

RETAIL FOOD STORE  
SANITATION REGULATIONS

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**RETAIL FOOD STORE  
SANITATION REGULATIONS**

**PART 1.000 GENERAL PROVISIONS**

**SECTION 1.100**

**1.101 Purpose**

These regulations shall be liberally construed and applied to promote their underlying purpose of protecting the public health.

**SECTION 1.200**

**1.201 Definitions**

For the purpose of these regulations:

- (a) "Corrosion-Resistant Materials" means those materials that maintain their original surface qualities under the prolonged influence of foods, the normal use of cleaning compounds and sanitizing solutions, and other conditions of use within the establishment that may be reasonably expected during normal use.
- (b) "Department" means the Department of Public Health and Social Services.
- (c) "Director" means the Director, Department of Public Health and Social Services.
- (d) "Division" means the Division of Environmental Health, Department of Public Health and Social Services.
- (e) "Easily Cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (f) "Employee" means the permit holder, individual having supervisory or management duties, and any other person working in a retail food store.
- (g) "Equipment" means stoves, ovens, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, freezers, sinks, ware-washing machines, ice makers, and similar items, other than utensils, used in the operation of a retail food store.
- (h) "Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human or animal consumption.
- (i) "Food Contact Surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

- (j) **"Food Processing Establishment"** means a commercial establishment in which food is manufactured or packaged for human or animal consumption. The term does not include a food service establishment or retail food store.
- (k) **"Hermetically Sealed Container"** means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents.
- (l) **"Kitchenware"** means all multi-use utensils.
- (m) **"Law"** includes Federal and local statutes and regulations.
- (n) **"Packaged"** means bagged, bottled, boxed, canned, cartoned, or securely wrapped.
- (o) **"Person"** includes an individual, partnership, corporation, association, or other legal entity.
- (p) **"Person In Charge"** means the individual present in a retail food store who is the apparent supervisor of the retail food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee is the person in charge.
- (q) **"Potentially Hazardous Food"** means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include:
  - clean, whole un-cracked, odor-free shell eggs;
  - or foods which have a pH level of 4.5 or below or a water activity (Aw) value of 0.85 or less under standard conditions;
  - food products in hermetically sealed containers processed to prevent spoilage;
  - or dehydrated, dry, or powdered food products so low in moisture content as to preclude development of micro-organisms.
- (r) **"Reconstituted"** means recombining dehydrated food products with water or other liquids.
- (s) **"Regulatory Authority"** means the Department of Public Health and Social Services.
- (t) **"Retail Food Store"** means any establishment where food and food products are offered for sale to the ultimate consumer and intended for off-premise consumption. Such food or food products may be exposed to varying degrees of preparation and may often need further preparation or processing after it has been purchased. The term "Retail Food Store" shall include any warehouse facility, under administrative control of the Retail Food Establishment, used for the storage of that establishments food and food products; and any vehicle owned by that establishment used to transport food and food products. "Retail Food Store" shall not mean any Food Service Establishment as defined in Public Law 15-96, Chapter VI, Subchapter D, Section 9530.(b).

- (u) "Safe Materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in Section 201 (s) or (t) of the U.S. Food, Drug, and Cosmetic Act, or Section 9720.1 (w) or (x) of the Guam Food, Drug, and Cosmetic Act, they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or 706 of the Federal act. Other materials are "safe" only if they are used in conformity with regulations established now or hereafter under the above Acts or Public Law 15-96 (The Guam Environmental Health Act).
- (v) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce bacterial count, including pathogens, to a safe level on cleaned food contact surfaces of utensils and equipment.
- (w) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.
- (x) "Single Service Articles" means cups, containers, lids and packaging materials, including bags and similar articles intended for use in contact with food that are designed for one-time use and then discarded.
- (y) "Transportation" (transported) means movement of food within the retail food store or delivery of food from a retail food store to another place while under control of the person in charge.
- (z) "Utensil" means any implement used in the storage, preparation, transportation or dispensing of food.
- (aa) "Ware-washing" means the cleaning and sanitization of food contact surfaces of all equipment and utensils.

#### SECTION 1.300

##### 1.301 Captions

Sections and other captions are part of these regulations.

#### SECTION 1.400

##### 1.401 Repealer

These regulations shall be effective twelve months after they are adopted and published in accordance with law. At that time, all rules and regulations and parts of rules and regulations in conflict with these regulations are repealed.



## SECTION 1.500

### 1.501 Separability

If any provision or application of any provision of these regulations is held invalid, that invalidity shall not affect other provisions or applications of these regulations.

## PART 2.000 FOOD

### SECTION 2.100 Food Supplies

#### 2.101 General

Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human or animal consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The sale or use of hermetically sealed food that was not prepared in a food processing establishment regularly inspected by the Department or other health regulatory agency is prohibited.

#### 2.102 Special Requirements

- (a) Milk and milk products used or sold shall be pasteurized and shall meet quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products
- (b) Fresh and frozen shucked shellfish (oysters, mussels, or clams) shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or re-packer, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used or sold. Each container of un-shucked shell stock (oysters, clams, and mussels) shall be identified by an attached tag to be retained for 90 days, that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an interstate certification number issued by the Department, State, or Foreign shellfish control agency.
- (c) Only clean shell eggs, without cracks or checks, and meeting applicable grade standards, or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or sold.

- (d) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged in a clean sanitary manner.

**REASON:** The quality and safety of products used or offered for sale by the retail food store is based on the condition of the food at the time it is received from the supplier. Food must first have been protected during production, processing, packaging, storage, and transportation if it is to be acceptable for the consumer following food store operations. Even the best quality control and public health measures at the food store cannot improve food which is marginal or unacceptable when received.

The requirements of this section are designed to reduce the risk of receiving food which is of unacceptable quality and safety. The use or sale of non-commercially packaged hermetically sealed food is prohibited because of the history of such food in causing food-borne illness.

The special requirements for eggs and egg products and for milk and milk products are included because these products are exceptionally good media for the growth of pathogens. Labeling requirements for shellfish provide a means of assuring that the source of the shellfish is under the control of a regulatory authority.

## SECTION 2.200 Food Protection

### 2.201 General

At all times, including while being stored, prepared, displayed, dispensed, or transported, food shall be protected from potential contamination by all agents, including cross-contamination from foods, unsafe or foreign materials, insects, rodents, unclean equipment and utensils, probe type price or identification tags, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or condensation. The temperature of potentially hazardous foods shall be 45°F or below, or 140°F or above, at all times, except as otherwise provided in these regulations. Retail food stock shall be properly rotated. Hermetically sealed packages shall be properly handled to maintain container integrity.

### 2.202 Emergency Occurrences

In the event of an occurrence, such as a fire, flood, power outage, earthquake, typhoon, or similar event, that creates a reasonable probability that food in the retail food store may have been contaminated, or which might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the Department. Upon receiving notice of this occurrence, the Department shall take

whatever action that it deems necessary to protect the public health.

**REASON:** Food which is wholesome and safe when received from the supplier can become contaminated with filth, pathogenic micro-organisms, and toxic chemicals if it is mishandled within the retail food store. The requirements contained in this section are designed to protect food from the numerous potential sources of contamination that may occur during the various retail food store operations and are intended to place emphasis on food temperature control of potentially hazardous foods.

## SECTION 2.300 Food Storage

### 2.301 General

- (a) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fruits shall be exempted from this requirement. Container covers shall be impervious and non-absorbent. Solid cuts of meat shall be protected by covering with single service wrapping material during storage, except that quarter cuts or sides of meat may be stored to hang freely and uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in such a manner that will not allow the contamination of other foods in storage.
- (b) Containers of food shall be stored a minimum of six inches above the floor in a manner that permits easy cleaning of the storage area, or on dollies, racks, or pallets, provided such equipment is easily movable, either by hand or with the use of pallet-moving equipment that is available and used.
- (c) Food and containers of food shall not be stored under exposed or unprotected sewer or water lines, except for automatic fire protection sprinkler heads that may be required by law.
- (d) Packaged food shall not be stored in contact with water or un-drained ice. Wrapped sandwiches shall not be stored in direct contact with ice.
- (e) Bulk food shall be stored in a container identifying it by common name.
- (f) Spoiled, damaged, returned, or detained (distressed) food items shall be stored separately from and isolated from foods in good condition.

- (g) Food storage in toilet rooms or vestibules, and garbage or mechanical rooms is prohibited.

### 2.302 Refrigerated/Frozen Storage

- (a) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}\text{F}$ , located to measure the air temperature in the warmest part of the facility and located to be easily read. Recording thermometers, accurate to  $\pm 3^{\circ}\text{F}$  may be used in lieu of indicating thermometers.
- (b) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of  $45^{\circ}\text{F}$  or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of  $45^{\circ}\text{F}$  or below unless maintained in accordance with paragraph 2.303 of these regulations. Clean, un-cracked, odor-free shell eggs shall be refrigerated at an ambient temperature not to exceed  $60^{\circ}\text{F}$ .
- (c) Frozen foods shall be kept frozen and should be stored at an ambient temperature of  $0^{\circ}\text{F}$  or below.
- (d) Ice used as a cooling medium for food storage shall not be used or sold for human consumption.

### 2.303 Hot Food Storage

- (a) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food storage facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}\text{F}$ , located to measure the air temperature in the coolest part of the facility, and located to be easily read. Recording thermometers accurate to  $\pm 3^{\circ}\text{F}$  may be used in lieu of indicating thermometers. When it is impractical to install thermometers or equipment such as heat lamps, cal-rod units, or insulated food transport carriers, a product

thermometer must be available and used to check internal food temperature.

- (b) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F or above, except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140°F or above unless maintained in accordance with paragraph 2.302(b) of these regulations.

**REASON:** Proper care during storage is important in assuring that the condition of food when received is maintained and protected. Requirements of this section are intended to prevent contamination of food, and to control the growth of naturally occurring disease-causing micro-organisms. Food must be covered in order to provide physical protection of the food. Containers and covers must be impervious and non-absorbent to eliminate the possibility of their being a factor for contamination. Food storage locations are restricted to minimize risk of food contamination from other foods, equipment, routine employee activities, and environmental systems. Labeling of bulk ingredients is required to prevent confusion which could lead to inadvertent contamination of food during preparation. Provisions covering the availability of hot and refrigerated, frozen food storage facilities, and the parameters defining the cooling period for foods in storage, are included since controlling product temperature is the best means available for controlling growth of pathogens in food. Thermometers are required in or on equipment to provide a means for monitoring air temperatures around potentially hazardous foods.

## SECTION 2.400 Food Preparation

### 2.401 General

- (a) Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use, have been cleaned, rinsed, and sanitized to prevent cross contamination.
- (b) Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products shall be prepared when possible from chilled products.
- (c) Salads and other ready-to-eat foods prepared in the retail food store shall be prepared in areas that are separated by a barrier or open space from the fresh raw meat and poultry department processing areas. If it is impossible to provide separate areas and equipment because of lack of space, the food-contact surfaces of equipment to be used for processing shall be cleaned and sanitized each time there is a change from the processing of raw to ready-to-eat food and food product or there is a change in processing of raw pork, or raw poultry,

or raw fish, and before processing any different kind of product.

#### 2.402 Raw Fruits and Vegetables

Raw fruits and raw vegetables that will be cut or combined with other ingredients or will otherwise be processed into food products in the retail food establishment shall be thoroughly washed with potable water before being used.

#### 2.403 Cooking Potentially Hazardous Foods

Potentially hazardous foods being processed within the retail food establishment and that require cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F, except that

- (a) Poultry, poultry stuffing, stuffed meats and stuffing containing meat, shall be cooked to heat all parts of the food to at least 165°F with no interruption of the cooking process.
- (b) Pork and products containing pork shall be cooked to heat all parts of the food to at least 150°F. The use of microwave ovens is prohibited.
- (c) ~~When beef roasts under 10 pounds in weight are~~ cooked in a still dry heat oven, the oven shall be preheated to and held at an air temperature of at least 350°F throughout the process. If cooked in a convection oven, the oven shall be preheated to and held at an air temperature of at least 325°F throughout the process.

When beef roasts of 10 pounds or over in weight are cooked in a dry heat oven, the oven shall be preheated to and held at an air temperature of at least 250°F throughout the process.

Further, in order to meet public health requirements for the processes cited above, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature.

**Minimum Holding Times for  
Beef Roasts at Various  
Minimum Internal Temperatures**

Minimum Internal Temperature		Minimum Holding Time in Minutes
°F	°C	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

- (d) Beef roasts, if cooked in a microwave oven, shall not be served rare because of the size and density of the product.

**2.404 Bakery Product Fillings**

Custards, cream fillings, including synthetics, and similar products shall meet the temperature requirement in paragraph (b) of Section 2.302 following preparation and maintained thereat during storage, transportation, and display. Synthetic filled products may be excluded from this requirement if:

- (a) the food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less under standard conditions; or
- (b) it is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or
- (c) other scientific evidence is on file with the regulatory agency demonstrating that the specific product will not support the growth of pathogenic microorganisms.

These synthetic filled products may be labeled to indicate that refrigeration is not required.

**2.405 Dry Milk, Dry Eggs, liquid Eggs and Frozen Eggs**

When incorporated into finished products or reconstituted, dry milk, dry milk products, dry eggs, dry egg products, liquid eggs and frozen eggs shall be used only if the finished products are heated to 140°F or above.

**2.406 Reheating**

Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F or higher throughout before being placed in a hot food storage facility. Food warmers, and other hot food holding facilities shall not be used for the rapid reheating of potentially hazardous foods.

**2.407 Product Thermometers**

Metal stem-type numerically scaled indicating thermometers, accurate to ±2°F shall be provided and used to assure attainment and maintenance of proper internal cooking, holding or refrigeration temperatures of all potentially hazardous foods.

**2.408 Thawing Potentially Hazardous Foods**

Potentially hazardous foods shall be thawed:

- (a) In refrigerated units at a temperature not to exceed 45°F; or
- (b) In a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
- (c) As part of the conventional cooking process.

**REASON:** Food preparation is the process of necessary manipulation during which food is subjected to potential contamination from the greatest number of sources. Requirements of this section are intended to reduce the likelihood of contamination during preparation as much as practicable and to destroy microorganisms or prevent their rapid growth in food; which may have become contaminated.

**SECTION 2.500 Food Display**

**2.501 Potentially Hazardous Foods**

Potentially hazardous foods shall be kept at an internal



temperature of 45°F or below or at an internal temperature of 140°F or higher during display except that rare roast beef offered for sale hot shall be held at a temperature of at least 130°F.

#### **2.502 Frozen Foods**

Foods intended for sale in a frozen state should be stored at an ambient temperature of 0°F or below, with a tolerance of 10°F for short periods of time such as defrost cycles or loading or unloading. Frozen foods on display shall be stored below or behind product lines according to the cabinet manufacturer's specifications. Potentially hazardous foods which have been thawed shall not be refrozen.

#### **2.503 Raw Fruits and Vegetables**

Raw fruits and raw vegetables may be rinsed in clean vegetable sinks with potable water followed by adequate drainage prior to display for sale.

#### **2.504 Food Display**

Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, shall be protected from contamination by packaging, counter protector devices, display cases or similar equipment. All food shall be displayed a minimum of six inches above the floor. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

#### **2.505 Dispensing Utensils**

To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves un-packaged bulk processed foods such as pickled products or dried foods. These dispensing utensils shall be:

- (a) Stored in the food with the dispensing utensil handle extended out of the food; or
- (b) Stored clean and dry; or
- (c) Stored in running potable water.

#### **2.506 Food Sample Demonstrations and Food Promotions**

When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge

shall ensure that such activities comply with the applicable sanitation provisions of this ordinance.

REASON: Any relaxation or lapse in concern for protecting food during display and service can negate all earlier efforts to maintain quality of food that has been carefully purchased, stored, and prepared. Requirements in this section are intended to:

.....assure continued control of the product temperatures of potentially hazardous foods; and

.....direct the efforts of store employees toward use of sanitary display and dispensing procedures; and

.....protect food from contamination by store patrons.

## SECTION 2.600 Food Transportation

### 2.601 General

During transportation, food other than hanging primal cuts, quarters, or sides of meat, and raw fruits and vegetables, and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be over-wrapped or covered if the original package has not been torn or broken. During transportation, food shall meet all the requirements of these regulations relating to food protection and storage.

REASONS: Special circumstances that arise during the transportation of food can make protection of food and maintenance of proper food temperatures more difficult. There is a corresponding increase in the possibility of contamination and microbial growth. Requirements of this section are intended to assure that food is as carefully protected while being transported as it is during other retail food store operations.

## PART 3.000 PERSONNEL

### SECTION 3.100 Employee Health

#### 3.101 General

No person shall work in a retail food store if:

- (a) they are infected with a disease in a communicable form that can be transmitted by foods; or
- (b) they are a carrier of organisms that cause such a

disease; or

- (c) they are affected with a boil or infected sore on the hands, arms, face, or neck areas; or
- (d) they are affected with an acute respiratory infection if there is a possibility of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other persons.

**REASON:** A whole range of communicable diseases and infections may be transmitted by infected retail food store personnel to other employees and to the consumer through contamination of food or food utensils.

### SECTION 3.200 Personal Cleanliness

#### 3.201 General

Employees shall thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, using the toilet, handling trash, using wiping rags, before and after handling raw meat, poultry or seafood, or after any other activity which contaminates the hands or arms. Employees shall keep their fingernails trimmed and clean.

**REASON:** The hands are particularly important as a potential vehicle of contamination of food and food-contact surfaces.

### SECTION 3.300 Clothing

#### 3.301 General

- (a) Employees shall wear clean outer clothing.
- (b) Employees shall use effective hair restraints where necessary to prevent the contamination of food or food-contact surfaces.

**REASON:** Clothing and falling hair can be direct or indirect vehicles of contamination. Consumers react negatively when store employees handling food have soiled clothing, and are particularly sensitive to having food contaminated with hair.

## SECTION 3.400 Employee Practices

### 3.401 General

- (a) Employees shall consume food only in designated areas such that the contamination of other food, equipment, utensils or materials will not occur.
- (b) Employees shall not use tobacco while performing food handling operations, nor while in ware-washing or in food preparation areas. Employees shall use tobacco only in designated areas.
- (c) When food is handled during a preparation process, all hand jewelry which cannot be adequately sanitized, and all insecure jewelry shall be removed.
- (d) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the retail food store.

REASON: Hygienic practices must be utilized by employees in keeping personally clean and in performing assigned duties, in order to maintain the integrity of food and to minimize the possibility of transmitting disease to other employees and consumers. Smoking or eating by employees in food preparation areas is prohibited because of the probability of contamination of the hands, food, and food-contact surfaces. Insanitary and unsightly personal practices such as scratching the head, placing the fingers in or about the mouth or nose, and indiscriminate and uncovered sneezing or coughing may result in food contamination, and adversely affect consumer confidence in the establishment.

## PART 4.000 EQUIPMENT AND UTENSILS

### SECTION 4.100 Materials

#### 4.101 General

Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials, using safe methods; and shall be corrosion resistant and shall be non-absorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not import odors, color or taste, nor contribute to the contamination of food.

#### **4.102 Solder**

If solder is used, it shall be composed of safe materials and be corrosion resistant.

#### **4.103 Wood**

Hard maple or equivalently non-absorbent material that meets the general requirements set forth in 4.101 of these regulations may be used for cutting blocks, cutting boards, and bakers tables. The use of wood as a food-contact surface under other circumstances is prohibited except when used for storing shell nuts.

#### **4.104 Plastics and Rubber Materials**

Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scouring, decomposition, crazing chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods, and which meet the general requirements set forth in 4.101 of these regulations are permitted for repeated use.

#### **4.105 Single-Service**

Re-use of single-service articles is prohibited.

#### **4.106 Cutting Surfaces**

Scratching and scouring of cutting surfaces that interfere with effective cleaning and sanitization shall constitute violations of Sections 4-103 and 4-104.

**REASON:** Materials which are absorbent or have rough imperfect surfaces will harbor filth and microorganisms and are not cleanable.

Food poisoning has occurred as a result of ingestion of acidic food or drink that has been in contact with equipment or utensils containing metals such as copper, cadmium, lead, and zinc, or the salts of these metals. Unsafe materials used in the manufacture of equipment and utensils may migrate into food.

### **SECTION 4.200 Design and Fabrication**

#### **4.201 General**

All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under condi-

tions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

- (a) Food-contact surfaces shall be easily cleanable, smooth, and free of Breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is used for cooking. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers, hot oil cooking equipment, or hot oil filtering systems, such threads shall be minimized.
- (b) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.
- (c) Sinks and drain boards shall be self draining.

#### 4.202 Accessibility

Unless designed for in-place cleaning, food contact surfaces shall be accessible for cleaning and inspection:

- (a) Without being disassembled; or
- (b) By disassembling without the use of tools; or
- (c) By easy disassembling with the use of only simple tools, such as mallets, screwdrivers, or open-end wrenches which are kept near the equipment.

#### 4.203 In-Place Cleaning

Equipment designed for in-place cleaning shall be so designed and fabricated that:

- (a) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- (b) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- (c) The system is self draining or capable of being completely evacuated.

#### 4.204 Pressure-Spray Cleaning

Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches and connections.

#### 4.205 Thermometers

Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to  $\pm 2^{\circ}\text{F}$ .

#### 4.206 Non-Food-Contact Surfaces

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

#### 4.207 Ventilation Hoods

Ventilation hoods and devices, where required, shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement, if not designed to be cleaned in place.

#### 4.208 Existing Equipment

Equipment which was installed in a retail food store prior to the effective date of these regulations, and which does not meet fully all of the design and fabrication requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are non-toxic. Upon replacement, all equipment shall meet the requirements of these regulations.

REASON: Food equipment and utensils which have been designed and fabricated without regard for surface characteristics, durability, and accessibility can be difficult to clean, making build-up of food residues likely. Accumulation of food soil supports bacterial growth, contaminates fresh foods, attracts insects and rodents, causes unpleasant odors, and can be responsible for accelerated food spoilage and food-borne illness. The potential for food contamination from overhead dripping, and fire prevention systems are additional reasons for the proper design of hoods and ventilation systems.

The special requirements for equipment with bearings and gears, and the criteria for acceptability of lubricants are intended to prevent toxic petroleum products, from becoming part of food.

Thermometers made of glass and filled with mercury or other fluids are prohibited because of the problem of breakage and the risk of contaminating a batch of food or vat of hot cooking oil with glass and toxic liquid.

#### SECTION 4.300 Equipment Installation and Location

##### 4.301 General

Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, or water lines that are leaking, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

##### 4.302 Table-Mounted Equipment

- (a) Table-mounted equipment shall be installed to facilitate the cleaning of the equipment and the adjacent areas.
- (b) Equipment that is mounted on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a 4-inch clearance between the table or counter except that if no part of the table under the equipment is more than 18 inches from cleaning access, the clearance space shall be three (3) inches or more; or if no part of the table under the equipment is more than (3) inches from cleaning access, the clearance space shall be two (2) inches or more.
- (c) Equipment is portable within the meaning of Section 4-302(b) above if:
  - (1) It is small and light enough to be moved easily by one person; and
  - (2) It has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; and
  - (3) It is table-mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment, and:



- does not exceed 80 pounds, or
- is equipped with a mechanical means of safely tilting the unit for cleaning.

#### **4.303 Floor-Mounted Equipment**

- (a) Floor-mounted equipment, unless easily movable, shall be:
  - (1) Sealed to the floor; or
  - (2) Elevated on legs to provide at least a 6-inch clearance between the floor and equipment, except that equipment may be elevated to provide at least a 4-inch clearance between the floor and equipment if no part of the floor under the equipment is more than 6 inches from cleaning access.
  - (3) Display shelving units, display refrigeration units, and display freezer units will be exempt from the provisions of Section 4.303 (a) (1) and (2) above if they are installed so that the floor beneath the units can be cleaned.
- (b) Equipment is easily movable if:
  - (1) It is mounted on wheels or casters; and
  - (2) It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
- (c) Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch and, if exposed to seepage, the space shall be sealed.

#### **4.304 Aisles and Working Spaces**

Aisles and working spaces between units of equipment and between equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

REASON: Food debris and litter frequently accumulate under, above, around, and behind equipment. It is in these areas, especially along the floor and wall junctures, that insects and rodents harbor, run, and feed. The requirements of this section are intended to assure that regular and effective cleaning is possible. They are also intended to assure that employees have enough space to perform their duties without inadvertently contaminating food and clean surfaces.

PART 5.000 CLEANING, SANITIZING AND STORAGE  
OF EQUIPMENT AND UTENSILS

SECTION 5.100 Equipment and Utensil  
Cleaning and Sanitization

5.101 Cleaning Frequency

- (a) Utensils and food-contact surfaces of equipment shall be cleaned and sanitized after any interruption of operations during which time contamination may have occurred; between processing raw pork, or raw poultry, or raw fish, and before processing any different kind of product; and between processing of raw and ready-to-eat food and food products; and after final use each working day.
- (b) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized, in that order, at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.
- (c) The food-contact surfaces of cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.
- (d) Non-food-contact surfaces of equipment, including all cargo areas of transport vehicles, shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

5.102 Wiping Cloths

- (a) Moist cloths or sponges used for wiping food spills on food-contact surfaces of equipment shall be

clean and rinsed frequently in one of the sanitizing solutions permitted in paragraph 5.103 (e) of these regulations and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

- (b) Moist cloths or sponges used for cleaning non-food contact surfaces of equipment shall be clean and rinsed as specified in paragraph 5.102 (a) of these regulations and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- (c) Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

### **5.103 Manual Cleaning and Sanitizing**

- (a) For manual washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of it the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned by pressure spray methods.
- (b) Easily movable dish tables or drain boards of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the ware-washing facilities.
- (c) Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, presoaked to remove gross food particles and soil.
- (d) Sinks shall be cleaned prior to use.
- (e) When a three compartment sink is utilized for ware-washing, the operation shall be conducted in the following sequence:
  - (1) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean, with adequate scrubbing by hand to remove food and soil; and
  - (2) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water

in the second compartment; and

- (3) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in paragraph 5.103 (e) (items 1 through 4) of these regulations.
- (f) When a two-compartment sink is utilized for warewashing, one of the following two methods shall be used:
- (1) Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and shall be sanitized in hot water in the second compartment in accordance with Section 5.103 (h) (1) below; or
  - (2) Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent-sanitizer solution that is kept clean and at a concentration indicated on the manufacturer's label; and shall be sanitized in the second compartment in hot water in accordance with Section 5.103 (h) (1) below, or with a solution containing that same detergent-sanitizer in accordance with Section 5.103 (h) (Items 2-5) below.
- (g) When pressure spray methods are utilized for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a detergent sanitizer solution until the article being cleaned is free of visible food particles and soil. The detergent-sanitizer shall be used in accordance with the manufacturer's instructions and shall be of the type that does not require a potable water rinse when used according to those instructions.
- (h) The food-contact surfaces of all equipment and utensils shall be sanitized by:
- (1) Immersion for at least one-half minute in clean, hot water of a temperature of at least 170°F; or
  - (2) Immersion for at least one minute in a clean solution containing at least 50 parts per million (ppm) of available chlorine as hypochlorite and having a temperature of at least 75°F; or
  - (3) Immersion for at least one minute in a clean solution containing at least 12.5 ppm of available iodine and having a pH not higher than 5.0 and a temperature of at least 75°F;

or

- (4) Immersion for at least 1 minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75°F. The quaternary ammonium compound used shall have been compounded by the manufacturer to assure effectiveness in waters up to 500 parts per million hardness at use concentration; or
  - (5) Immersion in a clean solution containing any chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine as a hypochlorite at a temperature of at least 75°F for one minute; or
  - (6) Treatment with steam free from materials or additives other than those specified in 21 CFR 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined.
  - (7) Rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under paragraph 5.103 (h) (5) of these regulations in the case of equipment too large to sanitize by immersion.
- (i) When hot water is used for sanitizing, the following facilities shall be provided and used:
- (1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F; and
  - (2) A numerically scaled indicating thermometer, accurate to  $\pm 3^\circ\text{F}$ , convenient to the sink for frequent checks of water temperature; and
  - (3) Dish baskets of such size and design to permit complete immersion of utensils and equipment in the hot water.
- (j) When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

**5.104 Mechanical Cleaning and Sanitizing**

Cleaning and sanitizing may be done by spray-type or immersion ware-washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed, operated and maintained in good repair. The installation and operation shall be in accordance with requirements of Section 5.104 of the Eating and Drinking Establishment Regulations.

**5.105 Drying**

After sanitization, all equipment and utensils shall be air-dried. Towel drying shall not be permitted.

**5.106 Retail Food Stores without Equipment and Utensil Cleaning Facilities**

All retail food stores which do not have facilities for proper cleaning and sanitizing utensils and equipment shall not prepare or package food for sale, or dispense processed un-packaged foods.

**REASON:** Regular, effective cleaning and sanitization of equipment, utensils, and work surfaces minimizes the probability of food contamination, accelerated food spoilage, and the transmission of disease organisms or toxins to employees and consumers. Effective cleaning removes soil and prevents the accumulation of food residues that may decompose or support the rapid growth of food poisoning organisms or toxins. Effective sanitization procedures destroy organisms of public health importance that may be present on wiping cloths, food equipment, or utensils after cleaning, or which have been introduced into the rinse solution.

The requirements of this section are intended to assure that all facilities and testing equipment necessary for effective cleaning and sanitization are provided. They are also intended to provide operating procedures which are known to be safe and effective.

**SECTION 5.200 Equipment and Utensil  
Handling and Storage**

**5.201 Handling**

Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

**5.202 Storage**

(a) Cleaned and sanitized utensils and equipment shall

be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines, or water lines that are leaking or on which water has condensed, except for automatic fire protection sprinkler heads that may be required by law.

- (b) Utensils shall be air dried before being stored or shall be stored in a self draining position.
- (c) Stored utensils shall be covered or inverted, wherever practical.

#### 5.203 Single Service Articles

- (a) Single service articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines that are leaking or on which water has condensed, except for automatic fire protection sprinkler heads that may be required by law.
- (b) Single service articles shall be handled in a manner that prevents contamination of surfaces which may come in contact with food.

#### 5.204 Prohibited Storage Areas

The storage of food equipment, utensils or single-service articles in locker rooms, garbage rooms, mechanical rooms, toilet rooms, or vestibules is prohibited.

**REASON:** Single-service items, and equipment and multi-use utensils which have been properly cleaned and sanitized, can become contaminated in a variety of ways prior to their intended use. Contamination can be caused by moisture from absorption, flooding, drippage, or splash. It can also be caused by food debris, toxic materials, litter, dust, and other materials. The contamination is often related to unhygienic employee practices, unacceptable high risk storage locations, improper construction of storage facilities, and poorly designed and managed consumer self-service operations. The requirements of this section are provided to assure that clean items are protected during necessary handling and while being stored.

## PART 6.000 SANITARY FACILITIES AND CONTROLS

### SECTION 6.100 Water Supply

#### 6.101 General

Enough potable water for the needs of the retail food store shall be provided from a source constructed, maintained, and operated according to law.

#### 6.102 Transportation

All potable water not provided directly by pipe from the island water supply system to the retail food store shall be transported in a bulk water transport system and shall be delivered to a closed water system. Both of these systems shall be constructed, maintained, and operated according to law.

#### 6.103 Water Under Pressure

Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

#### 6.104 Steam

Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310.

**REASON:** Water and steam may serve as vehicles of contamination to food or food-contact surfaces. Pressure and temperature determine their effectiveness for cleaning, sanitization, and other store operations.

The requirements in this section are intended to assure that sufficient volumes of water and steam are provided from supplies known to be safe, and through distribution systems which are protected. The requirements are also intended to assure that fixtures and equipment designed to use water will be supplied with water at necessary pressures and temperatures.

### SECTION 6.200 Sewage

#### 6.201 General

All sewage, including liquid wastes from foods or waste water shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated in accordance with Public Law 15-96, Sub-chapter T and Chapter IV, Title XLI, Government Code of Guam. Non-



water carried sewage disposal facilities are prohibited, except as permitted by the Department in remote areas or because of special situations.

REASON: Many diseases can be transmitted from one person to another through fecal contamination of food and water. Proper disposal of human wastes greatly reduces the risk of fecal contamination. The requirements of this section are intended to assure that wastes will not: contaminate ground surfaces and water supplies; be accessible to children, or to pets, rodents, and insects; pollute surface waters; or otherwise create an odorous and unsightly nuisance.

## SECTION 6.300 Plumbing

### 6.301 General

Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any non-potable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

### 6.302 Non-potable Water Systems

Non-potable water systems are permitted only for purposes such as air conditioning, equipment cooling systems and fire protection and only if the system is installed according to law and the non-potable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The piping of any non-potable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

### 6.303 Backflow

The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back-siphonage at all fixtures and equipment where an air-gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow preventive device has been installed.

### 6.304 Grease Traps

If used, grease traps shall be located to be easily accessible for cleaning, and installed and maintained so as not to create any nuisances.

### 6.305 Garbage Grinders

If used, garbage grinders shall be installed and maintained so as not to create any nuisances.

### 6.306 Drains

Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed.

REASON: Water and waste lines that are inconveniently located, under-designed, or in disrepair can make necessary store operations either difficult or impossible. Improper plumbing systems have a long history of being implicated in illness outbreaks involving toxic chemicals and pathogenic organisms. They require continuous attention since piping systems and equipment and fixtures designed to use water are continually being extended, altered, or replaced.

The requirements of this section are intended to assure that plumbing is designed and installed so that equipment and facilities requiring water will have sufficient volume and pressure to properly perform their functions. Required measures also are intended to protect potable water systems, fixtures, and equipment from contamination caused by backflow. The requirement that grease traps, if used, be accessibly located is based on their need for frequent cleaning.

## SECTION 6.400 Toilet Facilities

### 6.401 Toilet Installation

Toilet facilities shall be installed so that there is an adequate number as required by law, conveniently located, and accessible to employees at all times. Separate toilet rooms shall be provided for male and female employees if five or more persons of both sexes are employed.

### 6.402 Toilet Design

Toilets and urinals shall be designed to be easily cleanable.

### 6.403 Toilet Rooms

Except as provided by law, toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing solid doors which shall be kept closed except during cleaning or maintenance.

### 6.404 Toilet Facility Maintenance

Toilet facilities, including fixtures and vestibules shall

be kept clean and in good repair. A supply of toilet tissue shall be made available at all times. Easily cleanable, durable, fire proof waste receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

REASON: Toilet facilities are necessary for the proper disposal of human waste. Fecal waste has been found to be a prime source of pathogenic organisms of most importance in the spread of enteric diseases from one person to another. The cleanliness of toilet facilities affects employees and patron attitudes about sanitary practices and conditions throughout the retail food store.

The requirements of this section are intended to assure that properly designed and conveniently accessible toilet facilities are provided, and that they are kept in good repair, clean, and properly supplied.

## SECTION 6.500 Handwashing Facilities

### 6.501 Handwashing Facility Installation

Handwashing facilities shall be adequate in number, shall be installed according to law, and shall be located to permit convenient use by all employees in food preparation and utensil washing areas. Handwashing facilities shall be accessible to employees at all times. Handwashing facilities shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing or for any other purpose.

### 6.502 Handwashing Facility Faucets

Each handwashing facility shall be provided with running water by means of a faucet. Any self-closing, slow-closing or metering faucet used shall be designed to provide a flow of water for at least fifteen seconds without the need to reactivate the faucet. Steam mixing valves are prohibited at handwashing facilities.

### 6.503 Handwashing Supplies

A supply of hand-cleansing soap or detergent shall be available at each handwashing facility. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each handwashing facility. Common towels including cloth roll towels, are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

#### **6.504 Handwashing Facility Maintenance**

**Handwashing facilities, soap or detergent dispensers, hand-drying devices, and all related facilities shall be kept clean and in good repair.**

**REASON:** Hands are probably the most common vehicle for the transmission of contamination to food and food-contact surfaces. Hands can become soiled with a variety of contaminants during routine food store operations. Some employees are unlikely to wash their hands even when the need is apparent unless properly equipped handwashing facilities are conveniently accessible in the immediate work area. Handwashing facilities which are improperly located may often be blocked off by portable equipment or stacked full of soiled utensils or a variety of other items rendering them unavailable for regular employee use. Sinks used for food preparation and ware-washing can themselves become vehicles of contamination if indiscreetly used as handwashing facilities by employees returning from the toilet, or from other sources of contamination to the hands. Common towels and cloth roll towels are not permitted as they are an avoidable source of contamination to the hands. Steam mixing valves are prohibited on handwashing facilities because of the risk of scalding.

The requirements of this section are intended to assure that there are sufficient handwashing facilities, properly equipped and located, in the store for convenient employee use.

### **SECTION 6.600 Garbage and Refuse**

#### **6.601 Containers**

- (a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof, and rodent proof containers that do not leak and do not absorb liquids. Containers shall be of the type approved by law. Plastic bags and wet strength paper bags may be used to line these containers, and may be used for storage inside the retail food store.**
- (b) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled, and during non-working hours.**
- (c) Containers stored outside the establishment, including dumpsters, compactors and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers; and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.**
- (d) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.**
- (e) Soiled containers shall be cleaned at a frequency to**

prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food equipment, utensils, or food preparation areas. Suitable facilities for cleaning containers shall be provided including hot water and detergent.

(f) Liquid waste resulting from refuse disposal and container cleaning operations shall be disposed of as sewage.

#### **6.602 Storage**

(a) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of non-rodent resistant containers, unprotected bags or wet strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard, or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, shall be insect and rodent proof, and shall be large enough to store all the garbage and refuse containers needed before the refuse is hauled away.

(c) Outside storage areas or enclosures shall be large enough to store all the garbage and refuse containers used and shall be kept clean. Garbage and refuse containers, dumpsters, and compactor systems located outside, shall be stored on or above a smooth surface of non-absorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

#### **6.603 Disposal**

(a) Garbage and refuse shall be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.

(b) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration in accordance with law. Areas around incineration facilities shall be kept clean and orderly.

**REASON:** Proper storage and disposal of garbage and refuse is necessary to prevent them from becoming an attractant, harborage, or breeding place for insects, rodents, and other animals. Improperly handled garbage creates obnoxious odors and other nuisance conditions, makes housekeeping and grounds keeping difficult,

and can become a source of contamination to food, equipment, and utensils.

## SECTION 6.700 Insect and Rodent Control

### 6.701 General

Effective measures intended to minimize the entry, breeding and presence of rodents, flies, cockroaches, or other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

### 6.702 Openings

Openings to the outside shall be effectively protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall be at least sixteen (16) mesh to the inch.

REASON: Insects and rodents are capable of transmitting disease to man by contaminating food and food-contact surfaces. Because insects and rodents need food, water, and shelter in order to survive, requirements in this section are intended to block their access into the retail food store and to eliminate harborage and feeding opportunities, both in the retail food store and on the premises.

## **PART 7.000 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES**

### SECTION 7.100 Floors

#### 7.101 Floor Construction

- (a) Except as specified in Section 7.102 below, floors and floor coverings of all food preparation, food storage and ware-washing areas, and the floors of all walk-in refrigerators, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, durable materials such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight-fitting wood impregnated with plastic, and maintained in good repair. Nothing in this section shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.

- (b) Floors which are water flushed or which receive discharges of water or fluid wastes or are in areas where pressure spray methods for cleaning are used, shall be provided with trapped drains, properly installed. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials and shall be graded to drain.
- (c) In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile or similar flooring materials, and where water flush cleaning methods are used, the junctures between walls and floor shall be coved and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than 1/32 inch.

#### 7.102 Floor Carpeting

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable and maintained in good repair. Carpeting is prohibited in food preparation and ware-washing areas where it would be exposed to and accumulate large amounts of food residue, grease and water; in food storage areas; and in toilet room areas where urinals or toilet fixtures are located.

#### 7.103 Prohibited Floor Covering

The use of sawdust, wood shavings, or similar loose materials as a floor covering is prohibited, except where they are used as absorbents to immediately clean up spot spills.

#### 7.104 Mats and Duckboards

Mats and duckboards shall be of non-absorbent, grease resistant materials, and of such size, design, and construction to facilitate cleaning. Duck-boards shall not be used as storage racks.

#### 7.105 Utility Line Installation

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent floor cleaning. In all new or extensively remodeled establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

REASON: Floors that are of smooth durable construction and non-absorbent are more easily cleaned.

Special materials, sealing, coving, and grading to drains are required for floors which are cleaned by spraying or flushing so that liquid wastes are quickly carried away and pooling and other nuisances and hazards are avoided.

The requirements and restrictions regarding floor coverings, utility lines, and floor-wall junctures are intended to assure that regular and effective cleaning is possible and that insect harborage is minimized. Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, and similar materials are prohibited in order to prevent unnecessary dust-borne contamination; because they may create a growth media for micro-organisms when combined with food scraps and fluids; and because they make effective floor cleaning more difficult and less likely. Small amounts of materials, such as sawdust, granular salt, baked clay, and diatomaceous earth may be used for immediate spot clean-up of spills or drippage to allow for reasonable floor maintenance in between routine floor cleanings.

## SECTION 7.200 Walls and Ceilings

### 7.201 Construction

The walls, including non-supporting partitions, wall coverings, and ceilings in walk-in refrigerators, food preparation areas, ware-washing areas, toilet rooms and vestibules shall be light colored, smooth, non-absorbent and easily cleanable. Concrete block or similar material used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.

### 7.202 Exposed Construction

Rafters, joists and studs shall not be exposed in those areas listed in paragraph 7.201 of these regulations. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

### 7.203 Utility Line Installation

Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in paragraph 7.201 of these regulations. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

### 7.204 Maintenance

Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.



### 7.205 Attachments

Light fixtures, vent covers, wall mounted fans, decorative materials, and, other equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

### 7.206 Covering Material Installation

Wall and ceiling covering materials shall be attached and sealed in a manner to be easily cleanable.

REASON: Walls and ceilings that are of smooth construction, non-absorbent, and in good repair can be easily and effectively cleaned. The special requirements provided for the installation of utility lines, attachment of accessories, and application of covering materials, are intended to assure that the cleanability of these surfaces is retained.

## SECTION 7.300 Cleaning Physical Facilities

### 7.301 General

Cleaning of floors and walls, except emergency cleaning of floors, shall be done as often as necessary, but preferably when the least amount of food is exposed, such as after closing. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust arresting sweeping compounds with brooms.

### 7.302 Service Sinks

In new or extensively remodeled establishments, at least one service sink on curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water or similar liquid wastes. The use of hand-washing or ware-washing facilities or food preparation sinks for this purpose is prohibited.

REASON: Cleanliness of the retail food store is important to minimize attractants for insects and rodents, aid in preventing the contamination of food and equipment, and prevent nuisance conditions. A clean and orderly retail food store is also conducive to positive employee attitudes which can lead to increased attention to personal hygiene and improved food handling practices. The availability of appropriate service facilities and the use of specified cleaning procedures are important in order to preclude avoidable contamination of food and equipment.

## SECTION 7.400 Lighting

### 7.401 General

- (a) Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles of light on all food preparation surfaces and at ware-washing work levels.
- (b) Permanently fixed light sources shall be installed to provide, at a distance of 30 inches from the floor:
  - (1) At least 20 foot candles of light in sales areas, utensil and equipment storage areas and in handwashing and toilet areas;
  - (2) At least 10 foot candles of light in walk-in refrigerators, dry food storage areas, and in all other areas.

### 7.402 Displayed Foods

Displayed foods shall not be illuminated in such a manner as to alter their actual appearance.

### 7.403 Protective Shielding

- (a) Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation and display facilities, and facilities where utensils and equipment are cleaned and stored.
- (b) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

REASON: Properly distributed light makes the need for cleaning apparent by making accumulations of soil conspicuous. Lighting levels are specified to: facilitate reading labels; discern the color of substances; identify toxic materials; recognize the condition of foods, utensils, and supplies; and aid in storage, ware-washing, and general store cleaning.

Shielding is important for protecting light bulbs and fluorescent tubes against preventable breakage. In addition, shields protect employees, food, and equipment from glass fragments when breakage occurs.

## SECTION 7.500 Ventilation

### 7.501 General

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create any unsightly, harmful, or unlawful discharge. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

### 7.502 Special Ventilation

In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors, or fumes originate shall be mechanically vented to the outside as may be required.

REASON: Ventilation can be important in protecting food from contamination; making effective cleaning possible; preventing hazards and nuisances; and assuring the safety of inside air for employees and patrons.

Ventilation protects food from contamination by controlling condensation. Moisture from condensation is conducive to mold and bacterial growth. Drippage caused by condensation and by accumulations of fats and oils can carry contaminants to food or food-contact surfaces.

When mechanical ventilation is necessary, a properly designed and installed system assures: that soiling of walls, ceilings, and other equipment is minimized; that obnoxious odors or toxic fumes are effectively removed; that the system itself is readily cleanable; and that no hazards or nuisances involving accumulation of fats, oils, and similar wastes will be created if properly operated.

Special consideration is given to intake ducts used for make-up air in the establishment because they can be an important source of airborne contaminants if either improperly designed or poorly located with respect to equipment placement or operating modes.

## SECTION 7.600 Dressing Rooms and locker Areas

### 7.601 Dressing Rooms and Areas

If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage, display, or for ware-washing or storage of utensils and equipment.

## **7.602 Locker Areas**

Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or, in food storage rooms or areas containing only completely packaged food or packaged single service articles.

REASON: Street clothing and personal belongings can contaminate food, food equipment, and food preparation surfaces. Lockers or suitable facilities are required in order to provide for the proper storage of personal belongings such as purses, coats, shoes, and personal medications.

## **SECTION 7.701 Poisonous or Toxic Materials**

### **7.701 Materials Permitted**

Only those poisonous or toxic materials necessary for the maintenance of the establishment, the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, shall be present in retail food stores, except those items being offered for sale as described in Section 7.707 below.

### **7.702 Labeling of Materials**

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

### **7.703 Storage of Materials**

Poisonous or toxic materials necessary for the maintenance of the establishment consist of the following three categories:

- (a) Insecticides and rodenticides.
- (b) Detergents, sanitizers and related drying or cleaning agents.
- (c) Caustics, acids, polishes and other chemicals. Materials in each of these categories shall be stored and located to be physically separated from each other. All poisonous or toxic materials shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose. To preclude potential contamination, poisonous or toxic materials shall not be

stored above food, food equipment, utensils or single service articles, except that this requirement does not prohibit the convenient availability of detergent or sanitizers at ware-washing facilities.

#### 7.704 Use of Materials

- (a) Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on surfaces, nor in a way that constitutes a hazard to employees or other persons.
- (b) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

#### 7.705 Personal Medications

Personal medications shall not be stored in food storage, preparation, or display areas.

#### 7.706 First-Aid Supplies

First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

#### 7.707 Display of Materials

Poisonous or toxic materials offered for retail sale shall be segregated from food, and materials which come in contact with food or the human body.

REASON: The inadvertent contamination of food or food-contact surfaces with pesticides, toxic cleaning compounds, other poisons, or medicinals can be responsible for a serious food-borne illness outbreak.

The requirements of this section are intended to assure that only those toxic materials which are necessary to the store's operation are present; and that they are clearly labeled, safely stored, and properly used.

### SECTION 7.800 Premises

#### 7.801 General

- (a) Retail food stores and all parts of the property

used in connection with operations of the establishment shall be kept free of litter.

- (b) The walking and driving surfaces of all exterior areas of retail food stores shall be surfaced or effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling of water.
- (c) Only articles necessary for the operation and maintenance of the retail food store shall be stored on the premises.
- (d) The presence of unnecessary persons passing through or in the food preparation and ware-washing areas is prohibited.

#### **7.802 Living Areas**

No operation of a retail food store shall be conducted in any room used as living or sleeping quarters. Retail food operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing, tight-fitting doors,

#### **7.803 Laundry Facilities**

- (a) If provided, laundry facilities in a retail food store shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.
- (b) Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single service articles.

#### **7.804 Linens and Work Clothes Storage**

- (a) Clean work clothes and linens shall be stored in a clean place and protected from contamination until used.
- (b) Soiled clothes and linens shall be kept in non-absorbent containers or washable laundry bags until removed for laundering and shall be stored to prevent contamination of food equipment and utensils.

#### **7.805 Cleaning Equipment Storage**

Maintenance and cleaning tools such as brooms, mops,

vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food utensils, equipment, or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

#### 7.806 Animals

- (a) Live animals shall be excluded from within the retail food operational premises, and from immediately adjacent areas under the control of the permit holder. This exclusion does not apply to live edible fish, crustacea, or shellfish, or other fish in aquariums. Patrol dogs accompanying security or police officers shall also be permitted in offices, storage areas, and outside store premises. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Guide dogs accompanying blind persons shall be permitted in sales areas.
- (b) Persons employed in the food operational areas of an establishment shall not care for or handle any pets, or patrol/sentry dogs while on duty.

REASON: The presence of unnecessary articles, including equipment which is no longer used, makes regular and effective cleaning more difficult and less likely. It can also provide harborage for insects and rodents.

The requirements for outside areas are intended to prevent the creation of conditions suitable for insect and rodent feeding, breeding, and harborage; and to minimize nuisances involving dust and the pooling of water.

The requirements involving animals, separation of store operations from living or sleeping quarters, laundry operations and facilities, and the storage of linens and cleaning equipment are all intended to minimize the possibility of disease transmission to employees and consumers through direct or indirect contamination of food and food-contact surfaces.

### PART 8.000 COMPLIANCE PROCEDURES

#### SECTION 8.100 Sanitary Permits and Health Certificates

##### 8.101 General

No person shall operate a retail food store who does not have a valid sanitary permit issued to him or her by the Division. Only a person who complies with the requirements of these regulations shall be entitled to receive or retain such a sanitary permit. Sanitary permits are not transferable. A valid sanitary permit shall be posted in public view in every retail food store.

#### **8.102 Issuance of a Sanitary Permit**

- (a) Any person desiring to operate a retail food store shall make written application for a sanitary permit on forms provided by the Division. Such application shall include the name and address of each applicant, the location and type of the proposed retail food store and the signature of each applicant.
- (b) Prior to approval of an application for a sanitary permit, the Division shall inspect the proposed retail food store to determine compliance with the requirements of these regulations.
- (c) The Division shall issue a sanitary permit to the applicant if its inspection reveals that the proposed retail food store complies with the requirements of these regulations.

#### **8.103 Suspension of a Sanitary Permit**

- (a) The Division may, without prior hearing, suspend any sanitary permit to operate a retail food store if the holder of the sanitary permit does not comply with the requirements of these regulations, or if the operation of the retail food store otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by Section 8.103 (b) of these regulations. When a sanitary permit is suspended, retail food operations shall immediately cease. Whenever a permit is suspended, the holder of the sanitary permit shall be afforded an opportunity for hearing within 20 days of receipt of a request for hearing.
- (b) Whenever a sanitary permit is suspended, the holder of the permit, or the person in charge shall be notified in writing that the sanitary permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Department by the holder of the sanitary permit. The Division may end the suspension at anytime if reasons for suspension no longer exist.

#### **8.104 Revocation of Sanitary Permit**

- (a) The Division may, after providing opportunity for hearing, revoke a sanitary permit for serious or repeated violations of any of the requirements of these regulations, or for the interference with the Division in the performance of duty.



- (b) The hearing shall be conducted in accordance with the provisions of the Administrative Adjudication Law.

#### 8.105 Application After Revocation

Whenever a revocation of a sanitary permit has become final, the holder of the revoked sanitary permit may make written application for a new sanitary permit.

#### 8.106 Health Certificates

Health Certificates must be obtained by all retail food store employees in accordance with separate regulations established by the Department for obtaining health certificates.

### SECTION 8.200 Inspections

#### 8.201 Inspection Frequency

An inspection of a retail food store shall be performed at least once every 3 months. Additional inspections of the retail food store shall be performed as often as necessary for the enforcement of these regulations.

#### 8.202 Access

Representatives of the Department, after proper presentation of credentials shall be permitted to enter any retail food store at any reasonable time for the purpose of making inspections to determine compliance with these regulations. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used.

#### 8.203 Report of Inspections

Whenever an inspection of a retail food store is made, the findings shall be recorded on the inspection report form set out in Section 8.207 of these regulations. The inspection report form shall summarize the requirements of these regulations and shall set forth a demerit value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the demerit values for all violations. A Copy of the completed inspection report form shall be furnished to the per-

son in charge of the store at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

#### 8.204 Grading

- (a) Every retail food store shall display in a place designated by the Director, a placard approved by him or her stating the grade received at the time of the most recent inspection of the retail food store. Only the Director or his/her representative may remove such placard.
- (b) Grades shall be assigned to retail food stores based upon the demerit score received as follows:
  - 1. Grade A - 0 to 10 demerits total
  - 2. Grade B - 11 to 20 demerits total
  - 3. Grade C - 21 to 40 demerits total
  - 4. Grade D - 41 or more total demerits

Notwithstanding the above grading criteria, whenever there is a consecutive repetition of any 2, 4, or 6 demerit violation, the retail food store shall be downgraded to the next lower grade.

- (c) The permit holder or operator of any retail food store, the grade of which has been lowered may at any time request an inspection for the purpose of regrading the store. Within 10 days following the receipt of a request, including a signed statement that the conditions responsible for the lowering of the grade have, in the applicant's opinion, been corrected, the Director shall make an inspection; and thereafter, as many additional inspections as may be deemed necessary to be assured that the applicant is complying with the higher grade requirements. If findings indicate compliance, the higher grade shall be awarded.

#### 8.205 Posting

Copies of the inspection report and grade placard shall be posted in a place designated by the Director's representative where they will be in full view of the public. Failure to post, or unauthorized removal will result in appropriate demerits being given.

#### 8.206 Correction of Violations

- (a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violati-

ons shall be accomplished within the period specified, in accordance with the following provisions:

- (1) If an imminent health hazard exists, such as complete lack of refrigeration, or sewage back-up into the retail food store, the establishment shall immediately cease operations. Operations may not resume until authorized by the Division.
  - (2) All violations of 6 demerit items shall be corrected as soon as possible, but in any event, within 10 days following inspection. Within 15 days after the inspection, the holder of the sanitary permit shall notify the Division stating the 6 demerit violations have been corrected. A follow-up inspection shall be conducted to confirm correction.
  - (3) If the demerit score of the retail food store is 20 demerits or less, all 1, 2, and 4 demerit violations must be corrected within 30 days. If the demerit score is more than 20 but less than 40, all 1, 2, and 4 demerit violations which are non-structural shall be corrected within 15 days. Structural violations shall be corrected within 30 days.
  - (4) When the demerit score of a retail food store is more than 40, the sanitary permit shall be immediately suspended.
- (b) The inspection report shall state that failure to comply with any time limits for corrections may result in permit suspension or downgrading. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Director within the period of time established in the notice for corrections. If a request for hearing is received, a hearing shall be held within 20 days of receipt of the request.
- (c) Whenever a retail food store is required under the provisions of Section 8.206 to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

**8.207 Inspection Report Form**

(See Appendix A)

## SECTION 8.300 Examination and Condemnation of Food

### 8.301 General

Food may be examined or sampled by the Director as often as necessary for enforcement of these regulations. The Director may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefore, place a hold order on any food which he or she believes is in violation of Sections 2.101, 2.102, or any other section of these regulations. The Director shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The Director shall permit storage of food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within 10 days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within 20 days after receipt of the request. On the basis of evidence produced at the hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or bring it into compliance with the provisions of these regulations.

## SECTION 8.400 Review of Plans and Construction Permit Issuance

### 8.401 Submission of Plans

No person shall construct, reconstruct or alter, or convert any retail food store without first submitting plans and specifications to the Department. To apply for a construction permit, the applicant must submit complete, properly prepared plans and specifications for such construction, remodeling, or alteration to the Department, Division of Environmental Health for review and approval before construction, remodeling or alteration is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Division of Environmental Health shall approve the plans and specifications if they meet the requirements of these regulations. No retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Division of Environmental Health. The requirements of this subsection are in addition to the building permit program administered by the Department of Public

**Works. Construction permit issuance and approval by the Department, Division of Environmental Health does not imply Department of Public Works acceptance or approval.**

#### **8.402 Construction Permit**

**A construction permit will be issued once approval has been given in accordance with Section 8.401, and with separate regulations established relating to construction permits.**

#### **8.403 Pre-Operational Inspection**

**Whenever plans and specifications are required by Section 8.401 of these regulations to be submitted to the Department, the Division of Environmental Health shall inspect the retail food store prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of these regulations.**

### **SECTION 8.500 Procedure When Infection is Suspected**

#### **8.501 General**

**When the Director has reasonable cause to suspect possible disease transmission by an employee of a retail food store, he or she may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and shall take appropriate action. The Director may require any or all of the following measures:**

- (a) The immediate exclusion of the employee from employment in retail food stores;**
- (b) The immediate closing of the retail food store concerned until, in the opinion of the Director, no further danger of disease outbreak exists.**
- (c) Restriction of the employee's services to some area of the store where there would be no danger of transmitting disease;**
- (d) Adequate medical and laboratory examination of the employee and of other employees and of their body discharges.**

SECTION 8.600 Remedies

8.601 Penalties (Public Law 15-96, Section 9500.18)

"Any person who violates any provisions of this Chapter (Chapter VI) or any valid rule or regulation promulgated under this Chapter (Chapter VI) or who refuses or neglects to comply with any order issued by the Director or other officers and personnel of the Department in the carrying out of the provisions of this Chapter (Chapter VI), the penalty for which is not otherwise prescribed in this Chapter (Chapter VI) is guilty of a misdemeanor."

8.602 Injunctions

The Department may seek to enjoin violations of these regulations.

# RETAIL FOOD ESTABLISHMENT INSPECTION REPORT

*Government of Guam  
Department of Public Health and  
Social Services  
Division of Environmental Health*

<b>ESTABLISHMENT NAME</b>		<b>INSPECTION DATE</b> / /	<b>TOTAL DEMERIT SCORE</b>	<b>PURPOSE</b>	
<b>OWNER / OPERATOR</b>		<b>INSPECTION TIME</b> HR. MIN.	<b>GRADE</b>		<b>REGULAR</b>
<b>LOCATION</b>		<b>TRAVEL TIME</b> HR. MIN.			<b>FOLLOW-UP</b>
<b>PERMIT CATEGORY / STATUS (Circle One)</b> <i>Permanent, Temporary / Current, Expired</i>	<b>ESTABLISHMENT TYPE</b>	<b>SANITARY PERMIT #</b>	<b>COMPLAINT</b>		
			<b>INVESTIGATIC</b>		
				<b>OTHER (Speci in Remarks)</b>	

The following items identify violations found this day in the operations and facilities which must be corrected by the next inspection, or sooner as the Department indicates. Non-compliance may result in downgrading or permit suspension. To appeal, a written hearing request must be submitted before the indicated correction date.

*ITEM NO.	REMARKS	CORRECT B (DATE)

*I have read and understand the above violation(s) and am aware of the corrective measures to be taken.*

*When any of the following items are cited above, they shall be corrected within ten days of this inspection: (1), (3), (11), (12), (26), (27), (28), (30), (41) & (45).	RECEIVED BY (Name and Title)
	DEH INSPECTOR (Name and Title)

WHITE COPY - ESTABLISHMENT YELLOW COPY - DEH OFFICE

Adopted this 11th day of May, 1987.

**LETICIA V. ESPALDON, M.D.**  
**Director of Public Health**  
**and Social Services**