal FOODS during storage, preparation, holding, and display from:
 - (a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as vegetables, ^P and
 - (b) Cooked READY-TO-EAT FOOD; ^P
 - (c) ~~Frozen, commercially processed and packaged raw animal FOOD may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.~~
- (2) *Except when combined as ingredients*, separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by:
 - (a) Using separate EQUIPMENT for each type, ^P or
 - (b) Arranging each type of FOOD in EQUIPMENT so that cross-contamination of one type with another is prevented, ^P and
 - (c) Preparing each type of FOOD at different times or in separate areas; ^P
- (3) Cleaning EQUIPMENT and UTENSILS as specified under 4-602.11(A) and SANITIZING as specified under 4-703.11;
- (4) Except as specified in 3-501.15(B)(2) and in (B) of this section, storing the FOOD in packages, covered containers, or wrappings;
- (5) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD or visible soil before opening;
- (6) Protecting FOOD containers that are received PACKAGED together in a case or overwrap from cuts when the case or overwrap is opened;
- (7) Storing damaged, spoiled, or recalled FOOD being held in the RETAIL FOOD ESTABLISHMENT as specified under 6-404.11; and
- (8) Separating fruits and vegetables, before they are washed as specified under 3-302.15 from READY-TO-EAT FOOD.

(B) *Subparagraph (A)(4) of this section does not apply to:*

- (1) *Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;*
- (2) *PRIMAL CUTS, quarters, or sides of raw MEAT or slab bacon that are hung on clean, SANITIZED hooks or placed on clean, SANITIZED racks;*
- (3) *Whole, uncut, processed MEATS such as country hams, and smoked or cured sausages that are placed on clean, SANITIZED racks;*
- (4) *FOOD being cooled as specified under Subparagraph 3-501.15(B)(2); or*
- (5) *SHELLSTOCK.*

3-302.12 Food Storage Containers, Identified with Common Name of Food.

Except for containers holding FOOD that can be readily and un-mistakenly recognized, such as dry pasta, working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the RETAIL FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the FOOD.

3-302.13 Pasteurized Eggs, Substitute for Raw Shell Eggs for Certain Recipes.*

Pasteurized EGGS or EGG products shall be substituted for raw shell EGGS in the preparation of FOODS such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream, and EGG-fortified BEVERAGES that are not:

- (A) Cooked as specified under 3-401.11(A)(1) or (2); ^P or
- (B) Included in 3-401.11(D). ^P

3-302.14 Protection from Unapproved Additives.*

(A) FOOD shall be protected from contamination that may result from the addition of, as specified in 3-202.12:

- (1) Unsafe or unAPPROVED FOOD or COLOR ADDITIVES; ^P and
- (2) Unsafe or unAPPROVED levels of APPROVED FOOD and COLOR ADDITIVES. ^P

(B) A FOOD EMPLOYEE may not:

- (1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a FOOD considered to be a good source of vitamin B₁; ^P or
- (2) Except for grapes, serve or sell FOOD specified under (B)(1) of this section that is treated with sulfiting agents before receipt by the RETAIL FOOD ESTABLISHMENT. ^P

3-302.15 Washing Fruits and Vegetables.

(A) *Except as specified in (B) of this section and except for whole, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption, raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form.*

(B) Fruits and vegetables may be washed by using chemicals as specified under 7-204.12.

(A) Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315. Chemicals used in the washing or to assist in the peeling of fruits and vegetables shall be used in accordance with the manufacturer's instructions.

Preventing Contamination from Ice Used as a Coolant

3-303.11 Ice Used as Exterior Coolant, Prohibited as Ingredient.

After use as a medium for cooling the exterior surfaces of FOOD such as melons or FISH, PACKAGED FOODS such as canned BEVERAGES, or cooling coils and tubes of EQUIPMENT, ice may not be used as FOOD. ^P

3-303.12 Storage or Display of Food in Contact with Water or Ice.

(A) PACKAGED FOOD may not be stored in direct contact with ice or water if the FOOD is subject to the entry of water because of the nature of its packaging, wrapping, or container or it's positioning in the ice or water.

3-303.12 Storage or Display of Food in Contact with Water or Ice continued.

- ~~(B)~~(A) Except as specified in (C) and (D) of this section, un-PACKAGED FOOD may not be stored in direct contact with un-drained ice.
- ~~(C)~~(B) *Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.*
- ~~(D)~~(C) *Raw chicken poultry and raw FISH that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.*

Preventing Contamination from Equipment, Utensils, and Linens

3-304.11 Food Contact with Equipment and Utensils.*

FOOD shall only contact surfaces of:

- (A) EQUIPMENT and UTENSILS that are cleaned as specified under Part 4-6 of these RULES AND REGULATIONS and SANITIZED as specified under Part 4-7 of these Rules and Regulations;^P or
- ~~(B)~~ SINGLE-SERVICE and SINGLE-USE ARTICLES.^P
- (A) Linens, such as cloth napkins, as specified under 3-304.13 that are laundered as specified under Part 4-8 of these Rules and Regulations.

3-304.12 In-Use Utensils, Between-Use Storage.

During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored:

- (A) Except as specified under (B) of this section, in the FOOD with their handles above the top of the FOOD and the container;
- ~~(B) In FOOD that is not POTENTIALLY-HAZARDOUS TIME/TEMPERATURE CONTROL FOR SAFETY FOOD with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon;~~
- (C) On a clean portion of the FOOD preparation table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD-CONTACT surface of the FOOD preparation table or cooking EQUIPMENT are cleaned and SANITIZED at a frequency specified under 4-602.11 and 4-702.11;
- (D) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes;
- (E) In a clean, protected location if the UTENSILS, such as ice scoops, are used only with a FOOD that is ~~not POTENTIALLY-HAZARDOUS TIME/TEMPERATURE CONTROL FOR SAFETY FOOD~~; or
- (F) In a container of water if the water is maintained at a temperature of at least 57 °C (135 F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).

3-304.13 Linens and Napkins, Use Limitation.

~~LINENS, and such as cloth napkins,~~ may not be used in contact with FOOD *unless they are used to line a container for the service of FOODS and the LINENS and napkins are replaced each time the container is refilled for a new CONSUMER.*

3-304.14 Wiping Cloths, Use Limitation.

- (A) Cloths that are in-use for wiping FOOD spills from tableware and carry-out containers that occur as FOOD is being served shall be:
 - (1) Maintained dry; and
 - (2) Used for no other purpose.
- (B) Cloths in-use for wiping counters and other EQUIPMENT surfaces, shall be:
 - (1) Held between uses in a chemical sanitizer solution at a concentration specified under 4-501.114; and
 - (2) Laundered daily as specified under 4-802.11(D).
- (C) Cloths in-use for wiping surfaces in contact with raw animal FOODS shall be kept separate from cloths used for other purposes.
- (D) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph (B)(1) of this section in which wet wiping cloths are held between uses shall be free of FOOD debris and visible soil.
- (E) Containers of chemical sanitizing solutions specified in Subparagraph (B)(1) of this section in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES.
- (F) SINGLE-USE disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions.

3-304.15 Gloves, Use Limitation.

- (A) If used, SINGLE-USE gloves shall be used for only one task such as working with READY-TO-EAT FOOD or with raw animal FOOD, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation. ^P
- (B) Except as specified in (C) of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with FOOD that is subsequently cooked as specified under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.
- (C) *Slash-resistant gloves may be used with READY-TO-EAT FOOD that will not be subsequently cooked if the slash-resistant gloves have a SMOOTH, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a SMOOTH, durable, nonabsorbent glove, or a SINGLE-USE glove.*
- (D) Cloth gloves may not be used in direct contact with FOOD *unless the FOOD is subsequently cooked as required under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.*

3-304.16 Using Clean Tableware for Second Portions and Refills.

- (A) Except for refilling a CONSUMER'S drinking cup or container without contact between the pouring UTENSIL and the lip-contact area of the drinking cup or container, FOOD EMPLOYEES may not use TABLEWARE, including SINGLE-SERVICE ARTICLES, soiled by the CONSUMER, to provide second portions or refills.
- (B) Except as specified in (C) of this section, self-service CONSUMERS may not be allowed to use soiled TABLEWARE, including SINGLE-SERVICE ARTICLES, to obtain additional FOOD from the display and serving EQUIPMENT.

3-304.16 Using Clean Tableware for Second Portions and Refills continued.

(C) *Drinking cups and containers may be reused by self-service CONSUMERS if refilling is a contamination-free process as specified under 4-204.13(A), (B), and (D).*

3-304.17 Refilling Returnables.

~~(A) A take-home FOOD container returned to a RETAIL FOOD ESTABLISHMENT may not be refilled at a FOOD ESTABLISHMENT with a POTENTIALLY HAZARDOUS FOOD. (Time/Temperature Control for Safety Food).~~

~~(B) Except as specified in (C), a take-home FOOD container refilled with FOOD that is not POTENTIALLY HAZARDOUS shall be cleaned as specified under 4-603.17(B).~~

~~(C) Personal take-out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified under 4-204.13(A), (B), and (D).~~

(A) Except as specified in (B) – (E) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.^P

(B) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:

(1) Designed and constructed for reuse and in accordance with the requirements specified under Part 4-1 and 4-2.^P

(2) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;

(3) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;

(4) Subject to the following steps before being refilled with FOOD:

(a) Cleaned as specified under Part 4-6 of these Rules and Regulations;

(b) Sanitized as specified under Part 4-7 of these Rules and Regulations;^P and

(c) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2.^P

(C) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with BEVERAGE if:

(1) The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;

(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 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;

(5) The container is refilled by:

- (a) An EMPLOYEE of the FOOD ESTABLISHMENT, or
- (b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under 4-204.13(A), (B) and (D), that cannot be bypassed by the container owner.
- (D) Consumer-owned, personal take-out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified under 4-204.13(A), (B), and (D).
- (E) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

Preventing Contamination from the Premises

3-305.11 Food Storage.

- (A) Except as specified in (B) and (C) of this section, FOOD shall be protected from contamination by storing the FOOD:
 - (1) In a clean, dry location;
 - (2) Where it is not exposed to splash, dust, or other contamination; and
 - (3) At least 15 cm (6 inches) above the floor.
- (B) *FOOD in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling EQUIPMENT as specified under 4-204.122.*
- (C) *Pressurized BEVERAGE containers, cased FOOD in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.*

3-305.12 Food Storage, Prohibited Areas.

FOOD may not be stored:

- (A) In locker rooms;
- (B) In toilet rooms;
- (C) In dressing rooms;
- (D) In garbage rooms;
- (E) In mechanical rooms;
- (F) Under sewer lines that are not shielded to intercept potential drips;
- (G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (H) Under open stairwells; or
- (I) Under other sources of contamination.

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container.

~~POTENTIALLY HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) dispensed through a VENDING MACHINE shall be in the package in which it was placed at the ~~RETAIL-FOOD ESTABLISHMENT~~ or FOOD PROCESSING PLANT at which it was prepared.

3-305.14 Food Preparation.

During preparation, UNPACKAGED FOOD shall be protected from environmental sources of contamination.

Preventing Contamination by Consumers

3-306.11 Food Display.

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption, FOOD on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar FOOD guards; display cases; or other effective means.^P

3-306.12 Condiments, Protection.

- (A) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected FOOD displays provided with the proper UTENSILS, original containers designed for dispensing, or individual packages or portions.
- (B) Condiments at a VENDING MACHINE LOCATION shall be in individual packages-PACKAGES or provided in dispensers that are filled at an APPROVED location, such as the ~~RETAIL-FOOD ESTABLISHMENT~~ that provides FOOD to the VENDING MACHINE LOCATION, a FOOD PROCESSING PLANT that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the VENDING MACHINE LOCATION.

3-306.13 Consumer Self-Service Operations.*

- (A) Raw, UNPACKAGED animal FOOD, such as beef, lamb, pork, POULTRY, and FISH may not be offered for CONSUMER self-service.^P *This paragraph does not apply to:*
 - (1) *CONSUMER self-service of READY-TO-EAT FOODS at buffets or salad bars that serve FOODS such as sushi or raw shellfish;*
 - (2) *Ready-to-cook individual portions for immediate cooking and consumption on the PREMISES such as CONSUMER-cooked MEATS or CONSUMER-selected ingredients for Mongolian barbecue; or*
 - (3) *Raw, frozen, shell-on shrimp or lobster.*
- (B) CONSUMER self-service operations for READY-TO-EAT FOODS shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from contamination.^{Pf}
- (C) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures.^{Pf}

3-306.14 Returned Food and Re-service of Food.*

- (A) Except as specified in (B) of this section, after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for human consumption. ^P
- (B) Except as specified under Subparagraph 3-801.11(G), *a container of FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) may be RE-SERVED from one CONSUMER to another if:*
- (1) *The FOOD is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or*
 - (2) *The FOOD, such as crackers, salt, or pepper, is in an unopened original PACKAGE and is maintained in sound condition.*

Preventing Contamination from Other Sources

3-307.11 Miscellaneous Sources of Contamination.

FOOD shall be protected from contamination that may result from a factor or source not specified under 3-301 - 3-306.

In the event of a fire, flood, power outage, or similar event that might result in the contamination of food-FOOD that might prevent potentially hazardous food TIME/TEMPERATURE CONTROL FOR SAFETY FOOD from being held at required temperatures, the person in charge shall contact the REGULATORY Authority-AUTHORITY prior to re-opening. Upon receiving notice of this occurrence, the REGULATORY Authority-AUTHORITY shall take whatever action it deems necessary to protect the public health.

3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

Subparts

- 3-401 Cooking
- 3-402 Freezing
- 3-403 Reheating
- 3-404 Other Methods

Cooking

3-401.11 Raw Animal Foods.*

- (A) Except as specified under Subparagraph (B) and in Subparagraphs (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD

to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:

3-401.11 Raw Animal Foods continued.*

(1) 63°C (145°F) or above for 15 seconds for: ^P

- (a) Raw EGGS that are broken and prepared in response to a CONSUMER'S order and for immediate service, ^P and
- (b) Except as specified under Subparagraphs (A)(2) and (3) and Subparagraph (B) of this section, FISH and MEAT, including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3- 201.17(A)(1) and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3- 201.17(A)(2); ^P

(2) 68°C (155°F) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites RATITES, MECHANICALLY TENDERIZED, and INJECTED MEATS; the following if they are COMMINUTED: FISH, MEAT, GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3- 201.17(A)(1), and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); and raw EGGS that are not prepared as specified under Subparagraph (A)(1)(a) of this section: ^P

Minimum	
Temperature °C (°F)	Time
63 (145)	3 minutes
66 (150)	1 minute
70 (158)	< 1 second (instantaneous)

;or

(3) 74°C (165°F) or above for 15 seconds for POULTRY, BALUTS, wild GAME ANIMALS as specified under Subparagraphs 3-201.17(A)(3) and (4), stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed ratites RATITES, or stuffing containing FISH, MEAT, POULTRY, or ratites RATITES. ^P

(B) Whole beef Meat roasts including beef, corned beef roasts, lamb, pork roasts, and cured pork roasts such as ham, shall be cooked:

(1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature: ^{Pf}

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more

High Humidity¹	121°C (250°F) or less	121°C (250°F) or less
¹ Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.		

;and

- (2) As specified in the following chart, to heat all parts of the FOOD to a temperature and for the holding time that corresponds to that temperature:^P

Temperature °C (°F)	Time ¹ in Minutes	Temperature °C (°F)	Time ¹ in Seconds
54.4 (130)	112	63.9 (147)	134
55.0 (131)	89	65.0 (149)	85
56.1 (133)	56	66.1 (151)	54
57.2 (135)	36	67.2 (153)	34
57.8 (136)	28	68.3 (155)	22
58.9 (138)	18	69.4 (157)	14
60.0 (140)	12	70.0 (158)	0
61.1 (142)	8		
62.2 (144)	5		
62.8 (145)	4		
¹ Holding time may include post oven heat rise.			

- (C) A raw or undercooked *WHOLE-MUSCLE, INTACT BEEF* steak may be served or offered for sale in a *READY-TO-EAT* form if:

- (1) The *RETAIL FOOD ESTABLISHMENT* serves a population that is not a *HIGHLY SUSCEPTIBLE POPULATION*,
- (2) The steak is labeled to indicate that it meets the definition of “*WHOLE-MUSCLE, INTACT BEEF*” as specified under Subparagraph 3-201.11(E), and
- (3) The steak is cooked on both the top and bottom to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces.

- (D) A raw animal *FOOD* such as raw *EGG*, raw *FISH*, raw-marinated *FISH*, raw *MOLLUSCAN SHELLFISH*, or steak tartare; or a partially cooked *FOOD* such as lightly cooked *FISH*, soft cooked *EGGS*, or rare *MEAT* other than *WHOLE-MUSCLE, INTACT BEEF* steaks as specified in Subparagraph (C) of this section, may be served or offered for sale in a *READY-TO-EAT* form if:

- (1) As specified under 3-801.11(C)(1) and (2), the *Retail-FOOD ESTABLISHMENT* serves a population that is not a *HIGHLY SUSCEPTIBLE POPULATION*, and
- (2) The *FOOD*, if served or offered for service by *CONSUMER* selection from a children's menu, does not contain *COMMUNUTED MEAT*;^{Pf} and

3-401.11 Raw Animal Foods continued.*

- (3) *The CONSUMER is informed as specified under 3-603.11 that to ensure its safety, the FOOD should be cooked as specified under (A) or (B) of this section; or*
- (4) *The REGULATORY AUTHORITY grants a VARIANCE from (A) or (B) of this section as specified in 8-103.10 based on a HACCP PLAN that:*
 - (a) *Is submitted by the PERMIT HOLDER and APPROVED as specified under Subpart 8-103.11,*
 - (b) *Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe FOOD, and*
 - (c) *Verifies that EQUIPMENT and procedures for FOOD preparation and training of FOOD EMPLOYEES at the RETAIL-FOOD ESTABLISHMENT meet the conditions of the VARIANCE.*

3-401.12 Microwave Cooking.*

Raw animal FOODS cooked in a microwave oven shall be:

- (A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (B) Covered to retain surface moisture;
- (C) Heated to a temperature of at least 74°C (165°F) in all parts of the food FOOD; ^P and
- (D) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

3-401.13 Plant Food Cooking for Hot Holding.

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 57°C (135°F). ^{Pf}

3-401.14 Non-Continuous Cooking of Raw Animal Foods.

Raw animal FOODS that are cooked using a NON-CONTINUOUS COOKING process shall be:

- (A) Subject to an initial heating process that is no longer than sixty minutes in duration; ^P
- (B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked ~~POTENTIALLY HAZARDOUS FOOD (TIME /TEMPERATURE CONTROL FOR SAFETY FOOD)~~ under 3-501.14(A); ^P
- (C) After cooling, held frozen or cold, as specified for ~~POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~ under 3-501.16(A)(2); ^P
- (D) Prior to sale or service, cooked using a process that heats all parts of the FOOD to a temperature and for a time as specified under 3-401.11 (A)-(C); ^P of at least 74°C (165°F) for 15 seconds; ^P
- (E) Cooled according to the time and temperature parameters specified for cooked ~~POTENTIALLY HAZARDOUS FOOD (TIME /TEMPERATURE CONTROL FOR SAFETY FOOD)~~ under 3-501.14(A) if not either hot held as specified under 3-501.16(A), served immediately, or held using time as a public health control as specified under 3-501.19 after complete cooking; ^P and

3-401.14 Non-Continuous Cooking of Raw Animal Foods continued.

(F) Prepared and stored according to written procedures that:

- (1) Have obtained prior APPROVAL from the REGULATORY AUTHORITY; ^{Pf}
- (2) Are maintained in the FOOD ESTABLISHMENT and are available to the REGULATORY AUTHORITY upon request; ^{Pf}
- (3) Describe how the requirements specified under (A)-(E) of this Section are to be monitored and documented by the PERMIT HOLDER and the corrective actions to be taken if the requirements are not met; ^{Pf}
- (4) Describe how the FOODS, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as FOODS that must be cooked as specified under (D) of this section prior to being offered for sale or service; ^{Pf} and
- (5) Describe how the FOODS, after initial heating but prior to cooking as specified under (D) of this section, are to be separated from READY-TO-EAT FOODS as specified under 3-302.11 (AD). ^{Pf}

Freezing

3-402.11 Parasite Destruction.*

(A) Except as specified in Subparagraph (B) of this section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated-partially cooked FISH other than MOLLUSCAN SHELLFISH shall be: ^P

- (1) Frozen and stored at a temperature of -20°C (-4°F) or below for 168 hours (7 days) in a freezer; ^P
- (2) Frozen at -35°C (-31°F) or below until solid and stored at -35°C (-31°F) or below for a minimum of 15 hours; ^P or
- (3) Frozen at -35°C (-31°F) or below until solid and stored at -20°C (-4°F) or below for a minimum of 24 hours. ^P

(B) Paragraph (A) of this section does not apply to:

(1) MOLLUSCAN SHELLFISH;

(1) A scallop product consisting only of the shucked adductor muscle;

(1)(2) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern); or

(2)(3) Aquacultured FISH, such as salmon, that:

- (a) If raised in open water, are raised in net-pens, or
- (b) Are raised in land-based operations such as ponds or tanks, and
- (c) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured FISH.

(3)(4) FISH eggs that have been removed from the skein and rinsed.

3-402.12 Records, Creation and Retention.

- (A) Except as specified in 3-402.11(B) and (B) of this section, if raw, raw-marinated, partially cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, the PERSON IN CHARGE shall record the freezing temperature and time to which the FISH are subjected and shall retain the records ~~in~~ of the FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH. ^{Pf}
- (B) *If the FISH are frozen by a supplier, a written agreement or statement from the supplier stipulating that the FISH supplied are frozen to a temperature and for a time specified under 3-402.11 may substitute for the records specified under (A) of this section.*
- (C) If raw, raw-marinated, partially cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, and the FISH are raised and fed as specified in 3-402.11(B)(3), a written agreement or statement from the supplier or aquaculturist stipulating that the FISH were raised and fed as specified in 3-402.11(B)(3) shall be obtained by the PERSON IN CHARGE and retained in the records of the FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH. ^{Pf}

Reheating

3-403.10 Preparation for Immediate Service.

Cooked and refrigerated FOOD that is prepared for immediate service in response to an individual CONSUMER order, such as a roast beef sandwich au jus, may be served at any temperature.

Reheating

3-403.11 Reheating for Hot Holding.*

- (A) Except as specified under Subparagraphs (B) and (C) and in Subparagraph (E) of this section, ~~POTENTIALLY HAZARDOUS FOOD (Time/Temperature Control for Safety Food)~~ that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74 °C (165 °F) for 15 seconds. ^P
- (B) Except as specified under Subparagraph (C) of this section, ~~POTENTIALLY HAZARDOUS FOOD (Time/Temperature Control for Safety Food)~~ reheated in a microwave oven for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74 °C (165 °F) and the FOOD is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating. ^P
- (C) ~~READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD taken from a commercially processed, HERMETICALLY-SEALED CONTAINER, or from an intact package from that has been commercially processed and PACKAGED in a FOOD PROCESSING PLANT that is inspected by the FOOD-REGULATORY AUTHORITY that has jurisdiction over the plant,~~
shall be heated to a temperature of at least 57 °C (135 °F) when being reheated for

hot holding. ^P

- (D) ~~Reheating for hot holding as specified under (A)-(C) of this section shall be done rapidly and the time the FOOD is between 5°C (41°F) and the temperatures specified under (A)-(C) of this section may not exceed 2 hours. ^P Reheating for hot holding shall be done rapidly and the time the FOOD is between the temperature specified under Subparagraph 3-501.16(A)(2) and 74°C (165°F) may not exceed 2 hours. ^P~~

3-403.11 Reheating for Hot Holding continued.*

~~(E)~~(D) *Remaining unsliced portions of meat roasts that are cooked as specified under Subparagraph 3-401.11(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Subparagraph 3-401.11(B).*

Other Methods

3-404.11 Treating Juice.

JUICE PACKAGED in a RETAIL FOOD ESTABLISHMENT shall be:

- (A) Treated under a HACCP PLAN as specified in Subparagraph 8-201.1214(B) – (E) to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; ^P or
- (B) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance: ^{Pf}
 - (1) As specified under Subpart 3-602.11, ^{Pf} and
 - (2) As specified in 21 CFR 101.17(g) Food labeling, warning, notice, and safe handling statements, JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems." ^{Pf}

3-5 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

Subparts

3-501 Temperature and Time Control

3-502 Specialized Processing Methods

Temperature and Time Control

3-501.11 Frozen Food.

Stored frozen FOODS shall be maintained frozen.

3-501.12 ~~Potentially Hazardous Food~~ (Time/Temperature Control for Safety Food), Slacking.

Frozen ~~POTENTIALLY HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) that is slacked to moderate the temperature shall be held:

- (A) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less, or

at 5°C (41°F) or less; or
(B) At any temperature if the FOOD remains frozen.

3-501.13 Thawing.

Except as specified in Subparagraph (D) of this section, ~~POTENTIALLY-HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) shall be thawed:

(A) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; ~~or at 5°C (41°F) or less as specified under 3-501.16(A)(2); or~~

(B) Completely submerged under running water:

(1) At a water temperature of 21°C (70°F) or below,

(2) With sufficient water velocity to agitate and float off loose particles in an overflow, and

(3) For a period of time that does not allow thawed portions of READY-TO-EAT FOOD to rise above 5°C (41°F), or

(4) For a period of time that does not allow thawed portions of a raw animal FOOD requiring cooking as specified under 3-401.11(A) or (B) to be above 5°C (41°F), for more than 4 hours including:

(a) The time the FOOD is exposed to the running water and the time needed for preparation for cooking, or

(b) The time it takes under refrigeration to lower the FOOD temperature to 5°C (41°F).

(C) As part of a cooking process if the FOOD that is frozen is:

(1) Cooked as specified under Subparagraphs 3-401.11(A) or (B) or Subpart 3-401.12, or

(2) Thawed in a microwave oven and immediately transferred to conventional cooking EQUIPMENT, with no interruption in the process; or

(D) Using any procedure if a portion of frozen READY-TO-EAT FOOD is thawed and prepared for immediate service in response to an individual CONSUMER'S order.

(A) REDUCED OXYGEN PACKAGED FISH that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:

(1) Prior to its thawing under refrigeration as specified in (A) of this section; or

(2) Prior to, or Immediately upon completion of, its thawing using procedures specified in (B) of this section.

(B)

3-501.14 Cooling.*

(A) Cooked ~~POTENTIALLY-HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) shall be cooled:

(1) Within 2 hours from 57°C (135°F) to 21°C (70°F); ^P and

(2) Within 6 hours from 57°C (135°F) to 5°C (41°F) or less. ^P

(B) ~~POTENTIALLY-HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) shall be cooled within 4 hours to 5°C (41°F) or less, if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna. ^P

(C) Except as specified in Subparagraph (D) of this section, a ~~POTENTIALLY-~~

~~HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in 3-202.11(B), shall be cooled within 4 hours to 5°C (41°F) or less. ^P

(D) Raw EGGS shall be received as specified under Subparagraph 3-202.11(C) and immediately placed in refrigerated ~~equipment~~ EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less. ^P

3-501.15 Cooling Methods.

- (A) Cooling shall be accomplished in accordance with the time and temperature criteria specified under Subpart 3-501.14 by using one or more of the following methods based on the type of FOOD being cooled:
- (1) Placing the FOOD in shallow pans; ^{Pf}
 - (2) Separating the FOOD into smaller or thinner portions; ^{Pf}
 - (3) Using rapid cooling EQUIPMENT; ^{Pf}
 - (4) Stirring the FOOD in a container placed in an ice water bath; ^{Pf}
 - (5) Using containers that facilitate heat transfer; ^{Pf}
 - (6) Adding ice as an ingredient; ^{Pf} or
 - (7) Other effective methods. ^{Pf}
- (B) When placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be:
- (1) Arranged in the EQUIPMENT to provide maximum heat transfer through the container walls; and
 - (2) Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 3-305.11(A)(2), during the cooling period to facilitate heat transfer from the surface of the FOOD.

3-501.16 ~~Potentially Hazardous Food~~ (Time/Temperature Control for Safety Food), Hot and Cold Holding.*

- (A) *Except during preparation, cooking, or cooling, or when time is used as the public health control as specified in Subpart 3-501.19, and except as specified in Subparagraph (B) and in (C) of this section, ~~POTENTIALLY HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) shall be maintained:*
- (1) *At 57°C (135°F) or above, except that roasts cooked to a temperature and for a time specified in Subparagraph 3-401.11(B) or reheated as specified in Subparagraph 3-403.11(E) may be held at a temperature of 54°C (130°F) or above; ^P or*
 - (2) *At 5°C (41°F) or less. ^P*
- (B) EGGS that have not been treated to destroy all viable **Salmonellae spp.** shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less. ^P
- (C) ~~POTENTIALLY HAZARDOUS FOOD~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) in a homogenous liquid form *may be maintained outside of the temperature control requirements, as specified under (A) of this section, while contained within specially designed EQUIPMENT that complies with the design and construction requirements as specified under 4-204.13(E).*

3-501.17 Ready-to-Eat, Potentially Hazardous Food, (Time/Temperature Control for Safety Food) Date Marking.*

on-premises preparation

• prepare and hold cold

(A) Except when PACKAGING FOOD using a REDUCED OXYGEN PACKAGING method as specified under paragraph 3-502.12, and except as specified in (ED) and (FE) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD-~~(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~ prepared and held in a FOOD ESTABLISHMENT for more than 24 hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.^{Pf}

(B) Except as specified in Paragraphs (DE) and (EG) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD-~~(Time/Temperature Control for Safety Food)~~ prepared and PACKAGED by a FOOD PROCESSING PLANT shall be clearly marked,--- at the time the original container is opened in a FOOD ESTABLISHMENT and----- if the FOOD is held for more than 24 hours, to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded, based on the temperature specified in (A) of this section; and:^{Pf}

(1) The day the original container is opened in the RETAIL FOOD ESTABLISHMENT shall be counted as Day 1,^{Pf} and

(2) The day or date marked by the RETAIL FOOD ESTABLISHMENT may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on FOOD safety.^{Pf}

(C) A refrigerated, READY-TO-EAT POTENTIALLY HAZARDOUS FOOD-~~(Time/Temperature Control for Safety Food ingredient or a portion of a refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD))~~ that is subsequently combined with additional ingredients or portions of FOOD shall retain the date marking of the earliest-prepared or first-prepared ingredient.^{Pf}

(D) A date marking system that meets the criteria stated in (A) and (B) of this section may include:

(1) Using a method APPROVED by the REGULATORY AUTHORITY for refrigerated, READY-TO-EAT POTENTIALLY HAZARDOUS FOOD-~~(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~ that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

(2) Marking the date or day of preparation, with a procedure to discard the FOOD on or before the last date or day by which the FOOD must be consumed on the premises, sold, or discarded as specified under (A) of this section;

(3) Marking the date or day the original container is opened in a FOOD ESTABLISHMENT, with a procedure to discard the FOOD on or before the last date or day by which the FOOD must be consumed on the premises, sold, or discarded as specified under (B) of this section; or

3-501.17 Ready-to-Eat, Potentially Hazardous Food, (Time/Temperature Control for Safety Food) Date Marking continued.*

~~on-premises preparation continued~~

(4) *Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the REGULATORY AUTHORITY upon request.*

~~(E)~~ Paragraphs (A) and (B) of this section do not apply to individual meal portions served or rePACKAGED for sale from a bulk container upon a consumer's request.

~~(D)~~ Paragraphs (A) and (B) of this section do not apply to SHELLSTOCK.

~~(E)~~(F) Paragraph (B) of this section does not apply to the following FOODS prepared and

PACKAGED by a FOOD PROCESSING PLANT inspected by a REGULATORY AUTHORITY:

- (1) *Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110 Current good manufacturing practice in manufacturing, packing, or holding human food;*
- (2) *Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133 Cheeses and related cheese products, such as cheddar, gruyere, parmesan and reggiano, and romano;*
- (3) *Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133 Cheeses and related cheese products, such as blue, edam, gorgonzola, gouda, and monterey jack;*
- (4) *Cultured dairy products as defined in 21 CFR 131 Milk and cream, such as yogurt, sour cream, and buttermilk;*
- (5) *Preserved FISH products, such as pickled herring and dried or salted cod, and other acidified FISH products defined in 21 CFR 114 Acidified foods;*
- (6) *Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317 Labeling, marking devices, and containers, and which retain the original CASING on the product; and*
- (7) *Shelf stable salt-cured products such as prosciutto and Parma (ham); that are not labeled "Keep Refrigerated" as specified in 9 CFR 317 Labeling, marking devices, and containers.*

3-501.18 Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food), Disposition.*

(A) A FOOD specified in Subparagraphs 3-501.17(A) or (B) shall be discarded if it:

- (1) ~~Exceeds either of the temperature and time combinations specified in Subparagraph 3-501.17(A), except time that the product is frozen;~~ ^P
- (2) ~~Is in a container or PACKAGE that does not bear a date or day;~~ ^P or
- (3) ~~Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Subparagraph 3-501.17(A).~~ ^P

(B) Refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (Time/Temperature Control for Safety Food) prepared in a FOOD ESTABLISHMENT and dispensed through a VENDING MACHINE with an automatic shutoff control shall be discarded if

it exceeds a temperature and time combination as specified in Subparagraph 3-501.17(A).^P

3-501.19 Time as a Public Health Control.*

(A) Except as specified under Paragraph (DB) of this section, if time without temperature control, is used as the public health control for a working supply of ~~POTENTIALLY HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) before cooking, or for ~~READY-TO-EAT POTENTIALLY HAZARDOUS FOOD~~ (Time/Temperature Control for Safety Food) that is displayed or held for sale or service:

- (1) Written procedures shall be prepared in advance, maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request that specify: ^{Pf}
 - (a) Methods of compliance with Subparagraphs (B)(1) -(3) or C)(1)-(5) of this section; ^{Pf} and
 - (b) Methods of compliance with 3-501.14 for FOOD that is prepared, cooked, and refrigerated before time is used as a public health control. ^{Pf}

(B) If time temperature control is used as the public health control up to a maximum of 4 hours:

TIME- maximum up to 4 hours

- (1) The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control; ^P
- (2) The FOOD shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is removed from temperature control; ^{Pf}
- (3) The FOOD shall be cooked and served, served at any temperature if READY-TO-EAT, or discarded, within 4 hours from the point in time when the FOOD is removed from temperature control; ^P and
- (4) The FOOD in unmarked containers or PACKAGES, or marked to exceed a 4-hour limit shall be discarded. ^P

(C) A FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION may not use time as specified under (A) or (B) of this section as the public health control for raw EGGS.

Specialized Processing Methods

3-502.11 Variance Requirement.*

A RETAIL FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified in Subpart 8-103.10 and under Subpart 8-103.11 before: ^{Pf}

- (A) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement; ^{Pf}
- (B) Curing FOOD; ^{Pf}

3-502.11 Variance Requirement continued.*

- (C) Using FOOD ADDITIVES or adding components such as vinegar; ^{Pf}
 - (1) As a method of FOOD preservation rather than as a method of flavor enhancement; ^{Pf} or
 - (2) To render a FOOD so that it is not ~~POTENTIALLY HAZARDOUS~~ TIME/TEMPERATURE CONTROL FOR SAFETY FOOD ~~HAZARDOUS~~; ^{Pf}
- (D) Packaging TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method *except where the growth of a toxin formation by **Clostridium botulinum** and the growth of **Listeria monocytogenes** are controlled as specified in 3-502.12*; ^{Pf}
- (E) Operating a MOLLUSCAN SHELLFISH life-support system display tank used to store and display shellfish that are offered for human consumption; ^{Pf}
- (F) Custom processing animals that are for personal use as FOOD and not for sale or service in a RETAIL FOOD ESTABLISHMENT; ^{Pf}
- (G) Preparing FOOD by another method that is determined by the REGULATORY AUTHORITY to require a VARIANCE; ^{Pf} or
- (H) Sprouting seeds or beans. ^{Pf}

Clostridium botulinum and Listeria monocytogenes Controls

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

- (A) Except for a RETAIL FOOD ESTABLISHMENT that obtains a VARIANCE as specified under 3-502.11 a FOOD ESTABLISHMENT that packages ~~POTENTIALLY HAZARDOUS FOOD~~ (TIME /TEMPERATURE CONTROL FOR SAFETY FOOD) using a REDUCED OXYGEN PACKAGING method shall control the growth and toxin formation of **Clostridium botulinum** and the growth of **Listeria monocytogenes**. ^P
- (B) Except as specified under (F) of this section, ~~AaA~~ FOOD ESTABLISHMENT that packages ~~POTENTIALLY HAZARDOUS FOOD~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) using a REDUCED OXYGEN PACKAGING method shall have a HACCP PLAN that contains the information specified under 8-201.14 (B) and (D) and that: ^{Pf}
 - (1) Identifies the FOOD to be PACKAGED; ^{Pf}
 - (2) Except as specified under (C) - (E) of this section, requires that the PACKAGED FOOD shall be maintained at 5°C (41°F) or less and meet at least one of the following criteria: ^{Pf}
 - (a) Has an a_w of 0.91 or less, ^{Pf}
 - (b) Has a pH of 4.6 or less, ^{Pf}
 - (c) Is a MEAT or POULTRY product cured at a FOOD PROCESSING PLANT regulated by the U.S.-D.-A. using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact package, ^{Pf} or
 - (d) Is a FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY or raw vegetables; ^{Pf}
 - (3) Describes how the PACKAGE shall be prominently and conspicuously

labeled on the principal display panel in bold type on a contrasting background, with instructions to; ^{Pf}

(a) Maintain the FOOD at 5°C (41°F) or below, ^{Pf} and

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria continued.

- (b) Discard the FOOD if within 30~~44~~ calendar days of its PACKAGING if it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption; ^{Pf}
- (4) Limits the refrigerated shelf life to no more than 14~~30~~ calendar days from PACKAGING to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first: ^P
- (5) Includes operational procedures that:
 - (a) Prohibit contacting READY-TO-EAT FOOD with bare hands, under 3-301.11(B) ^{Pf}
 - (b) Identify a designated work area and the method by which: ^{Pf}
 - (i) Physical barriers or methods of separation of raw FOODS and READY-TO-EAT FOODS minimize cross contamination, ^{Pf} and
 - (ii) Access to the processing EQUIPMENT is limited to responsible trained personnel familiar with the potential HAZARDS of the operation, ^{Pf} and
 - (c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES; ^{Pf} and
- (6) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the: ^{Pf}
 - (a) Concepts required for a safe operation, ^{Pf}
 - (b) EQUIPMENT and facilities, ^{Pf} and
 - (c) Procedures specified under Subparagraph (B)(5) of this section and Subparagraph 8-201.14 (B) and (D). ^{Pf}
- (7) Is provided to the REGULATORY AUTHORITY prior to implementation as specified under 8-201.13(B).
- (C) Except for *FISH that is frozen before, during, and after packaging*, a FOOD ESTABLISHMENT may not package FISH using a REDUCED OXYGEN PACKAGING method ^P
- (D) Except as specified under (C) and (F) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a cook-chill or sous vide process shall:
 - (1) Provide to the REGULATORY AUTHORITY before implementation Implement a HACCP PLAN that contains the information as specified under 8-201.14 (B) and (D); ^{Pf}
 - (2) Ensure the FOOD is:
 - (a) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES but within the same business entity with no distribution or sale of the PACKAGED product to another business entity or the CONSUMER, ^{Pf}
 - (b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under paragraph 3-401.11 (A), (B), and (C); ^P

(c) Protected from contamination before and after cooking as specified under Parts 3-3 and 3-4,^P

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria continued.

- (d) Placed in a PACKAGE with an oxygen barrier and sealed before cooking, or placed in a PACKAGE and sealed immediately after cooking and before reaching a temperature below 57°C (135°F),^P
- (e) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under paragraph 3-501.14 and subsequently:^P
 - (i) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within 30 days after the date of PACKAGING;^P
 - (ii) ~~Held at 5°C (41°F) or less for no more than 7 days, at which time the FOOD must be consumed or discarded;^P or Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F), removed from refrigeration equipment that maintains a 1°C (34°F) food temperature and then held at 5°C (41°F) or less for no more than 72 hours, at which time the FOOD must be consumed or discarded;^P~~
 - (iii) ~~Cooled to 3°C (38°F) or less within 24 hours of reaching 5°C (41°F) and held there for no more than 72 hours from PACKAGING, at which time the food must be consumed or discarded;^P or~~
 - (iv) Held frozen with no shelf life restriction while frozen until consumed or used^P
- (f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,^{Pf}
- (g) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation,^{Pf} and
- (h) Labeled with the product name and the date PACKAGED;^{Pf} and
- (3) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP PLAN and:
 - (a) Make such records available to the REGULATORY AUTHORITY upon request,^{Pf} and
 - (b) Hold such records for at least 6 months;^{Pf} and
- (4) Implement written operational procedures as specified under (B)(5) of this section and a training program as specified under (B)(6) of this section.^{Pf}
- (E) Except as specified under (F) of this section, AaA FOOD ESTABLISHMENT that PACKAGES cheese using a REDUCED OXYGEN PACKAGING method shall:
 - (1) Limit the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese

or 21 CFR 133.187 Semisoft cheeses; ^P

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria continued.

- (2) Have a HACCP PLAN that contains the information specified under 8-201.14 (B) and (D) and as specified under (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section;^{Pf}
- (3) Labels the PACKAGE on the principal display panel with a "use by" date that does not exceed 30 days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first;^{Pf} and
- (4) Discards the REDUCED OXYGEN PACKAGED cheese if it is not sold for off-PREMISES consumption or consumed within 30 calendar days of its PACKAGING.^{Pf}

3-6 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING

Subparts

<u>3-601</u>	<u>Accurate Representation</u>
<u>3-602</u>	<u>Labeling</u>
<u>3-603</u>	<u>Consumer Advisory</u>

(F) A HACCP plan is not required when a FOOD ESTABLISHMENT uses a REDUCED OXYGEN PACKAGING method to PACKAGE TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is always:

(1) Labeled with the production time and date.

(2) Held at 5°C (41°F) or less during refrigerated storage, and

(3) Removed from its PACKAGE in the FOOD ESTABLISHMENT within 48 hours after PACKAGING.

Accurate Representation

3-601.11 Standards of Identity.

PACKAGED FOOD shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR 130 – Food Standards: General and 9 CFR 319 Subpart A – General.

3-601.12 Honestly Presented.

- (A) Food shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.
- (B) FOOD or COLOR ADDITIVES, colored overwraps, or lights may not be used to

misrepresent the true appearance, color, or quality of a FOOD.

Labeling

3-602.11 Food Labels

- (A) FOOD PACKAGED in a RETAIL FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 – Food Labeling, and 9 CFR 317 Labeling, Marking Devices, and Containers.
- (B) Label information shall include:
 - (1) The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;

3-602.11 Food Labels continued.

- (2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the FOOD;
- (3) An accurate declaration of the quantity of contents;
- (4) The name and place of business of the manufacturer, packer, or distributor; and
- (5) The name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient (Effective January 1, 2011). ^{Pf}
- (6) Except as exempted in the Federal Food, Drug, and Cosmetic Act 403 (Q)(3) - (5) nutrition labeling as specified in 21 CFR 101 – FOOD Labeling and 9 CFR 317 Subpart B Nutrition Labeling.
- (7) For any salmonid FISH containing canthaxanthin or astaxanthin as a COLOR ADDITIVE, the labeling of the bulk FISH container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

(C) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER:

- (1) The manufacturer's or processor's label that was provided with the FOOD; or
- (2) A card, sign, or other method of notification that includes the information specified under Subparagraphs (B)(1), (2), and (65) of this section.

(D) *Bulk, unpackaged FOODS such as bakery products and unpackaged FOODS that are portioned to CONSUMER specification need not be labeled if:*

- (1) *A health, nutrient content, or other claim is not made;*
- (2) *There is no state or local LAWS requiring labeling; and*
- (3) *The FOOD is manufactured or prepared on the PREMISES of the RETAIL FOOD ESTABLISHMENT or another RETAIL FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT that is owned by the same PERSON and is regulated by the FOOD regulatory agency that has jurisdiction.*

3-602.12 Other Forms of Information.

- (A) If required by ~~THESE RULES AND REGULATIONS~~ LAW, CONSUMER warnings shall be provided.
- (B) ~~RETAIL FOOD ESTABLISHMENT~~ or manufacturers' dating information on FOODS may not be concealed or altered.

Consumer Advisory

3-603.11 Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.

- (A) Except as specified in 3-401.11(C) and Subparagraph 3-401.11(D)(4) and under 3-801.11(C), if an animal FOOD such as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means. ^{Pf}
- (B) DISCLOSURE shall include:
- (1) A description of the animal-derived FOODS, such as "oysters on the half shell (raw oysters)," "raw-EGG Caesar salad," and "hamburgers (can be cooked to order)"; ^{Pf} or
 - (2) Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients. ^{Pf}
- (C) REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:
- (1) Regarding the safety of these items, written information is available upon request; ^{Pf}
 - (2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness; ^{Pf} or
 - (3) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness, especially if you have certain medical conditions.

3-7 CONTAMINATED FOOD

Subparts

3-701

Disposition

Disposition

3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.*

- (A) A FOOD that is unsafe, ADULTERATED, or not honestly presented as specified under Subpart 3-101.11 shall be discarded or reconditioned according to an APPROVED procedure. ^P
- (B) FOOD that is not from an APPROVED source as specified under Subpart 3-201.11.17 shall be discarded. ^P
- (C) READY-TO-EAT FOOD that may have been contaminated by an EMPLOYEE who has

been RESTRICTED or EXCLUDED as specified under 2-201.12 shall be discarded.^P

3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food continued.*

(D) FOOD that is contaminated by FOOD EMPLOYEES, CONSUMERS, or other PERSONS through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded. ^P

3-8 SPECIAL REQUIRMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS

Subparts

3-801

Additional Safeguards

Additional Safeguards

3-801.11 Pasteurized Foods, Prohibited Re-service, and Prohibited Food.*

In a RETAIL FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(A) The following criteria apply to JUICE:

- (1) For the purposes of this paragraph only, children who are age 9 or less and receive FOOD in a school, day care setting, or similar facility that provides custodial care are included as HIGHLY SUSCEPTIBLE POPULATIONS;
- (2) PrePACKAGED JUICE or a prePACKAGED BEVERAGE containing JUICE, that bears a warning label as specified in 21 CFR, Section 101.17(g) Food Labeling, warning, notice, and safe handling statements, Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a PACKAGED JUICE or BEVERAGE containing JUICE, that bears a warning label as specified under Subparagraph 3-404.11(B) may not be served or offered for sale; ^P and
- (3) UNPACKAGED JUICE that is prepared on the premises for service or sale in a READY-TO-EAT form shall be processed under a HACCP PLAN that contains the information specified under Subparagraphs 8-201.14(B) – (E) and as specified in 21 CFR Part 120 – Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.24 Process controls. ^P

(B) Pasteurized EGGS or EGG products shall be substituted for raw EGGS in the preparation of: ^P

- (1) FOODS such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream, and EGG-fortified BEVERAGES, ^P and
- (2) Except as specified in Paragraph (E) of this section, recipes in which more than one EGG is broken and the EGGS are combined; ^P
- (C) The following FOODS may not be served or offered for sale in a READY-TO-EAT form: ^P
- (1) Raw animal FOODS such as raw FISH, raw-marinated FISH, raw MOLLUSCAN SHELLFISH, and steak tartare, ^P

3-801.11 Pasteurized Foods, Prohibited Re-service, and Prohibited Food continued.*

- (2) A partially cooked animal FOOD such as lightly cooked FISH, rare MEAT, soft-cooked EGGS that are made from raw shell EGGS, and meringue, ^P and
- (3) Raw seed sprouts. ^P
- (D) FOOD EMPLOYEES may not contact READY-TO-EAT FOOD as specified under 3-301.11(B) and (E). ^P
- (E) Time only, as the public health control as specified under 3-501.19(D), may not be used for raw EGGS. ^P
- (F) Subparagraph (B) (2) of this section does not apply if:
 - (1) The raw EGGS are combined immediately before cooking for one CONSUMER'S serving at a single meal, cooked as specified under Subparagraph 3-401.11(A)(1), and served immediately, such as an omelet, soufflé, or scrambled EGGS;
 - (2) The raw EGGS are combined as an ingredient immediately before baking and the EGGS are thoroughly cooked to a READY-TO-EAT form, such as a cake, muffin, or bread; or
 - (3) The preparation of the food is conducted under a HACCP PLAN that:
 - (a) Identifies the FOOD to be prepared,
 - (b) Prohibits contacting READY-TO-EAT FOOD with bare hands,
 - (c) Includes specifications and practices that ensure:
 - (i) **Salmonella Enteritidis** growth is controlled before and after cooking, and
 - (ii) **Salmonella Enteritidis** is destroyed by cooking the EGGS according to the temperature and time specified in Subparagraph 3-401.11(A) (2),
 - (d) Contains the information specified under Subparagraph ~~8-2018~~201.14 (D) including procedures that:
 - (i) Control cross contamination of READY-TO-EAT FOOD with raw EGGS, and
 - (ii) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES, and
 - (e) Describes the training program that ensures that the FOOD EMPLOYEE responsible for the preparation of the FOOD understands the procedures to be used.
- (G) Except as specified in paragraph (H) of this section, FOOD may be re-served as specified under Subparagraph 3-306.14(B) (1) and (2).
- (H) FOOD may not be re-served under the following conditions:
 - (1) Any FOOD served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.
 - (2) Packages of FOOD from any patients, clients, or other CONSUMERS should not be re-served to PERSONS in protective environment isolation.

Equipment, Utensils, and Linens

Parts

- 4-1 MATERIALS FOR CONSTRUCTION AND REPAIR
- 4-2 DESIGN AND CONSTRUCTION
- 4-3 NUMBERS AND CAPACITIES
- 4-4 LOCATION AND INSTALLATION
- 4-5 MAINTENANCE AND OPERATION
- 4-6 CLEANING OF EQUIPMENT AND UTENSILS
- 4-7 SANITIZATION OF EQUIPMENT AND UTENSILS
- 4-8 LAUNDERING
- 4-9 PROTECTION OF CLEAN ITEMS

4-1 MATERIALS FOR CONSTRUCTION AND REPAIR

Subparts

4-101

Multiuse

4-102

Single-Service and Single-Use

Multiuse

4-101.11 Characteristics.*

Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD and under normal use conditions shall be: ^P

- (A) Safe; ^P
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent;
- (C) Sufficient in weight and thickness to withstand repeated WAREWASHING;
- (D) Finished to have a SMOOTH, EASILY CLEANABLE surface; and

|

(E) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

4-101.12 Cast Iron, Use Limitation.

- (A) Except as specified in Paragraphs (B) and (C) of this section, cast iron may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT.
- (B) *Cast iron may be used as a surface for cooking.*
- (C) *Cast iron may be used in UTENSILS for serving FOOD if the UTENSILS are used only as part of an uninterrupted process from cooking through service.*

4-101.13 ~~Lead in Ceramic, China, and Crystal Utensils, Use Limitation.~~

- (A) Ceramic, china, crystal UTENSILS, and decorative UTENSILS such as hand painted ceramic or china that are used in contact with FOOD shall be lead-free or contain levels of lead not exceeding the limits of the following UTENSIL categories: ^P

Utensil Category	<u>Ceramic Article</u>	Maximum Lead mg/L
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware_ (excluding pitchers)	Bowls ≥ 1.1 L (1.16 QT)	1
Small Hollowware_ (excluding cups)	Bowls < 1.1 L (1.16 QT)	2.0
Flat Utensils Tableware	Plates, Saucers	3.0

- (B) Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD-CONTACT SURFACE. ^P
- (C) Solder and flux containing lead in excess of 0.2% may not be used as a FOOD-CONTACT SURFACE.

4-101.14 Copper, Use Limitation.*

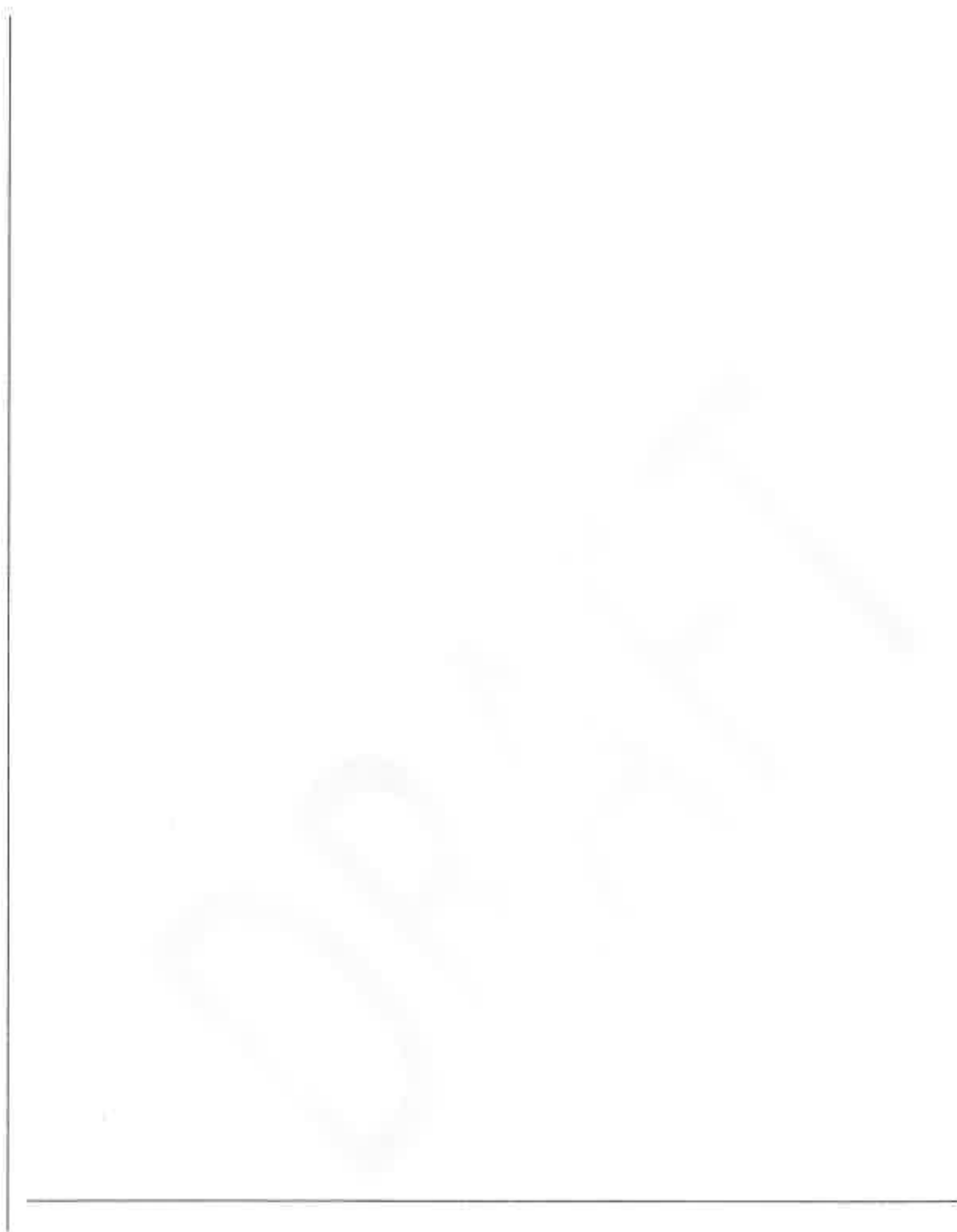
- (A) Except as specified in Paragraph (B) of this section, copper and copper alloys such as brass may not be used in contact with a FOOD that has a pH below 6 such as vinegar, fruit JUICE, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator. ^P
- (B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the pre-fermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

4-101.15 Galvanized Metal, Use Limitation.*

Galvanized metal may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT that are used in contact with acidic FOOD. ^P

4-101.16 Sponges, Use Limitation.

Sponges may not be used in contact with cleaned and SANITIZED or in-use FOOD-CONTACT SURFACES.



4-101.17 Wood, Use Limitation.

- (A) Except as specified in Paragraphs (B), (C), and (D) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.
- (B) *Hard maple or an equivalently hard, close-grained wood may be used for:*
- (1) *Cutting boards; cutting blocks; bakers' tables; and UTENSILS such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and*
 - (2) *Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110 °C (230 °F) or above.*
- (C) *Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.*
- (D) *If the nature of the FOOD requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw FOOD may be kept in:*
- (1) *Untreated wood containers; or*
 - (2) *Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.*

4-101.18 Nonstick Coatings, Use Limitation.

Multiuse KITCHENWARE such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with non-scoring or non-scratching UTENSILS and cleaning aids.

4-101.19 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES of EQUIPMENT that are exposed to splash, spillage, or other FOOD soiling or that require frequent cleaning shall be constructed of a CORROSION-RESISTANT, nonabsorbent, and SMOOTH material.

Single-Service and Single-Use

4-102.11 Characteristics.*

Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES:

- (A) May not:
- (1) Allow the migration of deleterious substances, ^P or
 - (2) Impart colors, odors, or tastes to FOOD; and
- (B) Shall be:
- (1) Safe, ^P and
 - (2) Clean.

4-2 DESIGN AND CONSTRUCTION

Subparts

<u>4-201</u>	<u>Durability and Strength</u>
<u>4-202</u>	<u>Cleanability</u>
<u>4-203</u>	<u>Accuracy</u>
<u>4-204</u>	<u>Functionality</u>
<u>4-205</u>	<u>Acceptability</u>

Durability and Strength

4-201.11 Equipment and Utensils.

EQUIPMENT and UTENSILS shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

4-201.12 Food Temperature Measuring Devices.*

FOOD TEMPERATURE MEASURING DEVICES may not have sensors or stems constructed of glass, *except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.*

Cleanability

4-202.11 Food-Contact Surfaces.*

(A) Multiuse FOOD-CONTACT SURFACES shall be:

- (1) Smooth; ^{Pf}
- (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections; ^{Pf}
- (3) Free of sharp internal angles, corners, and crevices; ^{Pf}
- (4) Finished to have SMOOTH welds and joints; ^{Pf} and
- (5) Except as specified in Paragraph (B) of this section, accessible for cleaning and inspection by one of the following methods:
 - (a) Without being disassembled, ^{Pf}
 - (b) By disassembling without the use of tools, ^{Pf} or
 - (c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches. ^{Pf}

(B) *Subparagraph (A) (5) of this section does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.*

4-202.12 CIP Equipment.

(A) CIP EQUIPMENT shall meet the characteristics specified under Subpart 4-202.11 and shall be designed and constructed so that:

(1) Cleaning and SANITIZING solutions circulate throughout a fixed system and contact all interior FOOD-CONTACT SURFACES,^{Pf} and

(2) The system is self-draining or capable of being completely drained of cleaning and SANITIZING solutions; and

(B) CIP EQUIPMENT that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior FOOD-CONTACT designed SURFACES throughout the fixed system are being effectively cleaned.

4-202.13 "V" Threads, Use Limitation.

Except for hot oil cooking or filtering EQUIPMENT, "V" type threads may not be used on FOOD-CONTACT SURFACES.

4-202.14 Hot Oil Filtering Equipment.

Hot oil filtering EQUIPMENT shall meet the characteristics specified under Subpart 4-202.11 or Subpart 4-202.12 and shall be readily accessible for filter replacement and cleaning of the filter.

4-202.15 Can Openers.

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

4-202.16 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

4-202.17 Kick Plates, Removable.

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

(A) Removable by one of the methods specified under Subparagraph 4-202.11(A) (5) or capable of being rotated open; and

(B) Removable or capable of being rotated open without unlocking EQUIPMENT doors.

4-202.18 Ventilation Hood Systems, Filters.

Filters or other grease extracting EQUIPMENT shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

Accuracy

4-203.11 Temperature Measuring Devices, Food.

(A) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to $\pm 1^{\circ}\text{C}$ in the intended range of use.^{Pf}

(B) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to $\pm 2^{\circ}\text{F}$ in the intended range of use.^{Pf}

4-203.12 Temperature Measuring Devices, Ambient Air and Water.

- (A) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to $\pm 1.5^{\circ}\text{C}$ in the intended range of use. ^{Pf}
- (B) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to $\pm 3^{\circ}\text{F}$ in the intended range of use. ^{Pf}

4-203.13 Pressure Measuring Devices, Mechanical Warewashing Equipment.

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water SANITIZING rinse shall have increments of 7 kilopascals (1 pounds per square inch) or smaller and shall be accurate to ± 14 kilopascals (± 2 pounds per square inch) in the range indicated on the manufacturer's data plate.

Functionality

4-204.11 Ventilation Hood Systems, Drip Prevention.

Exhaust ventilation hood systems in FOOD preparation and WAREWASHING areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

4-204.12 Equipment Openings, Closures and Deflectors.

- (A) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.
- (B) An opening located within the top of a unit of EQUIPMENT that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).
- (C) Except as specified under Paragraph (D) of this section, fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall be provided with a watertight joint at the point where the item enters the EQUIPMENT.
- (D) If a watertight joint is not provided:
 - (1) The piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the FOOD; and
 - (2) The opening shall be flanged as specified under Paragraph (B) of this section.

4-204.13 Dispensing Equipment, Protection of Equipment and Food.

In EQUIPMENT that dispenses or vends liquid FOOD or ice in unPACKAGED form:

- (A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the FOOD shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the FOOD;
- (B) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

4-204.13 Dispensing Equipment, Protection of Equipment and Food continued.

- (C) The delivery tube or chute and orifice of EQUIPMENT used to vend liquid FOOD or ice in UNPACKAGED form to self-service CONSUMERS shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the EQUIPMENT is:
- (1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or
 - (2) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE; and
- (D) The dispensing EQUIPMENT actuating lever or mechanism and filling device of CONSUMER self-service BEVERAGE dispensing EQUIPMENT shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.
- (E) Dispensing EQUIPMENT in which ~~potentially-HAZARDOUS FOOD~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) in a homogenous liquid form is maintained outside of the temperature control requirements as specified under subpart 3-501.16(A) shall:
- (1) be specifically designed and equipped to maintain the commercial sterility of aseptically PACKAGED FOOD in a homogenous liquid form for a specified duration from the time of opening the PACKAGING within the EQUIPMENT;^P and
 - (2) conform to the requirements for this EQUIPMENT as specified in *NSF/ANSI 18-2006- Manual Food and Beverage Dispensing equipment*.^P

4-204.14 Vending Machine, Vending Stage Closure.

The dispensing compartment of a VENDING MACHINE including a machine that is designed to vend prePACKAGED snack FOOD that is not ~~POTENTIALLY-HAZARDOUS~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:

- (A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
- (B) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE.

4-204.15 Bearings and Gear Boxes, Leakproof.

EQUIPMENT containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

4-204.16 Beverage Tubing, Separation.

Except for cold plates that are constructed integrally with an ice storage bin, BEVERAGE tubing and cold-plate BEVERAGE cooling devices may not be installed in contact with stored ice.

4-204.17 Ice Units, Separation of Drains.

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

4-204.18 Condenser Unit, Separation.

If a condenser unit is an integral component of EQUIPMENT, the condenser unit shall be separated from the FOOD and FOOD storage space by a dustproof barrier.

4-204.19 Can Openers on Vending Machines.

Cutting or piercing parts of can openers on VENDING MACHINES shall be protected from manual contact, dust, insects, rodents, and other contamination.

4-204.110 Molluscan Shellfish Tanks.

- (A) Except as specified under ¶ (B) of this section, MOLLUSCAN SHELLFISH life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the CONSUMER that the shellfish are for display only. ^P
- (B) MOLLUSCAN SHELLFISH life-support system display tanks that are used to store or display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the REGULATORY AUTHORITY as specified in § 8-103.10 and a HACCP PLAN that: ^{Pf}
 - (1) Is submitted by the PERMIT HOLDER and APPROVED as specified under § 8-103.11; ^{Pf} and
 - (2) Ensures that:
 - (a) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank, ^{Pf}
 - (b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, ^{Pf} and
 - (c) The identity of the source of the SHELLSTOCK is retained as specified under Subpart 3-203.12. ^{Pf}

4-204.111 Vending Machines, Automatic Shutoff.*

- (A) A machine vending ~~POTENTIALLY HAZARDOUS FOOD~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall have an automatic control that prevents the machine from vending FOOD:
 - (1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain FOOD temperatures as specified under Chapter 3; ^P and
 - (2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with FOOD that has been maintained at temperatures specified under Chapter 3; ^P
- (B) When the automatic shutoff within a machine vending ~~POTENTIALLY HAZARDOUS FOOD~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) is activated:
 - (1) In a refrigerated VENDING MACHINE, the ambient temperature may not exceed 5°C (41°F) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; ^P or
 - (2) In a hot holding VENDING MACHINE, the ambient air-temperature may not be less than 57°C (135°F) for more than 120 minutes immediately after the machine is filled, serviced, or restocked. ^P

4-204.112 Temperature Measuring Devices.

- (A) In a mechanically refrigerated or hot FOOD storage unit, the sensor of a TEMPERATURE MEASURING DEVICE shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot FOOD storage unit.
- (B) Except as specified in Paragraph (C) of this section, cold or hot holding EQUIPMENT used for POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display.
- ~~(C)~~(A) Paragraph (B) of this section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design, type, and use of the EQUIPMENT, such as calrod units, heat lamps, cold plates, bain maries~~bainmaries~~, steam tables, insulated FOOD transport containers, and salad bars.
- ~~(D)~~(C) TEMPERATURE MEASURING DEVICES shall be designed to be easily readable.
- ~~(E)~~(D) FOOD TEMPERATURE MEASURING DEVICES and water TEMPERATURE MEASURING DEVICES on WAREWASHING machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1 °C or 2 °F in the intended range of use. ^{Pf}

4-204.113 Warewashing Machine, Data Plate Operating Specifications.

A WAREWASHING machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

- (A) Temperatures required for washing, rinsing, and SANITIZING;
- (B) Pressure required for the fresh water SANITIZING rinse *unless the machine is designed to use only a pumped SANITIZING rinse*; and
- (C) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

4-204.114 Warewashing Machines, Internal Baffles.

WAREWASHING machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

4-204.115 Warewashing Machines, Temperature Measuring Devices.

A WAREWASHING machine shall be equipped with a TEMPERATURE MEASURING DEVICE that indicates the temperature of the water:

- (A) In each wash and rinse tank; ^{Pf} and
- (B) As the water enters the hot water SANITIZING final rinse manifold or in the chemical SANITIZING solution tank. ^{Pf}

4-204.116 Manual Warewashing Equipment, Heaters and Baskets.

If hot water is used for SANITIZATION in manual WAREWASHING operations, the SANITIZING compartment of the sink shall be:

- (A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77 C (171 F); ^{Pf} and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water. ^{Pf}

4-204.117 Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers.

A WAREWASHING machine that is installed after adoption of THESE RULES AND REGULATIONS by the REGULATORY AUTHORITY, shall be designed and equipped to:

- (A) Automatically dispense detergents and SANITIZERS; ^{Pf} and
- (B) Incorporate a visual means to verify that detergents and SANITIZERS are delivered or a visual or audible alarm to signal if the detergents and SANITIZERS are not delivered to the respective washing and SANITIZING cycles. ^{Pf}

4-204.118 Warewashing Machines, Flow Pressure Device.

- (A) WAREWASHING machines that provide a fresh hot water SANITIZING rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the WAREWASHING machine; and
- (B) If the flow pressure measuring device is upstream of the fresh hot water SANITIZING rinse control valve, the device shall be mounted in a 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve.
- (C) *Paragraphs (A) and (B) of this section do not apply to a machine that uses only a pumped or recirculated SANITIZING rinse.*

4-204.119 Warewashing Sinks and Drainboards, Self-Draining.

Sinks and drainboards of WAREWASHING sinks and machines shall be self-draining.

4-204.120 Equipment Compartments, Drainage.

EQUIPMENT compartments that are subject to accumulation of moisture due to conditions such as condensation, FOOD or BEVERAGE drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

4-204.121 Vending Machines, Liquid Waste Products.

- (A) VENDING MACHINES designed to store BEVERAGES that are PACKAGED in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.
- (B) VENDING MACHINES that dispense liquid FOOD in bulk shall be:
 - (1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and
 - (2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

4-204.121 Vending Machines, Liquid Waste Products continued.

- (C) Shutoff devices specified under Subparagraph (B)(2) of this section shall prevent water or liquid FOOD from continuously running if there is a failure of a flow control device in the water or liquid FOOD system or waste accumulation that could lead to overflow of the waste receptacle.

4-204.122 Case Lot Handling Apparatuses, Moveability.

Apparatuses, such as dollies, pallets, racks, and skids used to store and transport large quantities of PACKAGED FOODS received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available EQUIPMENT apparatuses such as hand trucks and forklifts.

4-204.123 Vending Machine Doors and Openings.

- (A) VENDING MACHINE doors and access opening covers to FOOD and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeter or one-sixteenth inch by:
 - (1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeter or one-sixteenth inch. Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;
 - (2) Being effectively gasketed;
 - (3) Having interface surfaces that are at least 13 millimeters (or one-half inch) wide; or
 - (4) Jambs or surfaces used to form an L-shaped entry path to the interface.
- (B) VENDING MACHINE service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth inch.

Acceptability

4-205.10 Food Equipment, Certification and Classification.

FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program will be deemed to comply with Parts 4-1 and 4-2 of this chapter.

4-3 NUMBERS AND CAPACITIES

Subparts

4-301 Equipment

**4-302 Utensils, Temperature Measuring Devices,
and Testing Devices**

Equipment

4-301.11 Cooling, Heating, and Holding Capacities.

EQUIPMENT for cooling and heating FOOD, and holding cold and hot FOOD, shall be sufficient in number and capacity to provide FOOD temperatures as specified under THESE RULES AND REGULATIONS as specified under Chapter 3 ^{Pf}

4-301.12 Manual Warewashing, Sink Compartment Requirements.

- (A) ~~A~~ Except as specified in Paragraph ~~(C)~~ of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS. ^{Pf}
- (B) Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS. If EQUIPMENT or UTENSILS are too large for the WAREWASHING sink, a WAREWASHING machine or alternative EQUIPMENT as specified in Paragraph (C) of this section shall be used. ^{Pf}
- (C) Alternative manual WAREWASHING EQUIPMENT may be used when there are special cleaning needs or constraints and its use is APPROVED. Alternative manual WAREWASHING EQUIPMENT may include:
- (1) High-pressure detergent sprayers;
 - (2) Low- or line-pressure spray detergent foamers;
 - (3) Other task-specific cleaning EQUIPMENT;
 - (4) Brushes or other implements;
 - (1) 2-compartment sinks as specified under Paragraphs ~~(D)~~ and ~~(E)~~ of this section; or
 - ~~(6) Receptacles that substitute for the compartments of a multicompartment sink.~~ 2-compartment sinks as specified under (D) and (E) of this section; or
 - ~~(1) Before a 2-compartment sink is used:~~ Receptacles that substitute for the compartments of a multicompartment sink.

(D)

- (1) ~~The PERMIT HOLDER~~ **PERMIT HOLDER** shall have its use APPROVED **APPROVED**; and
- ~~(1) The PERMIT HOLDER~~ **PERMIT HOLDER** shall limit the number of KITCHENWARE **KITCHENWARE** items cleaned and SANITIZED **SANITIZED** in the 2-

(2) ~~compartment sink~~ and shall limit ~~WAREWASHING~~**WAREWASHING** to batch operations for cleaning ~~KITCHENWARE~~**KITCHENWARE** such as between cutting one type of raw ~~MEAT~~**MEAT** and another or cleanup at the end of a shift and shall:

(a) ~~Make up the cleaning and~~ **SANITIZING** solutions immediately before use and drain them immediately after use, and

(b) ~~Use a detergent-SANITIZER~~**SANITIZER** to ~~SANITIZE~~**SANITIZE** and apply the detergent-SANITIZER **SANITIZER** in accordance with the manufacturer's ~~manufacturer's~~ label instructions and as specified under Paragraph ~~§ 4-501.115~~ or

(c) Use a hot water ~~SANITIZATION~~**SANITIZATION** immersion step as specified under Paragraph ~~¶ 4-603.16(C)~~.

(E) (E) A 2-compartment sink may not be used for ~~WAREWASHING~~WAREWASHING** operations where cleaning and ~~SANITIZING~~**SANITIZING** solutions are used for a continuous or intermittent flow of ~~KITCHENWARE~~**KITCHENWARE** or ~~TABLEWARE~~**TABLEWARE** in an ongoing ~~WAREWASHING~~**WAREWASHING** process.**

4-301.13 Drainboards.

Drainboards, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary UTENSIL holding before cleaning and after ~~SANITIZING~~.

4-301.14 Ventilation Hood Systems, Adequacy.

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

4-301.15 Clothes Washers and Dryers.

- (A) Except as specified in Paragraph (B) of this section, if work clothes or LINENS are laundered on the PREMISES, a mechanical clothes washer and dryer shall be provided and used.
- (B) *If on-PREMISES laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under Subpart 4-901.12, a mechanical clothes washer and dryer need not be provided.*

Utensils, Temperature Measuring Devices, and Testing Devices

4-302.11 Utensils, Consumer Self-Service.

A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit such as a buffet or salad bar. ^{Pf}

4-302.12 Food Temperature Measuring Devices.

- (A) FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment and maintenance of FOOD temperatures as specified under Chapter 3. ^{Pf}
- (B) A TEMPERATURE MEASURING DEVICE with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin FOODS such as MEAT patties and FISH filets. ^{Pf}

4-302.13 Temperature Measuring Devices, Manual Warewashing.

~~(A)~~ In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and SANITIZING temperatures. ^{Pf}

~~(A) (B)~~ In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature. ^{Pf}

4-302.14 Sanitizing Solutions, Testing Devices.

A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided. ^{Pf}

4-4 LOCATION AND INSTALLATION

Subparts

<u>4-401</u>	<u>Location</u>
<u>4-402</u>	<u>Installation</u>

Location

4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.

- (A) Except as specified in Paragraph (B) of this section, EQUIPMENT, a cabinet used

for the storage of FOOD, or a cabinet that is used to store cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be located:

4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention 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) *A storage cabinet used for LINENS or SINGLE-SERVICE or SINGLE-USE ARTICLES may be stored in a locker room.*
- (C) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

Installation

4-402.11 Fixed Equipment, Spacing or Sealing.

- (A) EQUIPMENT that is fixed because it is not EASILY MOVABLE shall be installed so that it is:
- (1) Spaced to allow access for cleaning along the sides, behind, and above the EQUIPMENT;
 - (2) Spaced from adjoining EQUIPMENT, walls, and ceilings a distance of not more than 1 millimeter of one thirty-second inch; or
 - (3) SEALED to adjoining EQUIPMENT or walls, if the EQUIPMENT is exposed to spillage or seepage.
- (B) COUNTER-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be installed to allow cleaning of the EQUIPMENT and areas underneath and around the EQUIPMENT by being:
- (1) SEALED; or
 - (2) Elevated on legs as specified under Subparagraph 4-402.12(D).

4-402.12 Fixed Equipment, Elevation or Sealing.

- (A) Except as specified in Paragraphs (B) and (C) of this section, floor-mounted EQUIPMENT that is not EASILY MOVABLE shall be SEALED to the floor or elevated on legs that provide at least a 15 centimeters (6 inch) clearance between the floor and the EQUIPMENT.
- (B) *If no part of the floor under the floor-mounted EQUIPMENT is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).*

4-402.12 Fixed Equipment, Elevation or Sealing continued.

- (C) *This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the CONSUMER shopping areas of a retail FOOD store, if the floor under the units is maintained clean.*
- (D) Except as specified in Paragraph (E) of this section, COUNTER-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be elevated on legs that provide at least a 10 centimeter (4 inch) clearance between the table and the EQUIPMENT.
- (E) *The clearance space between the table and COUNTER-MOUNTED EQUIPMENT may be:*
- (1) *7.5 centimeters (3 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 50 centimeters (20 inches) from the point of access for cleaning; or*
 - (2) *5 centimeters (2 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 7.5 centimeters (3 inches) from the point of access for cleaning.*

4-5 MAINTENANCE AND OPERATION

Subparts

4-501 Equipment

4-502 Utensils and Temperature and Pressure Measuring Devices

Equipment

4-501.11 Good Repair and Proper Adjustment.

- (A) EQUIPMENT shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2.
- (B) EQUIPMENT components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (C) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate FOOD when the container is opened.

4-501.12 Cutting Surfaces.

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and SANITIZED, or discarded if they are not capable of being resurfaced.

4-501.13 Microwave Ovens.

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10

|

Microwave ovens.

4-501.14 Warewashing Equipment, Cleaning Frequency.

A WAREWASHING machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing EQUIPMENT, UTENSILS, or raw FOODS, or laundering wiping cloths; and drainboards or other EQUIPMENT used to substitute for drainboards as specified under Subpart 4-301.13 shall be cleaned:

- (A) Before use;
- (B) Throughout the day at a frequency necessary to prevent recontamination of EQUIPMENT and UTENSILS and to ensure that the EQUIPMENT performs its intended function; and
- (C) If used, at least every 24 hours.

4-501.15 Warewashing Machines, Manufacturers' Operating Instructions.

- (A) A WAREWASHING machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.
- (B) A WAREWASHING machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

4-501.16 Warewashing Sinks, Use Limitation.

- (A) A WAREWASHING sink may not be used for handwashing as specified under Subpart 2-301.15.
- (B) If a WAREWASHING sink is used to wash wiping cloths, wash produce, or thaw FOOD, the sink shall be cleaned as specified under Subpart 4-501.14 before and after each time it is used to wash wiping cloths or wash produce or thaw FOOD. Sinks used to wash or thaw FOOD shall be SANITIZED as specified under Part 4-7 before and after using the sink to wash produce or thaw FOOD.

4-501.17 Warewashing Equipment, Cleaning Agents.

When used for WAREWASHING, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual WAREWASHING EQUIPMENT as specified in Subparagraph 4-301.12(C), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions. ^{Pf}

4-501.18 Warewashing Equipment, Clean Solutions.

The wash, rinse, and SANITIZE solutions shall be maintained clean.

4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.

The temperature of the wash solution in manual WAREWASHING EQUIPMENT shall be maintained at not less than 43 °C (110 °F) or the temperature specified on the cleaning agent manufacturer's label instructions. ^{Pf}

4-501.110 Mechanical Warewashing Equipment, Wash Solution Temperature.

- (A) The temperature of the wash solution in spray type warewashers that use hot water to SANITIZE may not be less than:
 - (1) For a stationary rack, single temperature machine, 74 °C (165 °F); ^{Pf}
 - (2) For a stationary rack, dual temperature machine, 66 °C (150 °F); ^{Pf}
 - (3) For a single tank, conveyor, dual temperature machine, 71 °C (160 °F); ^{Pf} or