

Jewelry 2-303.11 Prohibition.

While preparing FOOD, FOOD EMPLOYEES may not wear jewelry on their arms and hands. *This section does not apply to a plain ring such as a wedding band and medical alert jewelry.*

Outer Clothing 2-304.11 Clean Condition.

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

2-4	HYGIENIC PRACTICES
	Subparts
	2-401 Food Contamination Prevention
	2-402 Hair Restraints
	2-403 Animals

Food Contamination Prevention 2-401.11 Eating, Drinking, or Using Tobacco.^C

(A) Except as specified in ¶ (B) of this section, an EMPLOYEE shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection can not result.

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

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

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

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

Hair Restraints 2-402.11 Effectiveness.

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

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

Animals 2-403.11 Handling Prohibition.^c

(A) Except as specified in ¶ (B) of this section, FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SERVICE ANIMALS, or pets that are allowed as specified in Subparagraphs 6-501.115(B)(2)-(4).

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

Chapter

3 Food

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- 3-1 CHARACTERISTICS**
- 3-2 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS**
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3-1 CHARACTERISTICS

Subparts

3-101 Condition

Condition 3-101.11 Safe, Unadulterated, and Honestly Presented.^c

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

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

Subparts

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

Sources 3-201.11 Compliance with Food Law.^c

(A) FOOD shall be obtained from sources that comply with all LAWS relating to FOOD and FOOD labeling.

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

(C) PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR 101 Food Labeling; 9 CFR 317 Labeling, Marking Devices, and Containers; and 9 CFR 381 Subpart N Labeling and Containers; and as specified under §§ 3-202.17, 3-202.18; and ch. ATCP 55.30 of Wisconsin Administrative Code.

(D) *Fish, other than MOLLUSCAN SHELLFISH, that are intended for consumption in their raw form and allowed as specified in Subparagraph 3-401.11(C)(1) may be offered for sale or service if they are obtained from a supplier that freezes the FISH as specified under § 3-402.11; or frozen on the PREMISES as specified under § 3-402.11 and records are retained as specified under § 3-402.12.*

(E) WHOLE-MUSCLE, INTACT BEEF steaks that are intended for consumption in an undercooked form without a CONSUMER advisory as specified in ¶ 3-401.11(C) shall be:

(1) Obtained from a FOOD PROCESSING PLANT that packages the steaks and labels them or issues a letter of guarantee to indicate that they meet the definition of WHOLE-MUSCLE, INTACT BEEF; or

(2) If individually cut in a FOOD ESTABLISHMENT:

(a) Cut from WHOLE-MUSCLE INTACT BEEF that is labeled by a FOOD PROCESSING PLANT to indicate that the beef meets the definition of WHOLE-MUSCLE, INTACT BEEF,

(b) Prepared so they remain intact, and

(c) If packaged for undercooking in a FOOD ESTABLISHMENT, labeled to indicate that they meet the definition of whole-MUSCLE, INTACT BEEF.

(F) MEAT and POULTRY that is not a READY-TO-EAT FOOD and is in a PACKAGED form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in LAW, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

3-201.12 Food in a Hermetically Sealed Container.^c

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

3-201.13 Fluid Milk and Milk Products.^c

Fluid milk and milk products shall be obtained from sources that comply with GRADE A STANDARDS as specified in ch. ATCP 80 of Wisconsin Administrative Code.

3-201.14 Fish.^c

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

- (1) Commercially and legally caught or harvested; or
- (2) APPROVED for sale or service.

(B) MOLLUSCAN SHELLFISH that are recreationally caught may not be received for sale or service.

3-201.15 Molluscan Shellfish.^c

(A) MOLLUSCAN SHELLFISH shall be obtained from sources approved by the DEPARTMENT and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Manual of Operations Part II Sanitation of the Harvesting, Processing and Distribution of Shellfish.

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

3-201.16 Wild Mushrooms.^c

(A) Except as specified in ¶ (B) of this section, identification of mushroom species picked in the wild shall have a written buyer specification which is to remain on file in the retail establishment for a minimum of 90 days from the date of sale or service. This written specification shall include:

- (1) Identification by the Latin binomial with author and common name,
- (2) Identification in the fresh state,
- (3) The name of the person making the identification,
- (4) A statement of their qualifications and training.

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

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

3-201.17 Game Animals.^c

(A) Except as specified in ¶ (B) and (C) of this section, GAME ANIMALS may not be received for processing, sale and/or service for consumption by the GENERAL PUBLIC in a FOOD ESTABLISHMENT.

(B) Wild GAME ANIMALS may be served to private gatherings or processed in a FOOD ESTABLISHMENT provided that the following conditions are met:

- (1) Wild GAME ANIMALS are legally taken,
- (2) A permit from the department of natural resources is obtained for serving wild game animals,
- (3) The FOOD ESTABLISHMENT is closed to the GENERAL PUBLIC during the processing and/or serving of wild game or animals unless processing, preparation, storage and/or serving is completely separated from the regular FOOD service operation.
- (4) FOOD ESTABLISHMENTS without separate facilities shall effectively clean and sanitize all FOOD-CONTACT SURFACES used to prepare, store and serve wild GAME ANIMALS prior to resuming regular operations.
- (5) Notice is made to persons attending the MEAL that the wild GAME ANIMAL is not from an approved source.
- (6) No wild GAME ANIMAL may be brought into a FOOD ESTABLISHMENT with the hide or feathers attached, and without prior evisceration.
- (7) Wild GAME ANIMAL meat is cooked to an internal temperature as specified in §3-401.11

(C) If GAME ANIMALS are received for sale or service they shall be:

- (1) Commercially raised for food and:
 - (a) Raised slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or
 - (b) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction, and
 - (c) Raised, slaughtered, and processed according to:
 - (i) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and

(ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an APPROVED veterinarian or veterinarian's designee;

(2) Under a voluntary inspection program administered by the USDA for GAME ANIMALS such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are "inspected and APPROVED" in accordance with 9 CFR 352 Voluntary Exotic Animal Program or rabbits that are processed and slaughtered at a licensed processing plant;

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

Specifications for Receiving 3-202.11 Temperature.^c

(A) Except as specified in ¶ (B) of this section, refrigerated, POTENTIALLY HAZARDOUS FOOD shall be at a temperature of 5°C (41°F) or below when received.

(B) *If a temperature other than 5°C (41°F) for a POTENTIALLY HAZARDOUS FOOD is specified in LAW governing its distribution, such as LAWS governing milk, MOLLUSCAN SHELLFISH, and shell eggs, the FOOD may be received at the specified temperature.*

(C) POTENTIALLY HAZARDOUS FOOD that is cooked to a temperature and for a time specified under §§ 3-401.11 - 3-401.13 and received hot shall be at a temperature of 60°C (140°F) or above.

(D) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen.

(E) Upon receipt, POTENTIALLY HAZARDOUS FOOD shall be free of evidence of previous temperature abuse.

3-202.12 Additives.^c

FOOD may not contain UNAPPROVED FOOD ADDITIVES or ADDITIVES that exceed amounts specified in 21 CFR 170-180 relating to FOOD ADDITIVES, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR 318.7 Approval of substances for use in the preparation of products, or pesticide residues that exceed provisions specified in 40 CFR 185 Tolerances for Pesticides in Food.

3-202.13 Shell Eggs.^c

Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances as specified in ch. ATCP 88, of Wisconsin Administrative Code.

3-202.14 Eggs and Milk Products, Pasteurized.^c

(A) Liquid, frozen, and dry eggs and egg products shall be obtained pasteurized.

(B) Fluid and dry milk and milk products complying with GRADE A STANDARDS as specified in LAW shall be obtained pasteurized.

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

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

3-202.15 Package Integrity.^c

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

3-202.16 Ice.^c

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

3-202.17 Shucked Shellfish, Packaging and Identification.

(A) Raw SHUCKED SHELLFISH shall be obtained in nonreturnable packages which bear a legible label that identifies the:

(1) Name, address, and CERTIFICATION NUMBER of the shucker-packer or repacker of the MOLLUSCAN SHELLFISH; and

(2) The "sell by" date for packages with a capacity of less than 1.87 L (one-half gallon) or the date shucked for packages with a capacity of 1.87 L (one-half gallon) or more.

(B) A package of raw SHUCKED SHELLFISH that does not bear a label or which bears a label which does not contain all the information as specified under ¶ (A) of this section shall be subject to a hold order, as allowed by LAW, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

3-202.18 Shellstock Identification.^c

(A) SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the SHELLSTOCK, as specified in the National Shellfish Sanitation Program Manual of Operations Part II Sanitation of the Harvesting, Processing and Distribution of Shellfish, and that list:

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

(a) The harvester's identification number that is assigned by the SHELLFISH CONTROL AUTHORITY,

(b) The date of harvesting,

(c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the SHELLFISH CONTROL AUTHORITY and including the abbreviation of the name of the state or country in which the shellfish are harvested,

(d) The type and quantity of shellfish, and

(e) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days;" and

(2) Except as specified in ¶ (D) of this section, on each dealer's tag or label, the following information in the following order:

(a) The dealer's name and address, and the CERTIFICATION NUMBER assigned by the SHELLFISH CONTROL AUTHORITY,

(b) The original shipper's CERTIFICATION NUMBER including the abbreviation of the name of the state or country in which the shellfish are harvested,

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

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

(B) A container of SHELLSTOCK that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under ¶ (A) of this section shall be subject to a hold order, as allowed by s. 254.85 stats. and s. 97.12 stats., or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

(C) If a place is provided on the harvester's tag or label for a dealer's name, address, and CERTIFICATION NUMBER, the dealer's information shall be listed first.

(D) *If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual dealer tags or labels need not be provided.*

3-202.19 Shellstock, Condition.

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

Original Containers and Records

3-203.11 Molluscan Shellfish, Original Container.

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

(B) *SHELLSTOCK may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a CONSUMER may be removed from the display or display container and provided to the CONSUMER if:*

(1) The source of the SHELLSTOCK on display is identified as specified under § 3-202.18 and recorded as specified under § 3-203.12; and

(2) The SHELLSTOCK are protected from contamination.

(C) *SHUCKED SHELLFISH may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a CONSUMER'S request if*

(1) The labeling information for the shellfish on display as specified under § 3-202.17 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(2) The shellfish are protected from contamination.

3-203.12 Shellstock, Maintaining Identification.^c

(A) Except as specified under Subparagraph (B)(2) of this section, SHELLSTOCK tags shall remain attached to the container in which the shellstock are received until the container is empty.

(B) The identity of the source of SHELLSTOCK that are sold or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:

(1) Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are sold or served; and

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

(a) Using only 1 tagged or labeled container at a time, or

(b) Using more than 1 tagged or labeled container at a time and obtaining a VARIANCE from the DEPARTMENT as specified in 1-104.11, based on a HACCP PLAN that:

(i) Is submitted by the PERMIT HOLDER and APPROVED as specified under 1-104.12.

(ii) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this section, and

(iii) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER.

3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING

Subparts

3-301 Preventing Contamination by Employees

3-302 Preventing Food and Ingredient Contamination

3-303 Preventing Contamination from Ice Used as a Coolant

3-304 Preventing Contamination from Equipment, Utensils, and Linens

3-305 Preventing Contamination from the Premises

3-306 Preventing Contamination by Consumers

3-307 Preventing Contamination from Other Sources

Preventing Contamination by Employees

3-301.11 Preventing Contamination from Hands.^c

(A) FOOD EMPLOYEES shall wash their hands as specified under § 2-301.12.

(B) Except when washing fruits and vegetables as required under § 3-302.15 or under other APPROVED exceptions, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands. FOOD EMPLOYEES shall use suitable UTENSILS such as deli tissue, spatulas, tongs, SINGLE-USE gloves or dispensing EQUIPMENT when handling READY-TO-EAT FOOD..

(C) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.^s

3-301.12 Preventing Contamination when Tasting.^c

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

Preventing Food and Ingredient Contamination

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

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

(1) Separating raw animal FOODS during storage, preparation, holding, and display from:

(a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as vegetables, and

(b) Cooked READY-TO-EAT FOOD;

(2) *Except when combined as ingredients*, separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by:

(a) Using separate EQUIPMENT for each type, or

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

(c) Preparing each type of FOOD at different times or in separate areas;

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

(4) Except as specified in ¶ (B) of this section, storing the FOOD in packages, covered containers, or wrappings;

(5) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

(6) Protecting FOOD containers that are received PACKAGED together in a case or overwrap from cuts when the case or overwrap is opened;

(7) Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under § 6-404.11; and

(8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from READY-TO-EAT FOOD.

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

(1) *Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;*

(2) *PRIMAL CUTS, quarters, or sides of raw MEAT or slab bacon that are hung on clean, SANITIZED hooks or placed on clean, SANITIZED racks;*

(3) *Whole, uncut, processed MEATS such as country hams, and smoked or cured sausages that are placed on clean, SANITIZED racks;*

(4) *FOOD being cooled as specified under Subparagraph 3-501.15(B)(2); or*

(5) *SHELLSTOCK.*

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

Working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the FOOD *except that containers holding FOOD that can be readily and unmistakably recognized such as dry pasta need not be identified.*

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

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

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

3-302.14 Protection from Unapproved Additives.^C

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

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

(B) A FOOD EMPLOYEE may not:

- (1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a FOOD considered to be a good source of vitamin B₁; or
- (2) Serve or sell FOOD specified under Subparagraph (B)(1) of this section that is treated with sulfiting agents before receipt by the FOOD ESTABLISHMENT, *except that grapes need not meet this subparagraph.*

3-302.15 Washing Fruits and Vegetables.

(A) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form except as specified in ¶ (B) of this section and *except that whole, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption need not be washed before they are sold.*

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

Preventing Contamination from Ice Used as a Coolant

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

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

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

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

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

(C) *Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.*

(D) *Raw chicken and raw FISH that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.*

(E) Bottled or canned beverages may be stored in ice water with a chlorine residual of at least 50 mg/L, provided that the top of the container is not submerged.

Preventing Contamination from Equipment, Utensils, and Linens

3-304.11 Food Contact with Equipment and Utensils.^c

FOOD shall only contact surfaces of EQUIPMENT and UTENSILS that are cleaned as specified under Part 4-6 of this Code and SANITIZED as specified under Part 4-7 of this Code.

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

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

- (A) Except as specified under ¶ (B) of this section, in the FOOD with their handles above the top of the FOOD and the container;
- (B) In FOOD that is not POTENTIALLY HAZARDOUS with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon;
- (C) On a clean portion of the FOOD preparation table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD-CONTACT surface of the FOOD preparation table or cooking EQUIPMENT are cleaned and SANITIZED at a frequency specified under §§ 4-602.11 and 4-702.11;
- (D) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes; or
- (E) In a clean, protected location if the UTENSILS, such as ice scoops, are used only with a FOOD that is not POTENTIALLY HAZARDOUS.
- (F) In a container of water if the water is maintained at a temperature of at least 60°C (140°F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).

3-304.13 Linens and Napkins, Use Limitation.

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

3-304.14 Wiping Cloths, Use Limitation.

- (A) Cloths that are in use for wiping FOOD spills shall be used for no other purpose.
- (B) Cloths used for wiping FOOD spills shall be:
 - (1) Dry and used for wiping FOOD spills from TABLEWARE and carry-out containers; or
 - (2) Wet and cleaned as specified under ¶ 4-802.11(D), stored in a chemical sanitizer at a concentration specified in § 4-501.114, and used for wiping spills from FOOD-CONTACT and nonFOOD-CONTACT SURFACES of EQUIPMENT.

(C) Dry or wet cloths that are used with raw animal FOODS shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal FOODS shall be kept in a separate sanitizing solution.

(D) Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of FOOD debris and visible soil.

3-304.15 Gloves, Use Limitation.

(A) If used, SINGLE-USE gloves shall be used for only one task such as working with READY-TO-EAT FOOD or with raw animal FOOD, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

(B) Except as specified in ¶ (C) of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with FOOD that is subsequently cooked as specified under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.

(C) *Slash-resistant gloves may be used with READY-TO-EAT FOOD that will not be subsequently cooked if the slash-resistant gloves have a SMOOTH, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a SMOOTH, durable, nonabsorbent glove, or a SINGLE-USE glove.*

(D) Cloth gloves may not be used in direct contact with FOOD *unless the FOOD is subsequently cooked as required under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.*

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

(A) Except for refilling a CONSUMER's drinking cup or container without contact between the pouring UTENSIL and the lip-contact area of the drinking cup or container, FOOD EMPLOYEES may not use TABLEWARE, including SINGLE-SERVICE ARTICLES, soiled by the CONSUMER, to provide second portions or refills.

(B) Except as specified in ¶ (C) of this section, self-service CONSUMERS may not be allowed to use soiled TABLEWARE, including SINGLE-SERVICE ARTICLES, to obtain additional FOOD from the display and serving EQUIPMENT.

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

3-304.17 Refilling Returnables.

(A) A take-home FOOD container returned to a FOOD ESTABLISHMENT may not be refilled at a FOOD ESTABLISHMENT with a POTENTIALLY HAZARDOUS FOOD.

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

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

Preventing Contamination from the Premises 3-305.11 Food Storage.

(A) Except as specified in ¶¶ (B) and (C) of this section, FOOD shall be protected from contamination by storing the FOOD:

- (1) In a clean, dry location;
- (2) Where it is not exposed to splash, dust, or other contamination; and
- (3) At least 15 cm (6 inches) above the floor.

(B) *FOOD in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling EQUIPMENT as specified under § 4-204.122.*

(C) *Pressurized BEVERAGE containers, cased FOOD in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.*

3-305.12 Food Storage, Prohibited Areas.

FOOD may not be stored:

- (A) In locker rooms;
- (B) In toilet rooms;
- (C) In dressing rooms;
- (D) In garbage rooms;
- (E) In mechanical rooms;

(F) Under sewer lines that are not shielded to intercept potential drips;

(G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;

(H) Under open stairwells; or

(I) Under other sources of contamination.

3-305.13 Vended Potentially Hazardous Food, Original Container.

POTENTIALLY HAZARDOUS FOOD dispensed through a VENDING MACHINE shall be in the package in which it was placed at the FOOD ESTABLISHMENT or FOOD PROCESSING PLANT at which it was prepared.

3-305.14 Food Preparation.

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

**Preventing
Contamination
by Consumers**

3-306.11 Food Display.

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

3-306.12 Condiments, Protection.

(A) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected FOOD displays provided with the proper UTENSILS, original containers designed for dispensing, or individual packages or portions.

(B) Condiments at a VENDING MACHINE LOCATION shall be in individual packages or provided in dispensers that are filled at an APPROVED location, such as the FOOD ESTABLISHMENT that provides FOOD to the VENDING MACHINE LOCATION, a FOOD PROCESSING PLANT that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the VENDING MACHINE LOCATION.

3-306.13 Consumer Self-Service Operations.^C

(A) Raw, unPACKAGED animal FOOD, such as beef, lamb, pork, POULTRY, and FISH may not be offered for CONSUMER self-service. *This paragraph does not apply to CONSUMER self-service of READY-TO-EAT FOODS at buffets or salad bars that serve FOODS such as sushi or raw shellfish; ready-to-cook individual portions for immediate cooking and consumption on the PREMISES such as CONSUMER-cooked MEATS or CONSUMER-selected ingredients for Mongolian barbecue; or raw, frozen, shell-on shrimp or lobster.*

(B) CONSUMER self-service operations for READY-TO-EAT FOODS shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from contamination.^N

(C) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures.^N

3-306.14 Returned Food and Reservice of Food.^C

(A) Except as specified in ¶ (B) of this section, after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for human consumption.

(B) Except as specified under ¶ 3-801.11(C), a container of FOOD that is not POTENTIALLY HAZARDOUS may be transferred from one CONSUMER to another if:

(1) The FOOD is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or

(2) The FOOD, such as crackers, salt, or pepper, is in an unopened original PACKAGE and is maintained in sound condition.

Preventing Contamination from Other Sources

3-307.11 Miscellaneous Sources of Contamination.

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

3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

Subparts

- 3-401 Cooking**
- 3-402 Freezing**
- 3-403 Reheating**

Cooking

3-401.11 Raw Animal Foods.^c

(A) Except as specified under ¶ (B) and in ¶¶(C) and (D) of this section, raw animal FOODS such as eggs, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:

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

(a) Raw shell eggs that are broken and prepared in response to a CONSUMER's order and for immediate service, and

(b) Except as specified under Subparagraphs (A)(2) and (3) and ¶ (B) of this section, FISH, MEAT, and pork including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(C)(1) and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(C)(2);

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

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

;or

(3) 74°C (165°F) or above for 15 seconds for POULTRY, stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed ratites, or stuffing containing FISH, MEAT, POULTRY, or ratites.

(B) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts such as ham, shall be cooked as specified in the following chart:

Temperature °C (°F)	Time ¹	Temperature °C (°F)	Time ¹	Temperature °C (°F)	Time ¹
54 (130)	112 min.	62 (144)	5 min.	67.2 (153)	34 sec.
56 (132)	71 min	63 (145)	4 min.	67.8 (154)	27 sec.
57 (134)	45 min.	63.3 (146)	169 sec.	68.3 (155)	22 sec.
58 (136)	28 min.	63.9 (147)	134 sec.	68.9 (156)	17 sec.
59 (138)	18 min.	64.4 (148)	107 sec.	68.9 (156)	17 sec.
60 (140)	12 min.	65.0 (149)	85 sec.	69.4 (157)	14 sec.
60.6 (141)	9 min.	65.6 (150)	67 sec.	70.0 (158)	11 sec.
61 (142)	8 min.	66.1 (151)	54 sec.	70.6 (159)	10 sec.
61.7 (143)	6 min.	66.7 (152)	43 sec.	71.1 (160)	10 sec.
¹ Holding time may include postoven heat rise.					

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

(1) The **FOOD ESTABLISHMENT** serves a population that is not a **HIGHLY SUSCEPTIBLE POPULATION**,

(2) The steak is labeled to indicate that it meets the definition of "**WHOLE-MUSCLE, INTACT BEEF**" as specified under ¶ 3-201.11(E), and

(3) The steak is cooked on both the top and bottom to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces.

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

(1) The **FOOD ESTABLISHMENT** serves a population that is not a **HIGHLY SUSCEPTIBLE POPULATION**, and

(2) The **CONSUMER** is informed as specified under § 3-603.11 that to ensure its safety, the **FOOD** should be cooked as specified under ¶ (A) or (B) of this section; or

(3) The **DEPARTMENT** grants a **VARIANCE** from ¶ (A) or (B) of this section as specified in §1-104.11 based on a **HACCP PLAN** that:

(a) Is submitted by the PERMIT HOLDER and APPROVED as specified under §1-104.12,

(b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe FOOD, and

(c) Verifies that EQUIPMENT and procedures for FOOD PREPARATION and training of FOOD EMPLOYEES at the FOOD ESTABLISHMENT meet the conditions of the VARIANCE.

3-401.12 Microwave Cooking.^c

Raw animal FOODS cooked in a microwave oven shall be:

(A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(B) Covered to retain surface moisture;

(C) Heated to a temperature of at least 74°C (165°F) in all parts of the food; and

(D) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

3-401.13 Plant Food Cooking for Hot Holding.

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 60°C (140°F).

Freezing

3-402.11 Parasite Destruction.^C

(A) Except as specified in ¶ (B) of this section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated-partially cooked FISH other than MOLLUSCAN SHELLFISH shall be frozen throughout to a temperature of:

- (1) -20°C (-4°F) or below for 168 hours (7 days) in a freezer; or
- (2) -35°C (-31°F) or below for 15 hours in a blast freezer.

(B) *If the FISH are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), the FISH may be served or sold in a raw, raw-marinated, or partially cooked READY-TO-EAT form without freezing as specified under ¶ (A) of this section.*

3-402.12 Records, Creation and Retention.

(A) Except as specified in ¶ 3-402.11(B) and ¶ (B) of this section, if raw, raw-marinated, partially cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, the PERSON IN CHARGE shall record the freezing temperature and time to which the FISH are subjected and shall retain the records at the FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH.

(B) *If the FISH are frozen by a supplier, a written agreement or statement from the supplier stipulating that the FISH supplied are frozen to a temperature and for a time specified under § 3-402.11 may substitute for the records specified under ¶ (A) of this section.*

Reheating

3-403.10 Reheating for Immediate Service.

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

3-403.11 Reheating for Hot Holding.^C

(A) Except as specified under (B) and (C) and in ¶ (E) of this section, POTENTIALLY HAZARDOUS FOOD that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) for 15 seconds

(B) Except as specified under ¶ (C) of this section, POTENTIALLY HAZARDOUS FOOD reheated in a microwave oven for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) and the FOOD is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.

(C) READY-TO-EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD PROCESSING PLANT that is inspected by the FOOD REGULATORY AUTHORITY that has jurisdiction over the plant, shall be heated to a temperature of at least 60°C (140°F) for hot holding.

(D) Reheating for hot holding shall be done rapidly and the time the FOOD is between the temperature specified under ¶ 3-501.16(B) or (C) and 74°C (165°F) may not exceed 2 hours.

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

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

Subparts

3-501 Temperature and Time Control

3-502 Specialized Processing Methods

**Temperature
and Time
Control**

3-501.11 Frozen Food.

Stored frozen FOODS shall be maintained frozen.

3-501.12 Potentially Hazardous Food, Slacking.

Frozen POTENTIALLY HAZARDOUS FOOD that is slacked to moderate the temperature shall be held:

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

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

3-501.13 Thawing.

Except as specified in ¶ (D) of this section, POTENTIALLY HAZARDOUS FOOD shall be thawed:

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

(B) Completely submerged under running water:

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

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

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

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

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

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

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

(1) Cooked as specified under ¶ 3-401.11(A) or (B) or § 3-401.12, or

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

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

3-501.14 Cooling.^c

(A) Cooked POTENTIALLY HAZARDOUS FOOD shall be cooled:

- (1) Within 2 hours, from 60°C (140°F) to 21°C (70°F); and
- (2) Within 4 hours, from 21°C (70°F) to 5°C (41°F) or less.

(B) POTENTIALLY HAZARDOUS FOOD shall be cooled within 4 hours to 5°C (41°F) or less, if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna.

(C) Except as specified in ¶ (D) of this section, a POTENTIALLY HAZARDOUS FOOD received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in ¶ 3-202.11(B), shall be cooled within 4 hours to 5°C (41°F) or less.

(D) *Shell eggs need not comply with ¶ (C) of this section if the eggs are placed immediately upon their receipt in refrigerated EQUIPMENT that is capable of maintaining FOOD at 5°C (41°F) or less.*

3-501.15 Cooling Methods.

(A) Cooling shall be accomplished in accordance with the time and temperature criteria specified under § 3-501.14 by using one or more of the following methods based on the type of FOOD being cooled:

- (1) Placing the FOOD in shallow pans;
- (2) Separating the FOOD into smaller or thinner portions;
- (3) Using rapid cooling EQUIPMENT;
- (4) Stirring the FOOD in a container placed in an ice water bath;
- (5) Using containers that facilitate heat transfer;
- (6) Adding ice as an ingredient; or
- (7) Other effective methods.

(B) When placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be:

- (1) Arranged in the EQUIPMENT to provide maximum heat transfer through the container walls; and
- (2) Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 3-305.11(A)(2), during the cooling period to facilitate heat transfer from the surface of the FOOD.

3-501.16 Potentially Hazardous Food, Hot and Cold Holding.^c

Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.19, POTENTIALLY HAZARDOUS FOOD shall be maintained:

(A) At 60°C (140°F) or above, except that roasts cooked to a temperature and for a time specified under ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54°C (130°F); or

(B) At 5°C (41°F) or less.

on-premises preparation

- prepare and hold cold

3-501.17 Ready-to-Eat, Potentially Hazardous Food, Date Marking.^c

(A) Except as specified in ¶ (E) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and held refrigerated at 5°C (41°F) or less, for more than 24 hours in a FOOD ESTABLISHMENT shall be marked at the time of preparation to indicate that the FOOD shall be consumed or sold within 7 calendar days or less from the day that the FOOD is prepared, including the day of preparation

Note: Any system for internal marking or use to identify when a product should be disposed of is satisfactory.

(B) Except as specified in ¶ (E) of this section, a READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared in a FOOD ESTABLISHMENT and subsequently frozen, shall be marked to indicate when the FOOD shall be consumed or sold in the following methods:

- prepare, freeze, thaw, immediate use

(1) When the FOOD is thawed, it shall be consumed or sold within 24 hours; or

- prepare, hold cold, freeze, thaw, hold cold

(2) When the FOOD is placed into the freezer, indicate the length of time before freezing that the FOOD is held refrigerated, including the day of preparation, which must be within 7 calendar days or less from the day of preparation, if the FOOD is maintained at 5°C (41°F) or less.

(3) When the FOOD is removed from the freezer, indicate when the FOOD shall be consumed or sold which must be within, 7 calendar days or less, after the FOOD is removed from the freezer, minus the time before freezing, that the FOOD is held refrigerated, if the FOOD is maintained at 5°C (41°F) or less before and after freezing.

commercially processed food (C) Except as specified in ¶¶ (E), (F) and (G) of this section, a container of refrigerated, READY-TO-EAT POTENTIALLY HAZARDOUS FOOD prepared and PACKAGED by a FOOD PROCESSING PLANT shall be marked, at the time the original container is opened in a FOOD ESTABLISHMENT, to indicate that the FOOD shall be consumed or sold within 7 calendar days or less, including the day the container is opened, if the FOOD is maintained at 5°C (41°F) or less.

- *open and hold cold*

(D) Except as specified in ¶¶ (E), (F) and (G) of this section, a container of refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and PACKAGED by a FOOD PROCESSING PLANT and subsequently opened and frozen in a FOOD ESTABLISHMENT shall be marked to indicate when the FOOD shall be consumed or sold in the following methods :

- *open, freeze, thaw, immediate use*
- *open, hold cold, freeze, thaw, hold cold*

- (1) When the FOOD is thawed, it shall be consumed or sold within 24 hours; or
- (2) When the FOOD is placed into the freezer indicate the time between the opening of the original container and freezing that the FOOD is held refrigerated, including the day of opening the original container, which must be within, 7 calendar days or less, if the FOOD is maintained at 5°C (41°F) or less..
- (3) When the FOOD is removed from the freezer, mark when the FOOD shall be consumed or sold which must be within, 7 calendar days, minus the time before freezing, that the FOOD is held refrigerated, if the FOOD is maintained at 5°C (41°F) or less before and after freezing.

(E) Paragraphs (A)-(D) of this section do not apply to individual MEAL portions served or rePACKAGED for sale from a bulk container upon a CONSUMER'S request.

(F) Paragraphs (C) and (D) of this section do not apply to:

- (1) Aged Hard Cheeses ,such as Cheddar, Colby, or Swiss
- (2) Whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing.

(G) Smoked fish sold at retail must comply with the dating, labeling and temperature requirements specified in Chapter ATCP 70.22 Labeling and Sale of Smoked Fish.

3-501.18 Ready-to-Eat, Potentially Hazardous Food, Disposition.^c

(A) A FOOD specified under ¶ 3-501.17(A) shall be discarded if not consumed or sold within 7 calendar days from the day of preparation if the FOOD is maintained at 5°C (41°F) or less.

(B) A FOOD specified under Subparagraph 3-501.17(B)(1) or (D)(1) shall be discarded if not consumed or sold within 24 hours after thawing.

(C) A FOOD specified under Subparagraphs 3-501.17(B)(2) and (3) or (D)(2) and (3) shall be discarded on or before the most recent date indicated on the FOOD container or PACKAGE if the FOOD is not consumed or sold by that date.

(D) A FOOD specified under ¶ 3-501.17(C) shall be discarded if not consumed or sold within, including the day of opening the original container, 7 calendar days after the date that the original package is opened in a FOOD ESTABLISHMENT.

(E) A FOOD specified under ¶ 3-501.17(A), (B), (C), or (D) shall be discarded if the FOOD is:

(1) Marked as specified under ¶ 3-501.17(A), (B), (C), or (D) and the FOOD is not consumed or sold before the most recent date expires;

(2) In a container or PACKAGE which does not indicate a date or time; or

(3) Inappropriately marked that exceeds the requirements as specified under ¶ 3-501.17(A), (B), (C), or (D).

(F) Refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared in a FOOD ESTABLISHMENT and dispensed through a VENDING MACHINE with an automatic shut-off control that is activated at a temperature of 5°C (41°F) shall be discarded if not sold within 7 days.

(G) A refrigerated, potentially hazardous, READY-TO-EAT FOOD ingredient or a portion of a refrigerated, potentially hazardous, READY-TO-EAT FOOD that is subsequently combined with additional ingredients or portions of FOOD shall retain the date marking of the earliest or first-prepared ingredient or portion and shall be discarded as specified under ¶¶ 3-501.18(A) - (F).

3-501.19 Time as a Public Health Control.^c

(A) Except as specified under ¶ (B) of this section, if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of POTENTIALLY HAZARDOUS FOOD before cooking, or for READY-TO-EAT POTENTIALLY HAZARDOUS FOOD that is displayed or held for service for immediate consumption:

(1) The FOOD shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is removed from temperature control,

(2) The FOOD shall be cooked and served, served if READY-TO-EAT, or discarded, within 4 hours from the point in time when the FOOD is removed from temperature control,

(3) The FOOD in unmarked containers or packages or marked to exceed a 4 hour limit shall be discarded, and

(4) APPROVED written procedures shall be maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request, that ensure compliance with:

(a) Subparagraphs (A)(1)-(4) of this section, and

(b) § 3-501.14 for FOOD that is prepared, cooked, and refrigerated before time is used as a public health control.

(B) In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

**Specialized
Processing
Methods**

3-502.11 Variance Requirement.^c

A FOOD ESTABLISHMENT shall obtain a VARIANCE from the DEPARTMENT as specified in 1-104.11 and under 1-104.12 before smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement; curing FOOD; brewing alcoholic BEVERAGES; using FOOD ADDITIVES or adding components such as vinegar as a method of FOOD preservation rather than as a method of flavor enhancement or to render a FOOD so that it is not POTENTIALLY HAZARDOUS; packaging FOOD using a REDUCED OXYGEN PACKAGING method *except as specified under § 3-502.12 where a barrier to **Clostridium botulinum** in addition to refrigeration exists*; custom PROCESSING animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT; or preparing, serving or transporting FOOD by another method that is determined by the DEPARTMENT to require a VARIANCE.

3-502.12 Reduced Oxygen Packaging, Criteria.^c

(A) Except for a FOOD ESTABLISHMENT that obtains a VARIANCE as specified under § 3-502.11, a FOOD ESTABLISHMENT that packages FOOD using a REDUCED OXYGEN PACKAGING method and ***Clostridium botulinum*** is identified as a microbiological HAZARD in the final PACKAGED form shall ensure that there are at least two barriers in place to control the growth and toxin formation of ***C. botulinum***.

(B) A FOOD ESTABLISHMENT that packages FOOD using a REDUCED OXYGEN PACKAGING method and ***Clostridium botulinum*** is identified as a microbiological HAZARD in the final PACKAGED form shall have a HACCP PLAN that contains the information specified by the DEPARTMENT and that:

(1) Identifies the FOOD to be PACKAGED;

(2) Limits the FOOD PACKAGED to a FOOD that does not support the growth of ***Clostridium botulinum*** because it complies with one of the following:

(a) Has an a_w of 0.91 or less,

(b) Has a pH of 4.6 or less,

(c) Is a MEAT or POULTRY product cured at a FOOD PROCESSING PLANT regulated by the U.S.D.A. using substances specified in 9 CFR 318.7 Approval of substances for use in the preparation of products and 9 CFR 381.147 Restrictions on the use of substances in poultry products and is received in an intact package, or

(d) Is a FOOD with a high level of competing organisms such as raw MEAT or raw POULTRY;

(3) Specifies methods for maintaining FOOD at 5°C (41°F) or below;

(4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:

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

(b) Discard the FOOD:

(i) Within 14 calendar days of its packaging if it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption; or

(ii) Within 30 calendar days of its packaging if it is one of the foods specified ¶ (D).

(5) Limits the shelf life to no more than 14 calendar days; except as specified in ¶ (D), from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;

(6) Includes operational procedures that:

(a) Prohibit contacting FOOD with bare hands,

(b) Identify a designated area and the method by which:

(i) Physical barriers or methods of separation of raw FOODS and READY-TO-EAT FOODS minimize cross contamination, and

(ii) Access to the processing EQUIPMENT is restricted to responsible trained personnel familiar with the potential HAZARDS of the operation, and

(c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES; and

(7) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:

(a) Concepts required for a safe operation,

(b) EQUIPMENT and facilities, and

(c) Procedures specified under Subparagraph (B)(6) of this section and by DEPARTMENT.

(C) *Except for FISH that is frozen before, during, and after packaging*, a FOOD ESTABLISHMENT may not package FISH using a REDUCED OXYGEN PACKAGING method.

(D) The following ROP processed foods may have a "USE BUY" of more than 30 days, if approved by the DEPARTMENT:

(1) Standardized hard or semi-soft cheeses containing high numbers of non-pathogenic competitive microorganisms. These cheeses are to be limited to one single piece of cheese per package (no multiple slices).

(2) Cooked and cured meat products processed and formulated at the FOOD ESTABLISHMENT where packaged, that are not further sliced or other wise portioned by use of a utensil; such as sausages, whole muscled meats and jerky products. Except that bacon, if cured and smoked by the FOOD ESTABLISHMENT, may contain multiple slices in a single package.

Note: Meat products processed at USDA or WDA licensed meat establishments and received by the FOOD ESTABLISHMENT for processing and sale will not be considered for extended shelf life beyond 14 days.

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

Subparts

3-601 Accurate Representation

3-602 Labeling

3-603 Consumer Advisory

Accurate Representation 3-601.11 Standards of Identity.

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

3-601.12 Honestly Presented.

(A) FOOD shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.

(B) FOOD or COLOR ADDITIVES, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a FOOD.

Labeling 3-602.11 Food Labels.

(A) FOOD PACKAGED in a FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 - Food Labeling, and 9 CFR 317 Labeling, Marking Devices, and Containers.

(B) Label information shall include:

(1) The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;

(2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the FOOD;

(3) An accurate declaration of the quantity of contents;

(4) The name and place of business of the manufacturer, packer, or distributor; and

(5) Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(Q)(3)-(5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.

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

(1) The manufacturer's or processor's label that was provided with the FOOD; or

(2) A card, sign, or other method of notification that includes the information specified under Subparagraphs (B)(1), (2), and (5) of this section.

(D) *Bulk, unPACKAGED FOODS such as bakery products and unPACKAGED FOODS that are portioned to CONSUMER specification need not be labeled if a list of ingredients as specified under Subparagraphs (B)(1) and (2) of this section is kept on file for each bulk unpackaged food product at the FOOD ESTABLISHMENT and is made available for inspection by consumers, and if a health, nutrient content, or claim is not made.*

3-602.12 Other Forms of Information.

(A) If required by LAW, CONSUMER warnings shall be provided.

(B) FOOD ESTABLISHMENT or manufacturers' dating information on FOODS may not be concealed or altered.

(C) Infant formula may not be sold or offered for sale after the code date specified by the manufacturer on the infant formula label.

Consumer Advisory

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

Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under ¶ 3-801.11(D), if an animal FOOD such as beef, eggs, FISH, lamb, milk, pork, POULTRY, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a READY-TO-EAT form as a deli, menu, vended, or other item; or as a raw ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS.

3-7 CONTAMINATED FOOD

Subpart

3-701 Disposition

Disposition 3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.^C

(A) A FOOD that is unsafe, adulterated, or not honestly presented as specified under § 3-101.11 shall be reconditioned according to an APPROVED procedure or discarded.

(B) FOOD that is not from an APPROVED source as specified under §§ 3-201.11 through 17 shall be discarded.

(C) READY-TO-EAT FOOD that may have been contaminated by an EMPLOYEE who has been restricted or excluded as specified under § 2-201.12 shall be discarded.

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

3-8 SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS

Subpart

3-801 Additional Safeguards

Additional Safeguards 3-801.11 Pasteurized Foods, Prohibited Reservice, and Prohibited Food.^C

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(A) PrePACKAGED JUICE or a prePACKAGED beverage containing JUICE, that bears a warning label as specified in 21 CFR, Section 101.17(g) Food Labeling, may not be served or offered for sale;

(B) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:

(1) FOODS such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, egg nog, ice cream, and egg-fortified BEVERAGES, and

(2) Except as specified in ¶ (E) of this section, recipes in which more than one egg is broken and the eggs are combined;

(C) FOOD in an unopened original package may not be re-served; and

(D) The following FOODS may not be served or offered for sale in a READY-TO-EAT form:

(1) Raw animal FOODS such as raw FISH, raw-marinated FISH, raw MOLLUSCAN SHELLFISH, and steak tartare,

(2) A partially cooked animal FOOD such as lightly cooked FISH, rare MEAT, soft-cooked eggs that are made from raw shell eggs, and meringue, and

(3) Raw seed sprouts.

(E) Subparagraph (B)(2) of this section does not apply if:

(1) *The raw eggs are combined immediately before cooking for one CONSUMER'S serving at a single MEAL, cooked as specified under Subparagraph 3-401.11(A)(1), and served immediately, such as an omelet, soufflé, or scrambled eggs;*

(2) *The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a READY-TO-EAT form, such as a cake, muffin, or bread; or*

(3) *The preparation of the food is conducted under a HACCP PLAN that:*

(a) *Identifies the FOOD to be prepared,*

(b) *Prohibits contacting READY-TO-EAT FOOD with bare hands,*

(c) *Includes specifications and practices that ensure:*

(i) **Salmonella Enteritidis** *growth is controlled before and after cooking, and*

(ii) **Salmonella Enteritidis** *is destroyed by cooking the eggs according to the temperature and time specified in subparagraph 3-401.11(A)(2),*

(d) *Contains the information specified by the DEPARTMENT including procedures that:*

(i) *Control cross contamination of READY-TO-EAT FOOD with raw eggs, and*

(ii) *Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES, and*

(e) *Describes the training program that ensures that the FOOD EMPLOYEE responsible for the preparation of the FOOD understands the procedures to be used.*

Chapter

4 Equipment, Utensils, and Linens

Parts

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

4-1 MATERIALS FOR CONSTRUCTION AND REPAIR

Subparts

- 4-101 Multiuse
- 4-102 Single-Service and Single-Use

Multiuse 4-101.11 Characteristics.^C

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

- (A) Safe;
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent;^N
- (C) Sufficient in weight and thickness to withstand repeated WAREWASHING;^N
- (D) Finished to have a SMOOTH, EASILY CLEANABLE surface,^N and
- (E) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.^N

4-101.12 Cast Iron, Use Limitation.

(A) Except as specified in ¶¶ (B) and (C) of this section, cast iron may not be used for UTENSILS or FOOD-CONTACT SURFACES OF EQUIPMENT.

(B) *Cast iron may be used as a surface for cooking.*

(C) *Cast iron may be used in UTENSILS for serving FOOD if the UTENSILS are used only as part of an uninterrupted process from cooking through service.*

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

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

Utensil Category	Description	Maximum Lead mg/L
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls 1.1 L (1.16 QT)	1
Small Hollowware	Bowls < 1.1 L (1.16 QT)	2.0
Flat Utensils	Plates, Saucers	3.0

4-101.14 Copper, Use Limitation.^c

(A) Except as specified in ¶ (B) of this section, copper and copper alloys such as brass may not be used in contact with a FOOD that has a pH below 6 such as vinegar, fruit JUICE, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

4-101.15 Galvanized Metal, Use Limitation.^c

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

4-101.16 Sponges, Use Limitation.

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

4-101.17 Lead in Pewter Alloys, Use Limitation.

Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD-CONTACT SURFACE.

4-101.18 Lead in Solder and Flux, Use Limitation.

Solder and flux containing lead in excess of 0.2% may not be used as a FOOD-CONTACT SURFACE.

4-101.19 Wood, Use Limitation.

(A) Except as specified in ¶¶ (B), (C), and (D) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.

(B) Hard maple or an equivalently hard, close-grained wood may be used for:

(1) Cutting boards; cutting blocks; bakers' tables; and UTENSILS such as rolling pins, doughnut dowels, peel boards, proof boards and salad bowls; and

(2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110°C (230°F) or above.

(C) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(D) If the nature of the FOOD requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw FOOD may be kept in:

(1) Untreated wood containers; or

(2) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.

4-101.110 Nonstick Coatings, Use Limitation.

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

4-101.111 Nonfood-Contact Surfaces.

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

Single-Service and Single-Use 4-102.11 Characteristics.^C

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

(A) May not:

- (1) Allow the migration of deleterious substances, or
- (2) Impart colors, odors, or tastes to FOOD,^N and

(B) Shall be:

- (1) Safe, and
- (2) Clean.^N

4-2 DESIGN AND CONSTRUCTION

Subparts

- 4-201 Durability and Strength**
- 4-202 Cleanability**
- 4-203 Accuracy**
- 4-204 Functionality**
- 4-205 Acceptability**

Durability and Strength 4-201.11 Equipment and Utensils.

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

4-201.12 Food Temperature Measuring Devices.^C

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

Cleanability 4-202.11 Food-Contact Surfaces.^C

(A) Multiuse FOOD-CONTACT SURFACES shall be:

- (1) SMOOTH;
- (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
- (3) Free of sharp internal angles, corners, and crevices;

(4) Finished to have SMOOTH welds and joints; and

(5) Except as specified in ¶ (B) of this section, accessible for cleaning and inspection by one of the following methods:

(a) Without being disassembled,

(b) By disassembling without the use of tools, or

(c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

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

4-202.12 CIP Equipment.

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

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

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

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

4-202.13 "V" Threads, Use Limitation.

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

4-202.14 Hot Oil Filtering Equipment.

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

4-202.15 Can Openers.

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

4-202.16 Nonfood-Contact Surfaces.

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

4-202.17 Kick Plates, Removable.

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

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

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

4-202.18 Ventilation Hood Systems, Filters.

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

Accuracy

4-203.11 Temperature Measuring Devices, Food.

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

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

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

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

(B) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to $\pm 3^{\circ}\text{F}$ in the intended range of use.

4-203.13 Pressure Measuring Devices, Mechanical Warewashing Equipment.

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water SANITIZING rinse shall have increments of 7 kilopascals (1 pounds per square inch) or smaller and shall be accurate to ± 14 kilopascals (± 2 pounds per square inch) in the 100-170 kilopascals (15-25 pounds per square inch) range.

Functionality 4-204.11 Ventilation Hood Systems, Drip Prevention.

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

4-204.12 Equipment Openings, Closures and Deflectors.

(A) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.

(B) An opening located within the top of a unit of EQUIPMENT that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).

(C) Except as specified under ¶ (D) of this section, fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall be provided with a watertight joint at the point where the item enters the EQUIPMENT.

(D) If a watertight joint is not provided:

(1) The piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the FOOD; and

(2) The opening shall be flanged as specified under ¶ (B) of this section.

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

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

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

(B) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(C) The delivery tube or chute and orifice of EQUIPMENT used to vend liquid FOOD or ice in UNPACKAGED form to self-service CONSUMERS shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the EQUIPMENT is:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

(2) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE; and

(D) The dispensing EQUIPMENT actuating lever or mechanism and filling device of CONSUMER self-service BEVERAGE dispensing EQUIPMENT shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

4-204.14 Vending Machine, Vending Stage Closure.

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

(A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(B) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE.

4-204.15 Bearings and Gear Boxes, Leakproof.

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

4-204.16 Beverage Tubing, Separation.

BEVERAGE tubing and cold-plate BEVERAGE cooling devices may not be installed in contact with stored ice. *This section does not apply to cold plates that are constructed integrally with an ice storage bin.*

4-204.17 Ice Units, Separation of Drains.

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

4-204.18 Condenser Unit, Separation.

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

4-204.19 Can Openers on Vending Machines.

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

4-204.110 Molluscan Shellfish Tanks.

(A) Except as specified under ¶(B) of this section, MOLLUSCAN SHELLFISH life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the CONSUMER that the shellfish are for display only.

(B) MOLLUSCAN SHELLFISH life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a VARIANCE granted by the DEPARTMENT as specified in 1-104.11 and under 1-104.12 and a HACCP PLAN that:

(1) Is submitted by the PERMIT HOLDER and APPROVED as specified by the DEPARTMENT; and

(2) Ensures that:

(a) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank,

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

(c) The identity of the source of the SHELLSTOCK is retained as specified under § 3-203.12.

4-204.111 Vending Machines, Automatic Shutoff.^C

(A) A machine vending POTENTIALLY HAZARDOUS FOOD shall have an automatic control that prevents the machine from vending FOOD:

(1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain FOOD temperatures as specified under Chapter 3; and

(2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with FOOD that has been maintained at temperatures specified under Chapter 3.

(B) When the automatic shutoff within a machine vending POTENTIALLY HAZARDOUS FOOD is activated:

(1) In a refrigerated VENDING MACHINE, the ambient temperature may not exceed 5°C (41°F) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or

(2) In a hot holding VENDING MACHINE, the ambient temperature may not be less than 60°C (140°F) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

4-204.112 Temperature Measuring Devices.

(A) In a mechanically refrigerated or hot FOOD storage unit, the sensor of a shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot FOOD storage unit. Alternatively, refrigerated storage units may be equipped with approved product mimicking sensors placed in devices located in the warmest part of the mechanically refrigerated storage unit in lieu of an ambient air sensor.

(B) Except as specified in ¶ (C) of this section, cold or hot holding EQUIPMENT used for POTENTIALLY HAZARDOUS FOOD shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display.

(C) *Paragraph (B) of this section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design, type, and use of the EQUIPMENT, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated FOOD transport containers, and salad bars.*

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

(E) FOOD TEMPERATURE MEASURING DEVICES and water TEMPERATURE MEASURING DEVICES on WAREWASHING machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F in the intended range of use.

4-204.113 Warewashing Machine, Data Plate Operating Specifications.

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

(A) Temperatures required for washing, rinsing, and SANITIZING;

(B) Pressure required for the fresh water SANITIZING rinse *unless the machine is designed to use only a pumped SANITIZING rinse*; and

(C) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

4-204.114 Warewashing Machines, Internal Baffles.

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

4-204.115 Warewashing Machines, Temperature Measuring Devices.

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

(A) In each wash and rinse tank; and

(B) As the water enters the SANITIZING final rinse manifold or in the chemical SANITIZING solution tank.

4-204.116 Manual Warewashing Equipment, Heaters and Baskets.

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

(A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F); and

(B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

4-204.117 Warewashing Machines, Sanitizer Level Indicator.

A WAREWASHING machine that uses a chemical for SANITIZATION shall be equipped with a device that indicates audibly or visually when more chemical SANITIZER needs to be added.

4-204.118 Warewashing Machines, Flow Pressure Device.

(A) WAREWASHING machines that provide a fresh water SANITIZING rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the WAREWASHING machine; and

(B) If the flow pressure measuring device is upstream of the fresh water SANITIZING rinse control valve, the device shall be mounted in a 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve.

(C) Paragraphs (A) and (B) of this section do not apply to a machine that uses only a pumped or recirculated SANITIZING rinse.

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

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

4-204.120 Equipment Compartments, Drainage.

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

4-204.121 Vending Machines, Liquid Waste Products.

(A) VENDING MACHINES designed to store BEVERAGES that are PACKAGED in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(B) VENDING MACHINES that dispense liquid FOOD in bulk shall be:

(1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

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

4-204.122 Case Lot Handling Equipment, Moveability.

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

4-204.123 Vending Machine Doors and Openings.

(A) VENDING MACHINE doors and access opening covers to FOOD and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:

- (1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;
- (2) Being effectively gasketed;
- (3) Having interface surfaces that are at least 13 millimeters or one-half inch wide; or
- (4) Jamb or surfaces used to form an L-shaped entry path to the interface.

(B) VENDING MACHINE service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch.

Equipment Standards

4-205.11 Food Equipment, Certification and Classification.

Food equipment and utensils for use in FOOD ESTABLISHMENTS shall meet the published standards for sanitation of an American National Standards Institute (ANSI)-accredited equipment certification program, or the approval of the Department of Health and Family Services and the Department of Agriculture, Trade and Consumer Protection.

4-3 NUMBERS AND CAPACITIES

Subparts

4-301 Equipment

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

Equipment

4-301.11 Cooling, Heating, and Holding Capacities.

(A) With the exception of ¶(B), adequate mechanical refrigeration with sufficient capacity shall be provided to maintain potentially hazardous FOOD at or below 41°F.

(B) Ice may be used for the transportation, storage, display, cooling and service of potentially hazardous FOOD if approved by the REGULATORY AUTHORITY, and it can be demonstrated that FOOD product temperatures will be maintained at or below 41°F.

(C) Equipment sufficient in number and capacity for heating and hot holding of potentially hazardous FOOD shall be provided to achieve and maintain FOOD temperatures as specified under Chapter 3.