

**15A NCAC 18A .2665 TEMPORARY FOOD ESTABLISHMENT AND TEMPORARY FOOD ESTABLISHMENT COMMISSARY PERMIT REQUIREMENTS**

(a) A permit shall be issued by the regulatory authority to each temporary food establishment and temporary food establishment commissary that complies with Rules .2665 through .2669 of this Section. Temporary food establishments and temporary food establishment commissaries are not eligible for transitional permits. A single permit shall be issued for a temporary food establishment that does not operate consecutive days as long as the total number of days does not exceed 21. The permit shall be posted in a conspicuous place designated by the regulatory authority. The permit shall include:

- (1) Name and location of the temporary food establishment and temporary food establishment commissary;
- (2) Permit holder;
- (3) Name and location of the event;
- (4) Dates of operation; and
- (5) Any other conditions necessary to remain in compliance with this Section.

(b) No food preparation shall occur prior to a permit being issued by the regulatory authority.

(c) When affiliated with a temporary food establishment for an event where the food will be served, a temporary food establishment commissary permit for prior food preparation may be issued for advance or off-site preparation. A temporary food establishment commissary may commence operation no more than 7 days prior to the event and operate for the length of the event up to a time period not to exceed 21 consecutive days.

(d) Temporary food establishments and temporary food establishment commissaries shall make application to the regulatory authority no fewer than 15 calendar days prior to commencing operation. This 15-day requirement does not prohibit the submission of applications for substitute vendors provided that these applications are submitted no fewer than 3 business days prior to the event. Applications shall be submitted to the regulatory authority and shall include the following:

- (1) Name, mailing address, and telephone number of the permit holder of the temporary food establishment or temporary food establishment commissary;
- (2) Name and location of the event at which the temporary food establishment operated immediately prior to the current event for which applying, if applicable;
- (3) Name, mailing address, and telephone number of the event organizer;
- (4) Event name, location, dates, and hours of operation;
- (5) Proposed menu, food handling procedures, including anticipated food volume and sources;
- (6) Food equipment list;
- (7) Proposed water supply;
- (8) Provisions for sewage and other waste disposal; and
- (9) Any information necessary to ensure compliance.

(e) The regulatory authority shall require documentation to verify any provision of Rules .2665 through .2669 of this Section.

(f) The regulatory authority may condition the permit to ensure compliance with Rules .2665 through .2669 of this Section.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012.*

**15A NCAC 18A .2666 TEMPORARY FOOD ESTABLISHMENT FOOD HANDLING REQUIREMENTS**

(a) All sources of food in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653.

(b) Raw meat, poultry, and fish in temporary food establishments shall be purchased in ready-to-cook portions, except that cutting and skewering shall be allowed where evaluation by the regulatory authority determines sufficient preparation areas and food equipment are provided.

(c) Salads containing ingredients that are cooked and cooled shall not be prepared in the temporary food establishment or temporary food establishment commissary, but may be served.

(d) Shellstock and shucked shellfish in temporary food establishments shall comply with Chapter 3 of the Food Code as amended by Rule .2653 of this Section.

(e) All food in temporary food establishments shall be protected in accordance with Chapter 3 of the Food Code as amended by Rule .2653 of this Section and the following also apply:

- (1) The regulatory authority may approve food preparation and storage for a temporary food establishment at a permitted temporary food establishment commissary or other permitted food establishment;
  - (2) Temporary food establishment or temporary food establishment commissary operations shall not be conducted in any room or area used for purposes not related to the temporary food establishment or other permitted food establishment;
  - (3) Food shall be secured in a manner to prevent tampering and contamination at all times;
  - (4) Ready-to-eat food shall not be stored in direct contact with ice; non-mechanical coolers must be provided with a drainage port;
  - (5) All food shall be stored above the ground or floor and arranged to prevent contamination of foods;
  - (6) Potentially hazardous food (time/temperature control for safety food) that has been heated at the temporary food establishment or temporary food establishment commissary shall not be sold or held for use on subsequent days. Approval shall be granted to allow cooling and reheating of potentially hazardous food (time/temperature control for safety food) if the food can be handled in accordance with the rules of this Section; and
  - (7) The regulatory authority shall further limit the food to be prepared or served, based on methods of preparation and the adequacy of facilities, equipment, utensils, and available utilities.
- (f) Food prepared at a previous event or potentially hazardous food (time/temperature control for safety food) removed from original packaging shall not be served at a subsequent event in a temporary food establishment.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012.*

#### **15A NCAC 18A .2667 TEMPORARY FOOD ESTABLISHMENT EMPLOYEE REQUIREMENTS**

- (a) Food employees in temporary food establishments shall wear effective hair restraints, clean outer clothing, and maintain good hygienic practices as specified in Part 2-4 of the Food Code as amended by Rule .2652 of this Section.
- (b) Employees in temporary food establishments shall wash their hands in a handwashing facility before starting work, after each visit to the toilet, and as often as necessary to remove soil and contamination.
- (c) Employees in temporary food establishments shall not use tobacco in any form or consume food in food preparation, storage or serving areas, utensil washing, or utensil storage areas.
- (d) Employees in temporary food establishments may consume beverages in the food establishment only if covered and consumed in a manner to prevent contamination of food and food-contact surfaces.
- (e) Employees in temporary food establishments shall comply with the requirements in Subpart 2-201 of the Food Code as amended by Rule .2652 of this Section.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012.*

#### **15A NCAC 18A .2668 TEMPORARY FOOD ESTABLISHMENT EQUIPMENT AND UTENSIL REQUIREMENTS**

- (a) Equipment and utensils in temporary food establishments shall be kept clean and maintained in good repair. Those surfaces that come into contact with food, drink, or utensils shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule .2654 of this Section.
- (b) Equipment and utensils in temporary food establishments shall be cleaned, sanitized, stored, and handled in accordance with Parts 4-6 and 4-7 of the Food Code as amended by Rule .2654 of this Section.
- (c) When multi-use utensils other than eating and drinking utensils are used in temporary food establishments, three basins of sufficient size to submerge, wash, rinse, and sanitize utensils shall be provided. Other equivalent products and procedures may be used in accordance with Part 4-7 of the Food Code as amended by Rule .2654 of this Section. At least one drainboard, table, or counter space shall be provided for air-drying.
- (d) When multi-use eating and drinking utensils are used in temporary food establishments, a three-compartment sink of sufficient size to submerge, wash, rinse, and sanitize utensils must be provided. Drainboards shall be provided as specified in Section 4-301.13 of the Food Code as amended by Rule .2654 of this Section.

**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.

(e) Wash, rinse, and sanitizing solutions shall be maintained in temporary food establishments as specified in Sections 4-501.18 and 4-501.19 of the Food Code as amended by Rule .2654 of this Section.

**4-501.18** The wash, rinse, and SANITIZE solutions shall be maintained clean.

**4-501.19** 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

(f) A food preparation sink must be provided for washing produce in temporary food establishments.

(g) Food shields or other effective barriers in temporary food establishments shall be installed in a manner to protect food and food contact surfaces from contamination.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012.*

### **15A NCAC 18A .2669 TEMPORARY FOOD ESTABLISHMENT PHYSICAL REQUIREMENTS**

(a) A temporary food establishment shall be located in an area kept in a clean and sanitary condition. The arrangement of temporary food establishments shall restrict public access to all areas of the food establishment except dining areas.

(b) For outdoor cooking, overhead protection shall be provided such that all food, utensils, and equipment are protected. When bulk foods such as roasts, shoulders, and briskets are cooked, cooking equipment with attached lids, such as smokers, roasters, and other cooking devices, provide sufficient cover for the food being cooked. Food in individual servings such as hot dogs, hamburgers, and meat kabobs shall have additional overhead cover.

(c) Effective measures such as fans, screens, walls, or a combination thereof, shall be provided to keep dust, insects, rodents, animals, and other sources of potential contamination out of the food establishment and shall comply with Paragraph 6-501.115(B) of the Food Code as amended by Rule .2656 of this Section regarding live animals.

**6-501.115(B)** *Live animals are allowed in the following situations if the owner or operator does not permit animals to physically contact FOOD, serving dishes, UTENSILS, tableware, LINENS, unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES or other FOOD service items that may result in contamination of FOOD or FOOD-CONTACT SURFACES and does not permit animals to physically contact EMPLOYEES engaged in the preparation or handling of FOOD:*

(1) *FISH or crustacea in aquariums or display tanks;*

(2) *Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas; and sentry dogs in outside fenced areas;*

(3) *SERVICE ANIMALS accompanying persons with disabilities in areas that are not used for FOOD preparation*

(4) *Dogs (Canis lupus familiaris) and cats (Felis catus) in outdoor dining areas; provided that dogs and cats are physically restrained, and do not pass through any indoor areas of the FOOD ESTABLISHMENT. Except for SERVICE ANIMALS described in Subparagraph (3) of this Paragraph, nothing in this Rule prohibits a FOOD ESTABLISHMENT from prohibiting dogs and cats in outdoor dining areas; and*

(5) *In areas that are not used for FOOD preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals*

(d) Indoor/outdoor carpeting, matting, tarps, or similar nonabsorbent material is required as ground covering in the absence of asphalt, concrete, grass, or other surfaces that control dust or mud.

(e) The temporary food establishment and temporary food establishment commissary shall be equipped with a handwashing facility used only for employee handwashing. This facility shall consist of at least a two gallon container with an unassisted free flowing faucet such as a stopcock or turn spout, soap, single-use towels, and a wastewater receptacle. Warm water shall be used for handwashing.

(f) Water under pressure shall be provided as follows:

(1) The water supply used shall be in accordance with 15A NCAC 18A .1700, 15A NCAC 18C, or 02 NCAC 09C .0703;

(2) All potable water holding tanks, containers, and hoses used to transport or store water at the temporary food establishment shall be drained, washed, rinsed, and sanitized;

(3) Containers and hoses used to store, haul, or convey potable water shall be approved for potable water use, shall not be used for any other purpose, and shall be protected from contamination. Potable water hoses and containers shall be labeled; and

(4) Warm water shall be available and used for cleaning.

(g) Wastewater shall be disposed in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200. Portable wastewater containers may be used when the volume of potable water can be determined by the dimensions of sinks, basins, and interim storage containers and the portable wastewater containers are sized to contain the wastewater volume generated. Wastewater containers and hoses shall be labeled and not used for any other purpose. Wastewater containers shall not be emptied into waterways, storm drains, or on the ground.

(h) Employees must have access to toilet facilities that are kept clean and in good repair.

(i) Garbage and refuse shall be collected and stored in garbage containers with properly fitted lids. Nothing in this Rule shall prohibit uncovered garbage containers in the food establishment during periods of operation. Garbage and refuse shall be removed as needed and disposed in a manner to prevent vermin breeding and harborage. The premises shall be kept clean.

(j) Lighting shall comply with Section 6-202.11 of the Food Code as amended by Rule .2656 of this Section. Lighting is required for nighttime operations.

**6-202.11: Light Bulbs, Protective Shielding**

(A) Except as specified in ¶ (B) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES

(B) *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened packages, if:*

(1) *The integrity of the packages cannot be affected by broken glass falling onto them; and*

(2) *The packages are capable of being cleaned of debris from broken bulbs before the packages are opened*

(C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(k) Temporary food establishments and temporary food establishment commissaries shall remain connected to necessary utilities at all times food is prepared, served, or stored in the food establishment.

(l) Toxic materials shall be labeled, used, and stored to prevent the contamination of food, equipment, utensils, linens, and single-service articles and meet the provisions of Sections 7-101.11 and 7-203.11 of the Food Code as amended by Rule .2657 of this Section.

**7-101.11** Identifying information, prominence: Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS shall bear a legible manufacturer's label. PR Only those pesticides that have been registered with the EPA and with the N.C. Department of Agriculture and Consumer Services shall be used. If the manufacturer's label is missing from a pesticide container, the container shall be identified with the manufacturer's product brand name, percentage of each active ingredient, and EPA registration number.

**7-203.11** Poisonous or toxic material containers: A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD. P SANITIZING solutions shall not be stored in or dispensed from containers previously containing other POISONOUS OR TOXIC MATERIALS.

*History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);  
Eff. September 1, 2012.*

**2-2 EMPLOYEE HEALTH**

***Subpart***

**2-201 Responsibilities of Permit Holder, Person in Charge, Food Employees, and Conditional Employees**

***Responsibilities and Reporting Symptoms and Diagnosis***

**2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees.**

(A) The PERMIT HOLDER shall require FOOD EMPLOYEES and CONDITIONAL 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 CONDITIONAL EMPLOYEE shall report the information in a manner that allows the PERSON IN CHARGE to reduce the 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 CONDITIONAL EMPLOYEE:

***reportable symptoms***

(1) Has any of the following symptoms:

- (a) Vomiting,<sup>P</sup>
- (b) Diarrhea,<sup>P</sup>
- (c) Jaundice,<sup>P</sup>
- (d) Sore throat with fever,<sup>P</sup> 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,*<sup>P</sup>
  - (ii) On exposed portions of the arms, *unless the lesion is protected by an impermeable cover,*<sup>P</sup> or
  - (iii) On other parts of the body, *unless the lesion is*

covered by a dry, durable, tight-fitting bandage;<sup>P</sup>

*reportable  
diagnosis*

(2) Has an illness diagnosed by a HEALTH PRACTITIONER due to:  
(a) Norovirus,<sup>P</sup>

(b) Hepatitis A virus,<sup>P</sup>

(c) *Shigella* spp.,<sup>P</sup>

(d) ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING  
*ESCHERICHIA COLI*,<sup>P</sup> or

(e) *Salmonella* Typhi;<sup>P</sup>

*reportable  
past illness*

(3) 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;<sup>P</sup>

*reportable  
history of  
exposure*

(4) 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,<sup>P</sup>

(b) ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING  
*ESCHERICHIA COLI*, or *Shigella* spp. within the past 3 days  
of the last exposure,<sup>P</sup>

(c) *Salmonella* Typhi within the past 14 days of the last  
exposure,<sup>P</sup> or

(d) Hepatitis A virus within the past 30 days of the last  
exposure;<sup>P</sup> or

*reportable  
history of  
exposure*

(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 DISEASE OUTBREAK, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

(a) Norovirus within the past 48 hours of the last exposure,<sup>P</sup>

(b) ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI*, or *Shigella* spp. within the past 3 days of the last exposure,<sup>P</sup>

(c) *Salmonella* Typhi within the past 14 days of the last exposure,<sup>P</sup> or

(d) Hepatitis A virus within the past 30 days of the last exposure.<sup>P</sup>

*responsibility of person in charge to notify the regulatory authority*

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

(1) Jaundiced,<sup>Pf</sup> or

(2) Diagnosed with an illness due to a pathogen as specified under Subparagraphs (A)(2)(a) - (e) of this section.<sup>Pf</sup>

*responsibility of the person in charge to prohibit a conditional employee from becoming a food employee*

(C) The 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;<sup>P</sup> 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(I).<sup>P</sup>

*responsibility of the person in charge to exclude or restrict*

(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), or (G)(1) and in compliance with the provisions specified under ¶¶ 2-201.13(A) - (G);<sup>P</sup> or

(2) RESTRICTED as specified under Subparagraphs 2-201.12 (D)(2), (E)(2), (F)(2), (G)(2), or ¶¶ 2-201.12(H) or (I) and in compliance with the provisions specified under ¶¶ 2-201.13(D) - (I).<sup>P</sup>

*responsibility of food employees and conditional employees to report*

(E) A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report to the PERSON IN CHARGE the information as specified under ¶ (A) of this section.<sup>Pf</sup>

*responsibility of food employees to comply*

(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), or (G)(1) and with the provisions specified under ¶¶ 2-201.13(A) - (G);<sup>P</sup> or

(2) Comply with a RESTRICTION as specified under Subparagraphs 2-201.12(D)(2), (E)(2), (F)(2), (G)(2), or ¶¶ 2-201.12 (H) or (I) and comply with the provisions specified under ¶¶ 2-201.13(D) - (I).<sup>P</sup>

***conditions of exclusion and restriction***

## **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:

*symptomatic with vomiting or diarrhea*

(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;<sup>P</sup> or

(2) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., or ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING *E. COLI*.<sup>P</sup>



*jaundiced or diagnosed with hepatitis A infection*

(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;*<sup>P</sup>
- (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;<sup>P</sup> or
- (3) Diagnosed with an infection from hepatitis A virus without developing symptoms.<sup>P</sup>

*diagnosed or reported previous infection due to S. Typhi*

(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).<sup>P</sup>

*diagnosed with an asymptomatic infection from Norovirus*

(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;<sup>P</sup> or
- (2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.<sup>P</sup>

*diagnosed with Shigella spp. infection and asymptomatic*

(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;<sup>P</sup> or
- (2) RESTRICT the FOOD EMPLOYEE who works in a FOOD

ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.<sup>P</sup>

*diagnosed with  
**EHEC or STEC**  
and  
asymptomatic*

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

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;<sup>P</sup> or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.<sup>P</sup>

*symptomatic  
with **sore throat**  
with **fever***

(G) 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;<sup>P</sup> or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.<sup>P</sup>

*symptomatic  
with **uncovered**  
**infected wound**  
or **pustular boil***

(H) 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.<sup>P</sup>

***exposed to**  
foodborne  
pathogen and  
works in food  
establishment  
serving HSP*

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

**Managing Exclusions and Restrictions**

**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:*

*removing exclusion for food employee who was symptomatic and not diagnosed*

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

- (a) Is ASYMPTOMATIC for at least 24 hours;<sup>P</sup> or
- (b) Provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the symptom is from a noninfectious condition.<sup>P</sup>

**Norovirus diagnosis**

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

*adjusting exclusion for food employee who was symptomatic and is now asymptomatic*

(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;<sup>P</sup> or

*retaining exclusion for food employee who was asymptomatic and is now asymptomatic and works in food*

(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.<sup>P</sup>

*establishment  
serving HSP*

***Shigella spp.  
diagnosis***

*adjusting  
exclusion for  
food employee  
who was  
symptomatic  
and is now  
asymptomatic*

*retaining  
exclusion for  
food employee  
who was  
asymptomatic  
and is now  
asymptomatic*

***EHEC or STEC  
diagnosis***

*adjusting  
exclusion for  
food employee  
who was  
symptomatic  
and is now  
asymptomatic*

*retaining  
exclusion for  
food employee  
who was  
symptomatic  
and is now  
asymptomatic  
and works in  
food  
establishment*

(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;<sup>P</sup> 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.<sup>P</sup>

(4) If a FOOD EMPLOYEE was diagnosed with an infection from ENTEROHEMORRHAGIC or 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;<sup>P</sup> 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.<sup>P</sup>

*servicing HSP*

**hepatitis A  
virus or  
jaundice  
diagnosis -  
removing  
exclusions**

(B) Reinstate 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;<sup>P</sup>

(2) The anicteric FOOD EMPLOYEE has been symptomatic with symptoms other than jaundice for more than 14 calendar days;<sup>P</sup> 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.<sup>P</sup>

**S. Typhi  
diagnosis -  
removing  
exclusions**

(C) Reinstate 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;<sup>P</sup> 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.<sup>P</sup>

**Norovirus  
diagnosis -  
removing  
exclusion or  
restriction**

(D) Reinstate 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:

(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 Norovirus infection;<sup>P</sup>

(2) 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;<sup>P</sup> or

- (3) 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.<sup>P</sup>

***Shigella spp.  
diagnosis -  
removing  
exclusion or  
restriction***

- (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,<sup>P</sup> and

- (b) At least 24 hours apart;<sup>P</sup>

- (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;<sup>P</sup> 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.<sup>P</sup>

***EHEC or STEC  
diagnosis -  
removing  
exclusion or  
restriction***

- (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 ENTEROHEMORRHAGIC or 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;<sup>P</sup> and
- (b) At least 24 hours apart;<sup>P</sup>
- (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;<sup>P</sup> 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.<sup>P</sup>

***sore throat  
with fever -  
removing  
exclusion or  
restriction***

- (G) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(G)(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;<sup>P</sup>
  - (2) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection;<sup>P</sup> or
  - (3) Is otherwise determined by a HEALTH PRACTITIONER to be free of a *Streptococcus pyogenes* infection.<sup>P</sup>

***uncovered  
infected wound  
or pustular boil  
- removing  
restriction***

- (H) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under ¶ 2-201.12(H) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:
  - (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;<sup>P</sup>
  - (2) An impermeable cover on the arm if the infected wound

or pustular boil is on the arm;<sup>P</sup> or

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

*exposure to foodborne pathogen and works in food establishment serving HSP – removing restriction*

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

**Norovirus**

- (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;<sup>P</sup> or
- (b) More than 48 hours have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.<sup>P</sup>

***Shigella spp., EHEC, or STEC***

- (2) *Shigella* spp. or ENTEROHEMORRHAGIC 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;<sup>P</sup> or
- (b) More than 3 calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.<sup>P</sup>

**S. Typhi**

- (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;<sup>P</sup> or
- (b) More than 14 calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.<sup>P</sup>

***hepatitis A***

- (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;<sup>P</sup>
- (b) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of vaccination against hepatitis A;<sup>P</sup>
- (c) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of IgG administration;<sup>P</sup>
- (d) More than 30 calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;<sup>P</sup>
- (e) More than 30 calendar days have passed since the FOOD EMPLOYEE'S household contact became jaundiced;<sup>P</sup> 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 (l)(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,<sup>P</sup>
  - (ii) Proper handwashing procedures,<sup>P</sup> and
  - (iii) Protecting READY-TO-EAT FOOD from contamination introduced by bare hand contact.<sup>P</sup>

## 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 ¶ (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 not 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 ¶ (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 ¶ (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).<sup>Pf</sup>

*(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 § 2-301.12 and ¶ 2-301.14(C).*

**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
	<i>Subparts</i>
	3-101 Condition

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

FOOD shall be safe, unADULTERATED, and, as specified under § 3-601.12, honestly presented.<sup>P</sup>

**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.<sup>P</sup> Food from FOOD ESTABLISHMENTS in states adjacent to North Carolina may be sold within North Carolina if the FOOD ESTABLISHMENTS are under jurisdiction of the local or state enforcement body in that state and approved by the REGULATORY AUTHORITY in North Carolina. To determine the extent of compliance with this Code, the REGULATORY AUTHORITY shall obtain reports regarding compliance and compliance history from responsible authorities in other jurisdictions where the FOOD ESTABLISHMENTS are located.

(B) FOOD prepared in a private home may not be used or offered for human consumption in a FOOD ESTABLISHMENT.<sup>P</sup>

(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 §§ 3-202.17 and 3-202.18.<sup>Pf</sup>

(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 § 3-402.11; or if they are frozen on the PREMISES as specified under § 3-402.11 and records are retained as specified under § 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,<sup>Pf</sup> 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,<sup>Pf</sup> and

(3) If individually cut in a FOOD ESTABLISHMENT:

(a) Cut from WHOLE-MUSCLE INTACT BEEF that is labeled by a FOOD PROCESSING PLANT as specified in Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section,<sup>Pf</sup>

(b) Prepared so they remain intact,<sup>Pf</sup> and

(c) If PACKAGED for undercooking in a FOOD ESTABLISHMENT, labeled as specified in Subparagraph (E)(1) of this section or identified as specified in (E)(2) of this section.<sup>Pf</sup>

(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 LAW, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

(G) EGGS that have not been specifically treated to destroy all viable *Salmonellae* 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.<sup>P</sup>

### **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.<sup>P</sup>

**3-201.14 Fish.**

(A) FISH that are received for sale or service shall be:

- (1) Commercially and legally caught or harvested; <sup>P</sup> or
- (2) APPROVED for sale or service. <sup>P</sup>

(B) MOLLUSCAN SHELLFISH that are recreationally caught may not be received for sale or service. <sup>P</sup>

**3-201.15 Molluscan Shellfish.**

(A) MOLLUSCAN SHELLFISH shall be obtained from sources according to LAW 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. <sup>P</sup>

(B) MOLLUSCAN SHELLFISH received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List. <sup>P</sup>

**3-201.16 Wild Mushrooms.**

(A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an APPROVED mushroom identification expert. <sup>P</sup>

(B) *This section does not apply to:*

*(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 if they are 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<sup>P</sup> and:

(a) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction,<sup>P</sup> or

(b) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction,<sup>P</sup> 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,<sup>P</sup> 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;<sup>P</sup>

(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;<sup>P</sup>

(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,<sup>P</sup> 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,<sup>P</sup> 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;<sup>P</sup> 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,<sup>P</sup> 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,<sup>P</sup> 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.<sup>P</sup>

(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 ¶ (B) of this section, refrigerated, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be at a temperature of 5°C (41°F) or below when received.<sup>P</sup>

(B) *If a temperature other than 5°C (41°F) for a POTENTIALLY HAZARDOUS 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 EGGS shall be received in refrigerated equipment that maintains an ambient air temperature of 7°C (45°F) or less. <sup>P</sup>

(D) POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) that is cooked to a temperature and for a time specified under §§ 3-401.11 - 3-401.13 and received hot shall be at a temperature of 57°C (135°F) or above. <sup>P</sup>

(E) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen. <sup>Pf</sup>

(F) Upon receipt, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be free of evidence of previous temperature abuse. <sup>Pf</sup>

### **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 pesticides chemicals in food, and exceptions. <sup>P</sup>

### **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 56.200 *et seq.*, administered by the Agricultural Marketing Service of USDA. <sup>P</sup>

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

(A) EGG PRODUCTS shall be obtained pasteurized. <sup>P</sup>

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

(1) Be obtained pasteurized; <sup>P</sup> and

(2) Comply with GRADE A STANDARDS as specified in LAW. <sup>P</sup>

(C) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 - Frozen desserts. <sup>P</sup>

(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.* <sup>P</sup>

### **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. <sup>Pf</sup>

### **3-202.16 Ice.**

Ice for use as a FOOD or a cooling medium shall be made from DRINKING WATER. <sup>P</sup>

### **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: <sup>Pf</sup>

(1) Name, address, and CERTIFICATION NUMBER of the shucker, packer or repacker of the MOLLUSCAN SHELLFISH; <sup>Pf</sup> and

(2) The "sell by" or "best if 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. <sup>Pf</sup>

(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 ¶ (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 or 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:<sup>Pf</sup>

(1) Except as specified under ¶ (C) of this section, on the harvester's tag or label, the following information in the following order:<sup>Pf</sup>

(a) The harvester's identification number that is assigned by the SHELLFISH CONTROL AUTHORITY,<sup>Pf</sup>

(b) The date of harvesting,<sup>Pf</sup>

(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,<sup>Pf</sup>

(d) The type and quantity of shellfish,<sup>Pf</sup> 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";<sup>Pf</sup> and

(2) Except as specified in ¶ (D) of this section, on each DEALER'S tag or label, the following information in the following order:<sup>Pf</sup>

(a) The DEALER'S name and address, and the CERTIFICATION NUMBER assigned by the SHELLFISH CONTROL AUTHORITY,<sup>Pf</sup>

(b) The original shipper's CERTIFICATION NUMBER including the abbreviation of the name of the state or country in

which the shellfish are harvested, <sup>Pf</sup>

(c) The same information as specified for a harvester's tag under Subparagraphs (A)(1)(b)-(d) of this section, <sup>Pf</sup> and

(d) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for 90 days." <sup>Pf</sup>

(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 ¶ (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 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.**

#### ***Commercially Processed***

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; <sup>Pf</sup> 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  
Process Controls.<sup>P</sup>

**3-203.11 Molluscan Shellfish, Original Container.**

(A) Except as specified in ¶¶ (B) - (D) of this section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale or preparation for service.

**Original  
Containers and  
Records**

(B) *For display purposes, SHELLSTOCK may be removed from the container in which they are received, displayed on drained ice, or held in a display container, 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*

(2) *The SHELLSTOCK are protected from contamination.*

(C) *SHUCKED SHELLFISH may be removed from the container 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.*

(D) *SHUCKED SHELLFISH may be removed from the container in which they were received and repacked in CONSUMER self service containers where allowed by LAW if:*

(1) *The labeling information for the shellfish is on each CONSUMER self service container as specified under § 3-202.17 and ¶¶ 3-602.11(A) and (B)(1) - (5);*

(2) *The labeling information as specified under § 3-202.17 is retained and correlated with the date when, or dates during which, the shellfish are sold or served;*

*(3) The labeling information and dates specified under Subparagraph (D)(2) of this section are maintained for 90 days; and*

*(4) 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 or labels shall remain attached to the container in which the SHELLSTOCK are received until the container is empty.<sup>Pf</sup>

(B) The date when the last SHELLSTOCK from the container is sold or served shall be recorded on the tag or label.<sup>Pf</sup>

(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:<sup>Pf</sup>

(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;<sup>Pf</sup> and

(2) If SHELLSTOCK are removed from its tagged or labeled container:

(a) Preserving source identification by using a record keeping system as specified under Subparagraph (C)(1) of this section,<sup>Pf</sup> 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.<sup>Pf</sup>

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,
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 Section 3-302.15 or as specified in Paragraphs (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.*<sup>P</sup>

(C) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.<sup>Pf</sup>

(D) Paragraph (B) of this section does not apply to a FOOD EMPLOYEE who 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 is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to a temperature of at least 74° C (165° F).

(E) 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 handwashing 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) 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 and CONDITIONAL 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 and CONDITIONAL 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 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 handwashing,*

(b) *Nail brushes,*

(c) *A hand antiseptic after 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 (E) (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.<sup>P</sup>

**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 in (1)(c) below, 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 fruits and vegetables,<sup>P</sup> and

(b) Cooked READY-TO-EAT FOOD;<sup>P</sup>

(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,<sup>P</sup> or

(b) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented,<sup>P</sup> and

(c) Preparing each type of FOOD at different times or in separate areas;<sup>P</sup>

(3) Cleaning EQUIPMENT and UTENSILS as specified under ¶ 4-602.11(A) and SANITIZING as specified under § 4-703.11;

(4) Except as specified under Subparagraph 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 of

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 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 unmistakably recognized such as dry pasta, working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the 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 Eggs for Certain Recipes.**

Pasteurized EGGS or EGG PRODUCTS shall be substituted for raw EGGS in the preparation of FOODS such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and EGG-fortified BEVERAGES that are not: <sup>P</sup>

(A) Cooked as specified under Subparagraphs 3-401.11(A)(1) or (2); <sup>P</sup> or

(B) Included in ¶ 3-401.11(D). <sup>P</sup>

### **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; <sup>P</sup> and

(2) Unsafe or unAPPROVED levels of APPROVED FOOD and COLOR ADDITIVES. <sup>P</sup>

(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 B<sub>1</sub>; <sup>P</sup> or

(2) *Except for grapes*, serve or sell FOOD specified under Subparagraph (B)(1) of this section that is treated with sulfiting agents before receipt by the FOOD ESTABLISHMENT. <sup>P</sup>

### **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.*

**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.<sup>P</sup>

**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 its positioning in the ice or water.

((B) Except as specified in ¶¶ (C) and (D) of this section, UNPACKAGED FOOD may not be stored in direct contact with undrained ice.

(C) *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) *Raw 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 this Code and SANITIZED as specified under Part 4-7 of this Code;<sup>P</sup> or

(B) SINGLE-SERVICE and SINGLE-USE ARTICLES.<sup>P</sup>

**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 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 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.<sup>P</sup>

(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.

(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 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 (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) 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).*

**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**

DELETED

### **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.<sup>P</sup>*

### **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) DELETED

### **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.<sup>P</sup> *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. <sup>Pf</sup>

(C) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures. <sup>Pf</sup>

### **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. <sup>P</sup>

(B) Except as specified under ¶ 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 Subparts 3-301 - 3-306.

**3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN**

***Subparts***

<b>3-401</b>	<b>Cooking</b>
<b>3-402</b>	<b>Freezing</b>
<b>3-403</b>	<b>Reheating</b>
<b>3-404</b>	<b>Other Methods</b>

***Cooking***

**3-401.11 Raw Animal Foods.**

(A) Except as specified under ¶ (B) and in ¶¶ (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:

(1) 63°C (145°F) or above for 15 seconds for: <sup>P</sup>

(a) Raw EGGS that are broken and prepared in response to a CONSUMER'S order and for immediate service, <sup>P</sup> and

(b) Except as specified under Subparagraphs (A)(2) and (A)(3) and ¶ (B), and in ¶ (C) 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); <sup>P</sup>

(2) 68°C (155°F) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for 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: <sup>P</sup>

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, or stuffing containing FISH, MEAT, POULTRY, or RATITES. <sup>P</sup>

(B) Whole MEAT roasts including beef, corned beef, lamb, pork, 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: <sup>Pf</sup>

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 Humidity <sup>1</sup>	121°C (250°F) or less	121°C (250°F) or less

<sup>1</sup>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: <sup>P</sup>

Temperature °C (°F)	Time <sup>1</sup> in Minutes	Temperature °C (°F)	Time <sup>1</sup> 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		

<sup>1</sup>Holding time may include postoven 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 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

¶ 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 ¶ (C) of this section, may be served or offered for sale upon CONSUMER request or selection in a READY-TO-EAT form if:*

(1) *As specified under §§ 3-801.11(C)(1) and (2), the FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION;*

(2) *The FOOD, if served or offered for service by CONSUMER selection from a children's menu, does not contain COMMINUTED MEAT;<sup>Pf</sup> and*

(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 § 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 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; 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).<sup>Pf</sup>

**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;<sup>P</sup>
- (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);<sup>P</sup>
- (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);<sup>P</sup>
- (D) Prior to sale or service, cooked using a process that heats all parts of the FOOD to a temperature of at least 74°C (165°F) for 15 seconds;<sup>P</sup>

(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; <sup>P</sup> and

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

(1) Have obtained prior APPROVAL from the REGULATORY AUTHORITY; <sup>Pf</sup>

(2) Are maintained in the FOOD ESTABLISHMENT and are available to the REGULATORY AUTHORITY upon request; <sup>Pf</sup>

(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; <sup>Pf</sup>

(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; <sup>Pf</sup> 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 (D). <sup>Pf</sup>

## **Freezing**

### **3-402.11 Parasite Destruction.**

(A) Except as specified in ¶ (B) of this section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated-partially cooked FISH shall be:

(1) Frozen and stored at a temperature of -20°C (-4°F) or below for a minimum of 168 hours (7 days) in a freezer; <sup>P</sup>

(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; <sup>P</sup> 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. <sup>P</sup>

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

(1) *MOLLUSCAN SHELLFISH;*

(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*

(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.*

(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 of the FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH. <sup>Pf</sup>

(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 Subparagraph 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 Subparagraph 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. <sup>Pf</sup>

### **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 ¶¶ (B) and (C) and in ¶ (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. <sup>P</sup>

(B) Except as specified under ¶ (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. <sup>P</sup>

(C) READY-TO-EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact PACKAGE from 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) for hot holding. <sup>P</sup>

(D) Reheating for hot holding as specified under Paragraphs (A) through (C) of this section shall be completed within 2 hours and the time the FOOD is between 5°C (41°F) or 7°C (45°F) and the temperatures specified under Paragraphs (A) through (C) of this section may not exceed 2 hours. <sup>P</sup>

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

**Other Methods**

**3-404.11 Treating Juice.**

JUICE PACKAGED in a FOOD ESTABLISHMENT shall be:

- (A) Treated under a HACCP PLAN as specified in §§ 8-201.14(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;<sup>P</sup> or
- (B) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance:<sup>Pf</sup>
  - (1) As specified under § 3-602.11,<sup>Pf</sup> 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.”<sup>Pf</sup>

<b>3-5</b>	<b>LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN</b>
	<i>Subparts</i>
	<b>3-501 Temperature and Time Control</b>
	<b>3-502 Specialized Processing Methods</b>

**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 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b).

(B) At any temperature if the FOOD remains frozen.

### **3-501.13 Thawing.**

Except as specified in ¶ (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 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b).

(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,

(3) Such that for READY-TO-EAT FOOD, the temperature of thawed portions do not rise above 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b), and

(4) Such that for raw animal FOOD requiring cooking as specified under Paragraph 3-401.11(A) or (B), thawed portions are not above 5°C (41°F), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b), 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), or 7°C (45°F) as specified under Subparagraph 3-501.16(A)(2)(b);

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

(1) Cooked as specified under ¶ 3-401.11(A) or (B) or § 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.*

### **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);<sup>P</sup> and

(2) Within a total of 6 hours from 57°C (135°F) to 5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b).<sup>P</sup>

(B) POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cooled within 4 hours to 5°C (41°F) or less, or to 7°C (45°F) or less as specified under Subparagraph 3-501.16(A)(2)(b) if prepared from ingredients at ambient temperature such as reconstituted FOODS and canned tuna.<sup>P</sup>

(C) Except as specified under ¶ (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.<sup>P</sup>

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

### **3-501.15 Cooling Methods.**

(A) Cooling shall be accomplished in accordance with the time

and temperature criteria specified under § 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; <sup>Pf</sup>
- (2) Separating the FOOD into smaller or thinner portions; <sup>Pf</sup>
- (3) Using rapid cooling EQUIPMENT; <sup>Pf</sup>
- (4) <sub>Pf</sub> Stirring the FOOD in a container placed in an ice water bath;
- (5) Using containers that facilitate heat transfer; <sup>Pf</sup>
- (6) Adding ice as an ingredient; <sup>Pf</sup> or
- (7) Other effective methods. <sup>Pf</sup>

(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 under §3-501.19, and except as specified under ¶ (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 ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54°C (130°F) or above; <sup>P</sup> or*



(2) At a temperature specified in the following:

(a) 5°C (41°F) or less; <sup>P</sup> or

(b) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) in existing refrigeration EQUIPMENT that is not capable of maintaining the FOOD at 5°C (41°F) or less if: <sup>P</sup>

(i) The EQUIPMENT is in place and in use in the FOOD ESTABLISHMENT; and

(ii) On or before January 1, 2019, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5°C (41°F) or less.

(B) EGGS that have not been treated to destroy all viable ***Salmonellae*** shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less. <sup>P</sup>

(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 Section 3-502.12, and except as specified in Paragraphs (D) and (E) 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 marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded, based on the temperature and time combinations specified below. The day of preparation shall be counted as Day 1.

(1) 5°C (41°F) or less for a maximum of 7 days; <sup>Pf</sup> or

(2) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) for a maximum of 4 days in existing refrigeration EQUIPMENT that is not capable of maintaining the FOOD at 5°C (41°F) or less if:<sup>Pf</sup>

(a) The EQUIPMENT is in place and in use in the FOOD ESTABLISHMENT, and

(b) On or before January 1, 2019, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5°C (41°F) or less.

**commercially processed food**

- *open and hold cold*

(B) Except as specified in ¶¶ (D) - (F) 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 and time combinations specified in ¶ (A) of this section and:<sup>Pf</sup>

(1) The day the original container is opened in the FOOD ESTABLISHMENT shall be counted as Day 1;<sup>Pf</sup> and

(2) The day or date marked by the FOOD ESTABLISHMENT may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on FOOD safety.<sup>Pf</sup>

(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.<sup>Pf</sup>

(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*

*(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.*

*(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 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 ¶ 3-501.17(A) or (B) shall be discarded if it:

(1) Exceeds the temperature and time combination specified in ¶ 3-501.17(A), except time that the product is frozen;<sup>P</sup>

(2) Is in a container or PACKAGE that does not bear a date or day;<sup>P</sup> or

(3) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in ¶ 3-501.17(A).<sup>P</sup>

(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 ¶ 3-501.17(A).<sup>P</sup>

**3-501.19 Time as a Public Health Control.**

(A) Except as specified under ¶ (D) 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:<sup>Pf</sup>

(a) Methods of compliance with Subparagraphs (B)(1)-(3) or C)(1)-(5) of this section;<sup>Pf</sup> 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.<sup>Pf</sup>

***Time –  
maximum up  
to 4 hours***

(B) If time without temperature control is used as the public health control up to a maximum of 4 hours:

(1) The FOOD shall have an initial temperature of 5°C (41°F) or less, or 7°C (45°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control;<sup>P</sup>

(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;<sup>Pf</sup>

(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;<sup>P</sup> and

(4) The FOOD in unmarked containers or PACKAGES, or marked to exceed a 4-hour limit shall be discarded.<sup>P</sup>

***Time –  
maximum up  
to 6 hours***

(C) If time without temperature control is used as the public health control up to a maximum of 6 hours:

(1) The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from temperature control and the FOOD temperature may not exceed 21°C (70°F) within a maximum time period of 6 hours;<sup>P</sup>

(2) The FOOD shall be monitored to ensure the warmest portion of the FOOD does not exceed 21°C (70°F) during the 6-hour period, *unless an ambient air temperature is maintained that ensures the FOOD does not exceed 21°C (70°F) during the 6-hour holding period;*<sup>Pf</sup>

(3) The FOOD shall be marked or otherwise identified to indicate:<sup>Pf</sup>

(a) The time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control,<sup>Pf</sup> and

(b) The time that is 6 hours past the point in time when the FOOD is removed from cold holding temperature control;<sup>Pf</sup>

(4) The FOOD shall be:

(a) Discarded if the temperature of the FOOD exceeds 21°C (70°F),<sup>P</sup> or

(b) Cooked and served, served at any temperature if READY-TO-EAT, or discarded within a maximum of 6 hours from the point in time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control;<sup>P</sup> and

(5) The FOOD in unmarked containers or PACKAGES, or marked with a time that exceeds the 6-hour limit shall be discarded.<sup>P</sup>

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

**Specialized  
Processing  
Methods**

**3-502.11 Variance Requirement.**

A FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 and under § 8-103.11 before:<sup>Pf</sup>

(A) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement;<sup>Pf</sup>

(B) Curing FOOD;<sup>Pf</sup>

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

***Clostridium botulinum and Listeria monocytogenes Controls***

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

- (A) Except for a 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***.<sup>P</sup>
- (B) A 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(D) and that:<sup>Pf</sup>

(1) Identifies the FOOD to be PACKAGED;<sup>Pf</sup>

(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:<sup>Pf</sup>

(a) Has an  $A_w$  of 0.91 or less,<sup>Pf</sup>

(b) Has a PH of 4.6 or less,<sup>Pf</sup>

(c) Is a MEAT or POULTRY product cured at a FOOD PROCESSING PLANT regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact PACKAGE,<sup>Pf</sup> or

(d) Is a FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY, or raw vegetables;<sup>Pf</sup>

(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:<sup>Pf</sup>

(a) Maintain the FOOD at 5°C (41°F) or below,<sup>Pf</sup> and

(b) Discard the FOOD if within 14 calendar days of its PACKAGING it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption;<sup>Pf</sup>

(4) Limits the refrigerated shelf life to no more than 14 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;<sup>P</sup>

(5) Includes operational procedures that:

(a) Prohibit contacting READY-TO-EAT FOOD with bare hands as specified under ¶ 3-301.11(B),<sup>Pf</sup>

(b) Identify a designated work area and the method by which:<sup>Pf</sup>

(i) Physical barriers or methods of separation of raw



FOODS and READY-TO-EAT FOODS minimize cross contamination,<sup>Pf</sup> and

(ii) Access to the processing EQUIPMENT is limited to responsible trained personnel familiar with the potential HAZARDS of the operation,<sup>Pf</sup> and

(c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES;<sup>Pf</sup> and

(6) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:<sup>Pf</sup>

(a) Concepts required for a safe operation,<sup>Pf</sup>

(b) EQUIPMENT and facilities,<sup>Pf</sup> and

(c) Procedures specified under Subparagraph (B)(5) of this section and ¶ 8-201.14(D).<sup>Pf</sup>

*Fish*

(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.<sup>P</sup>

*Cook-Chill or  
Sous Vide*

(D) Except as specified under ¶ (C) of this section, a FOOD ESTABLISHMENT that PACKAGES FOOD using a cook-chill or sous vide process shall:

(1) Implement a HACCP PLAN that contains the information as specified under ¶ 8-201.14(D);<sup>Pf</sup>

(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,<sup>Pf</sup>

(b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under § 3-401.11,<sup>P</sup>

(c) Protected from contamination before and after cooking as specified under Parts 3-3 and 3-4,<sup>P</sup>

(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),<sup>P</sup>

(e) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under § 3-501.14 and subsequently:<sup>P</sup>

(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;*<sup>P</sup>

(ii) *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;*<sup>P</sup>

(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;*<sup>P</sup> or

(iv) Held frozen with no shelf life restriction while frozen until consumed or used.<sup>P</sup>

(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,<sup>Pf</sup>

(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,<sup>Pf</sup> and

(h) Labeled with the product name and the date PACKAGED;<sup>Pf</sup> 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, <sup>Pf</sup> and

(b) Hold such records for at least 6 months; <sup>Pf</sup> and

(4) Implement written operational procedures as specified under Subparagraph (B)(5) of this section and a training program as specified under Subparagraph (B)(6) of this section. <sup>Pf</sup>

*Cheese*

(E) A 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; <sup>P</sup>

(2) Have a HACCP PLAN that contains the information specified under ¶ 8-201.14(D) and as specified under ¶¶ (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section; <sup>Pf</sup>

(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; <sup>Pf</sup> 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. <sup>Pf</sup>

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

***Subparts***

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

***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 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;

(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, 2006).<sup>Pf</sup>

(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 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.

(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 (5) 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 are no state or local laws requiring labeling; and*

(3) *The food is manufactured or prepared on the premises of the food establishment or at another 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 LAW, CONSUMER warnings shall be provided.

(B) 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.<sup>Pf</sup>

(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);”<sup>Pf</sup> 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.<sup>Pf</sup>

(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;<sup>Pf</sup>

(2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness;<sup>Pf</sup> 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. <sup>Pf</sup>

<b>3-7</b>	<b>CONTAMINATED FOOD</b>
	<b><i>Subpart</i></b>
	<b>3-701          Disposition</b>

***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 § 3-101.11 shall be discarded or reconditioned according to an APPROVED procedure. <sup>P</sup>

(B) FOOD that is not from an APPROVED source as specified under §§ 3-201.11 - .17 shall be discarded. <sup>P</sup>

(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. <sup>P</sup>

(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. <sup>P</sup>

**3-8 SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS**

***Subpart***

**3-801 Additional Safeguards**

***Additional Safeguards***

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

In a 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, 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 ¶ 3-404.11(B) may not be served or offered for sale;<sup>P</sup> 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 ¶¶ 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.<sup>P</sup>

(B) Pasteurized EGGS or EGG PRODUCTS shall be substituted for raw EGGS in the preparation of:<sup>P</sup>

- (1) FOODS such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, EGGnog, ice cream, and EGG-fortified BEVERAGES,<sup>P</sup> and



(2) Except as specified in ¶ (F) of this section, recipes in which more than one EGG is broken and the EGGS are combined;<sup>P</sup>

(C) The following FOODS may not be served or offered for sale in a READY-TO-EAT form:<sup>P</sup>

(1) Raw animal FOODS such as raw FISH, raw-marinated FISH, raw MOLLUSCAN SHELLFISH, and steak tartare,<sup>P</sup>

(2) A partially cooked animal FOOD such as lightly cooked FISH, rare MEAT, soft-cooked EGGS that are made from raw EGGS, and meringue;<sup>P</sup> and

(3) Raw seed sprouts.<sup>P</sup>

(D) FOOD EMPLOYEES may not contact READY-TO-EAT FOOD as specified under Paragraphs 3-301.11(B) and (E).<sup>P</sup>

(E) Time only, as the public health control as specified under ¶ 3-501.19(D), may not be used for raw EGGS.<sup>P</sup>

(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 ¶ 8-201.14(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.*

*Re-service of Food*

(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).*

*Prohibited Re-service of Food*

(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.*

# 4 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: <sup>P</sup>

- (A) Safe; <sup>P</sup>
- (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 ¶¶ (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, Use Limitation.**

(A) Ceramic, china, and 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: <sup>P</sup>

<b>UTENSIL Category</b>	<b>Ceramic Article Description</b>	<b>Maximum Lead mg/L</b>
Beverage Mugs, Cups, Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls $\geq$ 1.1 Liter (1.16 Quart)	1
Small Hollowware (excluding cups & mugs)	Bowls < 1.1 Liter (1.16 Quart)	2.0
Flat TABLEWARE	Plates, Saucers	3.0

(B) Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD-CONTACT SURFACE. <sup>P</sup>

(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 ¶ (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.<sup>P</sup>

*(B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation 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.<sup>P</sup>

#### **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 ¶¶ (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 nonscoring or nonscratching 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,<sup>P</sup> or

(2) Impart colors, odors, or tastes to FOOD; and

(B) Shall be:

(1) Safe,<sup>P</sup> and

(2) Clean.

<b>4-2</b>	<b>DESIGN AND CONSTRUCTION</b>
	<b><i>Subparts</i></b>
	4-201 <b>Durability and Strength</b>
	4-202 <b>Cleanability</b>
	4-203 <b>Accuracy</b>
	4-204 <b>Functionality</b>
	4-205 <b>Acceptability</b>

***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.*<sup>P</sup>

***Cleanability***

**4-202.11      Food-Contact Surfaces.**

(A) Multiuse FOOD-CONTACT SURFACES shall be:

(1) SMOOTH;<sup>Pf</sup>

(2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;<sup>Pf</sup>

(3) Free of sharp internal angles, corners, and crevices;<sup>Pf</sup>

(4) Finished to have SMOOTH welds and joints;<sup>Pf</sup> and

(5) Except as specified in ¶ (B) of this section, accessible for

cleaning and inspection by one of the following methods:

- (a) Without being disassembled,<sup>Pf</sup>
- (b) By disassembling without the use of tools,<sup>Pf</sup> 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.<sup>Pf</sup>

*(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 § 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,<sup>Pf</sup> 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 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 § 4-202.11 or § 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.<sup>Pf</sup>

(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.<sup>Pf</sup>

**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.<sup>Pf</sup>

(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.<sup>Pf</sup>

**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 pound per square inch) or smaller and shall be accurate to  $\pm 14$  kilopascals ( $\pm 2$  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 ¶ (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 ¶ (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;
- (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 §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; <sup>P</sup> and

(2) conform to the requirements for this EQUIPMENT as specified in *NSF/ANSI 18-2006- Manual Food and Beverage Dispensing Equipment*. <sup>P</sup>

#### **4-204.14**

DELETED

#### **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**

DELETED

**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.<sup>P</sup>

(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:<sup>Pf</sup>

(1) Is submitted by the PERMIT HOLDER and APPROVED as specified under § 8-103.11;<sup>Pf</sup> and

(2) Ensures that:

(a) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank,<sup>Pf</sup>

(b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank,<sup>Pf</sup> and

(c) The identity of the source of the SHELLSTOCK is retained as specified under § 3-203.12.<sup>Pf</sup>

**4-204.111**

DELETED

**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 ¶ (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) 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, bainmaries, steam tables, insulated FOOD transport containers, and salad bars.*

(D) TEMPERATURE MEASURING DEVICES shall be designed to be easily readable.

(E) 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. <sup>Pf</sup>

#### **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 operation 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;<sup>Pf</sup> and
- (B) As the water enters the hot water SANITIZING final rinse manifold or in the chemical SANITIZING solution tank.<sup>Pf</sup>

**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);<sup>Pf</sup> and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.<sup>Pf</sup>

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

A WAREWASHING machine that is installed after adoption of this Code by the REGULATORY AUTHORITY, shall be equipped to:

- (A) Automatically dispense detergents and SANITIZERS;<sup>Pf</sup> 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.<sup>Pf</sup>

**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**

DELETED

**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 apparatuses such as hand trucks and forklifts.



**4-204.123**

DELETED

**Acceptability 4-205.10 Food Equipment, Certification and Classification.**

Except for toasters, mixers, microwave ovens, water heaters, and hoods, FOOD EQUIPMENT shall be used in accordance with the manufacturer's intended use and certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program. If the EQUIPMENT is not certified or classified for sanitation, the EQUIPMENT shall meet Parts 4-1 and 4-2 of the Food Code as amended by this Rule. Nonabsorbent wooden shelves that are in GOOD REPAIR may be used in dry storage areas.

**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 Chapter 3.<sup>Pf</sup>

**4-301.12 Manual Warewashing, Sink Compartment Requirements.**

(A) Except as specified in ¶ (C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS.<sup>Pf</sup>

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

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

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

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

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

**4-502.14 Shells, Use Limitation.**

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

<b>4-6</b>	<b>CLEANING OF EQUIPMENT AND UTENSILS</b>
	<i>Subparts</i>
	<b>4-601 Objective</b>
	<b>4-602 Frequency</b>
	<b>4-603 Methods</b>

**Objective**

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

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch.<sup>Pf</sup>

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

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

**Frequency**

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

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

- (1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY;<sup>P</sup>
- (2) Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS;<sup>P</sup>
- (3) Between uses with raw fruits and vegetables and with POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD);<sup>P</sup>
- (4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE;<sup>P</sup> and
- (5) At any time during the operation when contamination may have occurred.<sup>P</sup>

*(B) Subparagraph (A)(1) of this section does not apply if the FOOD-CONTACT SURFACE or UTENSIL is in contact with a succession of different raw animal FOODS each requiring a higher cooking temperature as specified under § 3-401.11 than the previous FOOD, such as preparing raw FISH followed by cutting raw poultry on the same cutting board.*

(C) Except as specified in ¶ (D) of this section, if used with POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned throughout the day at least every 4 hours.<sup>P</sup>

*(D) Surfaces of UTENSILS and EQUIPMENT contacting POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) may be cleaned less frequently than every 4 hours if:*

- (1) *In storage, containers of POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned when they are empty;*
- (2) *UTENSILS and EQUIPMENT are used to prepare FOOD in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:*
  - (a) *The UTENSILS and EQUIPMENT are cleaned at the frequency in the following chart that corresponds to the temperature; and*

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

*(b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the FOOD ESTABLISHMENT.*

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

*a roast, held at temperatures specified under Chapter 3;*

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

BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

- (a) At a frequency specified by the manufacturer, or
- (b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

**4-602.12 Cooking and Baking Equipment.**

(A) The FOOD-CONTACT SURFACES of cooking and baking EQUIPMENT shall be cleaned at least every 24 hours. *This section does not apply to hot oil cooking and filtering EQUIPMENT if it is cleaned as specified in Subparagraph 4-602.11(D)(6).*

(B) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

**4-602.13 Nonfood-Contact Surfaces.**

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

**Methods**

**4-603.11 Dry Cleaning.**

(A) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only SURFACES that are soiled with dry FOOD residues that are not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD).

(B) Cleaning EQUIPMENT used in dry cleaning FOOD-CONTACT SURFACES may not be used for any other purpose.

**4-603.12 Precleaning.**

(A) FOOD debris on EQUIPMENT and UTENSILS shall be scrapped over a waste disposal unit or garbage receptacle or shall be removed in a WAREWASHING machine with a prewash cycle.

(B) If necessary for effective cleaning, UTENSILS and EQUIPMENT shall be preflushed, presoaked, or scrubbed with abrasives.

**4-603.13 Loading of Soiled Items, Warewashing Machines.**

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

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

**4-603.14 Wet Cleaning.**

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

(B) The washing procedures selected shall be based on the type and purpose of the EQUIPMENT or UTENSIL, and on the type of soil to be removed.

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

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

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

¶ 4-603.14(A).

#### **4-603.16 Rinsing Procedures.**

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

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



solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the SANITIZING solution.

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

(A) Except as specified in ¶¶ (B) and (C) of this section, returned empty containers intended for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.<sup>P</sup>

(B) *A FOOD-specific container for BEVERAGES may be refilled at a FOOD ESTABLISHMENT if:*

- (1) *Only a BEVERAGE that is not a POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) is used as specified under ¶ 3-304.17(A);*
- (2) *The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;*
- (3) *Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;*
- (4) *The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and*
- (5) *The container is refilled by:*
  - (a) *An EMPLOYEE of the FOOD ESTABLISHMENT, or*
  - (b) *The owner of the container if the BEVERAGE system includes a contamination-free transfer process that cannot be bypassed by the container owner.*

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

**4-7 SANITIZATION OF EQUIPMENT AND UTENSILS**

**Subparts**

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

**Objective**

**4-701.10 Food-Contact Surfaces and Utensils.**

EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED.

**Frequency**

**4-702.11 Before Use After Cleaning.**

UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning.<sup>P</sup>

**Methods**

**4-703.11 Hot Water and Chemical.**

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

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

- (1) Except as specified under Subparagraph (C)(2) of this section, a contact time of at least 10 seconds for a chlorine solution specified under ¶ 4-501.114(A),<sup>P</sup>

- (2) A contact time of at least 7 seconds for a chlorine solution of 50 MG/L that has a PH of 10 or less and a temperature of at least 38°C (100°F) or a PH of 8 or less and a temperature of at least 24°C (75°F),<sup>P</sup>
- (3) A contact time of at least 30 seconds for other chemical SANITIZING solutions,<sup>P</sup> or
- (4) A contact time used in relationship with a combination of temperature, concentration, and PH that, when evaluated for efficacy, yields SANITIZATION as defined in ¶ 1-201.10(B).<sup>P</sup>

<b>4-8</b>	<b>LAUNDERING</b>	
	<i>Subparts</i>	
	<b>4-801</b>	<b>Objective</b>
	<b>4-802</b>	<b>Frequency</b>
	<b>4-803</b>	<b>Methods</b>

**Objective**

**4-801.11 Clean Linens.**

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

**Frequency**

**4-802.11 Specifications.**

(A) LINENS that do not come in direct contact with FOOD shall be laundered between operations if they become wet, sticky, or visibly soiled.

(B) Cloth gloves used as specified in ¶ 3-304.15(D) shall be laundered before being used with a different type of raw animal FOOD such as beef, FISH, lamb, pork or POULTRY.

(C) LINENS and napkins that are used as specified under § 3-304.13 and cloth napkins shall be laundered between each use.

(D) Wet wiping cloths shall be laundered daily.