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| **2**  **Management and** |
| **Personnel** |

**Parts**

**2-1**  **SUPERVISION**

**2-2**  **EMPLOYEE HEALTH**

**2-3**  **PERSONAL CLEANLINESS**

**2-4**  **HYGIENIC PRACTICES**

**2-5**  **RESPONDING TO CONTAMINATION EVENTS**

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| **2-1**  **SUPERVISION** |
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| ***Subparts*** |
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| **2-101 Responsibility** |
| **2-102 Knowledge** |
| **2-103 Duties** |

***Responsibility***

**2-101.11**  **Assignment.**

(A) Except as specified in ¶ (B) of this section, the PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN   
CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.Pf

(B) *In a FOOD ESTABLISHMENT with two or more separately*   
*PERMITTED departments that are the legal responsibility of the same PERMIT HOLDER and that are located on the same PREMISES, the*   
*PERMIT HOLDER may designate a single PERSON IN CHARGE who is*   
*present on the PREMISES during all hours of operation, and who is*   
*responsible for each separately PERMITTED FOOD ESTABLISHMENT on the PREMISES.*Pf

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***Knowledge***

(C) *This section does not apply to certain types of FOOD*   
*ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose*   
*minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extend of the FOOD preparation.*

*Pf*

**2-102.11**  **Demonstration.**

Based on the RISKS inherent to the FOOD operation, during   
inspections and upon request the PERSON IN CHARGE shall   
demonstrate to the REGULATORY AUTHORITY knowledge of foodborne

disease prevention, application of the HAZARD Analysis and

CRITICAL CONTROL POINT principles, and the requirements of this   
Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

(A) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection; Pf or

(B) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM; Pf or

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

(1) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a FOOD   
EMPLOYEE; Pf

(2) Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of foodborne disease by a FOOD EMPLOYEE who has a disease or medical condition that may cause foodborne disease; Pf

(3) Describing the symptoms associated with the diseases that are transmissible through FOOD; Pf

(4) Explaining the significance of the relationship between   
maintaining the time and temperature of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and the prevention of foodborne illness; Pf

(5) Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, and FISH; Pf

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(6) Stating the required FOOD temperatures and times for safe cooking of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD including MEAT, POULTRY, EGGS, and FISH; Pf

(7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; Pf

(8) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(a) Cross contamination, Pf

(b) Hand contact with READY-TO-EAT FOODS, Pf

(c) Handwashing, Pf and

(d) Maintaining the FOOD ESTABLISHMENT in a clean condition and in good repair; Pf

(9) Describing FOODS identified as MAJOR FOOD ALLERGENS   
and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction. Pf

(10) Explaining the relationship between FOOD safety and providing EQUIPMENT that is:

(a) Sufficient in number and capacity, Pf and

(b) Properly designed, constructed, located, installed, operated, maintained, and cleaned; Pf

(11) Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT; Pf

(12) Identifying the source of water used and measures   
taken to ensure that it remains protected from   
contamination such as providing protection from backflow and precluding the creation of cross connections; Pf

(13) Identifying POISONOUS OR TOXIC MATERIALS in the FOOD ESTABLISHMENT and the procedures necessary to ensure   
that they are safely stored, dispensed, used, and disposed

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of according to LAW; Pf

(14) Identifying CRITICAL CONTROL POINTS in the operation   
from purchasing through sale or service that when not   
controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code; Pf

(15) Explaining the details of how the PERSON IN CHARGE

and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW, this Code, or an agreement between the REGULATORY AUTHORITY and the FOOD ESTABLISHMENT; Pf

(16) Explaining the responsibilities, rights, and authorities assigned by this Code to the:

(a) FOOD EMPLOYEE, Pf

(b) CONDITIONAL EMPLOYEE, Pf

(c) PERSON IN CHARGE, Pf

(d) REGULATORY AUTHORITY; Pf and

(17) Explaining how the PERSON IN CHARGE, FOOD   
EMPLOYEES, and CONDITIONAL EMPLOYEES comply with   
reporting responsibilities and EXCLUSION or RESTRICTION of FOOD EMPLOYEES. Pf

**2-102.12**  **Certified Food Protection Manager**

(A) The PERSON IN CHARGE shall be a certified FOOD protection manager who has shown proficiency of required information   
through passing a test that is part of an ACCREDITED PROGRAM.

*(B) This section does not apply to CONGREGATE NUTRITION SITES and Risk Category I FOOD ESTABLISHMENTS as defined in 10A NCAC 46 .0213.*

**2-102.20**  **Food Protection Manager Certification.**

(A) A PERSON IN CHARGE who demonstrates knowledge by being a FOOD protection manager that is certified by a FOOD protection

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***Duties***

manager certification program that is evaluated and listed by a   
Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for   
Accreditation of FOOD Protection Manager Certification Programs is deemed to comply with ¶2-102.11(B).

(B) A FOOD ESTABLISHMENT that has a PERSON IN CHARGE that is   
certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for FOOD Protection-   
recognized accrediting agency as conforming to the Conference for FOOD Protection Standards for Accreditation of FOOD Protection   
Manager Certification Programs is deemed to comply with§2-   
102.12.

**2-103.11**  **Person in Charge.**

The PERSON IN CHARGE shall ensure that:

(A) FOOD ESTABLISHMENT operations are not conducted in a   
private home or in a room used as living or sleeping quarters as specified under § 6-202.111; Pf

(B) PERSONS unnecessary to the FOOD ESTABLISHMENT

operation are not allowed in the FOOD preparation, FOOD

storage, or WAREWASHING areas, except that brief visits and

tours may be authorized by the PERSON IN CHARGE if steps are   
taken to ensure that exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE   
ARTICLES are protected from contamination; Pf

(C) EMPLOYEES and other PERSONS such as delivery and   
maintenance PERSONS and pesticide applicators entering the FOOD preparation, FOOD storage, and WAREWASHING areas   
comply with this Code; Pf

(D) EMPLOYEES are effectively cleaning their hands, by routinely monitoring the EMPLOYEES' handwashing; Pf

(E) EMPLOYEES are visibly observing FOODS as they are   
received to determine that they are from APPROVED sources, delivered at the required temperatures, protected from   
contamination, UNADULTERED, and accurately presented, by routinely monitoring the EMPLOYEES’ observations and

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periodically evaluating FOODS upon their receipt; Pf

(F) EMPLOYEES are verifying that FOODS delivered to the FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures,

protected from contamination, unADULTERATED, and accurately presented;Pf

(G) EMPLOYEES are properly cooking TIME/TEMPERATURE   
CONTROL FOR SAFETY FOOD, being particularly careful in cooking those FOODS known to cause severe foodborne illness and   
death, such as EGGS and COMMINUTED MEATS, through daily   
oversight of the EMPLOYEES' routine monitoring of the cooking   
temperatures using appropriate temperature measuring

devices properly scaled and calibrated as specified under § 4- 203.11 and ¶ 4-502.11(B); Pf

(H) EMPLOYEES are using proper methods to rapidly cool   
TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are not held hot or are not for consumption within 4 hours, through daily   
oversight of the EMPLOYEES' routine monitoring of FOOD   
temperatures during cooling; Pf

(I) EMPLOYEES are properly maintaining the temperatures of   
TIME/TEMPERATURE CONTROL FOR SAFETY FOODS during hot and cold holding through daily oversight of the EMPLOYEES’ routine monitoring of FOOD temperatures; Pf

(J) CONSUMERS who order raw or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under

§ 3-603.11 that the FOOD is not cooked sufficiently to ensure its safety; Pf

(K) EMPLOYEES are properly SANITIZING cleaned multiuse   
EQUIPMENT and UTENSILS before they are reused, through   
routine monitoring of solution temperature and exposure time for hot water SANITIZING, and chemical concentration, pH,   
temperature, and exposure time for chemical SANITIZING; Pf

(L) CONSUMERS are notified that clean TABLEWARE is to be used when they return to self-service areas such as salad bars and buffets as specified under § 3-304.16; Pf

(M) Except when APPROVAL is obtained from the REGULATORY

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AUTHORITY as specified in ¶ 3-301.11(E), EMPLOYEES are   
preventing cross-contamination of READY-TO-EAT FOOD with bare hands by properly using suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing   
EQUIPMENT; Pf

(N) EMPLOYEES are properly trained in FOOD safety, including   
FOOD allergy awareness, as it relates to their assigned duties; Pf

(O) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed in a verifiable manner of their responsibility to report in   
accordance with LAW, to the PERSON IN CHARGE, information   
about their health and activities as they relate to diseases that are transmissible through FOOD, as specified under

¶ 2-201.11(A); Pf and

(P) Written procedures and plans, where specified by this Code and as developed by the FOOD ESTABLISHMENT, are maintained and implemented as required. Pf

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| **2-3**  **PERSONAL CLEANLINESS** |
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| ***Subparts*** |
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| **2-301 Hands and Arms** |
| **2-302 Fingernails** |
| **2-303 Jewelry** |
| **2-304 Outer Clothing** |

***Hands and Arms***

**2-301.11**  **Clean Condition.**

FOOD EMPLOYEES shall keep their hands and exposed portions of their arms clean.P

**2-301.12**  **Cleaning Procedure.**

(A) Except as specified in ¶ (D) of this section, FOOD EMPLOYEES   
shall clean their hands and exposed portions of their arms,

including surrogate prosthetic devices for hands or arms for at least 20 seconds, using a cleaning compound in a HANDWASHING SINK

that is equipped as specified under § 5-202.12 and Subpart 6-301.

P

(B) FOOD EMPLOYEES shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

(1) Rinse under clean, running warm water; P

(2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer; P

(3) Rub together vigorously for at least 10 to 15 seconds while:

(a) Paying particular attention to removing soil from   
underneath the fingernails during the cleaning procedure, P and

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(b) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers; P

(4) Thoroughly rinse under clean, running warm water; P and

(5) Immediately follow the cleaning procedure with thorough drying using a method as specified under § 6-301.12. P

(C) *TO avoid recontaminating their hands or surrogate prosthetic*   
*devices, FOOD EMPLOYEES may use disposable paper towels or*   
*similar clean barriers when touching surfaces such as manually*   
*operated faucet handles on a HANDWASHING SINK or the handle of a restroom door*.

(D) *If APPROVED and capable of removing the types of soils*   
*encountered in the FOOD operations involved, an automatic*   
*handwashing facility may be used by FOOD EMPLOYEES to clean their*

*hands or surrogate prosthetic devices.*

**2-301.13**  **Special Handwash Procedures.**

Reserved.

**2-301.14**  **When to Wash.**

FOOD EMPLOYEES shall clean their hands and exposed portions of   
their arms as specified under § 2-301.12 immediately before   
engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLESP and:

(A) After touching bare human body parts other than clean hands and clean, exposed portions of arms; P

(B) After using the toilet room; P

(C) After caring for or handling SERVICE ANIMALS or aquatic animals as specified in ¶ 2-403.11(B); P

(D) Except as specified in ¶ 2-401.11(B), after coughing,   
sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; P

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(E) After handling soiled EQUIPMENT or UTENSILS; P

(F) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination   
when changing tasks; P

(G) When switching between working with raw FOOD and working with READY-TO-EAT FOOD; P

(H) Before donning gloves to initiate a task that involves working with FOOD; P and

(I) After engaging in other activities that contaminate the hands.P

**2-301.15**  **Where to Wash.**

FOOD EMPLOYEES shall clean their hands in a HANDWASHING SINK or APPROVED automatic handwashing facility and may not clean their hands in a sink used for FOOD preparation or WAREWASHING, or in a service sink or a curbed cleaning facility used for the disposal of   
mop water and similar liquid waste. Pf

**2-301.16**  **Hand Antiseptics.**

(A) A hand antiseptic used as a topical application, a hand   
antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(1) Comply with one of the following:

(a) Be an APPROVED drug that is listed in the FDA publication **Approved Drug Products with Therapeutic Equivalence Evaluations** as an APPROVED drug based on safety and   
effectiveness; Pf or

(b) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug   
Products as an antiseptic handwash, Pf and

(2) Consist only of components which the intended use of each complies with one of the following:

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(a) A threshold of regulation exemption under 21 CFR   
170.39 - Threshold of regulation for substances used in FOOD-contact articles;Pf or

(b) 21 CFR 178 - Indirect FOOD Additives: Adjuvants,   
Production Aids, and Sanitizers as regulated for use as a FOOD ADDITIVE with conditions of safe use, Pf or

(c) A determination of generally recognized as safe (GRAS). Partial listings of substances with FOOD uses that are GRAS may be found in 21 CFR 182 - Substances Generally

Recognized as Safe, 21 CFR 184 - Direct FOOD Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 – Indirect FOOD Substances Affirmed as Generally Recognized

as Safe for use in contact with FOOD, and in FDA’s Inventory of GRAS Notices, Pf or

(d) A prior sanction listed under 21 CFR 181 – Prior Sanctioned FOOD Ingredients,Pf or

(e) a FOOD Contact Notification that is effective,Pf and

(3) Be applied only to hands that are cleaned as specified under § 2-301.12. Pf

(B) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Subparagraph (A)(2) of this section, use shall be:

(1) Followed by thorough hand rinsing in clean water before hand contact with FOOD or by the use of gloves; Pf or

(2) Limited to situations that involve no direct contact with FOOD by the bare hands. Pf

(C) A hand antiseptic solution used as a hand dip shall be   
maintained clean and at a strength equivalent to at least 100 MG/L chlorine. Pf

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| **3 Food** |

**Parts**

**3-1 CHARACTERISTICS**

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

**RECORDS**

**3-3**  **PROTECTION FROM CONTAMINATION AFTER RECEIVING**

**3-4**  **DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN**   
**3-5**  **LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH**

**CONCERN**

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

**3-7**  **CONTAMINATED FOOD**

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

**POPULATIONS**

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| **3-1**  **CHARACTERISTICS** |
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| ***Subparts*** |
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| **3-101 Condition** |

***Condition***

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

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

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**3-301.12**  **Preventing Contamination When Tasting.**

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

***Preventing Food and Ingredient Contamination***

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

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

(1) Except as specified in (1)(d) below, separating raw animal FOODS during storage, preparation, holding, and display from:

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

(b) Cooked READY-TO-EAT FOOD, P and

(c) Fruits and vegetables before they are washed; P

(d) *Frozen, commercially processed and packaged raw*   
*animal FOOD may be stored or displayed with or above*   
*frozen, commercially processed and packaged, ready-to-eat food.*

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

(a) Using separate EQUIPMENT for each type, P or

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

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

(3) Cleaning EQUIPMENT and UTENSILS as specified under

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¶ 4-602.11(A) and SANITIZING as specified under § 4-703.11;

(4) Except as specified under Subparagraph 3-501.15(B)(2) and in ¶ (B) of this section, storing the FOOD in packages,   
covered containers, or wrappings;

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

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

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

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

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

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

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

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

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

(5) *SHELLSTOCK*.

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

*Except for containers holding FOOD that can be readily and*   
*unmistakably recognized such as dry pasta,* working containers   
holding FOOD or FOOD ingredients that are removed from their   
original packages for use in the FOOD ESTABLISHMENT, such as   
cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall

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be identified with the common name of the FOOD.

**3-302.13**  **Pasteurized Eggs, Substitute for Raw Eggs for**   
**Certain Recipes.**

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

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

(B) Included in ¶ 3-401.11(D). P

**3-302.14**  **Protection from Unapproved Additives.**

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

(1) Unsafe or unAPPROVED FOOD or COLOR ADDITIVES; P and

(2) Unsafe or unAPPROVED levels of APPROVED FOOD and COLOR ADDITIVES. P

(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; P or

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

**3-302.15**  **Washing Fruits and Vegetables.**

(A) *Except as specified in ¶ (B) of this section and except for whole,* raw *fruits and vegetables that are intended for washing by the*   
*CONSUMER before consumption,* raw fruits and vegetables shall be   
thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form.

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

(C)Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, Chemicals used in the washing or to assist in the peeling of fruits and vegetables, for the washing of raw, whole fruits and vegetables shall be used in   
accordance with the manufacturer’s instructions. Pf

***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. P

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

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

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

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

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

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***Preventing Contamination from Equipment, Utensils, and Linens***

**3-304.11**  **Food Contact with Equipment and Utensils.**

FOOD shall only contact surfaces of:

(A) EQUIPMENT and UTENSILS that are cleaned as specified   
under Part 4-6 of this Code and SANITIZED as specified under Part 4-7 of this Code; P

(B) SINGLE-SERVICE and SINGLE-USE ARTICLES; P or

(C) LINENS, such as cloth napkins, as specified under § 3-   
304.13 that are laundered as specified under Part 4-8 of this Code. P

**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 TIME/TEMPERATURE CONTROL FOR SAFETY FOOD with their handles above the top of the FOOD within   
containers or EQUIPMENT that can be closed, such as bins of   
sugar, flour, or cinnamon;

(C) On a clean portion of the FOOD preparation table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD-CONTACT   
surface of the FOOD preparation table or cooking EQUIPMENT are cleaned and SANITIZED at a frequency specified under

§§ 4-602.11 and 4-702.11;

(D) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes;

(E) In a clean, protected location if the UTENSILS, such as ice scoops, are used only with a FOOD that is not   
TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; or

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(F) In a container of water if the water is maintained at a temperature of at least 57oC (135oF) 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, such as cloth napkins, may not be used in contact with FOOD *unless they are used to line a container for the service of FOODS and the LINENS and napkins are replaced each time the container is refilled for a new CONSUMER*.

**3-304.14**  **Wiping Cloths, Use Limitation.**

(A) Cloths in-use for wiping FOOD spills from TABLEWARE and carry- out containers that occur as FOOD is being served shall be:

(1) Maintained dry; and

(2) Used for no other purpose.

(B) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be:

(1) Held between uses in a chemical sanitizer solution at a concentration specified under § 4-501.114; and

(2) Laundered daily as specified under ¶ 4-802.11(D).

(C) Cloths in-use for wiping surfaces in contact with raw animal   
FOODS shall be kept separate from cloths used for other purposes.

(D) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph (B)(1) of this section in which wet wiping cloths

are held between uses shall be free of FOOD debris and visible soil.

(E) Containers of chemical sanitizing solutions specified in   
Subparagraph (B)(1) of this section in which wet wiping cloths are held between uses shall be stored off the floor and used in a   
manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES.

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(F) SINGLE-USE disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer’s label use instructions.

**3-304.15**  **Gloves, Use Limitation.**

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

when interruptions occur in the operation. P

(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)*.

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**3-304.17**  **Refilling Returnables.**

(A) Except as specified in ¶¶ (B) - (E) of this section, empty   
containers returned to a FOOD ESTABLISHMENTfor cleaning and   
refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT. P

*(B) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD*   
*container is:*

*(1) Designed and constructed for reuse and in accordance with the requirements specified under Part 4-1 and 4-2; P*

*(2) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD*   
*ESTABLISHMENT, for the purpose of being returned for reuse;*

*(3) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;*

*(4) Subject to the following steps before being refilled with FOOD:*

*(a) Cleaned as specified under Part 4-6 of this Code,*

*(b) Sanitized as specified under Part 4-7 of this Code; P* and

*(c) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified*   
*under Part 4-1 and 4-2. P*

*(C) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with BEVERAGE if:*

(1) *The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;*

(2) *The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow*   
*effective cleaning at home or in the FOOD ESTABLISHMENT;*

(3) *Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;*

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(4) *The CONSUMER-owned container returned to the FOOD*   
*ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and*

*(5) The container is refilled by:*

*(a) An EMPLOYEE of the FOOD ESTABLISHMENT, or*

(b) *The owner of the container if the BEVERAGE system*   
*includes a contamination-free transfer process as specified under ¶¶ 4-204.13(A), (B), and (D) that cannot be bypassed by the container owner.*

*(D)* *Consumer-owned, 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)*.

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

***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*.

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(B) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance: Pf

(1) As specified under § 3-602.11, Pf and

(2) As specified in 21 CFR 101.17(g) Food labeling,   
warning, notice, and safe handling statements, JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following,   
“WARNING: This product has not been pasteurized and,   
therefore, may contain harmful bacteria that can cause   
serious illness in children, the elderly, and persons with   
weakened immune systems.” Pf

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| **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**  **Time/Temperature Control for Safety Food,**   
**Slacking.**

Frozen TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is slacked to moderate the temperature shall be held:

(A) Under refrigeration that maintains the FOOD temperature at 5oC (41oF) or less; or

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

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

Except as specified in ¶ (D) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be thawed:

(A) Under refrigeration that maintains the FOOD temperature at 5oC (41oF) or less; Pf or

(B) Completely submerged under running water:

(1) At a water temperature of 21oC (70oF) or below, Pf

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

(3) For a period of time that does not allow thawed portions of READY-TO-EAT FOOD to rise above 5oC (41oF), Pf 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 5oC (41oF), for more than

4 hours including: Pf

(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 5oC (41oF);

(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, Pf or

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

(E) REDUCED OXYGEN PACKAGED FISH that bears a label   
indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:

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(1) Prior to its thawing under refrigeration as specified in ¶(A) of this section; or

(2) Prior to, or Immediately upon completion of, its thawing using procedures specified in ¶ (B) of this section.

**3-501.14**  **Cooling.**

(A) Cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled:

(1) Within 2 hours from 57ºC (135ºF) to 21ºC (70F); P and

(2) Within a total of 6 hours from 57ºC (135ºF) to 5ºC (41F) or less. P

(B) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled within 4 hours to 5oC (41oF) or less if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned   
tuna. P

(C) Except as specified under ¶ (D) of this section, a   
TIME/TEMPERATURE CONTROL FOR SAFETY FOOD received in   
compliance with LAWS allowing a temperature above 5oC (41oF) during shipment from the supplier as specified in ¶ 3-202.11(B), shall be cooled within 4 hours to 5oC (41oF) or less. P

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

**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; Pf

(2) Separating the FOOD into smaller or thinner portions; Pf

(3) Using rapid cooling EQUIPMENT; Pf

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(4) Stirring the FOOD in a container placed in an ice water bath; Pf

(5) Using containers that facilitate heat transfer; Pf

(6) Adding ice as an ingredient; Pf or

(7) Other effective methods. Pf

(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**  **Time/Temperature Control for Safety Food, Hot**   
**and Cold Holding.**

(A) *Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under §3-501.19,* and except as specified under ¶ (B) and in ¶ (C ) of this section,   
TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be maintained:

(1) At 57oC (135oF) or above, *except that roasts cooked to a temperature and for a time specified in ¶ 3-401.11(B) or*   
*reheated as specified in ¶ 3-403.11(E) may be held at a*   
*temperature of 54oC (130oF) or above*; P or

(2) At 5ºC (41ºF) or less. P

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

(C) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in a homogenous liquid form *may be maintained outside of the temperature control*   
*requirements, as specified under ¶ (A) of this section, while*   
*contained within specially designed* EQUIPMENT *that complies with*   
*the design and construction requirements as specified under ¶ 4-*   
*204.13(E).*

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***on-premises preparation***

*• prepare and hold cold*

**3-501.17**  **Ready-to-Eat, Time/Temperature Control for**   
**Safety Food, Date Marking.**

(A) Except when PACKAGING FOOD using a REDUCED OXYGEN   
PACKAGING method as specified under § 3-502.12, and except as specified in ¶¶ (E) and (F) of this section, refrigerated, READY-TO-   
EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared and   
held in a FOOD ESTABLISHMENT for more than 24 hours shall be   
clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5ºC (41ºF) or less for a maximum of 7 days.The day of preparation shall be counted as Day 1. Pf

***commercially processed food***

*• open and hold cold*

(B) Except as specified in ¶¶ (E) - (G) of this section, refrigerated,   
READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD   
prepared and PACKAGED by a FOOD PROCESSING PLANT shall be   
clearly marked, at the time the original container is opened in a

FOOD ESTABLISHMENT and if the FOOD is held for more than 24 hours, to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded, based on the temperature and

time combinations specified in ¶ (A*)* of this section and: Pf

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

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

(C) A refrigerated, READY-TO-EAT TIME/TEMPERATURE CONTROL FOR   
SAFETY FOOD ingredient or a portion of a refrigerated, READY-TO-EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is subsequently   
combined with additional ingredients or portions of FOOD shall retain the date marking of the earliest-prepared or first-prepared

ingredient. Pf

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(D) *A date marking system that meets the criteria stated in ¶¶ (A) and (B) of this section may include*:

(1) *Using a method APPROVED by the REGULATORY AUTHORITY for refrigerated, READY-TO-EAT TIME/TEMPERATURE CONTROL FOR*   
*SAFETY FOOD that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft*   
*serve mix or milk in a dispensing machine;*

(2) *Marking the date or day of preparation, with a procedure to*   
*discard the FOOD on or before the last date or day by which the FOOD must be consumed on the premises, sold, or discarded as specified under ¶ (A) of this section;*

(3) *Marking the date or day the original container is opened in a FOOD ESTABLISHMENT, with a procedure to discard the FOOD on or before the last date or day by which the FOOD must be*

*consumed on the premises, sold, or discarded as specified*

*under ¶ (B) of this section; or*

(4) *Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking*   
*system is disclosed to the REGULATORY AUTHORITY upon request.*

(E) *Paragraphs (A) and (B) of this section do not apply to individual meal portions served or rePACKAGED for sale from a bulk container upon a consumer’s request*.

(F) *Paragraphs (A) and (B) of this section do not apply to SHELLSTOCK.*

(G) *Paragraph (B) of this section does not apply to the following FOODS prepared and PACKAGED by a FOOD PROCESSING PLANT*   
*inspected by a REGULATORY AUTHORITY*:

(1) *Deli salads, such as ham salad, seafood salad, chicken*   
*salad, egg salad, pasta salad, potato salad, and macaroni*   
*salad, manufactured in accordance with 21 CFR 110 Current good manufacturing practice in manufacturing, packing, or*   
*holding human food;*

(2) *Hard cheeses containing not more than 39% moisture as*   
*defined in 21 CFR 133 Cheeses and related cheese products, such as cheddar, gruyere, parmesan and reggiano, and*   
*romano;*

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(3) *Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133*   
*Cheeses and related cheese products, such as blue, edam,*   
*gorgonzola, gouda, and monterey jack;*

(4) *Cultured dairy products as defined in 21 CFR 131 Milk and cream, such as yogurt, sour cream, and buttermilk;*

(5) *Preserved FISH products, such as pickled herring and dried or salted cod, and other acidified FISH products defined in 21*   
*CFR 114 Acidified foods;*

(6) *Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and*

(7)  *Shelf stable salt-cured products such as prosciutto and Parma (ham).*

**3-501.18**  **Ready-to-Eat, Time/Temperature Control for**   
**Safety Food, Disposition.**

(A) A FOOD specified in ¶ 3-501.17(A) or (B) shall be discarded if it:

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

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

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

(B) Refrigerated, READY-TO-EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared in a FOOD ESTABLISHMENT and dispensed   
through a VENDING MACHINE with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in ¶ 3-501.17(A). P

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

(A) Except as specified under ¶ (D) of this section, if time without temperature control is used as the public health control for a   
working supply of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

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before cooking, or for READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is displayed or held for sale or service:

(1) Written procedures shall be prepared in advance,   
maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request that specify: Pf

(a) Methods of compliance with Subparagraphs (B)(1)-(4) or (C)(1)-(5) of this section; Pf and

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

***Time – maximum up to 4 hours***

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

(1) Except as specified in (B)(2), the FOOD shall have an initial temperature of 5°C (41°F) or less when removed from cold   
holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control; P

(2) *The FOOD may have an initial temperature of 21°C (70°F) or less if;*

*(a) It is a READY-TO-EAT fruit or vegetable that upon cutting is*   
*rendered a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD*   
*as defined in ¶1-201.10(B), or*

*(b) It is a READY-TO-EAT hermetically sealed FOOD that upon*   
*opening is rendered a TIME/TEMPERATURE CONTROL FOR*   
*SAFETY FOOD as defined in ¶1-201.10(B),*

*(c) The FOOD temperature does not exceed 21°C (70°F)*   
*within a mximum time period of 4 hours from the time it*

*was rendered a TIME/TEMPERATURE CONTROL FOR SAFETY*   
*FOOD; and*

*(d) The FOOD is marked or otherwise identified to indicate the*   
*time that is 4 hours past the point in time when the FOOD*

*is rendered a TIME/TEMPERATURE CONTROL FOR SAFETY*   
*FOOD as specified in sub ¶¶’s (B)(2)(a) and (b) of this*   
*section.*

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*(3)* 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; Pf

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

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

***Time – maximum up to 6 hours***

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

(1) The FOOD shall have an initial temperature of 5ºC (41ºF) or less when removed from temperature control and the FOOD   
temperature may not exceed 21ºC (70ºF) within a maximum   
time period of 6 hours; P

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

(3) The FOOD shall be marked or otherwise identified to indicate:

Pf

(a) The time when the FOOD is removed from 5ºC (41ºF) or less cold holding temperature control, Pf and

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

(4) The FOOD shall be:

(a) Discarded if the temperature of the FOOD exceeds 21C (70F), P or

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

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

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

***Specialized Processing Methods***

**3-502.11**  **Variance Requirement.**

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

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

(B) Curing FOOD; Pf

(C) Using FOOD ADDITIVES or adding components such as vinegar: Pf

(1) As a method of FOOD preservation rather than as a method of flavor enhancement, Pf or

(2) To render a FOOD so that it is not TIME/TEMPERATURE CONTROL OF SAFETY FOOD; Pf

(D) Packaging TIME/TEMPERATURE CONTROL FOR SAFETY FOOD   
using a REDUCED OXYGEN PACKAGING method *except where* *the growth of and toxin formation by* ***Clostridium botulinum*** *and the growth of* ***Listeria monocytogenes*** *are controlled as*   
*specified under § 3-502.12*; Pf

(E) Operating a MOLLUSCAN SHELLFISH life-support system display tank used to store or display shellfish that are offered for human consumption;Pf

(F) Custom processing animals that are for personal use as

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| **4-5**  **MAINTENANCE AND OPERATION** |
|  |
| ***Subparts*** |
|  |
| **4-501 Equipment** |
| **4-502 Utensils and Temperature and Pressure** |
| **Measuring Devices** |

***Equipment***

**4-501.11**  **Good Repair and Proper Adjustment.**

(A) EQUIPMENT shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2.

(B) EQUIPMENT components such as doors, seals, hinges,

fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

(C) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate   
FOOD when the container is opened.

**4-501.12**  **Cutting Surfaces.**

Surfaces such as cutting blocks and boards that are subject to   
scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and SANITIZED, or discarded if they are not   
capable of being resurfaced.

**4-501.13**  **Microwave Ovens.**

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 Microwave ovens.

**4-501.14**  **Warewashing Equipment, Cleaning Frequency.**

A WAREWASHING machine; the compartments of sinks, basins, or   
other receptacles used for washing and rinsing EQUIPMENT,   
UTENSILS, or raw FOODS, or laundering wiping cloths; and   
drainboards or other EQUIPMENT used to substitute for drainboards as specified under § 4-301.13 shall be cleaned:

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(A) Before use;

(B) Throughout the day at a frequency necessary to prevent   
recontamination of EQUIPMENT and UTENSILS and to ensure that the EQUIPMENT performs its intended function; and

(C) If used, at least every 24 hours.

**4-501.15**  **Warewashing Machines, Manufacturers' Operating**   
**Instructions.**

(A) A WAREWASHING machine and its auxiliary components shall be operated in accordance with the machine's data plate and other   
manufacturer's instructions.

(B) A WAREWASHING machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with   
manufacturer's specifications.

**4-501.16**  **Warewashing Sinks, Use Limitation.**

(A) A WAREWASHING sink may not be used for handwashing as specified under § 2-301.15.

(B) If a WAREWASHING sink is used to wash wiping cloths, wash   
produce, or thaw FOOD, the sink shall be cleaned as specified under § 4-501.14 before and after each time it is used to wash wiping   
cloths or wash produce or thaw FOOD. Sinks used to wash or thaw FOOD shall be SANITIZED as specified under Part 4-7 before and after using the sink to wash produce or thaw FOOD.

**4-501.17**  **Warewashing Equipment, Cleaning Agents.**

When used for WAREWASHING, the wash compartment of a sink,   
mechanical warewasher, or wash receptacle of alternative manual WAREWASHING EQUIPMENT as specified in ¶ 4-301.12(C), shall   
contain a wash solution of soap, detergent, acid cleaner, alkaline   
cleaner, degreaser, abrasive cleaner, or other cleaning agent   
according to the cleaning agent manufacturer's label instructions. Pf

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**4-501.18**  **Warewashing Equipment, Clean Solutions.**

The wash, rinse, and SANITIZE solutions shall be maintained clean.

**4-501.19**  **Manual Warewashing Equipment, Wash Solution**   
**Temperature.**

The temperature of the wash solution in manual WAREWASHING   
EQUIPMENT shall be maintained at not less than 43oC (110oF) or the temperature specified on the cleaning agent manufacturer's label   
instructions. Pf

**4-501.110**  **Mechanical Warewashing Equipment, Wash**   
**Solution Temperature.**

(A) The temperature of the wash solution in spray type   
warewashers that use hot water to SANITIZE may not be less than:

(1) For a stationary rack, single temperature machine, 74oC (165oF); Pf

(2) For a stationary rack, dual temperature machine, 66oC (150oF); Pf

(3) For a single tank, conveyor, dual temperature machine, 71oC (160oF); Pf or

(4) For a multitank, conveyor, multitemperature machine, 66oC (150oF). Pf

(B) The temperature of the wash solution in spray-type   
warewashers that use chemicals to SANITIZE may not be less than 49oC (120oF). Pf

**4-501.111**  **Manual Warewashing Equipment, Hot Water**   
**Sanitization Temperatures.**

If immersion in hot water is used for SANITIZING in a manual   
operation, the temperature of the water shall be maintained at 77oC (171oF) or above. P

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**4-501.112**  **Mechanical Warewashing Equipment, Hot Water**   
**Sanitization Temperatures.**

(A) Except as specified in ¶ (B) of this section, in a mechanical   
operation, the temperature of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90oC (194oF), or less   
than: Pf

(1) For a stationary rack, single temperature machine, 74oC (165oF); Pf or

(2) For all other machines, 82oC (180oF). Pf

(B) *The maximum temperature specified under ¶ (A) of this section, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place*   
*cleaning and SANITIZING of EQUIPMENT such as meat saws.*

**4-501.113**  **Mechanical Warewashing Equipment, Sanitization**   
**Pressure.**

The flow pressure of the fresh hot water SANITIZING rinse in a   
WAREWASHING machine, as measured in the water line immediately downstream or upstream from the fresh hot water SANITIZING   
rinse control value, shall be within the range specified on the   
machine manufacturer’s data plate and may not be less than 35   
kilopascals (5 pounds per square inch) or more than 200   
kilopascals (30 pounds per square inch).

**4-501.114**  **Manual and Mechanical Warewashing Equipment,**   
**Chemical Sanitization - Temperature, pH,**   
**Concentration, and Hardness.**

A chemical SANITIZER used in a SANITIZING solution for a manual or   
mechanical operation at contact times specified under ¶4-703.11(C) shall meet the criteria specified under §7-204.11 Sanitizers,

Criteria, shall be used in accordance with the EPA-registered label use instructions, P  and shall be used as follows:

(A) A chlorine solution shall have a minimum temperature   
based on the concentration and PH of the solution as listed in the following chart; P

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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  | **Minimum Temperature** |  |
|  |  | PH 8 or less |
|  |  | **°C (°F)** |
| 25 – 49 | | | 49 (120) | | | 49 (120) | | |
| 50 – 99 | | | 38 (100) | | | 24 (75) | | |
| 100 | | | 13 (55) | | | 13 (55) | | |

(B) An iodine solution shall have a:

(1) Minimum temperature of 20°C (68°F), P

(2) PH of 5.0 or less or a PH no higher than the level for   
which the manufacturer specifies the solution is effective, P and

(3) Concentration between 12.5 MG/L and 25 MG/L; P

(C) A quaternary ammonium compound solution shall:

(1) Have a minimum temperature of 24oC (75oF), P

(2) Have a concentration as specified under § 7-204.11 and as indicated by the manufacturer's use directions   
included in the labeling, P and

(3) Be used only in water with 500 MG/L hardness or less

or in water having a hardness no greater than specified by the EPA-registered label use instructions; P

(D) If another solution of a chemical specified under ¶¶ (A) - (C) of this section is used, the PERMIT HOLDER shall   
demonstrate to the REGULATORY AUTHORITY that the solution achieves SANITIZATION and the use of the solution shall be   
APPROVED;P

(E) If a chemical SANITIZER other than chlorine, iodine, or a   
quaternary ammonium compound is used, it shall be applied in accordance with the EPA-registered label use instructions; P   
and

(F) If a chemical SANITIZER is generated by a device located   
on-site at the FOOD ESTABLISHMENT it shall be used as specified

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in ¶¶(A) - (D) of this section and shall be produced by a device that:

(1) Complies with regulation as specified in §§ 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and   
Rodenticide Act (FIFRA),P

(2) Complies with 40 CFR 152.500 Requirement for   
Devices and 40 CFR 156.10 Labeling Requirements, P

(3) Displays the EPA device manufacturing facility registration number on the device, Pf and

(4) Is operated and maintained in accordance with manufacturer’s instructions Pf.

**4-501.115**  **Manual Warewashing Equipment, Chemical**   
**Sanitization Using Detergent-Sanitizers.**

If a detergent-SANITIZER is used to SANITIZE in a cleaning and   
SANITIZING procedure where there is no distinct water rinse between the washing and SANITIZING steps, the agent applied in the   
SANITIZING step shall be the same detergent-SANITIZER that is used

in the washing step.

**4-501.116**  **Warewashing Equipment, Determining Chemical**   
**Sanitizer Concentration.**

Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device. Pf

***Utensils and Temperature and Pressure Measuring Devices***

**4-502.11**  **Good Repair and Calibration.**

(A) UTENSILS shall be maintained in a state of repair or condition   
that complies with the requirements specified under Parts 4-1 and 4-2 or shall be discarded.

(B) FOOD TEMPERATURE MEASURING DEVICES shall be calibrated in accordance with manufacturer's specifications as necessary to   
ensure their accuracy. Pf

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| **4-6**  **CLEANING OF EQUIPMENT AND UTENSILS** |
|  |
| ***Subparts*** |
|  |
| **4-601 Objective** |
| **4-602 Frequency** |
| **4-603 Methods** |

***Objective***

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

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

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

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

***Frequency***

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

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

(1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal FOOD such as beef, FISH,   
lamb, pork, or POULTRY; P

(2) Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS; P

(3) Between uses with raw fruits and vegetables and with TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; P

(4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE; P and

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(5) At any time during the operation when contamination may have occurred. P

(B) *Subparagraph (A)(1) of this section does not apply if the FOOD-* *CONTACT SURFACE or UTENSIL is in contact with a succession of*   
*different types of raw MEAT and POULTRY each requiring a higher*   
*cooking temperature as specified under § 3-401.11 than the*   
*previous type*.

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

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

(1) *In storage, containers of TIME/TEMPERATURE CONTROL FOR*   
*SAFETY FOOD and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned*

*when they are empty;*

(2) *UTENSILS and EQUIPMENT are used to prepare FOOD in a refrigerated room or area that is maintained at one of the*   
*temperatures in the following chart and:*

(a) *The UTENSILS and EQUIPMENT are cleaned at the*   
*frequency in the following chart that corresponds to the temperature; and*

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

(b) *The cleaning frequency based on the ambient*

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*temperature of the refrigerated room or area is documented in the FOOD ESTABLISHMENT*.

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

(4) *TEMPERATURE MEASURING DEVICES are maintained in contact with FOOD, such as when left in a container of deli FOOD or in a roast, held at temperatures specified under Chapter 3;*

(5) *EQUIPMENT is used for storage of PACKAGED or unPACKAGED FOOD such as a reach-in refrigerator and the EQUIPMENT is*   
*cleaned at a frequency necessary to preclude accumulation of soil residues;*

(6) *The cleaning schedule is APPROVED based on consideration of:*

(a) *Characteristics of the EQUIPMENT and its use,*

(b) *The type of FOOD involved,*

(c) *The amount of FOOD residue accumulation, and*

(d) *The temperature at which the FOOD is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms*

*that are capable of causing foodborne disease; or*

*(7) In-use UTENSILS are intermittently stored in a container of*   
*water in which the water is maintained at 57oC (135oF) or more and the UTENSILS and container are cleaned at least every 24*   
*hours or at a frequency necessary to preclude accumulation of soil residues.*

(E) *Except when dry cleaning methods are used as specified under § 4-603.11*, surfaces of UTENSILS and EQUIPMENT contacting FOOD   
that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be   
cleaned:

(1) At any time when contamination may have occurred;

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(2) At least every 24 hours for iced tea dispensers and   
CONSUMER self-service UTENSILS such as tongs, scoops, or ladles;

(3) Before restocking CONSUMER self-service EQUIPMENT and   
UTENSILS such as condiment dispensers and display containers; and

(4) In EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines,   
BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

(a) At a frequency specified by the manufacturer, or

(b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

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

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

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

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

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