

# EXHIBIT E

## DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH

**SUBJECT:** Good Manufacturing Practices

**DESCRIPTION:** The changes to these regulations will bring them into line with the FDA code. The ADH Food Protection Program has enrolled in FDA Program Standards for Retail Food and Wholesale Food (two separate standards). The department is attempting to unify food safety nationwide and to accomplish this goal, all jurisdictions need to have a unified regulation. This is to ensure that Arkansas is on target to ensure food safety to the best of the department's ability.

**PUBLIC COMMENT:** A public hearing was held on July 13, 2012, and the public comment period expired on that date. No public comments were submitted. The proposed effective date is January 1, 2013.

**CONTROVERSY:** This is not expected to be controversial.

**FINANCIAL IMPACT:** There is no financial impact.

**LEGAL AUTHORIZATION:** The State Board of Health is authorized to promulgate regulations for the efficient enforcement of the state's Food, Drug, and Cosmetic Act, and the board is authorized to make those regulations conform, insofar as practicable, with those promulgated under the federal Food, Drug, and Cosmetic Act. Ark. Code Ann. § 20-56-219.



**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Health  
DIVISION Environmental Health  
DIVISION DIRECTOR Terry Paul  
CONTACT PERSON Teresa Bullock  
ADDRESS 4815 West Markham Street, Slot 46, Little Rock, AR 72205  
PHONE NO. 661-2171 FAX NO. 661-2572 E-MAIL teresa.bullock@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Teresa Bullock/Terry Paul  
PRESENTER E-MAIL teresa.bullock@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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1. What is the short title of this rule? Good Manufacturing Practices

2. What is the subject of the proposed rule? Manufacturing Food Safety

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No

5. Is this a new rule?

Yes

No

If yes, please provide a brief summary explaining the regulation.

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Does this repeal an existing rule?

Yes

No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

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Is this an amendment to an existing rule?

Yes

No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

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6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Ark. Code Ann. § 20-7-109, and §§ 20-56-201 through 20-56-223.

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7. What is the purpose of this proposed rule? Why is it necessary?

To update Arkansas Regulation based on the FDA Good Manufacturing Practices Regulation

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8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

www.healthy.arkansas.gov

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9. Will a public hearing be held on this proposed rule?

Yes

No

If yes, please complete the following:

Date: July 13, 2012

Time: 11:00 am

Place: ADH Central Office, 4815 W. Markham Street, Little Rock, Room # 2508

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10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

July  
June 13, 2012

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11. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013

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12. Do you expect this rule to be controversial?

Yes

No

If yes, please explain.

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13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

none

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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Health  
**DIVISION** Environmental Health  
**PERSON COMPLETING THIS STATEMENT** Teresa Bullock  
**TELEPHONE NO.** 661-2171 **FAX NO.** 661-2572 **EMAIL:** teresa.bullock@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Retail Food Service Establishments

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes  No   
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_



# Good Manufacturing Practices 2012: Summary of Changes

## Current Good Manufacturing Practice in Manufacturing

Renumbering of Sections throughout the regulation to coincide with Food and Drug Administration Good Manufacturing Practices Section numbers.

### *Section 110.3 Definitions*

Clarified:

Quality Control Operation Sanitization

Added new definitions for:

Lot	Shall
Sanitize	Should

Deleted definitions of:

Corrosion resistant	Personnel
Easily cleanable	Potentially hazardous food
Employee	Processing
Equipment	Recondition
Food processing establishment	Refuse
Hazardous substance	Safe temperature
Imminent public health hazard	Sale or distribution
Manufacture	Sanitization
Non-food contact surface	Single service articles
Operator	Utensil
Packaging	Vehicle
Perishable food	Wholesome
Person	

### *Section 110.0 Personnel*

Deleted:

Employee Health	Personal Cleanliness
Clothing	Employee Practices

Added:

Disease Control	Cleanliness
Education and Training	Supervision Responsibility

### *Section 110.19 Exclusions*

New section added exclusions pertaining to "raw agricultural commodities" establishments

***Section 110.20 Plant and grounds***

Added clarification for:  
walls and ceilings

adequate lighting

***Section 110.35 Sanitary operations***

Added clarification for:

general maintenance  
sanitation of food contact surfaces

cleaning compounds and sanitizing

***Section 110.37 Sanitary facilities and controls***

Added clarification for:

Plumbing  
Hand washing facilities

toilet facilities

***Section 110.40 Equipment and utensils***

Clarification for:

design, fabrication, installation and maintenance of equipment requirements

***Section 110.80 Processes and controls***

Added clarification for:

raw materials in regards to handling, segregating and inspection  
manufacturing requirements to minimize the risks of contamination of food

***Section 110.10 Natural or unavoidable defects***

New section added wording pertaining to natural or unavoidable defects in foods.



**ARKANSAS STATE BOARD OF HEALTH**

**RULES AND REGULATIONS**

**GOOD MANUFACTURING PRACTICES**



Promulgated Under Authority of Ark. Code Ann. §§ 20-7-109, and §§ 20-56-201 through 20-56-223.

**ARKANSAS DEPARTMENT OF HEALTH  
ENVIRONMENTAL HEALTH PROTECTION**

GOOD MANUFACTURING PRACTICES RULES AND REGULATIONS  
ARKANSAS DEPARTMENT OF HEALTH

RULES AND REGULATIONS PERTAINING TO GOOD MANUFACTURING PRACTICES  
FOR FOOD PROCESSING ESTABLISHMENTS

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SECTION 110.0 AUTHORITY

The following Rules and Regulations Pertaining to Review of Plans for Food Processing 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 No. 96 of 1913 (Ark. Code Ann. § 20-7-109) and Act 415 of 1953 (Ark. Code Ann. §§ 20-56-201 through 20-56-223).

SECTION ~~I~~110.1 PURPOSE

The Arkansas State Board of Health finds and declares that a uniform statewide code is needed to regulate all food manufacturing, processing, packing, holding, or transporting operations conducting business in the State of Arkansas, to provide for uniformity in inspecting of such establishments, and to protect the health of consumers by preventing the sale or distribution of foods which have become adulterated or misbranded.

SECTION ~~II~~110.2 EXCLUSION

Establishments engaged exclusively in the salvaging of food products under the provisions of the Arkansas Food Salvage Act, Act 241 of 1963 and in accordance with the Rules and Regulations promulgated thereunto, are herewith excluded from the provisions of these Rules and Regulations.

GOOD MANUFACTURING PRACTICES RULES AND REGULATIONS  
ARKANSAS DEPARTMENT OF HEALTH

SECTION ~~IV~~110.3 DEFINITIONS

For the purpose of these Regulations, the following terms are defined:

- A. "Acid Food or Acidified Food" means foods that have an equilibrium pH of 4.6 or below.
- B. "Act" means Act 415 of 1953, the Arkansas Food, Drug and Cosmetic Act.
- C. "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.
- D. "Batter" means a semifluid substance, usually composed of flour and other ingredients, into which principal components of food are dipped or with which they are coated, or which may be used directly to form bakery foods.
- E. "Blanching", except for tree nuts and peanuts, means a prepackaging heat treatment of food stuffs for a sufficient time and at a sufficient temperature to partially or completely inactivate the naturally occurring enzymes and to effect other physical or bio-chemical changes in the food.
- ~~F. "Corrosion resistant" means capable of maintaining original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use.~~
- GF. "Critical Control Point" means a point in a food process where there is a high probability that improper control may cause, allow, or contribute to a hazard or filth in the final food or decomposition of the final food.
- H. "Department" means the Arkansas Department of Health and its duly designated representatives.
- ~~I. "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.~~
- ~~J. "Employee" means the permit holder, any individual having supervisory or management duties and any other person working in a food establishment.~~
- ~~K. "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food establishment.~~
- LJ. "Food" means any 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.

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MK. "Food Contact Surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may contact drain, drip, or splash back onto surfaces normally in contact with food.

L. "Lot" means the food produced during a period of time indicated by a specific code.

~~N. "Food Processing Establishment" means a commercial establishment in which food is manufactured or packaged for human consumption.~~

~~O. "Hazardous Substance" means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sanitizer, flammable or which generates pressure through decomposition.~~

~~P. "Imminent Public Health Hazard" means a situation which creates a risk posing a significant threat to public health. Such hazards should not continue while a hearing or other formal proceeding is pending.~~

~~Q. "Manufacture" means the process of combining or purifying articles of food and packing same for sale to the consumer, either by wholesale or retail. Any firm, person, or corporation who represents itself as responsible for the purity and the proper labeling of any article of food by placing or having placed its name and address on the label of any food shall be deemed a manufacturer and shall be included within the meaning of these rules.~~

RM. "Microorganism" means yeasts, molds, bacteria and viruses and includes, but is not limited to, species having public health significance. The term "undesirable microorganisms" includes those microorganisms that are of public health significance, that subject food to decomposition, that indicate that food is contaminated with filth, or that otherwise may cause food to be adulterated.

~~S. "Non Food Contact Surfaces" means surfaces of equipment not intended for contact with food, but which are being exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.~~

~~T. "Operator" means any person, partnership, corporation, association, cooperative or other business unit having the direct and primary responsibility for the construction, maintenance and operation of a food storage or food manufacturing plant or warehouse.~~

~~U. "Packaging" means any covering, wrapper, or container in which a product is placed for retail or wholesale distribution, either before or after sale, to a consumer. Packaging shall not be construed to include the inner wrapper.~~

~~V. "Perishable Foods" means any food of such type or in such condition or physical state that it may spoil or otherwise become unfit for human consumption.~~

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~~W. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, or any other public or private entity.~~

~~X. "Personnel" means all persons employed by a food manufacturer, who do or may in any manner handle or come in contact with the handling, storage, transporting, selling or distributing of food.~~

~~YN. "Pest" means any objectionable animal or insect including, but not limited to, birds, rodents, flies and larvae.~~

~~ZO. "Plant" means the building or facility or parts thereof, used for or in connection with the manufacturing, packaging, labeling or holding of human food.~~

~~AA. "Potentially Hazardous Food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.~~

~~BB. "Processing" means the preparing of a food in a manner which changes the food from its original state.~~

~~CC. "Processor" means any person processing food.~~

~~DD. "Quality Control Operation Measure" means a planned and systematic procedure for taking actions necessary to prevent food from being adulterated.~~

~~EE. "Reconditioning" means any appropriate process or procedure by which distressed merchandise can be brought into compliance with the standards of the Department for consumption or use by the public.~~

~~FF. "Refuse" means all garbage, trash, and rubbish not intended for reuse as salvaged merchandise.~~

~~GG. "Rework" means clean, unadulterated food that has been removed from processing for reasons other than insanitary conditions or that has been successfully reconditioned by reprocessing and that is suitable for use as food.~~

~~HH. "Safe Moisture Level" is a level of moisture low enough to prevent the growth of undesirable microorganisms in the finished product under the intended conditions of manufacturing, storage and distribution. The maximum safe moisture level for a food is based on its water activity (aw). An aw will be considered safe for a food if adequate data are available that demonstrate that the food at or below the given aw will not support the growth of undesirable microorganisms.~~

~~II. "Safe Temperatures" as applied to potentially hazardous food means food temperature of 45° F. or below or 140° F. or above.~~

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~~JJ. "Sale or Distribution" means the act of selling or distributing, whether for compensation or not, and includes delivery, holding or offering for sale, transfer, or other means of handling or trafficking.~~

~~KKS. "Sanitization" means to adequately treatment food-contact -of surfaces by a process that s effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing the number of other undesirable microorganisms, but without. Such treatment shall not adversely affecting the product and shall be or its safety to the consumer.~~

~~LL. "Single Service Articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks and similar articles, intended to be discarded after one use.~~

~~MM. "Utensil" means any implement used in the storage, preparation, transportation or service of food.~~

~~NN. "Vehicle" means any car, truck, bus or other means by which food or distressed, salvageable or salvaged merchandise is transported from one location to another.~~

T. "Shall" is used to state mandatory requirements.

U. "Should" is used to state recommended or advisory procedures or indentify recommended equipment.

~~OOV. "Water Activity" ( $a_w$ ) is a measure of the free moisture in a food and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.~~

~~PP. "Wholesome" means in sound condition, clean, free from adulteration and otherwise suitable for human consumption.~~

SECTION VSECTION 110.10

PERSONNEL.

A. Employee Health

~~No person while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food processing establishment in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.~~

B. Personal Cleanliness

~~Employees shall thoroughly wash their hands and the exposed portion of their arms with soap~~

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and warm water before starting work, during work and as often as necessary to keep them clean and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.

C. Clothing

1. The outer clothing of all employees shall be clean.
2. Employees shall use effective hair restraints to prevent the contamination of food or food contact surfaces.

D. Employee Practices

1. Employees shall not use tobacco in any form while engaged in food processing or packaging, nor while in areas used for equipment or utensil washing. Employees shall use tobacco only in designated areas. An employee tobacco use area shall not be designated for that purpose if the use of tobacco there may result in contamination of food, equipment, utensils or other items needing protection.
2. Employees shall not eat or drink while engaged in food processing or packaging, nor while in areas used for food or single service storage, or equipment or utensil washing or storage. Employees shall eat or drink only in those areas designated for that purpose.

The plant management shall take all reasonable measures and precautions to ensure the following:

A. Disease control. Any person who, by medical examination or supervisory observations, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination by which there is a reasonable possibility of food, food-contact surfaces, or food packaging materials becoming contaminated, shall be excluded from any operations which may expected to result in such contamination until such condition is corrected. Personnel shall be instructed to report such health conditions to their supervisors.

B. Cleanliness. All persons working in direct contact with food, food-contact surfaces, and food-packaging materials shall conform to hygienic practices while on duty to the extent necessary to protect against the contamination of food. The methods for maintaining cleanliness include, but are not limited to:

1. Wearing outer garments suitable to the operation in a manner that protects against the contamination of food, food-contact surfaces, or food-packaging materials.
2. Maintaining adequate personal cleanliness.

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3. Washing hands thoroughly (and sanitizing if necessary to protect against contamination with undesirable microorganisms) in an adequate hand-washing facility before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.
  4. Removing unsecured jewelry and other objects that might fall into food, equipment, or containers, and removing hand jewelry that cannot be adequately sanitized during periods in which food is manipulated by hand. If such hand jewelry cannot be removed, it may be covered by material which can be maintained in an intact, clean, and sanitary condition and which effectively protects against the contamination by these objects of food, food-contact surfaces, or food-packaging materials.
  5. Maintaining gloves, if they are used in food handling, in an intact, clean and sanitary condition. The gloves should be made of an impermeable material.
  6. Wearing, where appropriate, in an effective manner, hair nets, headbands, caps, beard covers, or other effective hair restraints.
  7. Storing clothing or other personal belongings in areas other than where food is exposed or where equipment or utensils are washed.
  8. Confining the following to areas other than where food may be exposed or where equipment or utensils are washed: eating food, chewing gum, drinking beverages, or using tobacco.
  9. Taking any other necessary precautions to protect against contamination of food, food-contact surfaces, or food-packaging materials with microorganisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicines applied to the skin.
- C. Education and training. Personnel responsible for identifying sanitations failures or food contamination should have a background of education or experience, or a combination thereof, to provide a level of competency necessary for production of clean and safe food. Food handlers and supervisors should receive appropriate training in proper food handling techniques and food-protection principles and should be informed of the danger of poor personal hygiene and insanitary.
- D. Supervision. Responsibility for assuring compliance by all personnel with all requirements of this part shall be clearly assigned to competent supervisory personnel.

SECTION 110.19 Exclusions

- A. The following operations are not subject to this part: Establishments engaged solely in the harvesting, storage, or distribution of one or more "raw agricultural commodities," as defined



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in section 201(r) of the Federal Food Drug and Cosmetic Act ., which are ordinarily cleaned prepared, treated , or otherwise processed before being marketed to the consuming public.

SECTION VII 10.20 PLANT AND GROUNDS

A. Grounds.

The grounds about a plant under the control of the operator shall be kept in a condition that will protect against the contamination of food. The methods for adequate maintenance of grounds include, but are not limited to:

1. Properly storing equipment, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place, or harborage for rodents, insects or other pests.
2. Maintaining roads, yards, and parking lots, including dust and flying debris, so that they do not constitute a source of contamination in areas where food is exposed.
3. Adequately draining areas that may contribute contamination to food by seepage, foot-borne filth, or providing a breeding place for ~~insects or microorganisms~~ pests.
4. Operating systems for waste treatment and disposal in an adequate manner so that they do not constitute a source of contamination in areas where food is exposed. If the plant grounds are bordered by grounds not under the operator's control and not maintained in the manner described in paragraph (A)(1 through 3) of this section, care shall be exercised in the plant by inspection, extermination, or other means to exclude pests, dirt, and filth that may be a source of food contamination.

B. Plant construction and design

Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food-manufacturing purposes. The plant and facilities shall:

1. Provide sufficient space for such placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations and the production of safe food.
2. Permit the taking of proper precautions to reduce the potential for contamination of food, food-contact surfaces, or food-packing materials with microorganisms, chemicals, filth, or other extraneous material. The potential for contamination may be reduced by adequate food safety controls and operating practices or effective design, including the separation of operations in which contamination is likely to occur, by one or more of the following means: location, time, partition, air flow, enclosed systems, or other effective means.

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3. Permit the taking of proper precautions to protect food in outdoor bulk vessels by any effective means, including:
- i. ~~a.~~ Using protective coverings.
  - ii. ~~b.~~ Controlling areas over and around the vessels to eliminate harborages or pests.
  - iii. ~~c.~~ Checking on a regular basis for pests and pest infestation.
  - iv. ~~d.~~ Skimming the fermentation vessels, as necessary.
4. Be constructed in such a manner that ~~the walls and ceilings in all food processing areas, walk-in refrigeration units, dressing rooms, locker rooms, equipment and utensil washing areas, and toilet rooms and vestibules shall be durable, smooth, easily cleanable, nonabsorbent and light colored and that the floors in these areas shall be durable, smooth and non-absorbent, may be adequately cleaned and kept clean and in good repair; that~~ drip or condensate from fixtures, ducts and pipes does not contaminate food, food-contact surfaces, or food-packaging materials; ~~and that~~ aisles or working spaces are provided between equipment and walls and are adequately unobstructed and of adequate width to permit employees to perform their duties and to protect against contaminating food or food-contact surfaces with clothing or personal contact.
5. Provides complete partitioning and solid self-closing doors between the food processing establishment and any directly attached room(s) used as living or sleeping quarters.
6. Provide adequate lighting in hand washing areas, dressing and locker rooms, and toilet rooms and in all areas where food is examined, processed, or stored and where equipment or utensils are cleaned; and 7. Provide safety-type light bulbs fixtures, skylights, or other glass suspended over exposed food in any step of preparation or protective shielding of artificial lighting fixtures or other glass located over, by, or within food storage or preparation areas and facilities where utensils and equipment are cleaned or stored, or otherwise protect against food contamination by broken glass in case of glass breakage.
- ~~87.~~ Provide adequate ventilation or control equipment to minimize odors and vapors (including steam and noxious fumes) in areas where they may contaminate food; and locate and operate fans and other air-blowing equipment in a manner that minimizes the potential for contaminating food, food-packaging materials and food-contact surfaces.
- ~~98.~~ Provide, where necessary, adequate screening or other protection against pests.

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109. Provide adequate protection from contamination of food products, while being transported by vehicles.

SECTION ~~VII~~ 10.25 SANITARY OPERATIONS

A. General maintenance

Buildings, fixtures, and other physical facilities of the plant shall be maintained in a sanitary condition and shall be kept in repair sufficient to prevent food from becoming adulterated within the meaning of the Act. Cleaning operations and sanitizing of utensils and equipment shall be conducted in a manner that protects against contamination of food, food-contact surfaces, or food-packaging materials.

B. Substances used in cleaning and sanitizing; storage of toxic materials.

~~(1) Approved~~ Cleaning compounds and sanitizing agents used in cleaning and sanitizing procedures shall be free from undesirable microorganisms and shall be safe and adequate under the conditions of use. Compliance with this requirement may be verified by any effective means including purchase of these substances under a supplier's guarantee or certification, or examination of these substances for contamination. Only the following toxic materials that are required to maintain sanitary conditions may be used or stored in a plant where food is processed or exposed:

- ~~i. a-~~ Those required to maintain clean and sanitary conditions;
- ~~ii. b-~~ Those necessary for use in laboratory testing procedures;
- ~~iii. e-~~ Those necessary for plant and equipment maintenance and operation;  
and
- ~~iv. d-~~ Those necessary for use in the plant's operations.

~~C(2) - Poisonous or Toxic Materials.~~ 1. Toxic cleaning compounds, sanitizing agents, and pesticide chemicals shall be identified, held, stored and used in a manner that protects against contamination of food, food contact surfaces, or food-packaging materials. All relevant regulations promulgated by Federal, State, and local government agencies for the application, use, or holding of these products should be followed.

~~2. Insecticides and rodenticides shall be stored or located as to be separated physically from detergents, sanitizers, cleaning and drying agents, caustics, acids, polishes and other chemicals.~~

~~3. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.~~

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~~4. Poisonous and toxic materials shall only be used in full compliance with the manufacturer's labeling.~~

DC. Pest control.

No pests or animals shall be allowed in any area of a food plant. Guard or guide dogs may be allowed in some areas of a plant if the presence of the dogs is unlikely to result in contamination of food, food-contact surfaces, or food-packing materials. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of food on the premises by pests. The use of insecticides or rodenticides is permitted only under precautions and restrictions that will protect against the contamination of food, food-contact surfaces, and food-packaging materials.

ED. ~~Cleaning and s~~Sanitization of food-contact and non-food-contact surfaces

All food-contact surfaces of equipment and utensils and non-food-contact surfaces of equipment shall be cleaned and sanitized as frequently as necessary to protect against contamination of food.

1. Food-contact surfaces used for manufacturing or holding low-moisture food shall be in a dry, sanitary condition at the time of use. When the surfaces are wet-cleaned, they shall, when necessary, be sanitized and thoroughly dried before subsequent use.
2. In wet processing, when cleaning is necessary to protect against the introduction of microorganisms into food, all food-contact surfaces shall be cleaned and sanitized before use and after any interruption during which the food-contact surfaces may have become contaminated. Where equipment and utensils are used in a continuous production operation, the utensils and food-contact surfaces of the equipment shall be cleaned and sanitized as necessary.
3. Non-food-contact surfaces of equipment used in the operation of food plants should be cleaned and sanitized as frequently as necessary to protect against contamination of food.
4. Single-service articles (such as utensils intended for one-time use, paper cups, and paper towels) should be stored in appropriate containers and shall be handled, dispensed, used and disposed of in a manner that protects against contamination of food or food-contact surfaces.
5. Sanitizing agents shall be adequate and safe under conditions of use. Any facility, procedure, or machine is acceptable for cleaning and sanitizing equipment and utensils if it is established that the facility, procedure, or machine will routinely render equipment and utensils clean and provide adequate cleaning and sanitizing treatment. ~~Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and food contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous~~

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~~production operation, the contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning and sanitizing.~~

~~6. Sanitizing agents shall be approved, effective and safe under conditions of use, and used only in accordance with the manufacturer's labeling instructions.~~

~~7. Sterilization for multi-use beverage containers must be accomplished prior to refilling by soaking with a 3 percent alkali solution of which not less than 60 percent is caustic for a period of not less than five minutes at a temperature of not less than 130°F., then thoroughly rinsed until freed from alkali.~~

~~8. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean and provide adequate sanitizing treatment.~~

~~FE.~~ Storage and handling of cleaned portable equipment and utensils.

Cleaned and sanitized portable equipment with food-contact surfaces and utensils should be stored in a location and manner that protects food-contact surfaces from contamination.

SECTION VIII 110.37 SANITARY FACILITIES AND CONTROLS

Each plant shall be equipped with adequate sanitary facilities and accommodations including, but not limited to:

A. Water supply

The water supply shall be sufficient for the operations intended and shall be derived from an adequate source in compliance with applicable water supply regulations adopted by the State Board of Health. Any water that contacts food or food-contact surfaces shall be safe and of adequate sanitary quality. Hot and cold running water under pressure shall be provided in all areas where required for the processing of food, for the cleaning of equipment, utensils, and food-packaging materials, or for employee sanitary facilities.

B. Plumbing

Plumbing shall be installed in accordance with the Arkansas State Plumbing Code and shall be of adequately size and designed, installed and maintained to:

1. Carry sufficient quantities of water to required locations throughout the plant.
2. Properly convey sewage and liquid disposable waste from the plant.
3. Avoid constituting a source of contamination to food, water supplies, equipment, or utensils or creating an insanitary condition.

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4. Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.
5. Provide that there is no backflow from, or cross-connection between, piping systems that discharge waste water or sewage and piping systems that carry potable water for food or food manufacturing or for equipment and utensil cleaning.

C. Sewage disposal

Sewage disposal shall be made into an adequate and approved sewerage system which is in compliance with applicable wastewater disposal regulations adopted by the State Board of Health.

D. Toilet facilities

The plant shall be provided with adequate and conveniently located toilets, installed in accordance with the Arkansas State Plumbing Code. The toilet facilities shall be ~~kept clean and in good repair. The toilet room(s) shall be completely enclosed, well lighted, mechanically ventilated to the outside, and equipped with a tight fitting, solid, self closing door.~~

- 1) Maintained in a sanitary manner
- 2) In good repair.
- 3) Mechanically vented to the outside.
- 4) Provided with self-closing doors.

E. Hand-washing facilities

Hand-washing facilities shall be adequate and convenient and shall be furnished with running water at a suitable temperature. Compliance with this requirement may be accomplished by providing: ~~provided in each separate food preparation or food processing area, and shall meet the following requirements:~~

- ~~1. Be located within each separate food preparation or food processing area so as to permit the convenient and expeditious usage by all employees working within that area.~~
- ~~2. Be provided with hot and cold water under pressure.~~
- ~~3. Be provided with effective hand cleaning and sanitizing preparations.~~
- ~~4. Be provided with sanitary towel service or suitable drying devices.~~

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1. Hand-washing and, where appropriate, hand-sanitizing facilities at each location in the plant where good sanitary practices require employees to wash and/or sanitize their hands.
2. Effective hand-cleaning and sanitizing preparations.
3. Sanitary towel service or suitable drying devices.
54. Devices or fixtures, such as water control valves, shall be so designed and constructed as to protect against recontamination of clean, sanitized hands.
65. Readily understandable~~Provide~~ signs directing employees handling nprotected food, unprotected food-packaging materials, or food-contact surfaces to wash and where appropriate, sanitize their hands before they start to work, after each absence from post of duty, ~~after using the toilet~~ and whenever their hands may have become soiled or contaminated. These signs should be posted in ~~the~~ processing room(s) and in all other areas where employees may handle such food, materials, or surfaces~~the toilet facilities.~~
76. ~~Provide~~ Refuse receptacles that are constructed and maintained in a manner that protects against contamination of food, ~~equipment or hands.~~

F. Rubbish and offal disposal,

Rubbish and any offal shall be so conveyed, stored and disposed of as to minimize the development of odor, minimize the potential for the waste becoming an attractant and harborage or breeding place for pests, and protect against contamination of food, food-contact surfaces, water supplies and ground surfaces.

SECTION ~~EX~~110.40

EQUIPMENT AND UTENSILS

A. Design, fabrication, installation and maintenance

All plant equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable, and shall be properly maintained. The design, construction, and use of equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces. Food contact surfaces shall be corrosion-resistant and shall be made of non-toxic materials and designed to withstand the environment of their intended use and the action of food, and if applicable, cleaning compounds and sanitizing agents. Food-contact surfaces shall be maintained to protect food from being contaminated by any source, including unlawful indirect food additives.

B. Seams on food-contact surfaces shall be smoothly bonded or maintained so as to minimize accumulation of food particles, dirt, and organic matter and thus minimize the opportunity for growth of microorganisms.

C. ~~Non-food contact equipment~~ Equipment that is in the manufacturing or food-handling area and that does not come into contact with food shall be so constructed that it can be kept in a clean condition.

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- | ~~D. Holding, conveying and manufacturing systems~~ Holding, conveying, and manufacturing systems, including gravimetric, pneumatic, closed, and automated systems, shall be of a design and construction that enables them to be maintained in an approved sanitary condition.
  
- | ~~E. Thermometers~~ Each freezer and cold storage compartment used to store and hold food capable of supporting growth of microorganisms shall be fitted with an indicating thermometer, temperature measuring device, or temperature recording device so installed as to show the temperature accurately to within 3° F. inside the compartment, and shall be fitted with an automatic control for regulating temperature or with an automatic alarm system to indicate a significant temperature change during manual operation.
  
- | ~~F. Instruments and controls~~ Instruments and controls used for measuring, regulating or recording temperatures, pH, acidity, water activity or other conditions that control or prevent the growth of undesirable microorganisms in food shall be accurate and adequately maintained, and adequate in number for their designated uses.
  
- | ~~G. Compressed air~~ Compressed air or other gases mechanically introduced into food or used to clean food-contact surfaces or equipment shall be treated in such a way that food is not contaminated with unlawful indirect food additives.

| SECTION ~~§~~110.80                      PROCESSES AND CONTROLS

| ~~A. General sanitation requirements~~ All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, processing and storing of food shall be conducted in accordance with adequate sanitation principles. Appropriate quality control operations shall be employed to ensure that food is suitable for human consumption and that food-packaging materials are safe and suitable. Overall sanitation of the plant shall be under the supervision of one or more competent individuals assigned responsibility for this function. All reasonable precautions shall be taken to ensure that production procedures do not contribute contamination from any source. Chemical, microbial or extraneous material testing procedures shall be used where necessary to identify sanitation failures or possible food contamination. All food that has become contaminated to the extent that it is adulterated within the meaning of the Act shall be rejected, or if permissible, treated or processed to eliminate the contamination.

| ~~B-A.~~ Raw materials and other ingredients

1. Raw materials and other ingredients shall be inspected and segregated or otherwise handled as necessary to ascertain that they are clean and suitable for processing into food and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as necessary to remove soil or other contamination. Water used for washing, rinsing or conveying shall be safe and of potable quality. Water shall not be reused for washing, rinsing or conveying if it increases the level of contamination of the food. Containers and carriers of raw materials shall be inspected on receipt to ensure that their condition has not contributed to the contamination or deterioration of food.



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2. Raw materials and other ingredients shall either not contain levels of microorganisms that may produce food poisoning or other disease in humans, or they shall be pasteurized or otherwise be treated during manufacturing operations so that they no longer contain levels that would cause the product to be adulterated within the meaning of the Act. Compliance with this requirement may be verified by any approved means, including purchasing raw materials and other ingredients under a supplier's guarantee or certification.
3. Raw materials and other ingredients susceptible to contamination with aflatoxin or other natural toxins, ~~pesticides or herbicides~~, shall comply with ~~current applicable~~ Federal Food and Drug Administration regulations, guidelines, and defect action levels for poisonous or deleterious substances before these materials or ingredients are incorporated into finished food. Compliance with this requirement may be verified by any approved means, including purchasing raw materials and other ingredients under a supplier's guarantee or certification.
4. Raw materials, other ingredients, and rework susceptible to contamination with pests, undesirable microorganisms, or extraneous material shall comply with applicable Federal Food and Drug Administration regulations, ~~guidelines~~, and defect action levels for natural or unavoidable defects if a manufacturer wishes to use the materials in manufacturing food. Compliance with this requirement may be verified by any approved means, including purchasing raw materials and other ingredients under a supplier's guarantee or certification.
5. Raw materials, other ingredients, and rework shall be held in bulk, or in containers designed and constructed so as to protect against contamination and shall be held at such temperature and relative humidity and in such a manner as to prevent the food from becoming adulterated within the meaning of the Act. Material scheduled for rework shall be identified as such.
6. Frozen raw materials and other ingredients shall be kept frozen. If thawing is required prior to use, it shall be done in a manner that prevents the raw materials and other ingredients from becoming adulterated within the meaning of the Act.
7. Liquid or dry raw materials and other ingredients received and stored in bulk form shall be held in a manner that protects against contamination.

CB. Manufacturing operations

1. Equipment and utensils and finished food containers shall be maintained in an acceptable condition through appropriate cleaning and sanitizing, as necessary. Insofar as necessary, equipment shall be taken apart for thorough cleaning.
2. All food manufacturing, including packaging and storage, shall be conducted under such conditions and controls as are necessary to minimize the potential for the growth

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of microorganisms or for the contamination of food. ~~This may include~~ One way to comply with this requirement is careful monitoring or physical factors such as time, temperature, humidity, aw, pH, pressure, flow rate and manufacturing operations such as freezing, dehydration, heat processing, acidification and refrigeration to ensure that mechanical breakdowns, time delays, temperature fluctuations and other factors do not contribute to the decomposition or contamination of food.

3. Food that can support the rapid growth of undesirable microorganisms, particularly those of public health significance, shall be held in a manner that prevents the food from becoming adulterated. Compliance with this requirement may be accomplished by any effective means, including:
  - i. ~~a.~~ Maintaining refrigerated foods at 45 degrees F. (7.2 degrees C) or below or appropriate for the particular food involved.
  - ii. ~~b.~~ Maintaining frozen foods in a frozen state.
  - iii. ~~c.~~ Maintaining hot foods at 140 degrees F. (60 degrees C) or above.
  - iv. ~~d.~~ Heat treating acid or acidified foods to destroy mesophilic microorganisms when those foods are to be held in hermetically sealed containers at ambient temperatures.
4. Measures, such as sterilizing, irradiating, pasteurizing, freezing, refrigerating, controlling pH or controlling aw that are taken to destroy or prevent the growth of undesirable microorganisms, particularly those of public health significance, shall be adequate under the conditions of manufacture, handling, and distribution to prevent food from being adulterated within the meaning of the Act.
5. Work-in-process shall be handled in a manner that protects against contamination.
6. Effective measures shall be taken to protect finished food from contamination by raw materials, other ingredients or refuse. When raw materials, other ingredients, or refuse are unprotected, they shall not be handled simultaneously in a receiving, loading or shipping area if that handling could result in contaminated food. Food transported by conveyor shall be protected against contamination as necessary.
7. Equipment, containers and utensils used to convey, hold or store raw materials, work-in-process, rework or food shall be constructed, handled and maintained during manufacturing or storage in a manner that protects against contamination.
8. Effective measures shall be taken to protect against the inclusion of metal or other extraneous material in food. Compliance with this requirement may be accomplished by using sieves, traps, magnets, electronic metal detectors or other suitable effective means.
9. Food, raw materials and other ingredients that are adulterated shall be disposed in a manner that protects against the contamination of other food. If the adulterated food is capable of being reconditioned, it shall be reconditioned using a method that has been

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proven to be effective or it shall be re-examined and found not to be adulterated before being incorporated into other food.

10. Mechanical manufacturing steps such as washing, peeling, trimming, cutting, sorting and inspecting, mashing, dewatering, cooling, shredding, extruding, drying, whipping, defatting and forming shall be performed so as to protect food against contamination. Compliance with this requirement may be accomplished by providing adequate physical protection of food from contaminants that may drip, drain or be drawn into the food. Protection may be provided by adequate cleaning and sanitizing of all food contact surfaces, and by using time and temperature controls at and between each manufacturing step.
11. Heat blanching, when required in the preparation of food, should be effected by heating the food to the required temperature, holding it at this temperature for the required time, and then either rapidly cooling the food to 45°F. or below or passing it to subsequent manufacturing without delay. Thermophilic growth and contamination in blanchers should be minimized by the use of adequate operating temperatures and by periodic cleaning. Where the blanched food is washed prior to filling, water shall be safe and of adequate sanitary quality.
12. Batters, breading, sauces, gravies, dressings and other similar preparations shall be treated or maintained in such a manner that they are protected against contamination. Compliance with this requirement may be accomplished by any effective means, including one or more of the following:
  - i. ~~a.~~ Using ingredients free of contamination.
  - ii. ~~b.~~ Employing adequate heat processes where applicable.
  - iii. ~~c.~~ Using adequate time and temperature controls.
  - iv. ~~d.~~ Providing adequate physical protection of components from contaminants that may drip, drain or be drawn into them.
  - v. ~~e.~~ Cooling to an adequate temperature during manufacturing.
  - vi. ~~f.~~ Disposing of batters at appropriate intervals to protect against the growth of microorganisms.
13. Filling, assembling, packaging and other operations shall be performed in such a way that the food is protected against contamination. Compliance with this requirement may be accomplished by any approved means, including:
  - i. ~~a.~~ Use of a quality control operation in which the critical control points are identified and controlled during manufacturing.
  - ii. ~~b.~~ Adequate cleaning and sanitizing of all food-contact surfaces and food containers.
  - iii. ~~c.~~ Using materials for food containers and food-packaging materials that are safe and suitable.
  - iv. ~~d.~~ Providing physical protection from contamination, particularly airborne contamination.
  - v. ~~e.~~ Using sanitary handling procedures.

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14. Food such as, but not limited to, dry mixes, nuts, intermediate moisture food and dehydrated food, that relies on the control of  $a_w$  for preventing the growth of undesirable microorganisms shall be processed to and maintained at a safe moisture level. Compliance with this requirement may be accomplished by an effective means, including employment of one or more of the following practices as appropriate:

- i. ~~a.~~ Monitoring the  $\text{pH}$   $a_w$  of raw materials, food in process and finished food.
- ii. ~~b.~~ Controlling the soluble solids-water ratio in finished food.
- iii. ~~c.~~ Protecting finished food from moisture pickup, by use of a moisture barrier or by other means, so that the  $a_w$  of the food does not increase to an unsafe level.

15. Food such as, but not limited to, acid and acidified food, that relies principally on the control of  $\text{pH}$  for preventing the growth of undesirable microorganisms shall be monitored and maintained at a  $\text{pH}$  of 4.6 or below. Compliance with this requirement may be accomplished by an effective means, including employment of one or more of the following practices as appropriate:

- i. ~~a.~~ Monitoring the  $a_w$   $\text{pH}$  of raw materials, food in process, and finished food.
- ii. ~~b.~~ Controlling the amount of acid or acidified food added to low-fat food.

16. When ice is used in contact with food, it shall be made from a water ~~from a~~ source in compliance with applicable water supply regulations adopted by the State Board of Health. ~~The ice and~~ shall be used only if it has been manufactured in accordance with current good manufacturing practice as outlined in these regulations, ~~and p~~ Provisions shall be made for drainage of water produced by melting ice.

17. Food-manufacturing areas and equipment used for manufacturing human food shall not be used to manufacture non-human food-grade animal feed or inedible products, unless there is no reasonable possibility for the contamination of the human food.

18. Food manufacturing shall not be performed in place of human residence nor shall manufacturing areas open directly into rooms occupied as residence or sleeping quarters.

19. Meaningful coding of products sold or otherwise distributed from a manufacturing, processing, packing, or repacking activity shall be utilized to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records should be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than two years.

SECTION ~~XI~~ 10.93. WAREHOUSING AND DISTRIBUTION

Storage and transportation of finished food shall be under conditions that will protect food

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against physical, chemical and microbial contamination as well as against deterioration of the food and the container.

SECTION 110.110                      NATURAL OR UNAVOIDABLE DEFECTS

Natural or unavoidable defects in food for human use that present no health hazard.

- a) Some foods, even when produced under current good manufacturing practice, contain natural or unavoidable defects that at low levels are not hazardous to health. The Food and Drug Administration establishes maximum levels for these defects in foods produced under current good manufacturing practice and uses these levels in deciding whether to recommend regulatory action.
- b) Defect action levels are established for foods whenever it is necessary and feasible to do so. These levels are subject to change upon the development of new technology or the availability of new information.
- c) Compliance with defect action levels does not excuse violation that food not be prepared, packed, or held under unsanitary conditions or the requirements in this part that food manufacturer, distributors, and holders shall observe current good manufacturing practice. Evidence indicating that such a violation exists causes the food to be adulterated, even though the amounts of natural or unavoidable defects are lower than the currently established defect action levels. The manufacturer, distributor, and holder of food shall at all time utilize quality control operation that reduce natural or unavoidable defects to the lowest level currently feasible.
- d) The mixing of a food containing defects above the current defect action level with another lot of food is not permitted and renders the final food adulterated, regardless of the defect level of the final food.
- e) A compilation of the current defect action levels for natural or unavoidable defects in food for human use that the present no health hazard may be obtained upon request from the Center for Food Safety and Applied Nutrition.

SECTION ~~XII~~ 111.1                      PERMITS, INSPECTIONS AND PLAN REVIEW.

A. PERMITS.

1. General

No person shall operate a food processing establishment who does not have a valid food establishment permit issued to him by the Health Authority in accordance with Act 378 of 1991 (Ark. Code Ann. §§ 20-57, 201 through 20-57-205). Only a person who complies with the requirements of these Regulations shall be entitled to receive or retain a food establishment permit. Permits are not transferable. A valid permit shall be conspicuously posted in every food processing establishment.

2. Issuance of permit

Prior to the issuance of a permit the following requirements shall be met:

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- a. Any person desiring to operate a food processing establishment shall make written application for a food establishment permit on forms provided by the Health Authority. Such application shall include the name and address of each applicant, the location of the proposed food processing establishment and the signature of each applicant.
- b. Prior to approval of an application for a food establishment permit, the Health Authority shall inspect the proposed food processing establishment to determine compliance with the requirements of the Regulations.
- c. The Health Authority shall issue a food establishment permit to the applicant if it's inspection reveals that the proposed food processing establishment complies with the requirements of these Regulations.

3. Suspension or revocation of permit

Procedures for the suspension and/or revocation of a food establishment permit shall be in accordance with Act 434 of 1967 (Ark. Code Ann. §§ 25-15-201 through 25-15-214).

**B. INSPECTIONS**

Representatives of the Health authority, after proper identification, shall be permitted to enter any food manufacturing establishment or food storage warehouse at any reasonable time for the purpose of making inspections to determine compliance with these regulations. The representatives shall be permitted to examine records maintained in the establishment to obtain information pertaining to the source of food and supplies in the establishment when deemed necessary for the enforcement of these regulations.

**C. PLAN REVIEW**

Prior to beginning construction or extensive remodeling, plans for the proposed food processing establishment must first be submitted to the Plan Review Section of the Health Authority for review and approval. A pre-opening inspection must be conducted by the Health Authority to assure that construction has been accomplished in accordance with the approved plans.

**SECTION ~~XIII~~ 111.1**

**SPECIAL RISK SITUATIONS**

**A. EMERGENCY OCCURANCES**

The person in charge of a food establishment that is affected by a fire, flood, extended power outage or a similar significant occurrence that creates a reasonable probability that food in the food establishment may have been contaminated or that the temperature level of the food which

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is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take such action as is necessary to protect the public health and shall promptly notify the Arkansas Department of Health of the emergency. Upon receiving such notice of this occurrence, the Health Authority shall take action deemed necessary to protect the public health.

**B. INFECTION**

When the Arkansas Department of Health has reasonable cause to suspect possible disease transmission by an employee of a food processing establishment, the Department may secure a morbidity history of the employee or make any other investigation as indicated and shall take appropriate action. The Arkansas Department of Health may require at a minimum any or all of the following measures:

1. The immediate exclusion of the employee from employment in food establishments;
2. The immediate closing of the food establishment concerned until no further danger of disease outbreak exists;
3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
4. Adequate medical laboratory examination of the employee and other employees and of his and their body discharges.

**SECTION ~~XIV~~111.2 PENALTIES AND INJUNCTIONS**

**A. PENALTIES**

Penalties for violations of these Rules and Regulations may be imposed as provided in (Ark. Code Ann. § 20-7-101).

**B. INJUNCTIONS**

The Health Authority may seek to enjoin violations of the Regulations.

**SECTION ~~XV~~111.3 REPEAL**

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

**SECTION ~~XVI~~111.4 CERTIFICATION**

This will certify that the foregoing Rules and Regulations Pertaining to Good Manufacturing Practices in Food Processing Establishments were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock, Arkansas, on the ~~28th~~ \_\_\_\_ day of ~~October~~ \_\_\_\_\_, 1993, \_\_\_\_\_.

(signed)

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Paul Halverson, DrPH, FACHE  
Director, Arkansas Department of Health

The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved  
this 6th day of December, 1993.

(signed)  
Mike Beebe  
Governor