ORDINANCE NO. 1793

AN ORDINANCE TO ADOPT
THE HEALTH CODE OF THE CITY OF PRICHARD, ALABAMA

SPONSOR: Mayor Jesse M. Norwood

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:

SECTION 1. That Chapter 420-3-1, Onsite Sewage Disposal and Subdivision-Onsite Sewage Systems, Water Supplies and Solid Waste Management, of the Rules of the State Board of Health, Services Standards Division of Community Environmental Protection; Chapter 420-3-11, Construction, Maintenance and Operation of Hotels, of the Rules of the State Board of Health, Bureau of Environmental Services Division of Food, Milk and Lodging; Chapter 420-3-14, Food Service Sanitation, of the Rules of the State Board of Health, Bureau of Environmental Services Division of Food, Milk and Lodging; Chapter 420-3-19, Retail Food Store Sanitation, of the Rules of the State Board of Health, Environmental and Facility Standards Administration; Chapter 420-3-20, Food Processing Establishment Sanitation, of the Rules of the Alabama State Board of Health, Environmental and Facility Standards Administration; and Regulation No. 66-1, of the Regulations of the Mobile County Board of Health Requiring a Foodhandlers Permit for All Food Handlers in Mobile County, with amendments thereto, which have been on file in the Office of the City Clerk of the City of Prichard, Alabama, pursuant to a Resolution No. 643-94 adopted by the City Council of the City of Prichard, Alabama on the 19th day of April, 1994, are hereby adopted as the "Health Code of the City of Prichard".

SECTION 2. A copy of this ordinance shall be published pursuant and according to

law, after its adoption. but it shall not be necessary for the said Chapters 420-3-1, 420-3-11, 420-3-14, 420-3-19 and 420-3-20 of the Rules of the State Board of Health and Regulation No. 66-1 of the Mobile County Board of Health to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this ordinance shall be recorded in the Minutes.

SECTION 3. Chapters 420-3-1, 420-3-11, 420-3-14, 420-3-19 and 420-3-20 of the Rules of the State Board of Health and Regulation No. 66-1 of the Mobile County Board of Health shall be in full force and effect as the "Health Code of the City of Prichard" on and after its adoption and publication as required by law. All ordinances heretofore adopted by the City of Prichard in conflict therewith are hereby repealed, it being the intention of the Council of the City of Prichard, however, that Health Code of the City of Prichard, the Building Code of the City of Prichard, and the Plumbing Code of the City of Prichard shall be read and construed in pari materia. This Ordinance applies to property within the city limits and police jurisdiction of the City of Prichard and shall full force and effect therein as permitted by law.

ADOPTED this the 17thday of May, 1994.

APPROVED:

Jesse M. Norwood

JESSE M. NORWOOD, MAYOR

ATTESTED:

Cynthia K. Norwood

CYNTHIA K. NORWOOD, CITY CLERK

420-3-19-.01 General Provisions.

(1) **Purpose** - These rules are promulgated to provide definitions; to set standards for sources of safe foods and for storage and handling of food; to set standards for retail food store personnel, for retail food store equipment and utensils, for sanitary facilities and controls and for other facilities; to set standards for construction of retail food stores; to provide for permit issuance, suspension and revocation, for inspections of establishments and for examination and condemnation of food. The rules shall be interpreted and applied to promote the protection of public health.

(2) **Statutory authority** - The State Board of Health is authorized to adopt and promulgate these rules under and by virtue of the authority of Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

(3) **Exceptions**

(a) Building facilities and equipment in use before the effective date of these rules and which do not meet fully all of the design and fabrication requirements of these rules, shall be acceptable if they are in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces (if any) are in compliance with 420-3-19-.01(4)(s).

(b) New building facilities and new equipment for which contractual obligations are incurred before the effective date of these rules, and which do not fully meet all the design and fabrication requirements of these regulations, shall be acceptable if they are capable of being maintained in a sanitary condition and the food contact surfaces (if any) are in compliance with 420-3-19-.01(4)(s).

(4) **Definitions** - For the purpose of these rules:

(a) "Board" means the Board of Health of the State of Alabama as defined by Section 22-2-1, Code of Alabama, 1975, or the State Health Officer or his designee, when acting for the Board, for the purposes of these rules, the Bureau of Inspection, Environmental Health Administration.

(b) "Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

RULES
OF
ALABAMA STATE BOARD OF HEALTH
ENVIRONMENTAL AND FACILITY STANDARDS ADMINISTRATION

CHAPTER 420-3-19
FOR RETAIL FOOD STORE SANITATION

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is located as provided in Section 22-3-2, Code of Alabama, 1975; or the authorized representative.

(k) "Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

(l) "Law" includes applicable Federal, State, and local statutes, ordinances, and rules.

(m) "Limited Retail Food Store Establishment" means those establishments which sell or market only prepackaged food items. The term does not include establishments which handle only prepackaged non-potentially hazardous foods, roadside markets that offer only fresh fruits and vegetables for sale, food service establishments, or food and beverage vending machines.

(n) "Packaged" means bottled, canned, cartoned, bagged, or securely wrapped.

(o) "Permit" means the document issued by the Health Officer which authorizes a person to operate a retail food store.

(p) "Person" includes any individual, partnership, corporation, association, or other legal entity.

(q) "Person in charge" means the individual present in a retail food store who is the supervisor of the retail food store at the time of inspection.

(r) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include: clean, whole, uncracked, odor free shell eggs; food that have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent spoilage.

(s) "Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off premise consumption. The term includes delicatessens that offer prepared

(c) "Corrosion resistant materials" means those materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

(d) "Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

(e) "Employee" means the permit holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractural agreement, or any other person working in a food store.

(f) "Equipment" means items other than utensils used in the storage, preparation, display and transportation of food such as stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. This item does not include forklift trucks or dollies.

(g) "Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

(h) "Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes into contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

(i) "Food service establishment" means any place, vehicle or vessel where food for individual portion service is prepared, stored, held, transported, served or dispensed and includes any such place regardless of whether consumption is on or off the premises. The term also includes delicatessen type operations that prepare food intended for individual portion service; and also includes all schools and day care centers. The term does not include private gatherings with a limited and identifiable membership where no sale of food takes place. A sale of food shall be any situation in which there is a charge for profit for the food, or a membership fee is required for entry or participation.

(j) "Health officer" means the Health Officer of the county or district in which the retail food store in question

(z) "Utensil" means any food contact implement used in the storage, preparation, transportation, or dispensing of food.

(aa) "Warewashing" means the cleaning and sanitizing of food contact surfaces of equipment and utensils.

420-3-19-.02 Food Supplies.

(1) **General** - Food shall be in sound condition and safe for human consumption. Food shall be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home shall not be used or offered for sale.

(2) **Special requirements**

(a) Fluid milk and fluid milk products used or offered for sale shall comply with the Grade 'A' standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.

(b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the state certification number issued according to law. Shucked shellfish should be kept in the container in which they were received until used or sold.

Each original container of unshucked shellfish (oysters, clams or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and the certification number issued by the state or foreign shellfish control agency, where applicable.

(c) Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.

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

food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

(t) "Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials are food additives or color additives as defined in Section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act[1] as used they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of that Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

(u) "Sanitize" means effective bactericidal treatment[2] by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on cleaned food contact surfaces of utensils and equipment.

(v) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

(w) "Single service articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers, and similar articles into which food has been packaged by the manufacturer.

(x) "State Health Department" means the State of Alabama, Department of Public Health, as defined by Section 22-1-1, Code of Alabama, 1975, and any officer, agent or employee of the said department authorized to act for the department with respect to the enforcement and administration of these rules.

(y) "Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

[1]See Appendix A
[2]See Appendix B

cessed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in storage.

(b) Containers of food shall be stored a minimum of six inches above the floor or stored on dollies, skids, racks, or open ended pallets, provided such equipment is easily movable, either by hand or with the use of pallet moving equipment that is on the premises and used. Such storage areas shall be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated when the case of food is not exposed to floor moisture and the storage area is kept clean.

(c) Food and containers of food shall not be stored under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

(d) Packaged foods shall not be stored in contact with water or undrained ice.

(e) A food ingredient, such as flour, sugar, salt, baking powder, cooking oil or vinegar, that is not stored in the original package and is not readily identifiable on sight, shall be stored in a container identifying it by common name.

(f) Toilet rooms and their vestibules, and garbage or mechanical rooms shall not be used for the storage of food.

(2) Refrigerated/frozen storage

(a) Refrigeration units or effectively insulated units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3°F$. The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers, accurate to $\pm 3°F$, may be used in lieu of indicating thermometers.

(b) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal

420-3-19-.03 Food Protection.

(1) General - At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous foods shall be 45°F or below or 140°F or above at all times, except as otherwise provided in these rules. Hermetically sealed packages shall be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and those food items that have been returned to, or are being detained by the retail food store because of spoilage, container damage, or other public health considerations, shall be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the Health Officer.

(2) Emergency occurrences

The person in charge of a retail food store that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable probability that food in the retail food store may have been contaminated or that the temperature level of food which is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take such action as is necessary to protect the public health and shall promptly notify the Health Officer of the emergency.

420-3-19-.04 Food Storage.

(1) General

(a) Food packaged in an immediate closed container, once the container is opened in the retail food store prior to use or retail sale, shall be kept covered. Food, whether raw or prepared, if removed from the immediate closed container in which it was originally packaged prior to use or retail sale, shall be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fresh raw fruits shall be exempted from this requirement. Container covers shall be impervious and nonabsorbent. During periods of storage, subprimal cuts of meat shall be covered with single service wrapping material. Primal cuts, quarters or sides of meat, or pro-

(b) Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food contact surfaces and utensils which are clean and have been sanitized. Salads and other ready-to-eat foods should be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

(c) Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products should be prepared from chilled products.

(2) **Raw fruits and raw vegetbles** - Raw fruits and raw vegetables that will be cut or combined with other ingredients or will be otherwise processed into food products by the retail food store shall be thoroughly cleaned with potable water before being used.

(3) **Cooking potentially hazardous foods** - Potentially hazardous foods being processed within the retail food store by cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F except that:

(a) Poultry, poultry stuffings, stuffed meats, and stuffings containing meat, shall be cooked to heat all parts of the food to at least 165°F with no interruption of the cooking process.

(b) Pork and pork products shall be cooked to heat all parts of the food to at least 150°F or, if cooked in a microwave oven, to at least 170°F.

(c) Beef roasts:

1. When beef roasts under 10 pounds in weight are cooked in a still dry heat oven, the oven shall be preheated to and held at an air temperature of at least 350°F throughout the process. If cooked in a convection oven, the oven shall be preheated to and held at an air temperature of at least 325°F throughout the process.

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

temperature of 45°F or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period shall not exceed four hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45°F or below unless maintained in accordance with the hot storage requirements of these rules.

(c) Potentially hazardous frozen foods shall be kept frozen and should be stored at an air temperature of 0°F or below except for defrost cycles and brief periods of loading or unloading.

(d) Ice used as a cooling medium for food storage shall not be used or sold for human consumption.

(3) **Hot storage**

(a) Hot food storage units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at the required temperature during storage. Each hot food storage unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to ±3°F. The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers, accurate to ±3°F, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as heat lamps, calrod units, or insulated food transport carriers, a food product thermometer shall be available and used to check internal food temperature.

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

420-3-19-.05 Food Preparation.

(1) **General**

(a) Food shall be prepared with a minimum of manual contact. Food shall be prepared on food contact surfaces and with utensils which are clean and have been sanitized.

Bakery products with synthetic fillings, which meet the above criteria, may be labeled to state that refrigeration is not required.

(5) **Reheating** - Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to an internal temperature of 165°F or higher before being placed in hot food storage holding units. Food warmers and other hot food holding units shall not be used for the reheating of potentially hazardous foods.

(6) **Food product thermometers** - Metal stem-type numerically scaled indicating thermometers, accurate to ±2°F, shall be provided and used to assure attainment and maintenance of proper temperatures during preparation of all potentially hazardous foods.

(7) **Thawing potentially hazardous foods** - Potentially hazardous foods shall be thawed:

(a) In refrigerated units at a temperature not to exceed 45°F; or

(b) Under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not to exceed that reasonably required to thaw the food; or

(c) In a microwave only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

(d) As part of the conventional cooking process.

420-3-19-.06 Food Display.

(1) **Potentially hazardous foods** - Potentially hazardous foods shall be held at an internal temperature of 45°F or below or at an internal temperature of 140°F or higher during display, except that rare roast beef which is offered for sale hot shall be held at a temperature of at least 130°F.

(2) **Frozen foods** - Foods intended for sale in a frozen state should be displayed at an air temperature of 0°F or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods should be displayed below or behind product food lines according to cabinet manufacturers' specifications.

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

4. Minimum holding times for beef roasts at various internal temperatures:

Minimum Internal Temperature	Minimum Holding Time	Minimum Internal Temperature	Minimum Holding Time
°F	Minutes	°F	Minutes
130	121	138	19
131	97	139	15
132	77	140	12
133	62	141	10
134	47	142	8
135	37	143	6
136	32	144	5
137	24		

5. Beef roasts, if cooked in a microwave oven, shall be cooked to an internal temperature of at least 145°F.

(4) **Bakery product fillings** - Custards, cream fillings, and similar products, including synthetic fillings, shall meet the temperature requirement in 420-3-19-.04 (2)(b) following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings may be excluded from this requirement if:

(a) The food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less under standard conditions; or

(b) It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or

(c) Other scientific evidence is on file with the Health Officer demonstrating that the specific product will not support the growth of pathogenic microorganisms.

disease or while affected with a boil, an infected wound, or an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.

420-3-19-.09 Personal Cleanliness.

(1) **General** - Employees engaged in food preparation and warewashing operations shall thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work; after smoking, eating, or using the toilet; before and after handling raw meat, or raw poultry, or raw seafood; and as often as is necessary during work to keep them clean. Employees shall keep their fingernails trimmed and clean.

420-3-19-.10 Clothing.

(1) **Clean clothes** - Employees shall wear clean outer clothing.

(2) **Hair restraints** - Employees shall use effective hair restraints where necessary to prevent the contamination of food or food contact surfaces.

420-3-19-.11 Employee Practices.

(1) **Good hygienic practices** - Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

(2) **Smoking and eating** - Employees shall consume food or use tobacco only in designated areas. Such designated areas must be located so that the eating or tobacco use of an employee does not result in contamination of food, equipment, or utensils.

420-3-19-.12 Equipment and Utensils - Materials.

(1) **General** - Multiuse equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion-resistant and shall be nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single service articles shall not

(3) **Food display** - Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, shall be protected from contamination by being packaged, by display cases, by covered containers for self-service, or by similar protective equipment. All food shall be displayed above the floor in a manner that will protect the food from contamination. Hot or cold food units shall be provided to assure the maintenance of potentially hazardous food at the required temperature during display. Potentially hazardous food shall not be provided for consumer self-service.

(4) **Dispensing utensils** - To avoid unnecessary manual contact with the food, suitable dispensing utensils and single service articles shall be used by employees. Consumers who serve themselves bulk food shall be provided suitable dispensing utensils. Dispensing utensils shall be:

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

(b) Stored clean and dry; or

(c) Stored in running potable water.

(5) **Food sample demonstrations and food promotions** - When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge shall ensure that such activities comply with the applicable sanitation provisions of these rules.

420-3-19-.07 Food Transportation by the Retail Food Store.

(1) **General** - Food, other than hanging primal cuts, quarters, or sides of meat, and raw fruits and raw vegetables, shall be protected from contamination by use of packaging or covered containers while being transported. All food being transported shall meet the applicable requirements of these rules relating to food protection and food storage. Foods packaged in immediate closed containers do not need to be overwrapped or covered if the immediate closed containers have not been opened, torn, or broken.

420-3-19-.08 Employee Health.

(1) **General** - No employee, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a

(b) Equipment containing bearings and gears requiring lubricants not made of safe materials shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food contact surfaces shall be lubricatd[3] with materials meeting the requirements of 21 CFR 178.3570[3].

(c) Sinks and drain boards shall be sloped to drain and be self-draining.

(2) **Accessibility** - Unless designed for in-place cleaning, food contact surfaces shall be accessible for cleaning and inspection:

(a) Without being disassembled; or

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

(c) By easy disassembling with the use of only simple tools, such as mallets, screwdrivers, or open end wrenches which are kept near the equipment.

(3) **Cleaned in place (CIP)** - Equipment designed and constructed for CIP shall meet the requirements equivalent to those contained in 420-3-14-.13(3) of Rules for Food Service Sanitation.

(4) **Food product thermometers** - Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to $\pm 2°F$.

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

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

[3]See Appendix C

impart odors, color, taste, nor contribute to the contamination of food.

(2) **Solder** - If solder is used, it shall be composed of safe materials and be corrosion-resistant.

(3) **Wood** - Hard maple or equivalent nonabsorbent wood that meets the general requirements set forth in 420-3-19-.12 may be used for cutting blocks, cutting boards, and bakers' tables. Wood shall not be used as a food contact surface under other circumstances, except for contact with raw fruits, raw vegetables, and nuts in the shell.

(4) **Plastics and rubber materials** - Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposing, crazing, chipping, and distorting; that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods; and which meet the general requirements set forth in 420-3-19-.12 of these rules are permitted for repeated use.

(5) **Cutting surfaces** - Cutting surfaces subject to scratching and scoring must be resurfaced so as to be easily cleaned, or be discarded when these surfaces can no longer be effectively cleaned and sanitized.

(6) **Single service articles** - Single service articles shall not be reused.

420-3-19-.13 <u>Equipment and Utensils - Design and Fabrication</u>

(1) **General** - All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

(a) Food contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult to clean internal corners and crevices. Cast iron may be used as a food contact surface only if the surface is used for cooking. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food contact surfaces, except that in equipment such as ice makers, hot oil cooking equipment, or hot oil filtering systems, such threads shall be minimized.

(3) **Floor-mounted equipment**

(a) Floor-mounted equipment, unless easily movable, shall be:

1. Sealed to the floor; or

2. Elevated on legs to provide at least a six-inch clearance between the floor and equipment, except that equipment may be elevated to provide at least a four-inch clearance between the floor and equipment if no part of the floor under the equipment is more than six inches from cleaning access.

3. Display shelving units, display refrigeration units, and display freezer units are exempt from the provisions of 420-3-19-.14(3)(a)1 and 2 if they are installed so that the floor beneath the units can be cleaned.

(b) Equipment is easily movable if:

1. It is mounted on wheels or casters; and

2. It has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

(c) Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch and, if exposed to seepage, the space shall be sealed.

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

420-3-19-.15 Equipment and Utensil Cleaning and Sanitization.

(1) **Cleaning frequency**

(a) Utensils and food contact surfaces of equipment shall be cleaned and sanitized:

(7) **Maintenance of equipment and utensils** - All equipment and utensils shall be maintained in good repair to comply with the requirements of these rules.

420-3-19-.14 Equipment Installation and Location.

(1) **General** - Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensed water has accumulated, open stairwells, or other sources of contamination.

(2) **Table-mounted equipment**

(a) Table-mounted equipment shall be installed to facilitate the cleaning of the equipment and the adjacent areas.

(b) Equipment that is mounted on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four-inch clearance between the table or counter, except that if no part of the table under the equipment is more than 18 inches from cleaning access, the clearance space shall be three inches or more; or if no part of the table under the equipment is more than three inches from cleaning access, the clearance space shall be two inches or more.

(c) Equipment is portable within the meaning of 420-3-19-.14(2)(b) if:

1. It is small and light enough to be moved easily by one person; and

2. It has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; and

3. It is table mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment, and;

(i) does not exceed 80 pounds, or

(ii) is equipped with a mechanical means of safely tilting the unit for cleaning.

(3) **Manual cleaning and sanitizing**

(a) For manual cleaning and sanitizing of equipment and utensils, a sink with three compartments shall be provided and used. Sink compartments shall be large enough to accommodate the immersion of most equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Where immersion in sinks is impracticable (e.g., because equipment is too large), equipment and utensils shall be cleaned and sanitized manually or by pressure spray methods.

(b) Drain boards or easily movable utensil tables of adequate size shall be provided for proper storage and handling of soiled utensils prior to cleaning and for cleaned utensils following sanitizing and shall be located so as not to interfere with proper use of the warewashing facilities.

(c) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.

(d) The sinks shall be cleaned before use.

(e) When a three compartment sink is utilized for warewashing, the operation shall be conducted in the following sequence:

1. Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and

2. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and

3. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in Rule 420-3-19-.15(3)(g)1 through 5.

(f) When pressure spray methods are utilized for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a detergent sanitizer solution until the article is free of visible food particles and soil. The detergent sanitizer shall be used in accordance with the manufacturer's instructions and shall be of the type that does not require a potable water rinse when used according to those instructions.

1. Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods;

2. After any interruption of operations during which time contamination may have occurred; and

3. After final use each working day.

(b) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, utensils and the food contact surfaces of equipment shall be cleaned and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.

(c) The food contact surfaces of cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once each day of use, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food contact surfaces of all baking equipment and pans shall be kept free of encrusted grease deposits and other accumulated soil.

(d) Nonfood contact surfaces of equipment, including transport vehicles, shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

(2) **Wiping cloths**

(a) Cloths or sponges used for wiping food spills on food contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in 420-3-19-.15(3)(g) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

(b) Cloths or sponges used for cleaning nonfood contact surfaces of equipment shall be clean and rinsed as specified in 420-3-19-.15(2)(a) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

(c) Single service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

2. A numerically scaled indicating thermometer, accurate to ±3°F convenient to the sink for frequent checks of water temperature; and

3. Utensil racks or baskets of such size and design to permit complete immersion of utensils and equipment in the hot water.

(i) When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010[3] and a test kit or other device that measures the parts per million concentration of the solution shall be provided and used.

(4) **Mechanical cleaning and sanitizing** - Mechanical cleaning and sanitizing equipment and practices shall conform to the provisions contained in 420-3-14-.15(4) of the Rules for Food Service Sanitation.

(5) **Drying** - Unless used immediately after sanitization, all equipment and utensils shall be air dried. Towel drying shall not be permitted.

(6) **Retail food stores without equipment and utensil cleaning facilities** - Retail food stores that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare or package food or dispense unpackaged food other than raw fruits and raw vegetables.

420-3-19-.16 Equipment and Utensil Handling and Storage.

(1) **Handling** - Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

(2) **Storage**

(a) Cleaned and sanitized utensils and equipment shall be stored at least six inches above the floor in a clean, dry location in a way that protects them from splash, dust, and other means of contamination. The food contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

(b) Utensils shall be air dried before being stored or shall be stored in a self-draining position.

[3]See Appendix C

(g) The food contact surfaces of all equipment and utensils shall be sanitized by:

1. Immersion for at least 1/2 minute in clean, hot water of a temperature of at least 170°F; or

2. Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F; or

3. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine, having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75°F; or

4. Immersion for at least one minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75°F. The quaternary ammonium compound used shall have been compounded by the manufacturer to assure effectiveness in waters up to 500 parts per million hardness at use concentration; or

5. Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010[3] that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75°F for one minute; or

6. Treatment with steam free from materials or additives other than those specified in 21 CFR 173.310[3] in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

7. Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under 420-3-19-.15(3)(g) 2, 3 and 5 in the case of equipment too large to sanitize by immersion.

(h) When hot water is used for sanitizing, the following equipment shall be provided and used:

1. An integral heating device or fixture installed in, on or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F; and

[3]See Appendix C

ples collected on separate days, the permit to operate shall be suspended by the Health Officer in accordance with appropriate administrative procedures. A sample of not more than 4 coliform per 100 mls of water is required prior to reinstatement of the permit. If a community water supply becomes polluted as a result of a natural disaster, the food store may continue to operate at the direction of the health officer provided the handling of unpackaged food is suspended.

420-3-19-.18 Sewage.

(1) **General** - All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Nonwater carried sewage disposal facilities are prohibited, except as permitted by the Health Officer.

420-3-19-.19 Plumbing.

(1) **General** - Plumbing shall be sized, installed, and maintained according to local plumbing codes as enforced by local plumbing officials. There shall be no cross connection between the potable water supply and any other system containing:

(a) Water of unknown or questionable origin, or

(b) Contaminating or polluting substances.

(2) **Nonpotable water system** - A nonpotable water system is permitted for air conditioning, equipment cooling, and fire protection, and shall be installed according to law. Nonpotable water shall not directly or indirectly contact food or equipment or utensils that contact food. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

(3) **Backflow** - The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and backsiphonage at all fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim. No hose shall be attached to a faucet that is not equipped with a backflow prevention device.

(c) Stored utensils shall be covered or inverted wherever practical.

(3) **Single service articles**

(a) Single service artices shall be stored in closed cartons or containers at least six inches above the floor or on easily movable dollies, skids, racks, or open ended pallets. Such storage shall protect the articles from contamination and shall not be located under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

(b) Single service articles shall be handled in a manner that prevents contamination of surfaces that may come in contact with food.

(4) **Prohibited storage areas** - Food equipment, utensils, or single service articles shall not be stored in locker rooms, toilet rooms or their vestibules, garbage rooms, or mechanical rooms.

420-3-19-.17 Water Supply.

(1) **General** - Sufficient potable water for the needs of the retail food store shall be provided from a source constructed, maintained, and operated according to law.

(2) **Water delivery** - All potable water not provided to the retail food store directly from the source by pipe shall be delivered in a bulk water transport system and shall be transferred to a closed water system. Both of these systems shall be constructed, maintained, and operated according to law.

(3) **Water under pressure** - Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

(4) **Steam** - Steam used in contact with food or food contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310[3].

(5) **Bacterial Quality Standards** - The coliform count shall not exceed 4 per 100 mls of water when analyzed according to the latest edition of Standard Methods as published by the American Public Health Association. If the coliform count exceeds 4 per 100 mls of water on two consecutive sam-

[3]See Appendix C

preparation or for warewashing shall not be used for washing of hands or for any other purpose.

(2) **Handwashing facility faucets** - Each handwashing facility shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited at handwashing facilities.

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

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

420-3-19-.22 <u>Garbage and Refuse.</u>

(1) **Containers**

(a) Garbage and refuse shall be held in durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers. Such bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.

(b) Containers used in food preparation and utensil washing areas shall be kept covered during nonworking hours and after they are filled.

(c) Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable; shall be provided with tight fitting lids, doors, or covers; and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

(d) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

(4) **Grease traps** - Grease traps, if used, shall be located to be easily accessible for cleaning.

(5) **Garbage grinders** - Garbage grinders, if used, shall be installed and maintained according to local plumbing codes.

(6) **Drains** - Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a warewashing machine is located within five feet of a trapped floor drain, the warewasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap.

420-3-19-.20 Toilet Facilities.

(1) **Toilet installation** - Toilet facilities shall be installed according to law, shall be at least one and not less than the number required by law, shall be conveniently located, and shall be accessible to employees at all times.

(2) **Toilet design** - Toilets and urinals shall be designed to be easily cleanable.

(3) **Toilet rooms** - Toilet rooms shall be completely enclosed and shall have tight fitting, self-closing solid doors, except for louvers that may be necessary for ventilation systems.

(4) **Toilet facility maintenance** - Toilet facilities, including toilet fixtures and any related vestibules, shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

420-3-19-.21 Handwashing Facilities.

(1) **Handwashing facility installation** - Handwashing facilities shall be installed according to law and shall be conveniently located to permit use by all employees in food preparation and warewashing areas. Handwashing facilities shall be accessible to employees at all times. Handwashing facilities shall also be located in or immediately adjacent to toilet rooms or their vestibules. Sinks used for food

flies, cockroaches, or other insects. The premises shall be maintained in a condition that prevents the harborage or feeding of insects or rodents.

(2) **Openings** - Openings to the outside shall be effectively protected against the entry of rodents. Outside openings shall be protected against the entry of insects by tight fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall be not less than 16 mesh to the inch.

420-3-19-.24 Floors.

(1) **Floor construction**

(a) Except as specified in 420-3-19-.24(2), floors and floor coverings of all food preparation, food storage, and warewashing areas, and the floors of all walk-in refrigerators, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of linoleum, vinyl asbestos tile or plastic tile, or tight fitting wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.

(b) Floors which are water flushed or which receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, shall be provided with properly installed trapped drains. Such floors shall be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials and shall be graded to drain. Floor drains in walk-in coolers may be directly connected to the sewer except where prohibited by local plumbing codes as enforced by local plumbing officials.

(c) In all establishments utilizing concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors shall be coved and sealed. In all other cases, the juncture between walls and floors shall be coved so as not to present an open seam of more than 1/32 inch.

(e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam, shall be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

(2) **Storage**

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

(b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials; shall be kept clean; shall be insect- and rodent-resistant; and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick up frequency.

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

(3) **Disposal**

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

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

420-3-19-.23 Insect and Rodent Control.

(1) **General** - Effective measures shall be utilized to minimize the entry, presence, and propagation of rodents,

that does not obstruct or prevent cleaning of the walls and ceilings.

(5) **Attachments** - Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

(6) **Covering material installation** - Wall and ceiling covering materials shall be attached and sealed in a manner to be easily cleanable.

420-3-19-.26 Cleaning Physical Facilities.

(1) **General** - Cleaning of floors, walls, and ceilings shall be done as often as necessary, but preferably during periods when the least amount of food is exposed, such as after closing. Only dustless methods of cleaning floors, walls, and ceilings shall be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (e.g., light fixtures, vent covers, wall-mounted fans, and similar equipment), and decorative materials (e.g., signs and advertising materials) shall be kept clean.

(2) **Service sinks** - At least one service sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Handwashing or warewashing facilities or food preparation sinks shall not be used for this purpose.

420-3-19-.27 Lighting.

(1) **General**

(a) Permanently fixed artifical light sources shall be installed to provide at least 50 foot-candles of light on all food preparation surfaces and at warewashing work levels.

(b) Permanently fixed artifical light sources shall be installed to provide, at a distance of 30 inches from the floor:

1. At least 20 foot-candles of light in sales areas, utensil and equipment storage areas, and in handwasing and toilet areas; and

(2) **Floor carpeting** - Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting shall not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas where urinals or fixtures are located.

(3) **Prohibited floor covering** - Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean up of spills or drippage on floors.

(4) **Mats and duckboards** - Mats and duckboards shall be of nonabsorbent, grease resistant materials, and of such size, design, and construction to facilitate cleaning and shall be maintained in good repair.

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

420-3-19-.25 Walls and Ceilings.

(1) **Maintenance** - Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

(2) **Construction** - The walls, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas, and toilet rooms and their vestibules shall be smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations shall be finished and sealed to provide a smooth, easily cleanable surface.

(3) **Exposed construction** - Studs, joists, and rafters shall not be exposed in those areas listed in 420-3-19-.25 (2). If exposed in other rooms or areas, they shall be finished to provide a cleanable surface.

(4) **Utility line installation** - Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in 420-3-19-.25(2). Exposed utility service lines and pipes shall be installed in a way

the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, shall be present in retail food stores, except those items being stored or displayed for retail sale as described in 420-3-19-.30(5).

(2) **Labeling of materials** - Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents shall be individually labeled for easy identification of contents.

(3) **Storage of materials**

(a) Poisonous or toxic materials necessary for the maintenance of the establishment consist of the following two categories:

1. Insecticides and rodenticides;

2. Detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.

(b) Materials in each of these two categories shall be stored and located to be physically separated from each other; shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, shall not be stored above or intermingled with food, food equipment, utensils, or single service articles, except that this latter requirement does not prohibit the convenient availability of detergent sanitizers, or sanitizers at warewashing facilities.

(4) **Use of materials**

(a) Sanitizers, cleaning compounds, or other compounds intended for use on food contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces, nor in a way that constitutes a hazard to employees or other persons.

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

2. At least 10 foot-candles of light in walk-in refrige-t ration units, dry food storage areas, and in all other areas.

(2) **Protective shielding**

(a) Lamps located over or within food storage, food prep- aration, and food display facilities, and facilities where utensils and equipment are cleaned and stored shall be shielded, coated or otherwise shatter-resistant.

(b) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

420-3-19-.28 Ventilation.

(1) **General** - All rooms shall have sufficient venti- lation to keep them free of excessive heat, steam, conden- sation, vapors, obnoxious odors, smoke, and fumes. Venti- lation systems shall be installed and operated according to law and, when vented to the outside, shall not create a harm- ful or unlawful discharge. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

420-3-19-.29 Dressing Rooms and Locker Areas.

(1) **Dressing rooms and areas** - If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, food storage, food display, warewashing, or storage of utensils and equipment.

(2) **Locker areas** - Lockers or other suitable facili- ties shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or areas or in food storage rooms or areas containing only completely packaged food or packaged single service articles.

420-3-19-.30 Poisonous or Toxic Materials.

(1) **Materials permitted** - Only those poisonous or toxic materials necessary and intended for the maintenance of

(4) **Linens and work clothes storage**

(a) Clean work clothes and linens, including articles such as wiping cloths, shall be stored in a clean place and protected from contamination until used.

(b) Soiled work clothes and linens, including articles such as wiping cloths, shall be kept in nonabsorbent containers or washable laundry bags until removed for laundering and shall be stored to prevent contamination of food, food equipment and utensils.

(5) **Cleaning equipment storage** - Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained in good repair and stored in a way that does not contaminate food, utensils, equipment or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

(6) **Animals**

(a) Live animals shall be excluded from within the retail food store operational areas and from immediately adjacent areas inside the store under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish, or fish in aquariums.

1. Live or dead fish bait shall be stored separately from food or food products.

2. Patrol dogs accompanying security or police officers shall be permitted in offices, storage areas and outside store premises. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Guide dogs accompanying blind persons shall be permitted in sales areas.

(b) While on duty, persons employed in the food operational areas of an establishment shall not care for or handle any pets, or patrol-sentry dogs.

420-3-19-.32 Limited Retail Food Store Establishments

(1) **General** - A limited retail food store establishment shall comply with the requirements of these rules except as otherwise provided. The application for a permit and the permit shall specify that only prepackaged food items shall be marketed.

(5) **Storage and display of materials for retail sale** - Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single service articles by spacing, partitioning, or dividers. These materials shall not be stored or displayed above food or single service articles.

(6) **First-aid supplies and personal medications** - Retail food store employee first-aid supplies and personal medications shall be stored in a way that prevents them from contaminating food and food contact surfaces.

420-3-19-.31 Premises.

(1) **General**

(a) Retail food stores and all parts of the property used in connection with operations of the establishment shall be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.

(b) The walking and driving surfaces of all exterior areas of retail food stores shall be surfaced with concrete, asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage.

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

(3) **Laundry facilities**

(a) If provided, laundry facilities in a retail food store shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

(b) Separate rooms shall be provided for laundry facilities, except that such operations may be conducted in storage rooms containing only packaged foods or packaged single service articles.

automatically expire on the date upon which state, county and municipal annual privilege licenses expire or on a date designated by the Health Officer, and shall be renewable each year upon written application from the operator within sixty days prior to date of expiration and compliance with the laws and rules.

(b) Prior to approval of an application for a permit, the Health Officer shall inspect the proposed retail food store to determine compliance with the requirements of these rules.

(c) The Health Officer shall issue a permit to the applicant if his inspection reveals that the proposed retail food store complies with the requirements of these rules.

(3) **Suspension of permits**

(a) Permits may be suspended temporarily by the Health Officer for failure of the permit holder to comply with the requirements of these rules. When a permit holder fails to comply with any notice issued under the provisions of 420-3-19-.33(5), the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing shall be provided if a written request for a hearing is filed with the Health Officer within seven days. If no written request for a hearing is filed with the Health Officer within seven days, the suspension is sustained. The Health Officer shall end the suspension at any time if reasons for suspension no longer exist.

(b) Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of these rules, the permit shall be reinstated.

(c) Notwithstanding the other provisions of these rules, whenever the Health Officer finds insanitary or other conditions in the operation of a retail food store which, in his judgment, constitutes a substantial hazard to the public health, he may, without warning, issue a written notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if

(2) **Facilities**

(a) Equipment and utensil cleaning facilities shall not be required in limited retail food store establishments which market only prepackaged food items.

(b) At least one lavatory shall be provided and supplied with water, hand cleanser, and individual paper towels.

(c) A limited retail food store establishment shall have the garbage and refuse cleaning facilities specified in 420-3-19.22(1)(e) or demonstrate other effective means for keeping the containers clean.

(d) Floors, walls and ceilings of the limited retail food store shall be maintained in good repair and shall be kept clean.

(3) **Inspections** - The minimum inspection frequency for limited retail food store establishments shall be annually. Water sample requirements of 420-3-19-.17 shall be applicable to limited retail food stores.

(4) Limited retail food store establishments currently in business that are not in compliance with these provisions must be in compliance with these rules within six months of their effective date.

420-3-19-.33 Permits.

(1) **General** - It shall be unlawful for any person to operate a retail food store in Alabama unless such person possesses a valid permit issued by the Health Officer for the operation of such establishment. Only persons who comply with the provisions of these rules shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to person, retail food store, or location. The permit shall be kept posted by the proprietor in a conspicuous place within the retail food store but shall remain the property of the Health Department. The permit shall be revocable for violation of these rules.

(2) **Issuance of permits**

(a) Any person desiring to operate a retail food store shall make written application for a permit on forms provided by the Health Officer. Such application shall include the name and address of each applicant, the location and type of the proposed retail food store, and the signature of each applicant. The permits shall be applied for and issued on forms prescribed by the State Health Officer. Permits shall

received. Convenience type retail food stores that may handle prepackaged, potentially hazardous foods shall be inspected at least annually. Legal notices (ADPH-F-Insp.-17/7-82) shall be issued when four-point or five-point weighted items are violated and the necessary reinspections shall be made in accordance with 420-3-19-.34(4). Additional inspections of retail food stores shall be performed as often as necessary for the enforcement of these rules.

(b) The State of Alabama, Department of Public Health, shall make at least one bi-annual Food Sanitation Survey and Program Evaluation, including retail food stores, for each county. The survey shall be made in accordance with the provisions of these rules and the results incorporated in the annual Alabama Public Health Report. The Department shall provide education and training in food sanitation and in regulation interpretations, standardized inspection techniques, and enforcement procedures for food protection program personnel.

(2) **Access** - The Health Officer, after proper identification, shall be permitted to enter any retail food store at any reasonable time for the purpose of making inspections to determine compliance with these rules. The Health Officer shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

(3) **Report of inspections** - Whenever an inspection of a retail food store is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of these rules and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the corrections to be made. The rating score of the establishment shall be the total of the weighted point values for all violations subtracted from 100. The original of the inspection report form shall be conspicuously displayed within the establishment. The score shall be promptly entered on the Food Inspection Chart in the county health department. A copy of the inspection report shall be filed with the records of the county health department. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

deemed necessary, such order shall state that the permit is immediately suspended, and all retail food store operations shall be immediately discontinued. Any person to whom such order is issued shall comply immediately therewith.

(4) **Revocation of permits**

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

(b) Prior to revocation, the Health Officer shall notify, in writing, the holder of the permit or the person in charge, the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the Health Officer by the holder of the permit within such seven day period. If no request for hearing is filed within the seven day period, the revocation of the permit becomes final.

(5) **Service of notice** - A notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Officer.

(6) **Hearings**

(a) Hearings shall be provided in accordance with the rules of the Board.

(7) **Application after revocation** - Whenever a revocation of a permit has become final, the holder of the revoked permit may make written aplication for a new permit.

420-3-19-.34 Inspections.

(1) **Inspection frequency**

(a) An inspection of a retail food store shall be performed at least quarterly at those establishments with a sanitation score of 85 or more. Retail food stores earning a sanitation score of less than 85 must be inspected at least monthly until such time as a score of 85 or greater is

Health Officer may, upon written notice to the owner or person in charge, specifying with particularity the reason therefor, place a hold order on any food which he believes is in violation of 420-3-19-.02 or any other section of the rules. The Health Officer shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The Health Officer shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case the food shall be destroyed in accordance with Section 22-10-3, Code of Alabama, 1975.

(b) The hold order shall state that a request for hearing may be filed within seven days and that if no hearing is requested, the food shall be destroyed. If a request for hearing is received, the hearing shall be held within five days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of these rules.

(2) **Quality standards** - The bacterial limits and quality standards contained within this section are those established in applicable rules pertinent to the specific food or food products. All examinations, tests, or other quality control determinations shall be conducted in accordance with methods prescribed by the State of Alabama, Department of Public Health.

(a) Grade A pasteurized milk and milk products at no time after pasteurization shall have a bacterial plate count exceeding 20,000 per milliliter or a coliform count in excess of 10 per milliliter. The level of all constituents shall be within the legal definition as prescribed by applicable rules.

(b) Grade A pasteurized cultured milk products shall at no time have a coliform count in excess of 10 per milliliter.

(c) The bacterial quality of potable water and ice to be used for human consumption in retail food stores shall meet the standards specified in 420-3-19-.17(5).

(4) Correction of violations

(a) The complete inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

1. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease operations. Operations shall not be resumed until authorized by the Health Officer.

2. All violations of four-point or five-point weighted items shall be corrected as soon as possible, but in any event, within ten days following inspection.

3. All one-point or two-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

4. When the rating score of the establishment is less than seventy, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.

(b) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of retail food store operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health Officer within seven days following cessation of operations. If a request for hearing is received, a hearing shall be held within five days of receipt of the request.

(c) Whenever a retail food store is required under the provisions of 420-3-19-.34(4) to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

420-3-19-.35 Examination and Condemnation of Food.

(1) General

(a) Food may be examined or sampled by the Health Officer as often as necessary for enforcement of these rules. The

(b) The immediate closing of the retail food store concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists.

(c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.

(d) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

420-3-19-.39 Repealer. - Except for those rules promulgated under the authority of Code of Alabama, 1975, Sections 22-21-20, et seq., all rules promulgated by the Board which are in conflict with these rules or any portion thereof are hereby expressly repealed.

420-3-19-.36 Food Processing Establishments Outside Jurisdiction of the Health Officer.

(1) **General** - Food from food processing establishment outside the jurisdiction of the Health Officer of the State of Alabama may be sold within the State of Alabama if such establishments conform to substantially equivalent provisions of the Rules Governing Food Processing Establishment Sanitation.

420-3-19-.37 Plan Review.

(1) **Submission of plans** - Whenever a retail food store is constructed or remodeled and whenever an existing structure is converted to use as a retail food store, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Officer for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Health Officer shall approve the plans and specifications if they meet the requirements of these rules. No retail food store shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Health Officer. Plans shall be reviewed within 20 days after receipt. Confidential material submitted to the health officer must be treated in accordance with the provisions of Title 36-12-40.

(2) **Preoperational inspection** - Whenever plans and specifications are required by 420-3-19-.37 to be submitted to the Health Officer, the Health Officer shall inspect the retail food store prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of these rules.

420-3-19-.38 Procedure when Infection is Suspected.

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

(a) The immediate exclusion of the employee from employment in retail food stores.

(A) is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(B) when added or applied to a food, drug, or cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that such term does not include any material which the Secretary, by Regulation, determines is used (or intended to be used) solely for a purpose or purposes other than coloring.

(2) The term "color" includes black, white, and intermediate grays.

(3) Nothing in subparagrah (1) of this paragraph shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological processes of produce of the soil, and thereby affecting its color, whether before or after harvest.

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APPENDIX A

FEDERAL FOOD, DRUG AND COSMETIC ACT

Section 201(s) and (t)

(s) The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that such term does not include:

(1) a pesticide chemical in or on a raw agricultural commodity; or

(2) a pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity; or

(3) a color additive; or

(4) any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U.S.C. 71 and the following); or

(5) a new animal drug.

(t)(1) The term "color additive" means a material which--

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APPENDIX C

APPROVED BOILER WATER ADDITIVES AND SANITIZING SOLUTIONS

Code of Federal Regulations, Title 21, Parts 170 to 190. This volume is sold by the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402. The cost of this document is $6.50.

STATUTORY AUTHORITY

The State Board of Health is authorized to adopt and promulgate these rules under and by virtue of the authority of Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY NOTE

This rule shall become effective May 1, 1984.

This rule was previously a part of Chapter 420-3-14.

Amended October 15, 1986.

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APPENDIX B

One method of demonstrating effective bactericidal treatment is by an average plate count per utensil surface examined of not more than 100 colonies, or not more than 12 1/2 colonies per square inch of equipment surface examined in accordance with the procedure detailed in Public Health Service Bulletin No. 1631 "Procedures for the Bacteriological Examination of Food Utensils and/or Food Equipment Surfaces." This is not intended for use as a routine field procedure but only for the supplemental evaluation of sanitation procedures. Copies may be obtained from: Food and Drug Administration, Division of Retail Food Protection, 200 C Street, SW, Washington, DC 20204.