

**RULES AND REGULATIONS GOVERNING  
EATING AND DRINKING ESTABLISHMENTS**

**TABLE OF CONTENTS**

<b>SECTION 1.000 GENERAL PROVISIONS</b> . . . . .	<b>1</b>
1.101 <u>Purpose</u> (1)	
1.102 <u>Definitions</u> (1)	
1.103 <u>Captions</u> (3)	
1.104 <u>Repealer</u> (3)	
1.105 <u>Separability</u> (3)	
<b>SECTION 2.000</b> . . . . .	<b>3</b>
<u>2.100 FOOD SUPPLIES</u> . . . . .	<b>3</b>
2.101 <u>General</u> (3)	
2.102 <u>Special Requirements</u> (3)	
<u>2.200 FOOD PROTECTION</u> . . . . .	<b>4</b>
2.201 <u>General</u> (4)	
2.202 <u>Emergency Occurrences</u> (4)	
<u>2.300 FOOD STORAGE</u> . . . . .	<b>5</b>
2.301 <u>General</u> (5)	
2.302 <u>Refrigerated Storage</u> (6)	
2.303 <u>Hot Storage</u> (6)	
<u>2.400 FOOD PREPARATION</u> . . . . .	<b>7</b>
2.401 <u>General</u> (7)	
2.402 <u>Raw Fruits and Raw Vegetables</u> (7)	
2.403 <u>Cooking Potentially Hazardous Foods</u> (8)	
2.404 <u>Dry-Milk and Dry Milk Products</u> (8)	
2.405 <u>Liquid, Frozen, Dry Eggs and Egg Products</u> (8)	
2.406 <u>Reheating</u> (8)	
2.407 <u>Non Dairy Products</u> (8)	
2.408 <u>Product Thermometers</u> (8)	
2.409 <u>Thawing Potentially Hazardous Foods</u> (9)	
<u>2.500 FOOD DISPLAY AND SERVICE</u> . . . . .	<b>9</b>
2.501 <u>Potentially Hazardous Food</u> (9)	
2.502 <u>Milk and Cream Dispensing</u> (9)	
2.503 <u>Non-Dairy Product Dispensing</u> (10)	
2.504 <u>Condiment Dispensing</u> (10)	
2.506 <u>Dispensing Utensils</u> (10)	
2.507 <u>Re-Service</u> (11)	
2.508 <u>Display Equipment</u> (11)	
2.509 <u>Re-use of Tableware</u> (11)	
<u>2.600 FOOD TRANSPORTATION</u> . . . . .	<b>11</b>
2.601 <u>General</u> (11)	
<b>SECTION 3.00 PERSONNEL</b> . . . . .	<b>12</b>
<u>3.100 EMPLOYEE HEALTH</u> . . . . .	<b>12</b>
3.101 <u>General</u> (12)	
<u>3.200 PERSONAL CLEANLINESS</u> . . . . .	<b>12</b>
3.201 <u>General</u> (12)	

**TABLE OF CONTENTS cont.**

<u>3.300 CLOTHING</u> . . . . .	13
3.301 <u>General</u> (13) . . . . .	
<u>3.400 EMPLOYEE PRACTICES</u> . . . . .	13
3.401 <u>General</u> (13) . . . . .	
SECTION 4.000 EQUIPMENT AND UTENSILS . . . . .	14
<u>4.100 MATERIALS</u> . . . . .	14
4.101 <u>General</u> (14) . . . . .	
4.102 <u>Solder</u> (14) . . . . .	
4.103 <u>Wood</u> (14) . . . . .	
4.104 <u>Plastic</u> (15) . . . . .	
4.105 <u>Mollusk and Crustacea Shells</u> (15) . . . . .	
4.106 <u>Single Service</u> (15) . . . . .	
<u>4.200 DESIGN AND FABRICATION</u> . . . . .	15
4.201 <u>General</u> (15) . . . . .	
4.202 <u>Accessibility</u> (16) . . . . .	
4.203 <u>In-Place Cleaning</u> (16) . . . . .	
4.204 <u>Pressure Spray Cleaning</u> (16) . . . . .	
4.205 <u>Thermometers</u> (16) . . . . .	
4.206 <u>Non-Food-Contact Surfaces</u> (17) . . . . .	
4.207 <u>Ventilation Hoods</u> (17) . . . . .	
4.208 <u>Existing Equipment</u> (17) . . . . .	
<u>4.300 EQUIPMENT INSTALLATION AND LOCATION</u> . . . . .	17
4.301 <u>General</u> (17) . . . . .	
4.302 <u>Table Mounted Equipment</u> (18) . . . . .	
4.303 <u>Floor-Mounted Equipment</u> (18) . . . . .	
4.309 <u>Aisles and Working Spaces</u> (19) . . . . .	
SECTION 5.000 CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT AND UTENSILS . . . . .	19
<u>5.100 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION</u> . . . . .	19
5.101 <u>Cleaning Frequency</u> (19) . . . . .	
5.102 <u>Wiping Cloths</u> (20) . . . . .	
5.103 <u>Manual Cleaning and Sanitizing</u> (20) . . . . .	
5.104 <u>Mechanical Cleaning and Sanitizing</u> (22) . . . . .	
5.105 <u>Drying</u> (24) . . . . .	
<u>5.200 EQUIPMENT AND UTENSIL STORAGE</u> . . . . .	24
5.201 <u>Handling</u> (24) . . . . .	
5.202 <u>Storage</u> (25) . . . . .	
5.203 <u>Single-Service Articles</u> (25) . . . . .	
5.204 <u>Prohibited Storage Area</u> (25) . . . . .	
SECTION 6.000 SANITARY FACILITIES AND CONTROLS . . . . .	26
<u>6.100 WATER SUPPLY</u> . . . . .	26
6.101 <u>General</u> (26) . . . . .	
6.102 <u>Transportation</u> (26) . . . . .	
6.103 <u>Bottled Water</u> (26) . . . . .	
6.104 <u>Water Under Pressure</u> (26) . . . . .	
6.105 <u>Steam</u> (26) . . . . .	

**TABLE OF CONTENTS cont.**

<u>6.200 SEWAGE</u> . . . . .	27
6.210 <u>General</u> (27)	
<u>6.300 PLUMBING</u> . . . . .	27
6.301 <u>General</u> (27)	
6.302 <u>Non Potable Water System</u> (27)	
6.303 <u>Backflow</u> (28)	
6.304 <u>Grease Traps</u> (28)	
6.305 <u>Garbage Grinders</u> (28)	
6.306 <u>Drains</u> (28)	
<u>6.400 TOILET FACILITIES</u> . . . . .	28
6.401 <u>Toilet Installation</u> (28)	
6.402 <u>Toilet Design</u> (28)	
6.403 <u>Toilet Rooms</u> (29)	
6.404 <u>Toilet Fixtures</u> (29)	
<u>6.500 LAVATORY FACILITIES</u> . . . . .	29
6.501 <u>Lavatory Installation</u> (29)	
6.502 <u>Lavatory Faucets</u> (29)	
6.503 <u>Lavatory Supplies</u> (30)	
6.504 <u>Lavatory Maintenance</u> (30)	
<u>6.600 GARBAGE AND REFUSE</u> . . . . .	30
6.601 <u>Containers</u> (30)	
6.602 <u>Storage</u> (31)	
6.603 <u>Disposal</u> (31)	
<u>6.700 INSECT AND RODENT CONTROL</u> . . . . .	32
6.701 <u>General</u> (32)	
6.702 <u>Openings</u> (32)	
<b>SECTION 7.000 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES</b> . . . . .	32
<u>7.100 FLOORS</u> . . . . .	32
7.101 <u>Floor Construction</u> (32)	
7.102 <u>Floor Carpeting</u> (33)	
7.103 <u>Prohibited Floor Covering</u> (33)	
7.104 <u>Floor Drains</u> (33)	
7.105 <u>Mats and Duckboards</u> (33)	
7.106 <u>Floor Junctures</u> (33)	
7.107 <u>Utility Line Installation</u> (33)	
<u>7.200 WALLS AND CEILINGS</u> . . . . .	34
7.201 <u>Maintenance</u> (34)	
7.202 <u>Construction</u> (34)	
7.203 <u>Exposed Construction</u> (34)	
7.204 <u>Utility Line Installation</u> (34)	
7.205 <u>Attachments</u> (35)	
7.206 <u>Covering Material Installation</u> (35)	
<u>7.300 CLEANING PHYSICAL FACILITIES</u> . . . . .	35
7.301 <u>General</u> (35)	
7.302 <u>Utility Facility</u> (35)	

TABLE OF CONTENTS cont.

<u>7.400 LIGHTING</u> . . . . .	36
7.401 <u>General</u> (36)	
7.402 <u>Protective Shielding</u> (36)	
<u>7.500 VENTILATION</u> . . . . .	37
7.501 <u>General</u> (37)	
7.502 <u>Special Ventilation</u> (37)	
<u>7.600 DRESSING ROOMS AND LOCKER AREAS</u> . . . . .	37
7.601 <u>Dressing Rooms and Areas</u> (37)	
7.602 <u>Locker Areas</u> (37)	
<u>7.700 POISONOUS OR TOXIC MATERIALS</u> . . . . .	38
7.701 <u>Materials Permitted</u> (38)	
7.702 <u>Labeling of Materials</u> (38)	
7.703 <u>Storage of Materials</u> (38)	
7.704 <u>Use of Materials</u> (38)	
7.705 <u>Personal Medications</u> (39)	
7.706 <u>First-aid Supplies</u> (39)	
<u>7.800 PREMISES</u> . . . . .	39
7.801 <u>General</u> (39)	
7.802 <u>Living Areas</u> (40)	
7.803 <u>Laundry Facilities</u> (40)	
7.804 <u>Linens and Clothes Storage</u> (40)	
7.805 <u>Cleaning Equipment Storage</u> (40)	
7.806 <u>Animals</u> (40)	
<u>SECTION 8.000 MOBILE FOOD UNITS OR PUSHCARTS</u> . . . . .	41
<u>8.100 MOBILE FOOD SERVICE</u> . . . . .	41
8.101 <u>General</u> (41)	
8.102 <u>Restricted Operation</u> (41)	
8.102 <u>Single-Service Articles</u> (41)	
8.104 <u>Water System</u> (42)	
8.105 <u>Waste Retention</u> (42)	
<u>8.200 COMMISSARY</u> . . . . .	42
8.201 <u>Base of Operations</u> (42)	
<u>8.300 SERVICING AREA AND OPERATIONS</u> . . . . .	43
8.301 <u>Servicing Area</u> (43)	
8.302 <u>Servicing Operations</u> (43)	
<u>SECTION 9.000 TEMPORARY FOOD SERVICE</u> . . . . .	44
<u>9.100 TEMPORARY FOOD SERVICE ESTABLISHMENTS</u> . . . . .	44
9.101 <u>General</u> (44)	
9.102 <u>Restricted Operations</u> (44)	
9.103 <u>Ice</u> (44)	
9.104 <u>Equipment</u> (44)	
9.105 <u>Single-Service Articles</u> (45)	
9.106 <u>Water</u> (45)	
9.107 <u>Wet Storage</u> (45)	
9.108 <u>Waste</u> (45)	
9.109 <u>Handwashing</u> (45)	
9.110 <u>Floors</u> (45)	
9.111 <u>Walls and Ceilings of Food Preparation Areas</u> (46)	

**TABLE OF CONTENTS cont.**

**SECTION 10.000 COMPLIANCE PROCEDURES . . . . . 46**

**10.100 SANITARY PERMITS AND CERTIFICATES . . . . . 46**

    10.101 General (46)

    10.102 Issuance of Sanitary Permit (46)

    10.103 Suspension of Sanitary Permit (47)

    10.104 Revocation of Sanitary Permit (47)

    10.105 Service of Notices (48)

    10.106 Hearings (48)

    10.107 Application after Revocation (48)

    10.108 Health Certificates (48)

    10.109 Management Sanitation Training and Certification (48)

**10.200 INSPECTIONS . . . . . 49**

    10.201 Inspection Frequency (49)

    10.202 Access (49)

    10.203 Report of Inspections (49)

    10.204 Grading of Food Service Establishment.  
    (P.L. 15-96, Section 9530.5) (49)

    10.205 Posting (50)

    10.206 Correction of Violations (50)

    10.207 Inspection Report Form (51)

**10.300 EXAMINATION AND CONDEMNATION OF FOOD . . . . . 51**

    10.301 General (51)

**10.400 REVIEW OF PLANS AND CONSRUCTION PERMIT ISSUANCE . . . . . 52**

    10.401 Submission of Plans (52)

    10.402 Construction Permit (52)

    10.403 Pre-Operational Inspection (52)

**10.500 PROCEDURE WHEN INFECTION IS SUSPECTED . . . . . 53**

    10.501 General (53)

**10.600 REMEDIES . . . . . 53**

    10.601 Penalties, (Public Law 15-96, Section 9500.91) (53)

    10.602 Injunctions (53)

**APPENDIX A . . . . . 54**

**APPENDIX B . . . . . 61**

**RULES AND REGULATIONS GOVERNING  
EATING AND DRINKING ESTABLISHMENTS**

**SECTION 1.000 GENERAL PROVISIONS**

**1.101 Purpose**

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

**1.102 Definitions**

For the purpose of these rules and regulations:

- (a) "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.
- (b) "Corrosion-Resistant Materials" means those materials that maintain their original characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.
- (c) "Department" means the Guam Department of Public Health and Social Services.
- (d) "Director" means the Director of Public Health and Social Services or his/her designated representative.
- (e) "Easily Cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that food residue and other soil may be effectively removed by normal cleaning methods.
- (f) "Employee" means the Sanitary Permit holder, individuals having supervisory or management duties and any other person working in a food service establishment.
- (g) "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dish washing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.
- (h) "Food" for the purposes of these rules and regulations, means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or part for human consumption.
- (i) "Food Contact Surface" 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 consumption. The term does not include a food service establishment, retail food store, or commissary operation.**
- (k) **"Food Service Establishment," for the purposes of these rules and regulations, means any place where food is prepared and intended for individual portion services, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private family homes preparing food solely for home consumption; retail food stores; vending machines; supply vehicles; nor does the term include churches, church societies, private clubs, or other nonprofit associations of a religious, philanthropic, civic improvement, social, political, or educational nature which purchase food for service without charge to their members.**
- (l) **"Hermetically Sealed Container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.**
- (m) **"Kitchenware" means all multi-use utensils other than tableware.**
- ... food additives or color additives as defined in 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 thereunder. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 9720.1 (w) or (x) of the Guam Food, Drug, and Cosmetic Act and are used in conformity with its regulations.**
- (x) **"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.**
- (y) **"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.**
- (z) **"Single-Service Articles" means cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks, and all similar articles which are wholly or in part made from paper, paper board, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials and which are intended by manufacturers and generally recognized by the public as for one usage only, and then discarded.**
- (aa) **"Tableware" means multi-use eating and drinking utensils.**
- (bb) **"Temporary Food Service Establishment" means any eating and drinking establishment which operates at a fixed location for a period of time not exceeding six (6) months in conjunction with a carnival, fair, circus, exhibition, or other transitory gathering not of a permanent nature.**
- (cc) **"Utensil" means any kitchenware, tableware, or implement used in the storage, preparation, conveying, or serving of food.**

**1.103 Captions**

Section and other captions are part of these regulations.

**1.104 Repealer**

These regulations are effective 1½ months after their adoption and publication in accordance with law. At that time, all regulations and parts of regulations that conflict with these regulations are repealed.

**1.105 Separability**

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

Interpretation

**SECTION 2.000**

**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 consumption. Food shall be obtained from spoilage sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.	1 Sound source spoilage 2 source  1 source
---	--

**2.102 Special Requirements**

- |  |                          |
|--|--------------------------|
| (a) Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.   | 1 source                 |
| (b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) 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. Each container of un-shucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag 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 State or foreign shellfish control agency. | 2 labeled<br>2 container |
| (c) Only clean whole eggs, with shell intact and without cracks or checks; or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used,   | 1 source                 |



except that hard boiled, peeled eggs commercial prepared and packaged, may be used.

REASON: To control food-borne illness and prevent food spoilage, which may result from improperly processed, handled, or transported food, food service establishments must be concerned with the sources of the food they use. The sound condition, proper labeling, and safety of food are basic requirements for the protection of the public health. Accordingly, the provisions of this section are intended to ensure that food in general, especially potentially hazardous food, is obtained from sources considered satisfactory by the Department of Public Health and Social Services.

The use of hermetically sealed, non-commercially packaged food is prohibited because of the history of such food in causing food-borne illness. Additional specific requirements for food supplies, such as the pasteurization of milk and milk products or the use of only clean, whole-shell eggs, are included because these products are exceptionally good media for the growth of pathogens. Labeling requirements, particularly for shellfish, provide assurance that the source of any such food is under the control of a regulatory authority, thus providing for the protection of the public health.

## 2.200 FOOD PROTECTION

### 2.201 General

### 2.202 Emergency Occurrences

In the event of a fire, flood, power outage or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the Department of Public Health and Social Services. Upon receiving notice of this occurrence, the Department of Public Health and Social Services shall take whatever action that it deems necessary to protect the public health. (Administrative)

REASON: Food, if mishandled, can become contaminated with filth, pathogenic microorganisms, and toxic chemicals from a number of sources. Therefore, food protection measures are designed to protect food from being contaminated at all times within the establishment and during transportation. These measures are also intended to prevent the rapid and progressive growth of disease causing organisms that are naturally present in foods as well as those introduced through incidental contamination in the operation of a food service establishment.

Proper food protection measures should include:

- (a) Application of good sanitation practices in the handling of food;
- (b) Strict observation of personal hygiene by all food service employees;
- (c) Keeping potentially hazardous food refrigerated or heated to temperatures that minimize the growth of pathogenic microorganisms;

- (d) Inspection of food products as to their sanitary condition prior to acceptance at the establishment; and
- (e) Provision of adequate equipment and facilities for the conduct of sanitary operations.

## 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 or service. 8 protection

Container covers shall be impervious and non-absorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat. 14 constructed

8 storage

22 cleaned

20 sanitized
- (b) Containers of food shall be stored a minimum of six (6) inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:
  - (1) Food packaged in glass or other non-metallic waterproof containers need not be elevated when the food container is not exposed to floor moisture; and 8 storage
  - (2) Containers may be stored on dollies, racks, or pallets, provided such equipment is easily movable. 8 storage
- (c) Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited. 8 storage
- (d) Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking. 8 storage
- (e) 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. 8 storage
- (f) Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the product container or package in which it was obtained; 2 labeled

shall be stored on a container identifying the food by common name.

### 2.302 Refrigerated 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 readable. Recording thermometers, accurate to  $\pm 3^{\circ}\text{F}$ , may be used in lieu of indicating thermometers. 4 facilities  
5 conspicuous
- (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 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 4 hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of  $45^{\circ}\text{F}$  or below unless maintained in accordance with section 2.303 of these regulations. 3 storage
- (c) Frozen food shall be kept frozen and should be stored at a temperature of  $0^{\circ}\text{F}$  or below. 3 storage
- (d) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption. 8 storage

### 2.303 Hot 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 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 readable. Recording thermometers, accurate to  $\pm 3^{\circ}\text{F}$ , may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bain-maries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature. 4 facilities  
5 provided  
5 conspicuous  
5 provided
- (b) The internal temperature of potentially hazardous food

is requiring hot storage shall be 140°F or above except 3 storage 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 (b) of Section 2.302 of these regulations.

**REASON:** Proper storage of food assures that there will be minimal contamination of the food from any source, and that the natural growth of microorganisms in the food will not result in food-borne illness. Therefore, measures to prevent the contamination of food must consider the environment in which food is stored and the potential for contamination under these conditions.

These measures are divided into several categories which include:

- (1) **Containers.** Food must be covered in order to provide physical protection of the food. In addition, these covers must be impervious and non-absorbent to eliminate the possibility of the container being a vector for contamination.
- (2) **Location.** Food must be stored in a manner that permits cleaning of the storage area and in locations that do not result in a high risk of contamination from other food or from the conduct of normal operations.
- (3) **Labeling.** To avoid the inadvertent contamination of food in the preparation process, bulk ingredients must be labeled to prevent confusion due to possible similar appearances.
- (4) **Temperature.** Proper storage temperatures, and the availability of facilities to maintain temperatures are the best available means to control the growth of pathogens. A means for continuously monitoring air (ambient) temperatures is provided by requiring thermometers in or on the equipment.
- (5) **Cooling.** Since any temperature between 45°F and 140°F presents a hazard to public health in terms of microbial growth, food must remain in the critical temperature zone as little time as possible. The parameters defining the cooling period for foods in storage following preparation set forth procedures and conditions that minimize risk to the public health.

## 2.400 FOOD PREPARATION

### 2.401 General

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.

9 minimized
22 clean
22 free of abrasives
20 sanitized

### 2.402 Raw Fruits and Raw Vegetables

Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

8 preparation
---------------

**2.403 Cooking Potentially Hazardous Foods**

Potentially hazardous foods requiring 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 any food containing pork shall be cooked to heat all parts of the food to at least 150°F, and for at least 20 minutes if raw pork is being cooked.
- (c) Rare roast beef shall be cooked to an internal temperature of at least 130°F, and rare beef steak shall be cooked to a temperature of 130°F unless otherwise ordered by the immediate consumer.

3 preparation

**2.404 Dry Milk and Dry Milk Products**

Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes only.

8 preparation.

**2.405 Liquid, Frozen, Dry Eggs and Egg Products**

Liquid, frozen dry eggs and egg products shall be used only for cooking and baking purposes.

8 preparation

**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 served or before being placed in a hot food storage facility. Steam-tables, bain-maries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

3 preparation

**2.407 Non-Dairy Products**

Non-dairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled to 45°F or below within 4 hours after preparation.

8 preparation  
20 sanitized  
3 storage

**2.408 Product Thermometers**

Metal stem-type numerically scaled indicating thermometers, accurate to  $\pm 2^\circ\text{F}$ , shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding

14 constructed  
5 provided

or refrigeration temperatures of all potentially hazardous foods.

**2.409 Thawing Potentially Hazardous Foods**

Potentially hazardous foods shall be thawed:

- (a) In refrigerated units at a temperature not to exceed 45°F; or
- (b) Under potable running water of a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or 6 thawed
- (c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
- (d) As part of the conventional cooking process.

**REASON:** Food preparation is the process during which food is least protected due to necessary manipulation and is subjected to potential contamination from many sources within the establishment. Once the food has been contaminated, improper procedures for cooking, reheating or cooling permit the survival as well as the rapid and progressive growth of pathogenic microorganisms. Without adherence to proper sanitary procedures and the maximum use of adequate utensils and facilities, the preparation of a sound, appealing food is impossible.

The preparation process should include: (1) Strict observation of personal hygiene by all food service employees; (2) continuous application of sanitary food-handling techniques; (3) thorough washing of all foods to be consumed in the raw state; and (4) minimal handling of the food before, during, and after preparation.

**2.500 FOOD DISPLAY AND SERVICE**

**2.501 Potentially Hazardous Food**

Potentially hazardous food shall be kept at an internal temperature of 45°F or below or at an internal temperature of 140°F or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F. 3 display  
3 service

**2.502 Milk and Cream Dispensing**

- (a) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding 1 pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than 1 pint are required for mixed 2 container

**drinks, cereal for dessert service, milk and milk products may be poured from a commercially filled container of not more than ½ gallon capacity.** 8 preparation

(b) **Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service. The cream or half and half contents of individual service pitchers shall be disposed of after remaining out of refrigeration for three hours and more.** 8 service

**2.503 Non-Dairy Product Dispensing**

**Non-individual agents shall be provided in an container, protected drawn from a refrigerated dispenser designed for such** 8 service

**2.504 Condiment Dispensing**

(a) **Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with Section 2.508 of these regulations.** 8 service

(b) **Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers.** 8 service

**2.505 Ice Dispensing**

**Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.** 9 minimized  
10 stored  
29 installed

**2.506 Dispensing Utensils**

**To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:** 9 minimized

(a) **Stored in the food with the dispensing utensil handle extended out of the food; or**

(b) **Stored clean and dry; or** 10 stored

(c) **Stored in running water; or**

- (d) **Stored either in a running water dipper well or clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.**

**2.507 Re-Service**

Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served. **7 re-served**

**2.508 Display Equipment**

Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases, or by other effective means. Protector devices shall be mounted so as to intercept a direct line between the customers mouth and the food display area at the display counter. The vertical distance from the average customers mouth to the floor shall be considered to be from 4 feet, 6 inches to 5 feet. Enough hot or cold food facilities shall be available to maintain the required temperature of potential hazardous food on display. **8 display**  
**15 constructed**  
**4 facilities**

**2.509 Re-use of Tableware**

Re-use of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement. **8 service**

**REASON:** Contamination of, and microbial growth in food during service and display results from contaminated equipment, improper control of food temperatures, or insanitary display and service procedures that fail to provide adequate protection for food. Any lapse in sanitary procedures during this stage can negate all the effort in buying, storing, and preparing a quality product that is both aesthetically pleasing and safe for human consumption. The sanitary requirements for the display and service of food to the consumer must address themselves to two basic areas to provide the necessary protection of the food offered to the consumer. First, the protection of food from external contamination and from the rapid and progressive growth of microorganisms must be assured by directing the efforts of the establishment's employees toward sanitary practices in service and display. Second, protection of food from the consuming public during the display and service process necessitates requirements such as protector devices and good operational procedure for dispensing that preclude any incidental contamination.

**2.600 FOOD TRANSPORTATION**

**2.601 General**

During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to **8 transportation**



be protected from contamination Foods in original individual packages do not need be be over-wrapped or covered the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of these regulations relating to food protection and food storage.

3 transportation  
4 facilities  
5 provided  
5 conspicuous  
8 transportation

REASON: The protection of food from contamination and the maintenance of food at the proper temperatures are critical for the safety and quality of transported food. The special circumstances that arise during the transportation of food make the protection of the food and the maintenance of proper temperatures very difficult and correspondingly increase the possibility of contamination and microbial growth. For these reasons, special attention to sanitary requirements is essential during the food transportation process to provide the necessary protection to the consumer.

## SECTION 3.000 PERSONNEL

### 3.100 EMPLOYEE HEALTH

#### 3.101 General

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

11 restricted

REASON: Disease transmitted through food frequently originates from an infected food service employee even though the employee shows little outward appearance of being ill. A wide range of communicable diseases and infections may be transmitted by infected food service personnel to other employees and to the consumer through the contamination of food and through careless food-handling practices. It is the responsibility of both management and staff to see that no person who is affected with any disease that can be transmitted by food works in any area of a food service establishment where there is a possibility of disease transmission.

### 3.200 PERSONAL CLEANLINESS

#### 3.201 General

Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.

12 practices

**REASON:** In order to prevent the contamination on food and food contact surfaces, and the resulting potential transmission of food-borne illness, it is essential that employees observe strict standards of cleanliness and proper hygiene during their working periods and before starting work or returning to work after any interruption of their food service activities.

### 3.300 CLOTHING

#### 3.301 General

- (a) The outer clothing of all employees shall be clean. 13 clean
- (b) Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces. 13 restraints

**REASON:** Hair restraints and the clothing of food service employees play important roles in the prevention of food contamination. Because of this, hair should be restrained to prevent any possibility of its entering into food. Employees also must not wear clothing that is obviously soiled or difficult to keep clean, because food may be repeatedly contaminated by food debris or other soil from the clothing of food handlers.

### 3.400 EMPLOYEE PRACTICES

#### 3.401 General

- (a) Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection. 12 practices
- (b) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensils washing or for food preparation. Employees shall use tobacco only in designated areas. An employee tobacco-use area shall not be designated for that purpose if the use of tobacco there may result in contamination of food, equipment, utensils, or other items needing protection. 12 practices
- (c) Employees shall handle soiled tableware in a way that minimizes contamination of their hands. 12 practices
- (d) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment. 12 practices

**REASON:** The overall cleanliness and observation of good hygienic practices by an

employee include not only the personal cleanliness of the employee, but also the way he or she performs his other routine duties. This creates a situation, where both factors are interdependent, since an unclean employee cannot handle food in a sanitary fashion, and, in a work situation, any employee soon accumulates excessive soil if proper sanitary procedures are not observed. Smoking or eating by employees anywhere but in designated areas is prohibited because of the probability of contamination of food and food-contact surfaces by the employees as a result of these activities.

Insanitary and unsightly personal practices such as scratching the head, placing the fingers in or about the mouth or nose, or indiscriminate and uncovered sneezing or coughing may not only result in contamination of the food, but may adversely affect consumer confidence in the establishment. Careless handling of, and unnecessary contact with, the soiled surfaces of tableware or linens should be avoided because it unnecessarily exposes employees to health hazards and increases the possibility of disease transmission to the consumers.

## SECTION 4.000 EQUIPMENT AND UTENSILS

### 4.100 MATERIALS

#### 4.101 General

Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and 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 impart odors, color, or taste, nor contribute to the contamination of food.

14 constructed  
15 constructed

#### 4.102 Solder

If solder is used, it shall be composed of safe materials and be corrosion resistant. 14 constructed

(a) Soft solder shall contain at least 50% tin, and be free of cadmium, antimony, bismuth, and other toxic materials consistent with good industrial practices.

(b) Hard (silver) solder shall be of food grade quality.

#### 4.103 Wood

Hard maple or equivalently non-absorbent material that meets the general requirements set forth in Section 4.101 of these regulations may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited. 14 constructed

**4.104 Plastics**

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

14 constructed

**4.105 Mollusk and Crustacea Shells**

Mollusk and crustacea shells may be used only once as a serving container. Further re-use of such shells for food service is prohibited.

14 constructed

**4.106 Single Service**

Re-use of single service articles is prohibited.

26 re-use

REASON: Food poisoning has occurred as a result of the ingestion of acidic food or drink which has been in contact with equipment or utensils containing such metals and/or their salts, such as cadmium, lead, and zinc. Therefore, the product surfaces of equipment, utensils, and single service articles must be non-toxic and must not cause prohibited food additives to migrate into food, nor present un-cleanable surfaces due to poor design or poor durability under use conditions.

**4.200 DESIGN AND FABRICATION**

**4.201 General**

All equipment and utensils, including plastic ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

14 designed  
14 constructed  
15 designed  
14 constructed

(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 heated, such as in grills, griddle tops, and skillets. 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 or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.

14 constructed

14 designed

(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

14 designed  
14 constructed

	used on equipment designed to receive lubricant of bearings and gears on or within food contact	8 preparation
(c)	Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice: Provided, that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.	8 storage 14 designed 16 designed
(d)	Sinks and drain boards shall be self-draining.	
<b>4.202 <u>Accessibility</u></b>		
	Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:	14 designed
(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 a mallet, a screwdriver, or an open-end wrench kept available near the equipment.	
<b>4.203 <u>In-Place Cleaning</u></b>		
	Equipment intended for in-place cleaning shall be so designed and fabricated that:	14 designed
(a)	Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and	14 constructed
(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.	
<b>4.204 <u>Pressure Spray Cleaning</u></b>		
	Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.	14 designed 14 constructed 15 designed 15 constructed
<b>4.205 <u>Thermometers</u></b>		
	Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to $\pm 2^{\circ}\text{F}$ .	14 constructed

**4.206 Non-Food-Contact**

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 materials and in such repair as to be easily maintained in a clean and sanitary condition.

15 designed  
15 constructed

**4.207 Ventilation Hoods**

Ventilation hoods and devices 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.

15 designed

**4.208 Existing Equipment**

Equipment that was installed in a food service establishment prior to the effective date of these regulations, and that does not fully meet 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 nontoxic. Replacement equipment and new equipment acquired after the effective date of these regulations shall meet the requirements of these regulations.

14 constructed  
14 maintained  
15 constructed  
15 maintained

REASON: Equipment and utensils that do not meet the design and fabrication requirements of these regulations are difficult to clean thoroughly and permit accumulations of food or other soil which support bacterial growth. Accumulations of food or other soil in difficult-to-clean places on equipment may also create an insect and rodent control problem, and may cause unpleasant odors.

While it would be desirable from a public health standpoint to require prompt replacement of equipment in an existing establishment that does not meet the design and fabrication requirements of these regulations, such an approach is not economically practicable. Continued use of equipment that does not meet the requirements is appropriate if it is in good repair, capable of being maintained in a sanitary condition, and has non-toxic food-contact surfaces. Replacement and new equipment should, of course, meet all requirements of these regulations.

**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, open stair-wells, or other sources of contam-

14 located  
15 located

ination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

#### 4.302 Table Mounted Equipment

- (a) Equipment that is placed 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 and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas. 15 installed
- (b) Equipment is portable within the meaning of Section 4.302 (a) of these regulations 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.

#### 4.303 Floor-Mounted Equipment

- (a) Floor-mounted equipment, unless readily movable, shall be
- (1) sealed to the floor; or
  - (2) installed on a raised platform of concrete or other smooth masonry in a way that meets all requirements for sealing or floor clearance; or 15 installed
  - (3) elevated on legs to provide at least a 6-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a 4-inch clearance between the floor and equipment if no part of the floor under the mixer is more than 6 inches from cleaning access.
- (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; or if exposed to seepage, the equipment shall be 15 located

sealed to the adjoining equipment or adjacent walls or ceilings. 15 installed

#### 4.304 Aisles and Working Spaces

Aisles and working spaces between units of 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. 15 located

REASON: Equipment must be installed and located to prevent contamination of food and food-contact surfaces, and to permit the thorough cleaning of the equipment and adjacent surfaces.

The proper installation and location of equipment reduces the probability of equipment interfaces and adjacent surfaces being potential factors in food contamination by eliminating soil buildup and insect or rodent harborage since these interfaces and surfaces are either accessible for thorough cleaning or are sealed to adjoining surfaces to prevent the accumulation of soil.

### SECTION 5.000 CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT AND UTENSILS

#### 5.100 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION

##### 5.101 Cleaning Frequency

- (a) Tableware shall be washed, rinsed, and sanitized after each use. 22 clean  
22 free  
20 sanitized
- (b) To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred. 22 clean  
22 free  
20 sanitized
- (c) 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 at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food and amount of food particle accumulation. 22 clean  
22 free  
20 sanitized
- (d) The food-contact surfaces of grills, griddles, and similar 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. 22 clean



**deposits and other accumulated soil.**

- (e) **Non-food-contact surfaces of equipment shall be cleaned as often as it necessary to keep the equipment free of accumulation of dust, food particles, and other debris.** 23 clean

**02 Wiping Cloths**

- (a) **Cloths used for wiping food spills on tableware, such as plates or bowls being served to the customer shall be clean, dry and used for no other purposes.** 21 clean  
21 restricted
- (b) **Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 5.103 of these regulations and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.** 21 clean  
21 restricted  
21 stored
- (c) **Moist cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified in Section 5.102 (b) of these regulations and used for no other purposes. These cloths and sponges shall be stored in the sanitizing solution between uses.** 21 clean  
21 restricted  
21 stored

**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 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 through pressure spray methods.** 16 designed  
16 designed  
27 hot/cold  
16 operated
- (b) **Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for clean utensils following sanitizing and shall be located so as not to interfere with the proper use of the dish-washing facilities.** 16 installed  
16 located
- (c) **Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, presoaked to remove gross food particles and soil.** 18 pre-flushed  
18 scraped
- (d) **Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequences:**
- (1) **Sinks shall be cleaned prior to use.** 16 operated

- |     |   |   |
|-----|---|---|
| (2) | Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.  | 19 temperature<br>19 clean                                |
| (3) | Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.  | 22 free<br>19 clean                                       |
| (4) | Equipment and utensils shall be sanitized in the third compartment according to one of the included in Section 5.103 (e) (1) through (4) of these regulations.  | sanitized   |
|     |   |   |
| (1) | Immersion for at least one-half ( $\frac{1}{2}$ ) minute in clean, hot water at a temperature of at least 170°F; or   | 20 time 20 clean<br>20 temperature                        |
| (2) | Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypo-chlorite and at a temperature of at least 75°F; or   | 20 time<br>20 clean<br>20 concentration<br>20 temperature |
| (3) | Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F; or  | 20 time<br>20 clean<br>20 concentration<br>20 temperature |
| (4) | Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.10102 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypo-chlorite at a temperature of at least 75°F for one minute; or | 20 clean<br>41 used                                       |
| (5) | Treatment with steam free from materials or additives other than those specified in 21 CFR 173.-3102 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or  | 20 concentration<br>20 temperature<br>20 time<br>41 used  |
| (6) | Rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under Section 5.103 (e) (4) of these regulations in the case of equipment too large to sanitize by immersion.   | 20 concentration  |
| (f) | 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 or at least 170°F; and  | 16 installed<br>16 maintained                             |

- (2) A numerically scaled indicating thermometer accurate to 23°F, convenient to the sink for frequent checks of water temperature; and 17 thermometer
- (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware and equipment in the hot water. 16 operated
- (g) When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.10102 and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used. 41 used  
17 kits

**5.104 Mechanical Cleaning and Sanitizing**

- (a) Cleaning and sanitizing may be done by spray-type or immersion dish 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 and maintained in good repair. Machines and devices shall be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine shall be exposed to all dish washing cycles. Automatic detergent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained. 16 installed  
16 maintained  
16 operated
- (b) The pressure of final rinse water supplied to spray-type dish washing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A ½-inch IPS valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water. 16 maintained  
17 gauge cock
- (c) Machine or water line mounted numerically scaled indicating thermometers, accurate to 23°F, shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold. 17 thermometers
- (d) Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dish washing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines. 16 maintained
- (e) Drain boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dish washing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily 16 installed  
16 designed  
16 located  
16 constructed

movable dish tables for the storage of clean utensils following sanitization.

- (f) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dish washing machine unless a prewash cycle is a part of the dish washing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergents wash and clean rinse water and that permits free draining: 18 pre-flushed  
18 scraped  
18 soaked
- 16 operated  
19 clean  
16 operated
- (g) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used: Provided, that,
- (1) The temperature of the wash water shall not be less than 120°F. 19 temperature
- (2) The wash water shall be kept clean. 19 clean
- (3) Chemicals added for sanitization purposes shall be automatically dispensed. 16 operated
- (4) Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturer's specifications for time and concentration. 20 time  
20 concentration
- (5) The chemical sanitizing rinse water temperature shall be not less than 75° nor less than specified by the machine's manufacturer. 20 temperature
- (6) Chemical sanitizers used shall meet the requirements of 21 CFR 178.10102. 20 concentration  
41 used
- (7) A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used. 17 kits
- (h) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated in Section 5.104 (h) (1) through (5) of these regulations. 19 clean

(1) Single-tank, stationary-rack, dual-temperature machine:

Wash temperature . . . . . 150°F  
Final rinse temperature . . . . . 180°F

(2) Single-tank, stationary-rack, single-temperature:

Wash temperature . . . . . 165°F  
Final rinse temperature . . . . . 265°F

(3) Single-tank, conveyor machine:

Wash temperature . . . . . 160°F  
Final rinse temperature . . . . . 180°F

(4) Multi-tank, conveyor machine:

Wash temperature . . . . . 150°F  
Pumped rinse temperature . . . . . 160°F  
Final rinse temperature . . . . . 180°F

(5) Single-tank, pot, pan, and utensil washer (either stationary or moving-rack):

Wash temperature . . . . . 140°F  
Final rinse temperature . . . . . 180°F

19 temperature  
20 temperature

(i) All dish washing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

16 maintained

5.105 Drving

After sanitization, all equipment and utensils shall be air dried. 24 handling

REASON: Regular, effective cleaning and sanitizing of equipment, utensils, and work or dining surfaces minimize the probability of contaminating food during preparation, storage, or service, and the transmission of disease organisms to consumers and employees. Effective cleaning will remove soil and prevent the accumulation of food residues which may decompose or support the rapid development of food poisoning organisms or toxins. Application of effective sanitizing procedures destroy those disease organisms which may be present on equipment and utensils after cleaning, and prevent the transfer of such organisms to consumers or employees, either directly through tableware such as glasses, cups, and flatware, or indirectly through the food.

5.200 EQUIPMENT AND UTENSIL STORAGE

5.201 Handling

Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

24 handling

**5.202 Storage**

- (a) **Cleaned and sanitized utensils and equipment shall be stored at least 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, except for automatic fire protection sprinkler heads that may be required by law.** 24 storage  
14 located  
14 located
- (b) **Utensils shall be air dried before being stored or shall be stored in a self-draining position.** 24 handling  
24 storage
- (c) **Glasses and cups shall be stored inverted. Other stored utensils shall be stored inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is pre-wrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.** 24 storage  
15 constructed  
24 storage, handling

**5.203 Single-Service Articles**

- (a) **Single-service articles shall be stored at least 6 inches above the floor in closed cartons or containers which protect them from contamination and shall under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.** 25 storage
- (b) **Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.** 25 dispensing
- (c) **Single-service knives, forks, and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his or her hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are pre-wrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.** 25 dispensing  
12 washed  
25 dispensing

**5.204 Prohibited Storage Area**

**The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.** 24 storage  
25 storage  
25 storage

**REASON: Improper storage of equipment and utensils exposes them to contamination**

from many factors in the storage environment such as splash, dust, or food particulates. Additional contamination may occur as the result of normal employee functions during food preparation or service or consumer handling during self service if the sanitary requirements for equipment or utensils storage are not observed.

Accordingly, the storage and handling procedures for cleaned and/or sanitized equipment and utensils and single-service articles must be adapted to the protective storage requirements imposed by the varied storage conditions encountered in general storage, storage incidental to food preparation or service, and the storage environment specified by consumer self-service.

## SECTION 6.000 SANITARY FACILITIES AND CONTROLS

### 6.100 Water Supply

#### 6.101 General

Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law. 27 source

#### 6.102 Transportation

All potable water not provided directly by pipe to the food service establishment from the source 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 and operated according to law. 27 source

#### 6.103 Bottled Water

Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container. 27 source

#### 6.104 Water Under Pressure

Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water. 27 pressure

#### 6.105 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 173.3102. 27 source  
41 used

**REASON:** Unless of a safe and sanitary quality, water may serve as a source of

contamination for food, equipment, utensils, and hands. Unsafe water is also a factor in the transmission of disease. Therefore, in order to provide protection to consumers and employees, water should be obtained from sources regulated by law and should be handled, transported and dispensed in a sanitary manner.

Hot and cold water under pressure is necessary for the thorough cleaning and sanitization of equipment and utensils, for the cleaning of the physical facilities, and for proper employee handwashing.

## 6.200 SEWAGE

### 6.210 General

All sewage, including liquid waste, shall be disposed of by a public sewage system or by a sewage disposal system constructed and operated in accordance with P.L. 15-96, Sub-chapter T and Chapter IV, Title XII, Government Code of Guam. Non-water-carried sewage disposal facilities are prohibited, except as permitted by Sections 9.101 through 9.108 of these regulations (pertaining to temporary food service establishments) or as permitted by the Department in remote areas or because of special situations. 28 disposal

**REASON:** Improper disposal of sewage provides potential for contamination of food, utensils and equipment and, therefore, may cause serious illness or disease outbreaks. Proper disposal is required to prevent contamination of ground surfaces and water supplies, or creation of other insanitary conditions that may attract insects and other vermin.

## 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. 29 installed  
29 maintained  
29 maintained  
30 cross-connection

### 6.302 Non-potable Water System

A non-potable water system is permitted only for purposes such as air-conditioning 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. 29 installed  
30 cross-connection  
30 siphonage  
30 backflow  
29 installed



**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 supply 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 prevention device is installed.

30 backflow  
30 siphonage

**6.304 Grease Traps**

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

29 installed

**6.305 Garbage Grinders**

If used, garbage grinders shall be installed and maintained according to law.

29 installed  
29 maintained

**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. When a dish washing machine is located within 5 feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap.

29 installed  
30 siphonage  
30 backflow

REASON: Improper plumbing installation or maintenance results in potential health hazards such as cross-connections, back siphonage, or leakage. These conditions may result in the contamination of food utensils and equipment, in the creation of obnoxious odors or nuisances and may adversely affect the operation of equipment which depend on sufficient volume and pressure to perform their intended functions.

**6.400 TOILET FACILITIES**

**6.401 Toilet Installation**

Toilet facilities shall be installed according to the latest edition of the Uniform Plumbing Code at the time of construction and shall be conveniently located, and shall be accessible to employees at all times.

31 installed  
31 number  
31 convenient  
31 accessible

**6.402 Toilet Design**

Toilets and urinals shall be designed to be easily cleanable.

31 designed

**6.403 Toilet Rooms**

Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance. 32 enclosed  
32 doors

**6.404 Toilet Fixtures**

Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle. 32 clean, repair  
32 tissue  
15 constructed  
32 receptacles  
32 receptacles

**REASON:** Adequate, sanitary toilet facilities are necessary for the proper disposal of human waste which carries pathogenic micro organisms and for the prevention of the spread of disease by flies, insects, clothing, hands, or other means.

Where toilet facilities are of a sanitary design and are kept clean and in good repair, employees are motivated toward proper attitudes regarding sanitary practices and conditions in the food service establishment.

**6.500 LAVATORY FACILITIES**

**6.501 Lavatory Installation**

- (a) Lavatories shall be at least the number required by law, shall be installed according to law, and shall be located to permit convenient use by all employees in food preparation areas and utensil washing areas. 31 number  
31 installed  
31 convenient
- (b) Lavatories shall be accessible to employees at all times. Newly constructed or extensively remodeled establishments shall provide handwashing lavatories in the food preparation area. 31 accessible
- (c) Lavatories 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. 12 practices

**6.502 Lavatory Faucets**

Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited. 27 hot/cold  
31 designed  
31 designed  
31 installed

6.503 Lavatory Supplies

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

32 cleanser.
32 towels
32 devices
12 practices
15 constructed
32 receptacles

6.504 Lavatory Maintenance

Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

32 clean
32 repair

REASON: Hands are probably the most common vehicle for the transmission of contamination to food and food-contact surfaces. During normal operations, hands become soiled with a variety of contaminants and must be thoroughly washed at frequent intervals during the working day, after any interruption of the work routine, and after each visit to the toilet. To encourage the thorough washing of hands, lavatories must be accessible, conveniently located, clean, and maintained in good repair, and must be supplied with warm water, soap or detergent, and individual sanitary towels.

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. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.

15 constructed
33 proof
33 proof (outside)
- (b) Where edible garbage will be stored in plastic bags for use as animal feed, National Sanitation Foundation (NSF) approved plastic food storage bags shall be used.

14 constructed
----------------
- (c) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

33 covered
------------
- (d) Containers stored outside the establishment, and 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.

15 constructed
15 constructed
33 covered
33 proof
- (e) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate.

33 number
-----------
- (f) 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

33 clean
33 clean

a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

27 water

28 disposal

**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 unprotected plastic 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. 33 proof  
33 proof (outside)
- (b) Garbage or refuse storage rooms, if used, shall be of easily cleanable, non-absorbent, washable materials, shall be kept clean, shall be insect-proof and rodentproof and shall be large enough to store the garbage and refuse containers that accumulate. 36 constructed  
37 constructed  
36 clean  
37 clean  
35 presence
- (c) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate 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. 34 constructed  
34 clean  
34 constructed  
34 clean

**6.603 Disposal**

- (a) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents. 33 frequency
- (b) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with law. Areas around incineration facilities shall be clean and orderly. 34 incineration  
36 clean  
37 clean (inside)  
34 clean (outside)
- (c) No garbage shall be disposed of as animal feed unless the collector has a valid sanitary permit to operate a livestock garbage feeding establishment, and the Division of Environmental Health has been notified in writing of who is collecting garbage for animal feed. 45 permit

**REASON:** Proper storage and disposal of garbage and refuse is necessary to minimize the development of odors, to prevent such waste from becoming an attractant and harborage or breeding place for insects and rodents, and to prevent the soiling of food preparation and food service areas. Improperly handled garbage creates nuisance conditions, makes housekeeping difficult and may be a possible source of contamination of food, equipment, and utensils.

Storage areas for garbage and refuse containers must be constructed so that they can be thoroughly cleaned in order to avoid creating an attractant or harborage for insects or rodents. In addition, such storage areas must be large enough to accommodate all the containers necessitated by the operation in order to prevent a scattering of the garbage and refuse.

All containers must be maintained in good repair and cleaned as necessary in order to store garbage and refuse under sanitary conditions.

Edible garbage used for animal feed must be handled to prevent livestock from becoming contaminated or infected from contaminated garbage.

## 6.700 INSECT AND RODENT CONTROL

### 6.701 General

Effective measures intended to minimize the presence of rodents, flies, cockroaches, and 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. 35 presence  
42 maintained

### 6.702 Openings

Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be 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 materials shall not be less than 16 mesh to the inch. 35 protected

REASON: Insects and rodents are capable of transmitting diseases to man by contamination of food and food-contact surfaces. Therefore, their presence in food service establishments must be kept to a minimum by measures designed to prevent their entrance.

Since insects and rodents require food, water, and shelter, control measures must be utilized to deprive them of these necessities.

## SECTION 7.000 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

### 7.100 FLOORS

#### 7.101 Floor Construction

Floors and floor coverings of all food preparation, food storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker room, toilet rooms

and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.

36 constructed

36 repair

#### 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, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

36 covering

#### 7.103 Prohibited Floor Covering

The use of sawdust, wood shavings, or similar material as a floor covering is prohibited.

36 covering

#### 7.104 Floor Drains

Properly installed, trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials and shall be graded to drain.

29 installed

36 constructed

36 drained

#### 7.105 Mats and Duckboards

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

36 constructed

24 storage

8 storage

#### 7.106 Floor Junctures

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 floors 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.

36 constructed

#### 7.107 Utility Line Installation

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In

36 constructed

all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

REASON: floors that are properly constructed, smooth, maintained in good repair, and are non-absorbent can be easily cleaned and will not create insanitary conditions. When floors are subjected to water flushing for cleaning or discharges of wastes from equipment, the wall and floor junctures should be coved and sealed to permit easy cleaning, and properly installed and trapped floor drains must be provided to carry away the liquid wastes to prevent potential hazards or nuisances.

Carpeting should be prohibited in specified areas because it cannot be properly cleaned on a daily basis, and presents an absorbent surface. Similarly, any floor covering, mat, or duckboard which is not grease-resistant and cleanable should be prohibited, to prevent soil buildup and the resulting potential hazards or nuisances.

Any installation of equipment or attendant service lines or pipes must be designed in a way that does not obstruct or prevent cleaning in order to avoid the accumulation of soil and debris.

## 7.200 WALLS AND CEILINGS

### 7.201 Maintenance

Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair. 37 repair

### 7.202 Construction

The walls, including non-supporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, toilet rooms and vestibules shall be light colored, smooth, non-absorbent and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface. 37 constructed

### 7.203 Exposed Construction

Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface. 37 surfaces

### 7.204 Utility line Installation

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating 37 constructed

units, food preparation areas, equipment washing and utensil washing areas, toilet rooms and vestibules.

**7 205 Attachments**

Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair. 37 constructed  
37 repair

**7.206 Covering Material Installation**

Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable. The use of contact paper as wall covering is prohibited. 37 constructed

**REASON:** Walls and ceilings that are properly constructed, smooth, maintained in good repair and are non-absorbent can be easily cleaned and will not create insanitary conditions. Walls and ceilings in food preparation, utensil and equipment washing and toilet areas must be light colored to aid in the distribution of light to facilitate thorough cleaning, sanitary food preparation, and the observance of general sanitary procedures.

Any installation of equipment, attachments, and service lines or pipes must be designed in a way that does not obstruct or prevent cleaning, to avoid the accumulation of soil and debris. Wall and ceiling covering or decorative materials, as well as attached equipment, must be easily cleanable, maintained in good repair, and installed in a manner that permits easy cleaning to avoid the creation of potential contamination hazards.

**7.300 CLEANING PHYSICAL FACILITIES**

**7.301 General**

Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. 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 dust arresting sweeping compounds with brooms. 36 clean  
37 clean  
36 clean  
37 clean  
36 methods  
37 methods

**7.302 Utility Facility**

In new or extensively remodeled establishments at least one utility sink or 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 lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited. 29 installed  
12 practices



**REASON:** The food service establishment must be kept clean to minimize attractants for insects and rodents, to prevent nuisance conditions, and to aid in preventing the contamination of food and equipment. A clean and orderly establishment is conducive to good sanitary practices in food preparation and service, in equipment, utensils washing, and in the storage and handling of equipment, utensils and food.

Facilities must be cleaned with the proper equipment to preclude the contamination of food and equipment. Improper cleaning methods or improper application of cleaning procedures such as sweeping or pres sure spraying may raise dust, scatter debris or create contaminating aerosols.

#### 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 equipment or utensil-washing work levels. 38 required
- (b) Permanently fixed artificial 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 utensil and equipment storage areas and in lavatory and toilet areas; and 38 required
  - (2) At least 10 foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations. 38 required

##### 7.402 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, service, and display facilities, and facilities where utensils and equipment are cleaned and stored. 38 shielded
- (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. 38 shielded

**REASON:** Ample light, properly distributed, makes dirt conspicuous, is necessary for the proper preparation and handling of food, and is imperative for the complete cleaning and sanitization of equipment and utensils. Adequate lighting is also essential in all areas of the establishment for general cleaning, for reading and identifying labels and colors, and for recognizing the condition of the food stored in the establishment. Inadequate lighting may result in a general lack of cleanliness, accidental mixing of toxic substances with food, or serving unsafe or spoiled food to the consumer.

Shielded light fixtures are necessary to protect food, utensils, and equipment from glass fragments should the fixture break. The shielding also prevents many instances of breakage, and provides a greater degree of on-the-job safety to employees.

## 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 an unsightly, harmful, or unlawful discharge. 39 required

### 7.502 Special Ventilation

(a) Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials. 37 repair

(b) In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside. 39 required

REASON: Sufficient ventilation reduces condensation that may drop into food or onto utensils or food preparation surfaces, and thus inhibits mold and bacterial growth. Sufficient ventilation of all areas of the establishment also minimizes the soiling of walls, ceilings, and floors; reduces temperatures; exhausts objectionable odors; and precludes the concentration of toxic gases. It facilitates removing air contaminated during cleaning or food preparation processes, or as the result of exhaust from other equipment.

## 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 or service, or for utensil washing or storage. 40 located  
8 preparation  
8 storage  
8 service  
24 storage

### 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 be located only in the designated dressing rooms or in food storage rooms or areas containing only completely packaged food or packaged 40 provided  
40 located

**single-service articles.**

**REASON:** Street clothing and personal belongings can contaminate food, food equipment, and food preparation surfaces. Therefore, it is desirable to have employees routinely change clothing within the establishment. When this is the routine rooms or areas must be designated for this purpose. Regardless of whether or not clothing is changed within the establishment, lockers or other suit able facilities must be provided for the proper storage of personal belongings such as purses, coats, shoes, and personal medications.

**7.700 POISONOUS OR TOXIC MATERIALS**

**7.701 Materials Permitted**

There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents. 41 necessary

**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. 41 labeled

**7.703 Storage of Materials**

(a) Poisonous or toxic materials consist of the following categories:

- (1) Insecticides and rodenticides;
- (2) Detergents, sanitizers, and related cleaning or drying agents;
- (3) Caustics, acids, polishes, and other chemicals.

(b) Each of the three categories set forth in paragraph (a) of this section shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude 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 detergents or sanitizers at utensil or dish washing stations. 41 stored

**7.704 Use of Materials**

(a) Bactericides, 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 such surfaces or that constitutes a hazard to employees or other persons. 41 used

(b) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling. 41 used

#### 7.705 Personal Medications

Personal medications shall not be stored in food storage, preparation or service areas. 41 stored

#### 7.706 First-aid Supplies

First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces. 41 stored

REASON: In order to reduce the potential for contamination, stored poisonous and toxic materials should be limited to those necessary to maintain the establishment. Proper labeling, use, storage, and handling of poisonous and toxic materials are essential to prevent the accidental contamination of food, equipment, and utensils, and to ensure the safety of food service personnel and the consumer.

### 7.800 PREMISES

#### 7.801 General

(a) Food service establishments and all parts of property used in connection with their operations shall be kept free of litter. 42 litter

(b) The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter. 42 maintained

(c) Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises. 42 articles

(d) The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited. 42 personnel

**7.802 Living Areas**

No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors. 43 separation

**7.803 Laundry Facilities**

(a) Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operations. If such items are laundered on the premises, an electric or gas dryer shall be provided and used. 43 laundry

(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. 43 laundry

**7.804 Linens and Clothes Storage**

(a) Clean clothes and linens shall be stored in a clean place and protected from contamination until used. 44 stored

(b) Soiled clothes and linens shall be stored in non-absorbent containers or washable laundry bags until removed for laundering. 44 stored  
15 constructed

**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 for the cleaning of that storage location. 42 stored

**7.806 Animals**

Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons, may be permitted in dining areas. 35 animals

**REASON:** For the general cleanliness of the establishment, and to preclude situations that could lead to food contamination, general preventive measures must be implemented throughout the establishment and all outside areas under the control of the operator.

Outside walking and driving surfaces and all other exterior areas must be free of

**litter and properly surfaced and graded to prevent creating harborage or nuisances attractive to insects or vermin, and to minimize dust or pooling of water.**

**Areas or facilities that are non-compatible with sanitary food service operations, such as living quarters, laundry operations, and cleaning equipment storage facilities, must be located and/or separated from other areas of the establishment to preclude potential contamination of food and food-contact surfaces by aerosols, toxic or poisonous substances, dust or debris, or by the presence of un-cleanable surfaces and materials.**

**The traffic of unnecessary persons and the presence of animals must be prohibited for similar reasons and because of the possibility of disease transmission through direct or indirect contact with food or food-contact surfaces.**

## **SECTION 8.000 MOBILE FOOD UNITS OR PUSHCARTS**

### **8.100 MOBILE FOOD SERVICE**

#### **8.101 General**

**Mobile food units or pushcarts shall comply with the requirements of this section, except as otherwise provided in this paragraph and in Section 8.102 of these regulations. The Department of Public Health and Social Services may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this section relating to physical facilities, except those requirements of Section 8.104, 8.105, 8.201, 8.301, and 8.302 of these regulations.** (administrative)

#### **8.102 Restricted Operation**

**Mobile food units or pushcarts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these regulations, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of these regulations pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary. However, frankfurters may be prepared and served from these units or pushcarts.** 8 service  
8 transportation  
3 transportation  
All applicable violations if hazardous food prepared.

#### **8.103 Single-Service Articles**

**Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.** 25 used  
26 re-use

### 8.104 Water System

A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of these regulations. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of these regulations.

27 pressure  
27 hot/cold  
29 installed  
29 installed

### 8.105 Waste Retention

If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

29 installed  
28 disposal  
29 installed  
29 installed

**REASON:** In addition to hazards created by the transport and service of food from a mobile food unit or pushcart, food served from such units or pushcarts is subject to the same potential contamination as that served in other food service establishments. This means that a mobile food unit or pushcart must be regulated in the same manner, and provide to the consumer the same degree of food protection offered by any food service establishment. However, there are restricted operation mobile food units or pushcarts that are not equipped with all the facilities required by the regulations for food service operations. These operations must be limited to the service of those foods for which they can provide sufficient protection according to the requirements of these regulations.

## 8.200 COMMISSARY

### 8.201 Base of Operations

- (a) Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.
- (b) The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of these regulations.

8 transportation  
20 all applicable violations.  
22 clean, free  
23 clean  
20 all applicable violations.

**REASON:** All mobile food unit or pushcart servicing, cleaning and food supply operations must be conducted at a location meeting the requirements of these regulations to ensure that the source of food and any incidental operations are not hazardous to the consumer.

**8.300 SERVICING AREA AND OPERATIONS**

**8.301 Servicing Area**

- (a) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.
  - 8 transportation
  - 28 disposal
  - 8 transportation
- (b) The surface of the servicing area shall be constructed of a smooth non-absorbent material, such as a concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.
  - 36 constructed
  - 36 repair
  - 36 clean
  - 36 drained
- (c) The construction of the walls and ceilings of the servicing area is exempted from the provisions of sections 7.201 through 7.206 of these regulations.

**8.302 Servicing Operations**

- (a) Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.
  - 29 installed
  - 24 storage
  - 24 handling
- (b) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with Section 6.201 of these regulations.
  - 23 clean
  - 28 disposal

**REASON:** To prevent contamination of the food supplied to a mobile food service unit or pushcart and to permit the sanitary servicing and disposal of waste from such units, a servicing area must be provided and constructed according to the requirements of these regulations. For the same reasons, the operational procedures and equipment used in servicing mobile food service units or pushcarts must conform to good sanitary practices to prevent contamination of the food offered to the consumer



## SECTION 9.000 TEMPORARY FOOD SERVICE

### 9.100 Temporary Food Service Establishments

#### 9.101 General

A temporary food service establishment shall comply with the requirements of these regulations, except as otherwise provided in this section. The Department of Public Health and Social Services may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of these regulations.

All applicable violations.

#### 9.102 Restricted Operations

(a) These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of Section 9.101 of these regulations, to operate without complying with all the requirements of this section.

(b) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or fish is prohibited. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of these regulations, is obtained in individual servings, is stored at a temperature of 45°F or below, or at a temperature of 140°F or above in facilities meeting the requirements of these regulations, and is served directly in the unopened container in which it was packaged.

3 preparation

All applicable violations.

#### 9.103 Ice

Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of these regulations. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

1 source

9 handling

8 storage

#### 9.104 Equipment

(a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

14 located

14 installed

15 located

(b)	Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.	15 installed 14 constructed 14 located
9.105	<u>Single-Service Articles</u>	
	All temporary food services establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.	25 used
9.106	<u>Water</u>	
	Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.	27 source 27 hot/cold
9.107	<u>Wet Storage</u>	
	Storage of packaged food in contact with water or un-drained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.	8 storage
9.108	<u>Waste</u>	
	All sewage, including liquid waste, shall be disposed of according to law.	28 disposal
9.109	<u>Handwashing</u>	
	A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, warm running water, soap, and individual paper towels...	31 convenient 27 hot/cold 32 cleanser 32 towels
9.110	<u>Floors</u>	
	Floors shall be constructed of concrete, asphalt tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as sub-flooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings or other suitable materials effectively treated to control dust.	36 constructed 36 drained 36 constructed
9.111	<u>Walls and Ceilings of Food Preparation Areas</u>	
(a)	Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas	37 constructed

shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch. 35 protected

- (b) Counter service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tightfitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use. 35 protected

REASON: Food served from temporary food service establishments is subject to the same potential for contamination as that serve in fixed food service establishments as well as the additional potential for contamination resulting from specific conditions associated with temporary establishments. While recognizing the limited capability of most temporary operations, it is necessary for the protection of the public health to regulate closely the construction and operational methods of such establishments. Due to this limited food protection capability, most temporary food service establishment must be restricted to the service of prepackaged and pre-prepared foods, or allowed only limited food preparation functions. The degree of such restrictions must be in direct relation to the capacity for food protection demonstrated by the construction of a temporary establishment and its equipment.

## SECTION 10.000 COMPLIANCE PROCEDURES

### 10.100 Sanitary Permits and Certificates

#### 10.101 General

No person shall operate a food service establishment who does not have a valid sanitary permit issued to him or her by the Division of Environmental Health, Department of Public Health and Social Services. 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 food service establishment.

#### 10.102 Issuance of Sanitary Permit

- (a) Any person desiring to operate a food service establishment shall make written application for a sanitary permit, on forms provided by the Division of Environmental Health, Department of Public Health and Social Services. Such application shall include the name and address of each applicant, the location and type of proposed food service establishment, and the signature of each applicant.
- (b) Prior to approval of an application for a sanitary permit, the Division of Environmental Health, Department of Public Health and Social Services shall inspect the proposed food service establishment to determine compliance with the requirements of these regulations.

- (c) **The Division of Environmental Health, Department of Public Health and Social Services shall issue a sanitary permit, to the applicant, if its inspection reveals that the proposed food service establishment complies with the requirements of these regulations.**
- (d) **If the application is for a temporary food service establishment, then it shall also include the inclusive dates of the proposed operations which shall not exceed a time period of six (6) consecutive months at one location.**

**10.103 Suspension of Sanitary Permit**

- (a) **The Division of Environmental Health, Department of Public Health and Social Services may, without warning, notice, or hearing, suspend any sanitary permit to operate a food service establishment if the holder of the sanitary permit does not comply with the requirements of these regulations, or if the operation of the establishment does not comply with the requirements of these regulations, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by Section 10.103 (b) of these regulations. When a sanitary permit is suspended, food service 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 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 Division of Environmental Health, Department of Public Health and Social Services by the holder of the sanitary permit within 15 days. If no written request for hearing is filed within 15 days, the suspension is sustained.**

**The Division of Environmental Health, Department of Public Health and Social Services, may end the suspension at anytime if reasons for suspension no longer exist.**

**10.104 Revocation of Sanitary Permit**

- (a) **The Division of Environmental Health, Department of Public Health and Social Services 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 interference with the Division of Environmental Health, Department of Public Health and Social Services in the performance of its duty.**
- (b) **Prior to revocation, the Division of Environmental Health, Department of Public Health and Social Services shall notify, in writing, the holder of the sanitary permit or the person in charge, of the specific reason(s) for which the sanitary permit is to be revoked at the end of the 15 days following service of such notice unless a written request for hearing is filed with the Division of Environmental Health, Department of Public Health and Social Services by the holder of the sanitary permit within such 15 day period. If no request for hearing is filed within the 15 day period, the revocation of the permit becomes final.**

**0.105 Service of Notices**

A notice provided for in these regulations is properly served when it is delivered to the holder of the sanitary permit or to the person in charge, or when it is sent by registered or certified mail, return receipt requested to the last known address of the holder of the sanitary permit. A copy of the notice shall be filed in the records of the Division of Environmental Health, Department of Public Health and Social Services.

**0.106 Hearings**

The hearings provided for in these regulations shall be conducted by the Division of Environmental Health, Department of Public Health and Social Services at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Division of Environmental Health, Department of Public Health and Social Services shall make a final finding based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the sanitary permit by the Division of Environmental Health, Department of Public Health and Social Services.

**10.107 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.

**10.108 Health Certificates**

Health certificates must be obtained by all food service establishment employees in accordance with separate regulations established by the Division of Environmental Health, Department of Public Health and Social Services for obtaining health certificates.

**10.109 Management Sanitation Training and Certification**

- (a) Effective one (1) year after the effective date of these regulations each food establishment then or thereafter in operation must be under the supervision of a resident manager who has been certified under this regulation.
- (b) Certification shall be achieved by successfully completing an examination offered by the Division of Environmental Health, Department of Public Health and Social Services or other approved examination monitored by the Division of Environmental Health, Department of Public Health and Social Services.
- (c) The awarded certificate shall be posted in the establishment in a place designated by a representative of the Division of Environmental Health, Department of Public Health and Social Services.
- (d) The examination offered to candidates as above under this regulation must cause the candidate to demonstrate knowledge and proficiency in food service sanitation.

- (e) Training programs to prepare the candidate will be made available through cooperation with industry, educational institutions, and the Division of Environmental Health, Department of Public Health and Social Services.
- (f) Admittance to the examination shall be permitted upon the satisfactory completion of a Division of Environmental Health, Department of Public Health and Social Services approved training course.
- (g) Any certificate awarded may be revoked or suspended by the Division of Environmental Health, Department of Public Health and Social Services when the holder or persons under his/her supervision repeatedly fails to comply with these regulations. Prior to suspension or revocation, the holder of a food service managers certificate shall be given the opportunity for a hearing before the Director or his/her representative.

## 10.200 INSPECTIONS

### Inspection Frequency

An inspection of a food service establishment shall be performed at least once every three (3) months. Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of these regulations.

### Access

Representatives of the Division of Environmental Health, Department of Public Health and Social Services, after proper presentation of credentials, shall be permitted to enter any food service establishment 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.

### Report of Inspections

Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on the inspection report form set out in section 10.207 of these regulations. The inspection report form shall summarize the requirements of these regulations and shall set forth a demerit value for each requirement. Inspection 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 person in charge of the establishment at the conclusion of the inspection. The completed report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

### Grading of Food Service Establishment. (P.L. 15-96, Section 9530.5)

- (a) Every food service establishment shall display in a place designated by the Director, a placard approved by him stating the grade received at the time

of the most recent inspection of the establishment. Only the Director or his/her designee may remove such placard.

(b) Itinerant food service establishments shall not be subject to grading.

(c) Grades of Establishments shall be as follows:

Grade A. An establishment having a demerit score of not more than ten (10).

Grade B. An establishment having a demerit score of more than ten (10) but not more than twenty (20).

Grade C. An establishment having a demerit score of more than twenty (20) but not more than forty (40).

Grade D. An establishment having a demerit score of more than forty (40).

Notwithstanding the grade criteria established above, whenever a second consecutive violation of the same item of 2, 4 or 6 demerit points is discovered, the permit may be suspended or in lieu thereof, the establishment shall be downgraded to the next lower grade.

(d) Immediately following such inspection, the Director shall post the appropriate notice in accordance with Section 9510.6 of Subchapter B. The permit holder or operator of any establishment, the grade of which has been lowered, may, at any time, request an inspection for the purpose of regrading the establishment. Within ten (10) days following 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 he/she may deem necessary to assure himself/ herself that the applicant is complying with the higher grade requirements; and, if the findings indicate compliance shall award the higher grade.

#### 10.205 Posting

Copies of the inspection report and grade shall be posted in a place designated by the representative of the Division of Environmental Health, Department of Public Health and Social Services, where they will be in full view of the public. Failure to post or unauthorized removal will result in appropriate demerits being given.

#### 10.206 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 violations 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 backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Division of Environmental Health, Department of Public Health and Social Services.

(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 permit, shall notify the Division of Environmental Health, Department of Public Health and Social Services stating that the 6 demerit violations have been corrected. A follow-up inspection shall be conducted to confirm correction.

- (3) If the demerit score of the establishment 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 the establishment is more than 40, the sanitary permit shall be immediately suspended.
  - (5) In the case of temporary food service establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours the permit will be suspended immediately, and the establishment shall immediately cease food service operations until authorized to resume by the Division of Environmental Health, Department of Public Health and Social Services.
- (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 food service establishment is required under the provisions of Section 10.206 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.

#### 10.207 Inspection Report Form

See Appendix B

### 10.300 EXAMINATION AND CONDEMNATION OF FOOD

#### 10.301 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 the 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 that 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 to bring it into compliance with the provisions of these regulations.

#### 10.400 REVIEW OF PLANS AND CONSTRUCTION PERMIT ISSUANCE

##### 10.401 Submission of Plans

No person shall construct, reconstruct, or alter any food service establishments without first submitting a complete set of plans and specifications to the Division of Environmental Health, Department of Public Health and Social Services. To apply for a construction permit, the applicant must submit complete, properly prepared plans and specifications for such construction, remodeling, or alteration to the Division of Environmental Health, Department of Public Health and Social Services 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, Department of Public Health and Social Services, shall approve the plans and specifications if they meet the requirements of these regulations. No food service establishment shall be constructed, extensively remodeled, or converted, except in accordance with plans and specifications approved by the Division of Environmental Health, Department of Public Health and Social Services. The requirements of this sub-section are in addition to the building permit program administered by the Department of Public Works. Construction permit issuance and approval by the Division of Environmental Health, Department of Public Health and Social Services does not imply Department of Public Works acceptance or approval.

##### 10.402 Construction Permit

A construction permit will be issued once approval has been given in accordance with Section 10.401, and with separate regulations established relating to construction permits.

##### 10.403 Pre-Operational Inspection

Whenever plans and specifications are required by Section 10.401 of these regulations to be submitted to the Division of Environmental Health and Social Services, Department of Public Health and Social Services, a Division representative shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of these regulations.

## 10.500 PROCEDURE WHEN INFECTION IS SUSPECTED

### 10.501 General

When the Director has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, he or she may secure a morbidity history of the suspected employee or make any other investigation as 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 food service establishments;
- (b) The immediate closing of the food service establishment 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 establishment 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.

## 10.600 REMEDIES

### 10.601 Penalties, (Public Law 15-96, Section 9500.91)

"Any person who violates any provision of this Chapter (Ch. VI) or any valid rule or regulation promulgated under this Chapter (Ch. 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 (Ch. VI), the penalty for which is not otherwise prescribed in this Chapter (Ch. VI) is guilty of a misdemeanor."

### 10.602 Injunctions

The Department of Public Health and Social Services may seek to enjoin violations of these regulations.

## FOOTNOTES

1. See Appendix B
2. See Appendix A

APPENDIX A

CFR TITLE 21, Food and Drugs

Section 173.310 Boiler Water Additives.

Boiler water additives may be safely used in the preparation of steam that will contact food, under the following conditions:

- (a) The amount of additive is not in excess of that required for its functional purpose, and the amount of steam in contact with food does not exceed that required to produce the intended effect in or on the food.
- (b) The compounds are prepared from substances identified in paragraphs (c) and (d) of this section, and are subject to the limitations, if any, prescribed:
- (c) List of substances:

Limitations

Acrylamide-sodium acrylate resin . . . . . Contains not more than 0.5 percent by weight of acrylamide monomer.

Ammonium alginate  
Cobalt sulfate (as catalyst)  
Lignosulfonic acid

Monobutyl ethers of poly-ethylene- . . . . . Minimum mol. wt. 1,500.  
polypropylene glycol produced  
by random condensation of 1:1  
mixture by weight of ethylene  
oxide and propylene oxide with  
butanol.

Polyethylene glycol . . . . . The additive is an addition polymer of ethylene oxide and water with a mean molecular weight of 200 to 9,500 containing no more than 0.2 percent total by weight of ethylene and diethylene glycols.

Polyoxypropylene glycol . . . . . Do.  
Potassium carbonate  
Potassium tripolyphosphate  
Sodium acetate  
Sodium alginate  
Sodium aluminate  
Sodium carbonate

**Sodium carboxymethylcellulose . . . . .** Contains not less than 95 percent sodium carboxy-methylcellulose on a dry-weight basis, with maximum substitution of 0.9 carboxymethyl groups per anhydroglucose unit, and with a minimum Viscosity of 15 centipoises for 2 percent by weight aqueous solution at 25°C such determinations to be made by methods described in Food Chemicals codex (2nd Ed.) monograph for sodium carboxy-methylcellulose.

**Sodium glucoheptonate . . . . .** Less than 1 part per million cyanide in the sodium glucoheptonate.

- Sodium hexametaphosphate
- Sodium humate
- Sodium hydroxide
- Sodium lignosulfonate
- Sodium metasilicate
- Sodium metabisulfite
- Sodium nitrate
- Sodium phosphate (mono-, di-, tri-)
- Sodium polyacrylate
- Sodium silicate
- Sodium sulfate
- Sodium sulfite (neutral or alkaline)
- Sodium tripolyphosphate
- Tannin (including quebracho extract)
- Tetrasodium EDTA
- Tetrasodium pyrophosphate

(d) Substances used alone or in combination with substances in paragraph (c) of this section:

**Cyclohexylamine . . . . .** Not to exceed 10 parts per million in steam, and excluding use of such steam in contact with milk and milk products.

**Diethylaminoethanol . . . . .** Not to exceed 15 parts per million in steam, and excluding use of such steam in contact with milk and milk products.

**Hydrazine . . . . .** Zero in steam.

Morpholine . . . . .	Not to exceed 10 parts per million in steam and excluding use of such steam in contact with milk and milk products.
Octadecylamine . . . . .	Not to exceed 3 parts per million in steam and excluding use of such steam in contact with milk and milk products.
Trisodium nitrilotriacetate . . . . .	Not to exceed 5 parts per million in boiler feed water; not to be used where steam will be in contact with milk and milk products.

- (e) To assure safe use of the additive, in addition to the other information required by the (GFD & C Act), the label or labeling shall bear:
- (1) The common or chemical name or names of the additive or additives.
  - (2) Adequate directions for use to assure compliance with all the provisions of this section.

Section 178.1010 Sanitizing Solutions.

Sanitizing solutions may be safely used on food-processing equipment and utensils, and on the other food-contact articles as specified in this section, within the following prescribed conditions:

- (a) Such sanitizing solutions are used, followed by adequate draining before contact with food.
- (b) The solutions consist of one of the following, to which may be added components generally recognized as safe and components which are permitted by prior sanction or approval.
  - (1) An aqueous solution containing potassium, sodium, or calcium hypochlorite, with or without the bromides of potassium, sodium, or calcium.
  - (2) An aqueous solution containing dichlorisocyanuric acid, trichlorisocyanuric acid, or the sodium or potassium salts of these acids, with or without the bromides of potassium, sodium, or calcium.
  - (3) An aqueous solution containing potassium iodide, sodium-p-toluenesulfonchloramide, and sodium lauryl sulfate.
  - (4) An aqueous solution containing iodine, butoxy mono-ether of mixed (ethylene-propylene) polyalkylene glycol having a cloud point of 90°-100°C in 0.5 percent aqueous solution and an average molecular weight of 3,300, and ethylene glycol monobutyl ether. Additionally, the aqueous solution may contain diethylene glycol mono-ethyl ether as an optional ingredient.

- (5) **An aqueous solution containing elemental iodine, hydriodic acid, alpha-(p-nonylphenyl)-omega-hydroxy-poly (oxy-ethylene) (complying with the identity prescribed in SECTION 178.3400 (c) and having a maximum average molecular weight of 748 and/or poly-oxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900). Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.**
- (6) **An aqueous solution containing elemental iodine, sodium iodide, sodium dioctylsulfosuccinate, and polyoxy-ethylene polyoxypropylene block polymers (having a minimum average molecular weight of 1,900).**
- (7) **An aqueous solution containing dodecylbenzenesulfonic acid, polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800.) In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.**
- (8) **An aqueous solution containing elemental iodine, butoxy-mono-ether of mixed (ethylene-propylene) polyalkyleneglycol having a minimum average molecular weight of 2,400 and alpha-lauryl-omega-hydroxypoly (oxyethylene) with an average of 8 to 9 moles of ethylene oxide and an average molecular weight of 400. In addition to use on food processing equipment and utensils, this solution may be used on beverage containers, including milk containers or equipment. Rinse water treated with this solution can be recirculated as a preliminary rinse. It is not to be used as final rinse.**
- (9) **An aqueous solution containing n-alkyl (C12-C18) benzyl dimethylammonium chloride compounds having average molecular weights of 351-380 and consisting principally of alkyl groups with 12-16 carbon atoms (with or without not over 1 percent each of groups with 8 and 10 carbon atoms). Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.**
- (10) **An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.**
- (11) **An aqueous solution containing equal amounts of n-alkyl (C12-C18) benzyl dimethyl ammonium chloride and n-alkyl (C12-C18) dimethyl ethylbenzyl ammonium chloride (having an average molecular weight of 384). In addition to use on food processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.**

- (12) An aqueous solution containing the sodium salt of sulfonated oleic acid, polyoxyethylene-polyoxypropylene block polymers (having an average molecular weight of 2,000 and 27 to 31 moles of polyoxypropylene.) In addition to use on food processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk. All equipment, utensils, glass bottles, and other glass containers treated with this sanitizing solution shall have a drainage period of 15 minutes prior to use in contact with food.
- (13) An aqueous solution containing elemental iodine and alkyl(C12-C18)mono-ether of mixed (ethylene-propylene) polyalkylene glycol, having a cloud-point of 70°C-77°C in 1 percent aqueous solution and an average molecular weight of 807.
- (14) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloud-point of 90°C-100°C in 0.5 percent aqueous solution and an average molecular weight of 3,300, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,000.)
- (15) An aqueous solution containing lithium hypochlorite
- (16) An aqueous solution containing equal amounts of n-alkyl (C12-C18) benzyl dimethyl ammonium chloride and n-Alkyl (C12-C14) dimethyl ethylbenzyl ammonium chloride (having average molecular weight of 377 to 384), with the optional adjuvant substances tetrasodium ethylenediaminetetraacetate and/or alpha-(p-nonylphenol)-omega-hydroxyonyl (oxy-ethylene) having an average poly (oxyethylene) content of 11 moles.
- In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.
- (17) An aqueous solution containing di-n-alkyl (C6-C10) dimethyl-ammonium chlorides and isopropyl alcohol, having average molecular weights of 332-361. In addition to use on food processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.
- (18) An aqueous solution containing n-alkyl (C12-C18) benzyl-dimethyl-ammonium chloride, sodium metaborate alpha-terpineol and alpha-(p-(1,1,3,3,-tetramethyl-butyl) phenyl-omega-hydroxy-poly (oxyethylene) produced with 1 mole of the phenol and 4 to 14 moles ethylene oxide.
- (19) An aqueous solution containing sodium dichloroisocyanurate and tetrasodium ethylenediaminetetraacetate. In addition to use on food processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

- (c) **The solutions identified in paragraph (b) will not exceed the following concentrations:**
- (1) Solutions identified in paragraph (b) (1) will provide not more than 200 parts per million of available halogen determined as available chlorine.
  - (2) Solutions identified in paragraph (b) (2) will provide not more than 100 parts per million of available halogen determined as available chlorine.
  - (3) Solutions identified in paragraph (b) (3) of this section will provide not more than 25 parts per million of titrateable iodine. The solutions will contain the components, potassium iodide, sodium p-toluene-sulfonchloramide and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.
  - (4) Solutions identified in paragraph (b) (4), (5), (6), (8), (13), and (14) of this section will contain iodine to provide not more than 25 parts per million of titrateable iodine. The adjuvants used with iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.
  - (5) Solutions identified in paragraph (b) (7) of this section will provide not more than 400 parts per million of dodecyl-benzene-sulfonic acid and not more than 80 parts per million of polyoxyethylene-polyoxy-propylene block polymers (having a minimum average molecular weight of 2,800.)
  - (6) Solutions identified in paragraph (b) (9) of this section shall provide when ready to use no more than 200 parts per million of the active quaternary compound.
  - (7) Solutions identified in paragraph (b) (10) of this section shall provide not more than sufficient trichloromelamine to product 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecyl benzenesulfonic acid.
  - (8) Solutions identified in paragraph (b) (11) of this section shall provide, when ready to use, no more than 200 parts per million of active quaternary compound.
  - (9) The solution identified in paragraph (b) (12) of this section shall provide not more than 200 parts per million of sulfonated oleic acid, sodium salt.
  - (10) Solutions identified in paragraph (b) (15) of this section will provide not more than 200 parts per million of available chlorine and not more than 30 ppm lithium.
  - (11) The solution identified in paragraph (b) (16) of this section shall provide not more than 200 parts per million of active quaternary ammonium compound.



- (12) Solutions identified in paragraph (b) (17) of this section shall provide, when ready to use, a level of 150 parts per million of the active quaternary compound.
  - (13) Solution identified in paragraph (b) (18) of this section shall provide not more than 200 parts per million of active quaternary compound and not more than 66 parts per million of alpha-p-1,1,3,3-tetramethylbutyl) phenyl)-omega-hydroxy poly (oxyethylene).
  - (14) Solutions identified in paragraph (b) (19) of this section shall provide, when ready to use; a level of 100 parts per million of available chlorine.
- (d) Sanitizing agents for use in accordance with this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.



## VIOLATION, DEMERIT ASSIGNMENT CHECK LIST

ITEM	DEMERIT	
<b>** FOOD</b>		
01	SOURCE, SOUND, CONDITION, NO SPOILAGE	6
02	ORIGINAL CONTAINER: PROPERLY LABELED	2
<b>** FOOD PROTECTION</b>		
03	POTENTIALLY HAZARDOUS FOOD MEETS TEMPERATURE REQUIREMENTS DURING STORAGE, PREPARATION, DISPLAY, SERVICE, AND TRANSPORTATION	6
04	FACILITIES TO MAINTAIN PRODUCT TEMPERATURE	4
05	THERMOMETERS PROVIDED, WORKING, CONSPICUOUS, ACCURATE	2
06	POTENTIALLY HAZARDOUS FOOD PROPERLY THAWED	4
07	UNWRAPPED AND POTENTIALLY HAZARDOUS FOOD NOT RE-SERVED	4
08	FOOD PROTECTION DURING STORAGE, PREPARATION, DISPLAY, SERVICE, TRANSPORTATION	4
09	HANDLING OF FOOD (ICE) MINIMIZED	2
10	IN USE, FOOD (ICE) DISPENSING UTENSILS PROPERLY STORED	2
<b>** PERSONNEL</b>		
11	PERSONNEL WITH INFECTIONS RESTRICTED	6
12	HANDS WASHED AND CLEAN, GOOD HYGIENIC PRACTICES	6
13	CLEAN CLOTHES, HAIR RESTRAINTS	4
<b>** FOOD EQUIPMENT AND UTENSILS</b>		
14	FOOD (ICE) CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	2
15	FOOD (ICE) CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	2
16	WARE-WASHING FACILITIES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED, OPERATED	2
17	ACCURATE THERMOMETER, CHEMICAL TEST KITS PROVIDED, USED, GAUGE COCK (1/4" IPS VALVE)	1
18	TABLEWARE, COOK-WARE: PRE-FLUSHED, SCRAPED, SOAKED	1
19	WASH, RINSE WATER: CLEAN, PROPER TEMPERATURE	2
20	SANITIZING RINSE: CLEAN, TEMPERATURE, CONCENTRATION, EXPOSURE TIME, EQUIPMENT, UTENSILS SANITIZED	4
21	WIPING CLOTHS: CLEAN, STORED, RESTRICTED USE	4
22	FOOD CONTACT SURFACES OR EQUIPMENT AND UTENSILS CLEAN, FREE OF ABRASIVES, DETERGENTS	4
23	NON-FOOD CONTACT SURFACES OF EQUIPMENT AND UTENSILS CLEAN	2
24	STORAGE, HANDLING OF CLEAN EQUIPMENT / UTENSILS	2
25	SINGLE-SERVICE ARTICLES, STORED, DISPENSED, USED	2
26	NO RE-USE OF SINGLE SERVICE ARTICLES	4
<b>** WATER</b>		
27	WATER SOURCE, SAFE: HOT AND COLD UNDER PRESSURE	6

ITEM	DEMERIT	
<b>** SEWAGE</b>		
28	SEWAGE AND WASTEWATER DISPOSAL	6
<b>** PLUMBING</b>		
29	INSTALLED, MAINTAINED	2
30	CROSS-CONNECTION, BACK SIPHONAGE BACKFLOW	6
<b>** HAND-WASHING, TOILET FACILITIES</b>		
31	NUMBER, CONVENIENT, ACCESSIBLE, DESIGNED, INSTALLED	4
32	TOILET ROOMS ENCLOSED, SELF-CLOSING DOORS, FIXTURES, GOOD REPAIR. CLEAN: HAND CLEANSER, SANITARY TOWELS/ELEC. HAND DRYER, TOILET TISSUE, WASTE RECEPTACLES	4
<b>** GARBAGE, REFUSE DISPOSAL</b>		
33	CONTAINERS OR RECEPTACLES, COVERED: ADEQUATE NUMBER, INSECT/RODENT PROOF, DISPOSAL FREQUENCY. CLEAN, APPROVED.	4
34	OUTSIDE STORAGE AREA ENCLOSURES/FACILITIES PROVIDED, CONSTRUCTED, CLEAN	2
<b>** INSECT, RODENT, ANIMAL CONTROL</b>		
35	PRESENCE OF INSECTS/RODENTS, OUTER OPENINGS PROTECTED, NO BIRDS, TURTLES, OR OTHER ANIMALS	4
<b>** FLOORS, WALLS, CEILINGS</b>		
36	FLOORS: CONSTRUCTED, DRAINED, CLEAN, GOOD REPAIR, COVERING INSTALLATION, DUSTLESS CLEANING METHODS.	2
37	WALLS, CEILINGS, ATTACHED EQUIPMENT: CONSTRUCTED, GOOD REPAIR, CLEAN, DUSTLESS CLEANING METHODS	2
<b>** LIGHTING</b>		
38	LIGHTING PROVIDED AS REQUIRED, FIXTURES SHIELDED	2
<b>** VENTILATION</b>		
39	ROOMS AND EQUIPMENT VENTED AS REQUIRED, MAKE-UP AIR	2
<b>** DRESSING ROOMS, LOCKERS</b>		
40	DRESSING ROOMS CLEAN, LOCKERS PROVIDED, FACILITIES CLEAN, PROPERLY LOCATED, USED	2
<b>** OTHER OPERATIONS</b>		
41	ONLY NECESSARY TOXIC SUBSTANCES: PROPERLY LABELED, USED, STORED SEPARATELY	6
42	PREMISES MAINTAINED, FREE OF LITTER AND UNNECESSARY ARTICLES: CLEANING AND MAINTENANCE EQUIPMENT PROPERLY STORED, AUTHORIZED PERSONNEL ONLY	2
43	COMPLETE SEPARATION FROM LIVING & SLEEPING QUARTERS, AND LAUNDRY FACILITIES; PROPER LAUNDRY FACILITIES	2
44	CLEAN/SOILED LINEN PROPERLY STORED	2
<b>** DOCUMENTS, PLACARDS</b>		
45	SANITARY PERMIT, HEALTH CERTIFICATES, AND GRADE PLACARD	6
46	ALL DOCUMENTS AND PLACARDS POSTED AS REQUIRED	2
<b>TOTAL DEMERITS</b>		

Adopted this 15th day of November, 1984.

DENNIS G. RODRIGUEZ  
Director of Public Health  
and Social Services

APPROVED:

RICHARD OPPER  
Attorney General

Date: