Georgia Department of Public Health
Environmental Health Section

Rules and Regulations
Food Service
Chapter 511-6-1

Revised 02/24/2023

We Protect Lives.

RULES
OF
DEPARTMENT OF PUBLIC HEALTH
CHAPTER 511-6-1
FOOD SERVICE

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511-6-1-.01 Definitions.

(1) **"Accredited program"** means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration. Accredited programs does not refer to training functions or educational programs.

(2) **"Adulterated"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

(3) **"Approved"** means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(4) **"Asymptomatic"** means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

(5) **"Authorization to operate"** means approval from a county board of health to operate within its jurisdiction for a mobile food service establishment that is permitted in another county that is referred to as the county of origin.

(6) **"a_w"** means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature and is indicated by the symbol a_w.

(7) **"Balut"** means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

(8) **"Base of operation"** means a fixed location with a food service permit from which a mobile food service unit, extended food service unit, "pop-up" food service operation, or catering food service establishment operates. Mobile food service units operating in conjunction with a restaurant shall obtain a separate base of operation permit in addition to the restaurant's fixed food service permit. A restaurant's fixed food service permit shall not serve as the base of operation permit for the mobile food service unit.

(9) **"Beverage"** means a liquid for drinking, including water.

(10) **"Bottled drinking water"** means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(11) **"Casing"** means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(12) **"Catering operation"** means the provision of a specific menu and quantity of food for service to a consumer, pursuant to a contract, at a site such as a consumer's home, motion picture filming location, or other event site. Food served during a catering operation may be prepared all or in part at the base of operation and transported to the service site, or it may be prepared and served at the service site.

(13) **"Catering food service establishment"** means a permitted food service establishment that has been approved by the Health Authority to perform catering operations. A catering food service establishment shall operate from a base of operation within the State of Georgia, and its permit shall be issued by the Health Authority in the county in which its base of operation is located. A catering food service establishment may include one or more mobile catering units and other components which allow for the preparation and service of food at the service site; however, the term shall not include operations such as temporary food service establishments or extended food service establishments, and shall not include delivery of food (for example, pizza) by a food service establishment to a consumer.

(14) **"Certification"** means a document certifying that an individual has completed an approved food safety training program and has passed a professionally validated food safety examination.

(15) **"Certification number"** means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(16) **"Certified Food Safety Manager (CFSM)"** means the owner or manager of a food service establishment who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals.

(17) **"CFR"** means Code of Federal Regulations.

(18) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. It does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(19) **"Color additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

(20) **"Commingle"** means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.

(21) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(22) **"Conditional employee"** means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

(23) **"Confirmed disease outbreak"** means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

(24) **"Consumer"** means a person who is a member of the general public, takes possession of food, is not functioning in the capacity of an operator of a food service establishment or food processing plant and does not offer the food for resale.

(25) **"Core item"** means a provision in this Chapter that is not designated as a priority item or a priority foundation item. It includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

(26) **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability 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.

(27) **"Counter-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(28) **"County Board of Health"** means a Board of Health established pursuant to O.C.G.A. § 31-3-1.

(29) **"County of origin"** means the permitting county for a mobile food service establishment. This is the same county where a mobile food service unit's base of operation is located.

(30) **"Critical control point"** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

(31) **"Critical item"** means a provision of this Chapter, that if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard and may create an imminent health hazard.

(32) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

(33) **"Cut leafy greens"** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

(34) **"Dealer"** means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

(35) **"Department"** means the Georgia Department of Public Health.

(36) **"Disclosure"** means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

(37) **"District standard trainer"** means an Environmental Health Specialist (EHS) appointed by a District Environmental Health Director to train and standardize other EHS in conducting risk based inspections of food service establishments and to monitor their inspection activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section.

(38) **"Drinking water"** means water that meets criteria as specified in 40 CFR 141 - National Primary Drinking Water Regulations, is traditionally known as "potable water", and includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(39) **"Dry storage area"** means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service items.

(40) **"Easily cleanable"** means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. The application of this general criterion will depend on the purpose of the surface (e.g., food preparation counter, floor, consumer table, etc.).

(41) **"Easily movable"** means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning. It also means having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(42) **"Egg"** means the shell egg of avian species such as a chicken, duck, goose, guinea, quail, ratites or turkey and does not include a balut, or the egg of reptile species such as alligator, or an egg product.

(43) **"Egg product"** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(44) **"Emergency operations plan"** is a detailed operations plan outlining how a food service establishment may continue operations in the event an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The operation plan should demonstrate and outline procedures and actions of how food service management, such as the food service permit holder, person in charge, and food service staff will ensure food can continue to be prepared and served safely without comprising the public's health. The plan should demonstrate how the facility can provide potable water, temperature control, cleaning and sanitizing, and general sanitization when resources may not be available during the event.

(45) **"Employee"** means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service establishment.

(46) **"Enough"** means occurring in such quantity and quality or scope as to fully satisfy demand or need.

(47) **"EPA"** means the U.S. Environmental Protection Agency.

(48) **"Equipment"** means an article that is used in the operation of a food service establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, warewashing machine, or other similar devices. It does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(49) **"Exclude"** means to prevent a person from working as an employee in a food service establishment or entering a food service establishment as an employee.

(50) **"Extended food service unit"** means a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of a permitted food service establishment located on the same property.

(51) **"Extensively remodeled"** means any changes involving structure or location of walls, openings, floors or counters, or modification of plumbing, mechanical or electrical components other than fixtures or in the equipment's layout, arrangement and installation of a food service establishment that the resulting construction, layout, and equipment and installation significantly differs from what was originally approved by the Health Authority at the time of the Health Authority's issuance of a permit. It does not include minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the dining area, or repairing damage to walls, floors, and ceilings.

(52) **"Facilitator"** means a third-party entity which manages "pop-up" food service operations through permitted food service establishments at an approved location within a building or enclosed courtyard.

(53) **"FDA"** means the U.S. Food and Drug Administration.

(54) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for

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human consumption. It includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

(55) **"Fixed food service establishment"** means a permitted food service establishment that is not mobile.

(56) **"Follow-up inspection"** means a complete inspection of a food service establishment by the Health Authority to determine compliance with this Chapter and its enforcement purposes in response to findings of the previous routine inspection.

(57) **"Food"** means a 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, or chewing gum.

(58) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.3(e)(1).

(59) **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

(60) **"Food-contact surface"** means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(61) **"Food employee"** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(62) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments. A food processing plant does not include a food service establishment.

(63) **"Food service establishment"** means public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. Such term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; mobile food service establishments; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. Such term shall not include the following:

(a) A "food sales establishment" as defined in the O.C.G.A. Section 26-2-21 and subject to regulation by the Georgia Commissioner of Agriculture, except as otherwise in this paragraph.

(b) The food service component of any food sales establishment defined in O.C.G.A. Section 26-2-21;

(c) Any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;

(d) Any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is exempt from taxes under O.C.G.A. Section 48-7-25(a)(1) or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;

(e) Establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:

1. Is sponsored by a political subdivision of this state;

2. Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event; and

3. Lasts 120 hours or less; or

(f) Nonprofit food sales and food service provided under a permit issued pursuant to O.C.G.A 26-2-391.

(64) **"Food service manager"** means any person who supervises or trains a food service worker to follow all food safety regulations. The manager shall be an employee of the permitted food service establishment.

(65) **"Food vending location"** means a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. The established boundaries of a City, County, the State of Georgia, or any combination thereof, shall not be used to define a food vending location.

(66) **"Game animal"** means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 - Definitions, or as

poultry, or fish. It includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes, but does not include ratites.

(67) **"General public"** means all individuals who have access to facilities that prepare and serve or sell food, including but not limited to, beneficiaries of governmental or private charitable feeding programs such as soup kitchens; and residents and employees of institutions that provide meals to their residents or employees either with or without direct payment to the institution by the residents or employees such as nursing homes, personal care homes with 25 or more beds, and residential childcare institutions with 13 or more children. It does not include:

(a) Residents of private homes or home environments where residents take part in preparing and serving their own meals;

(b) Guests in private homes; or

(c) Participants in a pot-luck dinner, covered dish supper, or similar event in which the food is prepared or contributed by the participants.

(68) **"General use pesticide"** means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 - Pesticides Classified for Restricted Use.

(69) **"Grade A standards"** means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which governs certain fluid and dry milk and milk products.

(70) **"HACCP plan"** means a written document that specifies the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(71) **"Handwashing sink"** means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and it includes an automatic handwashing facility.

(72) **"Hazard"** means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(73) **"Health Authority"** means the Department, or a County Board of Health acting as its agent.

(74) **"Health practitioner"** means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

(75) **"Hermetically sealed container"** means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(76) **"Highly susceptible population"** means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, preschool age children, or older adults and obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(77) **"Imminent health hazard"** means a product, practice, circumstance, or event that may pose a significant risk of injury or illness to food service employees or to members of the public if not promptly corrected or halted.

(78) **"Incubator food service establishment"** means a food service establishment properly sized, designed, equipped, and managed to foster other food industry entrepreneurs, such as caterers, by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to incubatees/members on a separation of time and space basis. The incubator food service establishment, also known as a kitchen incubator or shared kitchen, enables a food service operation to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities. At the time of adoption of this Chapter, there are two basic types of incubator food service establishments:

(a) **Business Model A**. A single food service establishment operation that has a single permit holder and incubatees/members are considered to be contractual employees of the permit holder that utilize the food service establishment. In this business model, the layout is an open kitchen in which the incubatees/members operate on a separation of time and space basis.

(b) **Business Model B**. A business relationship in which incubates/members operate within build-out-units and are considered to be contractual employees of a permit holder on a separation of time and space basis. In this business model, the incubator food service establishment must qualify for a permit and would be responsible for the overall facility and each incubatee/member must obtain a permit to operate within the build out units on a separation of time and space basis.

(79) **"Incubatee/Member"** means a food industry entrepreneur who is operating under the authority and active managerial control of a permit holder of an incubator food service establishment on a separation of time and space basis.

(80) **"Initial inspection"** means an inspection of a food service establishment conducted by the Health Authority to determine the food service establishment's compliance with applicable Law and this Chapter for the purpose of the issuance of a permit.

(81) **"Injected"** means manipulating meat by introducing a solution into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping".

(82) **"Juice"** means the liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. It includes juice as a whole beverage, an ingredient of a beverage and a purée as an ingredient of a beverage, but does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

(83) **"Kitchenware"** means food preparation and storage utensils. It does not include tableware.

(84) **"Key drop deliveries"** means a type of delivery in which distributors place products into food service establishments outside of its normal, business hours or when the establishment is closed.

(85) **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

(86) **"Limited food preparation"** means no combining of ingredients except the addition of seasonings, toppings or condiments.

(87) **"Linens"** means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

(88) **"Major food allergen"** means milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or a food ingredient that contains protein derived from a food specified in this definition. It does not include any highly refined oil derived from a major food allergen or any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

(89) **"Meat"** means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals. It does not include fish, poultry, or wild game animals.

(90) **"Mechanically tenderized"** means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device. It does not include processes by which solutions are injected into meat.

(91) **"mg/L"** means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(92) **"Mobile catering unit"** means a trailer, pushcart, vehicle or other similar conveyance operating as part of a permitted catering food service establishment. This term shall include any conveyance used in conjunction with a catering operation, whether or not food is prepared or served in the conveyance.

(93) **"Mobile food service establishment"** means a mobile food service unit operating from a single base of operation and under the managerial authority of one permit holder.

(94) **"Mobile food service unit"** means an independent trailer, motor driven or manually propelled pushcart, food truck, watercraft, movable portable structure, vehicle vendor or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale or service.

(95) **"Molluscan shellfish"** means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked muscle.

(96) **"Non-continuous cooking"** means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Non-continuous cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

(97) **"Packaged"** means bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food service establishment or a food processing plant. It does not include a wrapper, carry-out box or other nondurable container used to containerize food with for the purpose of protecting food during or delivery to the consumer.

(98) **"Permit"** means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with these rules.

(99) **"Permit holder"** means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner's agent, or other person.

(100) **"Person or Persons"** means any individual, firm, partnership, corporation, trustee, or association, or combination thereof.

(101) **"Person in charge"** means the permit holder, the certified food safety manager (CFSM), or individual present at a food service establishment who is responsible for managing food safety

of the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present may be considered the person in charge by the Health Authority.

(102) **"Personal care items"** means items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance. They include items such as medicines; first aid supplies; cosmetics; and toiletries such as toothpaste and mouthwash.

(103) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and fourteen indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

(104) **"Physical facilities"** means the structure, playground areas, and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(105) **"Plumbing fixture"** means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(106) **"Plumbing system"** means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(107) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in any one of these categories:

(a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals; Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;

(b) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; or

(c) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(108) **"Pop-up food service operation"** means the sale of food to a limited group of customers by a permitted food service establishment, coordinated through a facilitator, at an off-site location within a building or enclosed courtyard that has been approved by the Health Authority.

(109) **"Poultry"** means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 - Poultry Products Inspection Regulations, Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 - Voluntary Poultry Inspection Regulations, Definitions.

(110) **"Premises"** means and includes all physical buildings, appurtenances, parking lots and all property owned or used by the food service establishment.

(111) **"Preparation of food"** means to put together or make by combining ingredients and processing food for final service.

(112) **"Primal cut"** means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(113) **"Priority item"** means a provision in this Chapter whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. Priority items are identified in this Chapter with a superscript P - ^{P}.

(114) **"Priority foundation item"** means a provision in this Chapter whose application supports, facilitates or enables one or more priority items. It includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority foundation items are identified in this Chapter with a superscript Pf - ^{Pf}.

(115) **"Public water system"** has the meaning stated in 40 CFR 141 - National Primary Drinking Water Regulations.

(116) **"Pushcart"** means a human propelled, self-contained, enclosed food service cart that operates at predetermined locations as approved by the Health Authority. Its menu is limited to the preparation and serving of hot dogs or fully cooked encased sausages requiring reheating only, condiments such as commercially prepared chili dispensed from approved dispensers, and commercially prepared, prepackaged, time/temperature control for safety foods such as burritos and tamales, served in their original packaging, requiring reheating only or limited to serving non-time/temperature control for safety foods.

(117) **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

(118) **"Ready-to-eat food"** means food that is in a form that is edible without additional preparation to achieve food safety; is a raw or partially cooked animal food and the consumer is advised; or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. It includes:

(a) Raw animal food that is cooked as specified under DPH Rule 511-6-1-.04(5)(a) or (b) or frozen as specified under DPH Rule 511-6-1-.04(5)(e);

(b) Raw fruits and vegetables that are washed;

(c) Fruits and vegetables that are cooked for hot holding;

(d) All time/temperature control for safety food that is cooked to the temperature and time required for the specific food and cooled;

(e) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(f) Substances derived from plants such as spices, seasonings, and sugar;

(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(i) Foods manufactured as specified in 21CFR Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(119) **"Reduced oxygen packaging"** means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. It includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

(b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(e) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(120) **"Refuse"** means solid waste that is not carried by water through the sewage system.

(121) **"Reminder"** means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

(122) **"Re-service"** means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(123) **"Restrict"** means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

(124) **"Restricted egg"** means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(125) **"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 - Pesticides Classified for Restricted Use and that is limited to use by or under the direct supervision of a certified applicator.

(126) **"Risk"** means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(127) **"Routine inspection"** means the first complete inspection of a food service establishment conducted by the Health Authority after the initial inspection for issuance of a permit. For purposes of routine enforcement of this Chapter, it is also the normal routine monitoring of the food service establishment by the Health Authority to assess satisfactory compliance with the provisions of the Chapter.

(128) **"Safe material"** means:

(a) An article 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;

(b) An additive that is used as specified in Sections 409 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(129) **"Sanitization"** means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.

(130) **"Sealed"** means free of cracks or other openings that allow the entry or passage of moisture.

(131) **"Service animal"** means an animal such as a guide dog or signal dog, that has been specifically trained to provide assistance to an individual with a disability as determined by the Americans with Disabilities Act.

(132) **"Servicing area"** means an operating base location to which a mobile food service unit or transportation vehicle returns at least once daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(133) **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(134) **"Shellfish certification number"** means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(135) **"Shellfish control authority"** means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

(136) **"Shellstock"** means raw, in-shell molluscan shellfish.

(137) **"Shiga toxin - producing *Escherichia coli*"** (STEC) means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS - a type of kidney failure). Examples of serotypes of STEC include *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

(138) **"Shucked shellfish"** means molluscan shellfish that have one or both shells removed.

(139) **"Single-service articles"** means tableware, carry-out utensils, cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are intended to be used once by one person and then discarded.

(140) **"Single-use articles"** means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten cans which are not considered durable and cannot be cleaned and sanitized by an approved method.

(141) **"Slacking"** means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

(142) **"Smooth"** means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

(143) **"Special food service operation"** means a mobile food service establishment, an extended food service establishment, a temporary food service establishment, a "pop-up" food service operation, a catering food service establishment, or an incubator food service establishment.

(144) **"State Office Standard-Trainer"** means State Environmental Health Office personnel at the Program Consultant level who have been appointed by the State Food Service Program

Director to train and standardize district appointed environmental health specialist to become District Standard-Trainers and to monitor district standardization activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section and/or United States Food and Drug Administration (FDA) prior to being assigned duties and responsibilities of a standard-trainer.

(145) **"Table-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(146) **"Tableware"** means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(147) **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(148) **"Temporary food service establishment"** means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(continues on next page)

(149) **"Time/Temperature Control for Safety food" (formerly "potentially hazardous food" or "PHF")**

(a) "Time/Temperature Control for Safety food" means a food that requires Time/Temperature Control for Safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(b) "Time/Temperature Control for Safety food" includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and except as specified in 3.(iv) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment required (PA) in Table A or B of this definition:

Table A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged.

a_w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
< 0.92	non-TCS food*	non-TCS FOOD	non-TCS FOOD
> 0.92 - .95	non-TCS food	non-TCS FOOD	PA**
> 0.95	non-TCS food	PA	PA

* TCS food means Time/Temperature Control for Safety food
** PA means Product Assessment required

Table B. Interaction of pH and a_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged.

a_w values	pH values			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 – 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 – 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA

* TCS food means Time/Temperature Control for Safety food
** PA means Product Assessment required

(c) "Time/Temperature Control for Safety food" does not include:

1. An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;

2. A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

3. A food that because of its pH or a_w value, or interaction of Aw and pH values, is designated as a non-TCS food in Table A or B of this definition;

4. A food that is designated as Product Assessment required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:

(i) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,

(ii) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or

(iii) A combination of intrinsic and extrinsic factors; or

5. A food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(150) **"USDA"** means the U.S. Department of Agriculture.

(151) **"Utensil"** means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(152) **"Variance"** means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

(153) **"Vehicle vender"** means a foodservice unit mounted on a vehicle registered with the Georgia Department of Revenue, Division of Motor Vehicles and approved for street usage,

designed to be readily movable, and which serves multiple locations on a daily basis along a route which is approved by the Health Authority. It operates on a grab-and-go basis in which the consumer selects packaged food from holding equipment and pays the driver of the vehicle. The majority of food is processed, packaged in individual portions, and labeled at the base of operation for service to the consumer. However, some foods may be purchased for sale from licensed food distributors.

(154) **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(155) **"Vending machine location"** means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

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

(157) **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Authority: O.C.G.A. §§ 31-2A-6, 26-2-373, 379. Administrative History. Original Rule entitled "Purpose" was filed and effective on July 19, 1965 as 270-5-6-.01. Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.01. Filed June 10, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 26, 2006; effective. Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept.12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.01 Definitions revised. Filed July 24, 2018; effective August 13, 2018. Amended: Rule 511-6-1-.01 Definitions revised. Filed October 1, 2018; effective October 21, 2018. Amended: Rule 511-6-1-.01 Definitions revised. Filed January 25, 2022; effective February 24, 2023.

511-6-1-.02 Provisions.

(1) Permit.

(a) Valid Permit Required.

1. Except when a mobile food service establishment has been permitted in a county of origin and has been authorized to operate in such other county, it shall be unlawful for any person to operate any type of food service operation: fixed food service establishment, mobile food service establishment, extended food service establishment, temporary food service establishment, catering food service establishment, or incubator food service establishment without having first obtained a valid food service permit from the Health Authority pursuant to this Chapter.

2. Permits shall be issued by the Health Authority on forms prescribed by the Department.

3. Permits shall only be issued to one permit holder, to one location, and to one type of operation.

4. Permits shall not be issued to separately owned food service operations which propose to utilize common food service equipment and facilities.

(b) Invalidation.

1. Permits shall expire upon change of permit holder, location, or type of operation. However, changes in food vending locations will not invalidate a mobile food service unit's permit or an extended food service unit permit so long as the new locations are within the jurisdiction of the permitting Health Authority.

2. Upon transfer of ownership of an existing food service establishment, the Health Authority may issue a Provisional Permit to correct noncompliant construction or equipment problems at the food service establishment after conducting an initial inspection if:

(i) The new owner has not significantly changed the menu, such as menu changes described in paragraphs (g)1., 2., and 3. of this subsection, and the establishment has not been extensively remodeled from the plans originally approved by the Health Authority for the previous ownership;

(ii) The food service establishment achieves satisfactory compliance with the provisions of this Chapter, and does not have an imminent health hazard that represents a threat to public health during the inspection; and,

(iii) The applicant meets the requirements set forth in paragraphs (c)1. and (c)2. of this subsection and DPH Rule 511-6-1-.02(3)(a).

3. A Provisional Permit shall expire 60 days after issuance, unless suspended or revoked, and shall not be renewed. The Provisional permit holder shall correct all non-compliant construction or equipment problems identified prior to the Health Authority issuing a food service permit.

(c) Satisfactory Compliance.

1. To qualify for a permit, an applicant shall:

(i) Be an owner of the food service establishment or an officer of the legal ownership;

(ii) Agree to allow the Health Authority access to the food service establishment; and

(iii) Provide required information and pay all applicable fees at the time the application is submitted.

2. Prior to the issuance of the permit to new or existing establishments, the applicant shall provide evidence of satisfactory compliance with the provisions of this Chapter and all other provisions of laws that apply to the location, construction and maintenance of food service establishments and the safety of persons therein.

(d) Displaying the Inspection Report.

1. The most current inspection report shall be prominently displayed in public view at all times, within fifteen feet of the front or primary public door and between five feet and seven feet from the floor and in an area where it can be read at a distance of one foot away.

2. Food service establishments with drive-thru windows will post the current inspection report, and also have the inspection report posted so that a minimum of the top one-third of a copy of the current inspection report is visible through each window allowing customers to easily read the score, date of inspection and establishment information.

3. At food service establishments with no primary or public door, the current inspection report shall be prominently displayed at all times where the documents can be read by the public from a distance of one foot away. If requirements of this paragraph are not possible because of physical restrictions, a location will be determined as approved by the Health Authority.

4. The most current inspection report for mobile food service units and extended food service units issued by the local Health Authority having jurisdiction for its inspections shall be prominently displayed in public view during all hours of operation. Such inspection reports shall be prominently displayed at the point of service where the documents can be read by the public from a distance of one foot away.

5. A food service establishment inspection report addendum need not be displayed but shall be made available by the food service establishment to the public upon request.

(e) Property. The permit shall be returned within seven days to the local Health Authority when the food service establishment ceases to operate, has a change in ownership, is moved to another location or when the permit is revoked.

(f) Responsibilities of the Permit Holder. The permit holder shall:

1. Post the permit as specified in DPH Rule 511-6-1-.02(1)(d);

2. Comply with the provisions of this Chapter including the conditions of a granted variance as specified under DPH Rule 511-6-1-.10(5)(a), and approved plans as specified under subsection (6)(b) of this Rule;

3. If a food service establishment is required under DPH Rule 511-6-1-.02(7) to operate under a HACCP plan, comply with the plan as specified under DPH Rule 511-6-1-.10(8);

4. Immediately contact the Health Authority to report an illness of a food employee or conditional employee as specified under DPH Rule 511-6-1-.03(4)(b);

5. Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist as specified under DPH Rule 511-6-1-.03(2)(n);

6. Allow representatives of the Health Authority access to the food service establishment as specified under DPH Rule 511-6-1-.10(2)(d);

7. As required within DPH Rule 511-6-1-.08(1)(i)1., maintain and provide to the Health Authority, a current listing of all food vending locations for mobile food service units and extended food service units for the purpose of enabling representatives of the Health Authority access to these units for inspection as specified in DPH Rule 511-6-1-.10(2)(d);

8. Replace existing facilities and equipment with facilities and equipment that comply with this Chapter if:

(i) The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance, or because they no longer comply with the criteria upon which the facilities and equipment were accepted;

(ii) The Health Authority directs the replacement of the facilities and equipment because of a change of ownership, if existing equipment cannot meet the following criteria:

(I) Equipment must be capable of being maintained in state of good repair and satisfactorily function for its intended purpose according to requirements of this Chapter;

(II) Equipment must be capable of being maintained in a sanitary condition as required by this Chapter; and

(III) Food-contact surfaces of equipment must remain nontoxic as required by this Chapter.

(iii) The facilities and equipment are replaced in the normal course of operation;

9. Comply with directives of the Health Authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Health Authority; and

10. Accept notices issued and served by the Health Authority according to law.

(g) Notification of Menu Change. The Health Authority must be notified prior to adding any food item to the menu that:

1. Requires the installation of equipment or structural modification of the food service establishment;

2. Involves a food preparation process, which may consist of cooking, cooling or reheating food, that was not performed in the establishment prior to the menu change; or

3. Poses a health risk to consumers because it is a raw animal food served raw or undercooked.

(2) Mobile Food Service Unit. A food service permit will be issued to a mobile food service establishment in the county of origin where the base of operation is located. A separate “Mobile Food Service Unit Permit” will be issued for each mobile food service unit in the county of origin.

(a) Mobile food service units shall not operate as separate and independent entities apart from the authority of the active managerial control of the permit holder for its base of operation.

(b) Requirements. Mobile food service units operating in conjunction with a restaurant shall operate from a base of operation that meets the following:

1. A restaurant shall have a separate food service permit from the base of operation permit. A restaurant's fixed food service permit shall not serve as the base of operation permit for the mobile food service unit.

2. The following permits shall be required prior to mobile food service units operating in conjunction with a restaurant base of operation:

(i) A fixed food service permit for restaurant operations; and

(ii) A base of operation permit for mobile food service unit(s); and

(iii) Permit for mobile food service unit(s).

(3) Application for a Permit.

(a) Requirements. The management of the food service establishment, including a mobile food service unit in the county of origin and an extended foodservice unit, shall submit to the local Health Authority an application for a permit at least ten business days prior to the anticipated date of opening and commencement of the operation of the food service establishment, mobile food service unit, or extended food service unit.

(b) Contents of the Application. The application shall include:

1. The name, birth date, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food service establishment;

2. Information specifying whether the food service establishment is owned by an association, corporation, individual, partnership, or other legal entity;

3. A statement specifying whether the food service establishment:

(i) Is mobile or stationary and temporary or permanent, and

(ii) Is an operation that includes one or more of the following:

(I) Prepares, offers for sale, or serves time /temperature control for safety food:

I. Only to order upon a consumer's request,

II. In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency,

III. Using time as the public health control as specified under DPH Rule 511-6-1-.04(6)(i), or

IV. Using a process or activity that may require a HACCP plan as specified under DPH Rule 511-6-1-.02(7).

(II) Prepares time/temperature control for safety food in advance using a food preparation method that involves two or more steps, such as combining time/temperature control for safety food ingredients, cooking, cooling, reheating, hot or cold holding, freezing, or thawing;

(III) Prepares food as specified under paragraph 3.(ii)(II) of this subsection for delivery to and consumption at a location off the premises of the food service establishment where it is prepared;

(IV) Prepares food as specified under paragraph 3.(ii)(II) of this subsection for service to a highly susceptible population;

(V) Prepares only food that is not time/temperature control for safety food; or

(VI) Does not prepare, but offers for sale only prepackaged food that is not time/temperature control for safety food;

4. The name, title, address, and telephone number of the person directly responsible for the management of the food service establishment;

5. The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under paragraph 4. of this subsection such as the zone, district, or regional supervisor;

6. The names, titles, and addresses of:

(i) All persons who share legal ownership as specified under paragraph 2. of this subsection including owners, shareholders, members, or partners, and

(ii) The local resident agent if one is required based on the type of legal ownership;

7. A statement signed by the applicant that:

(i) Attests to the accuracy of the information provided in the application, and

(ii) Affirms that the applicant will:

(I) Comply with this Chapter, and

(II) Allow the Health Authority access to the establishment as specified under DPH Rule 511-6-1-.10(2)(d) and to the records specified under DPH Rule 511-6-1-.04(3)(l) and DPH Rule 511-6-1-.06(2)(q) and DPH Rule 511-6-1-.02(8)(d)7.; and

8. Other information required by the Health Authority.

(c) Duplicate Forms. The application shall be prepared in duplicate on forms provided by the Department. The original shall be forwarded to the local Health Authority and the copy retained by the management.

(d) Dates of Operation for Temporary Food Service Establishments. The application for a temporary food service establishment shall show the start and end dates of the proposed operation.

(e) Schedule of Vending Locations for Permitted Mobile Food Service Establishments. The completed application for a mobile food service establishment in the county of origin shall include a schedule of locations and times where the mobile food service unit(s) will be parked and operated. The completed application for each mobile food service unit permit will include the schedule of locations where the individual unit will be parked and operated. It will be the responsibility of the permit holder to update the Health Authority when a change in schedule is made as specified within paragraph (1)(f)7. of this subsection.

(f) Schedule of Vending Locations for Mobile Food Service Establishments with an "Authorization to Operate". The completed application for authorization to operate outside the county of origin shall include a schedule of locations and times where the mobile food service unit(s) will be parked and operated. The completed application for mobile food service unit(s) will include the schedule of locations where the individual unit will be parked and operated. It will be the responsibility of the permit holder to update the Health Authority when a change in schedule is made as specified within paragraph (1)(f)7. of this subsection.

(g) Schedule of County Locations for Mobile Food Service Establishments with an "Authorization to Operate". The completed application for authorization to operate outside the county of origin shall include a listing of any other counties where the mobile food service establishment intends to operate. The listing shall be updated by the mobile food service establishment when it operates in additional counties. Such information shall be submitted in a manner determined by the Health Authority, but an electronic format shall be available.

(4) Authorization to Operate Permitted Mobile Food Service Units Outside the County of Origin.

(a) A county board of health outside a mobile food service establishment's county of origin shall recognize the permit from the mobile food service establishment's county of origin. Such recognition shall authorize the mobile food service establishment to operate in an outside county subject to the ordinances of such county or city.

(b) A county board of health shall use the following process to recognize a permit from a mobile food service establishment's county of origin:

1. Prior to operating in a county outside the mobile food service establishment's county of origin, a mobile food service establishment shall submit to the county board of health in the outside county a copy of its mobile food service establishment permit from its county of origin, its permit for its base of operations, a listing of any other counties where it is authorized to operate, a listing of locations in the county where the mobile food service establishment intends to operate, a listing of the dates and times of intended operation, and any other documentation required by the county board of health. The listing of any other counties where the mobile food service establishment intends to operate shall be updated by the mobile food service establishment when it operates in additional counties. Such information shall be submitted in a manner determined by the county board of health, but an electronic delivery format shall be available; and

2. Upon receipt of all required information, the county board of health in the outside county shall verify on the Department of Public Health's permit inspection data base that the permit is in good standing in the county of origin and in any other counties where the mobile food service establishment has been authorized to operate. All county boards of health shall utilize the department's permit inspection data base.

(i) The county board of health for such outside county may charge an administrative fee, limited to the costs incurred, to confirm the mobile food service establishment's standing in other counties where it is authorized to operate.

(ii) Upon verification that the permit is in good standing and there are not public health or safety concerns, a county board of health shall recognize the permit and shall authorize the mobile food service establishment to operate in its jurisdiction and have jurisdiction over the mobile food service establishment.

(5) Refusal to Recognize a Mobile Food Service Establishment. An outside county may refuse to recognize a mobile food service establishment's permit if the base of operation or mobile food service unit permit is not from another county in this state, if the base of operation or mobile food service unit permit is not in good standing in the county of origin or any county within which it is authorized to operate, or for public health and safety concerns. If the county refuses to recognize a mobile food service establishment's permit, the county shall provide the mobile food service establishment written notice regarding the basis for its refusal.

(6) When Plans Are Required.

(a) Approval of Plans. Properly prepared plans to scale and specifications must be submitted for review and approval when a food service establishment is constructed or extensively remodeled, or when an existing structure is converted to use as a food service establishment.[Pf]

(b) Submission of Plans. The plans and specifications shall be submitted to the Health Authority of the county in which the food service establishment will be constructed at least fourteen business days prior to beginning construction. The plans shall indicate the proposed menu, floor plan layout, arrangement of equipment, mechanical plans, construction materials and finish schedule, the type and model of proposed fixed equipment and facilities and the anticipated service volume per day.

(c) Review of Plans and Specifications. Plans and specifications shall be reviewed as per guidance provided within the most current version of the "Food Service Establishment Manual for Design, Installation and Construction" referenced within subsection (7) of this Rule.

(7) When a HACCP Plan is Required.

(a) Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the local Health Authority for joint review by the State Office of Environmental Health and the local Health Authority, a properly prepared HACCP plan as specified under DPH Rule 511-6-1-.02(8) and the relevant provisions of this Code if:

1. Submission of a HACCP plan is required according to the Chapter;

2. A variance is required as specified DPH Rule 511-6-1-.04(5)(a)4(iv), 511-6-1-.04(6)(j), or 511-6-1-.05(2)(v)2.;

3. The local Health Authority determines that a food preparation or processing method requires a variance based on a plan submittal specified under DPH Rule 511-6-1-.02(4)(b), or an inspectional finding, or a variance request.

(b) Before engaging in reduced oxygen packaging without a variance as specified in DPH Rule 511-6-1-.04(6)(k), a permit applicant or permit holder shall submit a properly prepared HACCP plan to the Health Authority.

(8) Contents of a HACCP Plan. For a food establishment that is required under DPH Rule 511-6-1-.02(7)(a) and (b) to have a HACCP plan, the plan and specifications shall indicate:

(a) Categorization of Foods. A categorization of the types of time/temperature control for safety foods that are specified in the menu such as soups and sauces, salads, and bulk solid foods such as meat roasts or other foods that are specified by the Health Authority;[Pf]

(b) Flow Diagram. A flow diagram by specific food or category type that identifies critical control points and provides information on ingredients, materials and equipment used in the preparation of that food and formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;[Pf]

(c) Training Plan. Food employee and supervisory training plan that addresses the food safety issues of concern;[Pf]

(d) Standard Operating Procedures. A statement of standard operating procedures for the plan under consideration including clearly identifying:

1. Hazard analysis of menu items,[Pf]

2. Each critical control point,[Pf]

3. The critical limits for each critical control point,

4. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,[Pf]

5. Action to be taken by the person in charge if the critical limits for each critical control point are not met,[Pf]

6. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points,[Pf] and

7. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed;[Pf] and

(e) Additional Scientific Data. Additional scientific data or other information, as required by the Health Authority, supporting the determination that food safety is not compromised by the proposal.[Pf]

(9) Requirements - Permit Issued. For food service establishments that are required to submit plans as specified under paragraph (6) of this Rule, the Health Authority shall issue a permit to the applicant after:

(a) A properly completed application is submitted;

(b) The required fee is submitted;

(c) The required plans, specifications, and information are reviewed and approved; and

(d) A preoperational inspection shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is incompliance with this Chapter. In addition, it may be used to verify that existing construction meets the requirements of the Chapter during a change in permit holder.

(10) Interpretation of this Chapter. This Chapter shall be interpreted by the Department. Interpretations and guidance may be found in the current editions of the "Interpretation Manual for the Georgia Rules and Regulations for Food Service" and "Food Service Establishment Manual for Design, Installation and Construction".

Authority: O.C.G.A. §§ 26-2-371-373, 379, 31-2A-6. Administrative History. Original Rule entitled "Policy" was filed and effective on July 19, 1965 as 270-5-6-02. Amended: Rule repealed and a new Rule entitled "Provisions" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.02. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 20, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 26, 2006; effective. Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept.12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.02 Provisions revised. Filed January 25, 2022; effective February 24, 2023.

511-6-1-.03 Management and Personnel.

(1) Demonstration of Knowledge. Based on the risk of foodborne illness inherent to the food service operation, during inspections and upon request, the person in charge shall demonstrate to the Health Authority knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of this Chapter. The person in charge shall demonstrate this knowledge in one of the following ways:

(a) Compliance with Chapter. Complying with this Chapter by having no violations of Priority Items during the current inspection;[Pf]

(b) Certified Food Service Manager. Being a certified food service manager who has shown proficiency of required information through passing a test that is part of an accredited program;[Pf] or

(c) Correct Answers to Food Safety Questions. 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]

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:

(i) Cross contamination,[Pf]

(ii) Hand contact with ready-to-eat foods,[Pf]

(iii) Handwashing,[Pf] and

(iv) Maintaining the food service establishment in a clean condition and in good repair;[Pf]

9. Describing foods identified as major food allergens and the symptoms 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:

(i) Sufficient in number and capacity,[Pf] and

(ii) 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 service establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed 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 Chapter;[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 Chapter, or an agreement between the Health Authority and the food service establishment;[Pf]

16. Explaining the responsibilities, rights, and authorities assigned by this Chapter to the:

(i) Food employee,[Pf]

(ii) Conditional employee,[Pf]

(iii) Person in charge,[Pf]

(iv) Health 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) Responsibilities of the Person in Charge (PIC). There must be a person in charge on the premises of the food service establishment at all times. The person in charge shall ensure compliance with the following:

(a) Operations Not Conducted in Private Home. Food service establishment operations are not conducted in a private home or in a room used as living or sleeping quarters;[Pf]

(b) Authorized Personnel Access. Persons unnecessary to the food service 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) Authorized Persons Compliance. 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 Chapter;[Pf]

(d) Employee Handwashing. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;[Pf]

(e) Monitoring of Receiving. Employees are visibly observing and verifying delivered foods as they are received to determine that they are from approved sources and are placed into appropriate storage locations, as required by this Chapter, such that they are received and maintained at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations, maintaining receiving/corrective action records for deliveries during non-operating hours, and periodically evaluating foods upon their receipt as specified within DPH Rule 511-6-1-.04(3)(m);[Pf]

(f) Proper Cooking Techniques. Employees are properly cooking cold/hot holding, and reheating for hot holding time/temperature control for safety food, being particularly careful in cooking, reheating, and holding 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, holding, and reheating for hot holding temperatures using appropriate temperature measuring devices properly scaled and calibrated;[Pf]

(g) Proper Cooling Methods. Employees are using proper methods to rapidly cool time/temperature control for safety food, that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;[Pf]

(h) Consumer Food Safety. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;[Pf]

(i) Proper Sanitizing. 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]

(j) Clean Tableware. Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets;[Pf]

(k) Bare Hand Contact. Unless the conditions specified in DPH Rule 511-6-1-.04(4)(a)4. are met, 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]

(l) Food Safety Training. Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties;[Pf]

(m) Reporting Responsibilities. Food employees and conditional employees are informed in a verifiable manner of their responsibility to report in accordance with the Chapter, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food;[Pf]

(n) Imminent Health Hazard. If an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations are immediately discontinued and the Health Authority is notified.[P] However, establishments may continue to operate based upon emergency guidance provided by the Health Authority or under an emergency operation plan that has been approved by the Health Authority prior to the occurrence of such emergency events;[Pf] and

(o) Procedures and Plans. Written procedures and plans, where specified by this Chapter and as developed by the food service establishment, are maintained and implemented as required.[Pf]

(3) Certified Food Safety Manager.

(a) Food Safety Manager Certification. Food service establishments shall have in its employ a Certified Food Safety Manager (CFSM) as specified in paragraph (b) of this subsection to ensure food safety is being managed within the foodservice establishment during all hours of operation as specified within paragraph (d) of this subsection.[Pf]

(b) Certification Requirements/Exemptions. At least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food safety manager who has shown proficiency of required information through passing a test that is part of an accredited program that conforms to the national standards for organizations that certify individuals. Certified Food Safety Managers must be designated to one food service establishment only and maintain and renew certification in accordance with the requirements of the examination taken.

1. The following operations are not required to have a certified owner or manager:

(i) A mobile food service unit that does not process foods;

(ii) Food service establishments that serve non-time/temperature control for safety food that requires limited preparation, or those time/temperature control for safety foods which have been previously prepared in a permitted food service establishment; and

(iii) Temporary food service establishments in accordance with DPH Rule 511-6-1-.08(2)(a).

2. A food service establishment will have sixty days from the date of initial permit issuance, change of ownership permit issuance, or termination of employment of its CFSM to employ a new CFSM.

3. A food service establishment that operates without a CFSM shall notify the Health Authority within thirty days of the date that the establishment ceases to employ a CFSM with the name and certification number of the former CFSM and measures being taken to designate a new CFSM. Measures shall include:

(i) Hiring a new CFSM;

(ii) Designating an existing employee who is enrolled in an approved CFSM training course; or

(iii) Hiring a new employee who is enrolled in an approved CFSM training course.

(c) Certification Documentation.

1. The original CFSM certificate shall be posted in public view in each food service establishment. An additional copy shall be retained on file at the food service establishment at all times and shall be made available for inspection by the Health Authority.

2. A CFSM certificate which has expired, been revoked or suspended shall not be posted in the food service establishment.

3. All licenses, certificates, diplomas, or other similar credentials issued or granted to an owner or operator who has successfully completed an approved or accredited food safety certification course and exam shall expire on the expiration date determined by the credentialing organization. Within ninety days of the expiration of the CFSM certificate, the CFSM shall enroll in an approved food safety training course, pass an approved exam, and obtain a new certificate.

4. The certification is not transferable between persons.

(d) Certified Food Safety Manager Responsibility.

1. The responsibility of the CFSM shall include the safety of food preparation and service by ensuring that all employees who handle, or have responsibility for handling, unpackaged foods of any kind, have sufficient knowledge of safe preparation and service of the food. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.

2. The CFSM shall:

(i) Be the person-in-charge while on the premises of the food service establishment and shall designate someone else to be the person in charge when not on the premises;

(ii) Supervise and instruct food service employees in the techniques of sanitary food handling and proper maintenance of the facility;

(iii) Offer a training program for all food service employees to satisfy employee proficiency in their job responsibilities for food safety;

(iv) Communicate with representatives of the Health Authority about the effectiveness of employee training programs; and

(v) Assess training needs of the food service employees and request formal training as needed.

(4) Employee Health.

(a) Requirement to Report Symptoms, Diagnosis and History of Exposure. The permit holder shall require food employees and conditional employees to report to the CFSM and person in charge, information about their health and activities as they relate to diseases that are transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the CFSM and person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:

1. Has any of the following symptoms:

(i) Vomiting,[P]

(ii) Diarrhea,[P]

(iii) Jaundice,[P]

(iv) Sore throat with fever,[P] or

(v) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(I) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,[P]

(II) On exposed portions of the arms, unless the lesion is protected by an impermeable cover,[P] or

(III) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;[P]

2. Has an illness diagnosed by a health practitioner due to:

(i) Norovirus,[P]

(ii) Hepatitis A virus,[P]

(iii) *Shigella* spp.,[P]

(iv) Shiga toxin-producing *Escherichia coli*,[P]

(v) Typhoid fever (caused by *Salmonella* Typhi);[P] or

(vi) Nontyphoidal *Salmonella*;[P]

3. Had typhoid fever (caused by *Salmonella* Typhi), diagnosed by a health practitioner, within the past three months, without having received antibiotic therapy as determined by a health practitioner;[P]

4. Had been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

(i) Norovirus within the past 48 hours of the last exposure,[P]

(ii) Shiga toxin-producing *Escherichia coli*, or *Shigella* spp. within the past three days of the last exposure,[P]

(iii) Typhoid fever (caused by *Salmonella* Typhi) within the past 14 days of the last exposure,[P] or

(iv) Hepatitis A virus within the past 30 days of the last exposure;[P] or

5. Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

(i) Norovirus within the past 48 hours of the last exposure,[P]

(ii) Shiga toxin-producing *Escherichia coli*, or *Shigella* spp. within the past three days of the last exposure,[P]

(iii) Typhoid fever (caused by *Salmonella* Typhi) within the past 14 days of the last exposure,[P] or

(iv) Hepatitis A virus within the past 30 days of the last exposure.[P]

(b) Responsibility of Person in Charge to Notify the Health Authority. The CFSM or person in charge shall notify the Health Authority when a food employee is:

1. Jaundiced,[Pf] or

2. Diagnosed with an illness due to norovirus, Hepatitis A virus, *Shigella* spp., Shiga toxin-producing *Escherichia coli*, or typhoid fever (caused by *Salmonella* Typhi).[P]

(c) Person in Charge's Responsibility to Prohibit a Symptomatic Conditional Employee. The person in charge shall ensure that a conditional employee:

1. Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under subsection (4)(a)1. through 3. of this Rule, is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified under subsection (4)(h) of this Rule;[P] and

2. Who will work as a food employee in a food service establishment that serves as a highly susceptible population and reports a history of exposure as specified under subsections (4)(a)4. and 5. of this Rule, is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under subsection (4)(h)10. of this Rule.[P]

(d) Person In Charge's Responsibility to Exclude or Restrict a Symptomatic Employee. The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under subsections (4)(a)1. through 5. of this Rule is excluded or restricted and in compliance with a removal, adjustment or retention of an exclusion or restriction.[P]

(e) Responsibility of Food Employee and Conditional Employee to Report. A food employee or conditional employee shall report to the person in charge the information as specified under subsection (4)(a) of this Rule.[Pf]

(f) Responsibility of Food Employee to Comply. A food employee shall comply with an exclusion or restriction and with a removal, adjustment or retention of an exclusion or restriction.[P]

(g) Exclusions and Restrictions. The person in charge shall exclude or restrict a food employee, from a food service establishment in accordance with the following:

1. Except when the symptom is from a noninfectious condition, exclude a food employee if the food employee is:

(i) Symptomatic with vomiting or diarrhea;[P] or

(ii) Symptomatic with vomiting or diarrhea and diagnosed with an infection from norovirus, *Shigella* spp., nontyphoidal *Salmonella*, or Shiga toxin-producing *Escherichia coli*.[P]

2. Exclude a food employee who is:

(i) Jaundiced and the onset of jaundice occurred within the last seven calendar days, unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by Hepatitis A virus or other fecal-orally transmitted infection;[P]

(ii) Diagnosed with an infection from Hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within seven calendar days of the onset of jaundice;[P] or

(iii) Diagnosed with an infection from Hepatitis A virus without developing symptoms.[P]

3. Exclude a food employee who is diagnosed with typhoid fever (caused by *Salmonella* Typhi), or reports a previous diagnosis of typhoid fever (caused by *Salmonella* Typhi) within the past three months, without having received antibiotic therapy.[P]

4. Exclude a food employee that works in a food service establishment serving a highly susceptible population who is:

(i) Diagnosed with an infection from norovirus and is asymptomatic;[P]

(ii) Diagnosed with an infection from *Shigella* spp. and is asymptomatic;[P]

(iii) Diagnosed with an infection from Shiga toxin-producing *E. coli*, and is asymptomatic;[P] or

(iv) Ill with symptoms of acute onset of sore throat with fever.[P]

5. Restrict a food employee that works in a food service establishment not serving a highly susceptible population who is:

(i) Diagnosed with an infection from norovirus and is asymptomatic;[P]

(ii) Diagnosed with an infection from *Shigella* spp. and is asymptomatic;[P]

(iii) Diagnosed with an infection from Shiga toxin-producing *E. coli*, and is asymptomatic;[P] or

(iv) Ill with symptoms of acute onset of sore throat with fever.[P]

6. Restrict a food employee that is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered.[P]

7. Restrict a food employee that is exposed to a foodborne pathogen as specified under subsections (4)(a)4. or 5. of this Rule, if the food employee who works in a food service establishment serving a highly susceptible population.[P]

8. Restrict a food employee that is diagnosed with an infection from nontyphoidal Salmonella and is asymptomatic who works in a food service establishment serving a highly susceptible population or in a food service establishment not serving a highly susceptible population.

(h) Removal, Adjustment, or Retention of Exclusions and Restrictions. The person in charge may remove, adjust, or retain the exclusion or restriction of a food employee according to the following conditions:

1. Except when a food employee is diagnosed with an infection from Hepatitis A virus or typhoid fever (caused by *Salmonella* Typhi):

(i) Reinstate a food employee who was excluded for being symptomatic with vomiting or diarrhea if the food employee:

(I) Is asymptomatic for at least 24 hours;[P] or

(II) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.[P]

(ii) If a food employee was diagnosed with an infection from Norovirus, and excluded for being symptomatic with vomiting or diarrhea:

(I) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under paragraphs 4.(i) or (ii) of this subsection are met;[P] or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under paragraphs 4.(i) or (ii) of this subsection are met.[P]

(iii) If a food employee was diagnosed with an infection from Shigella, and excluded for being symptomatic with vomiting or diarrhea:

(I) Restrict the food employee who is asymptomatic for at least 24 hours and works in a food service establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under paragraphs 5.(i) or (ii), of this subsection are met;[P] or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food service establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under paragraphs 5.(i) or (ii), or 5.(i) and 1.(iii)(I) of this subsection are met.[P]

(iv) If a food service employee was diagnosed with an infection from Shiga toxin-producing *Escherichia coli* and excluded for being symptomatic with vomiting or diarrhea:

(I) Restrict the food service employee, who is asymptomatic for at least 24 hours and works in a food service establishment not serving a high susceptible population, until the conditions for reinstatement as specified under paragraphs 6.(i) or (ii) of this section are met;[P] or

(II) Retain the exclusion for the food employee who is asymptomatic for at least 24 hours and works in a food service establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under paragraphs 6.(i) or (ii) of this subsection are met.[P]

(v) If food employee was diagnosed with an infection from nontyphoidal Salmonella and excluded for being symptomatic with vomiting or diarrhea:

(I) Restrict the food employee who is asymptomatic for at least 30 days until conditions for reinstatement specified under paragraphs 7.(i) or (ii) of this subsection are met.[P]

(II) Retain the exclusion for the food employee who is symptomatic, until conditions for reinstatement under paragraphs 7.(i) or (ii) of this subsection are met.[P]

2. Reinstate a food employee who was excluded as specified under paragraph (4)(g)2. of this Rule if the person in charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The food employee has been jaundiced for more than 7 calendar days;[P]

(ii) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than 14 calendar days;[P] or

(iii) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Hepatitis A virus infection.[P]

3. Reinstate a food employee who was excluded for a diagnosis of typhoid fever (caused by *Salmonella* Typhi), or a previous infection of typhoid fever within the past 3 months without receiving antibiotic treatment if:

(i) The person in charge obtains approval from the Health Authority;[P] and

(ii) The food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from typhoid fever (caused by *Salmonella* Typhi).[P]

4. Reinstate a food employee who was excluded for being symptomatic with norovirus or asymptomatic with norovirus and working in a food service establishment serving a highly susceptible population or who was restricted for being asymptomatic with norovirus in a food

service establishment not serving a highly susceptible population if the person in charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a norovirus infection;[P]

(ii) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food employee became asymptomatic;[P] or

(iii) The food employee was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.[P]

5. Reinstate a food employee who was excluded for being symptomatic with *Shigella* or asymptomatic with *Shigella* and working in a food service establishment serving a highly susceptible population or who was restricted for being asymptomatic with *Shigella* in a food service establishment not serving a highly susceptible population if the person in charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Shigella spp. infection based on test results showing two consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics,[P] and

(II) At least 24 hours apart;[P]

(ii) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven calendar days have passed since the food employee became asymptomatic;[P] or

(iii) The food employee was excluded or restricted and did not develop symptoms and more than seven calendar days have passed since the food employee was diagnosed.[P]

6. Reinstate a food employee who was excluded for being symptomatic with Shiga toxin-producing *Escherichia coli* or asymptomatic with Shiga toxin-producing *Escherichia coli* and working in a food service establishment serving a highly susceptible population or who was restricted for being asymptomatic with Shiga toxin-producing *Escherichia coli* in a food service establishment not serving a highly susceptible population if the person in charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from Shiga toxin-producing *Escherichia coli* based on test results that show two consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics;[P] and

(II) At least 24 hours apart;[P]

(ii) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than seven calendar days have passed since the food employee became asymptomatic;[P] or

(iii) The food employee was excluded or restricted and did not develop symptoms and more than seven days have passed since the food employee was diagnosed.[P]

7. Reinstate a food employee who was excluded for being symptomatic with nontyphoidal Salmonella or who was restricted for being asymptomatic with nontyphoidal Salmonella and working in a Highly Susceptible Population or a food service establishment not serving a Highly Susceptible Population if the Person in Charge obtains approval from the Health Authority and one of the following conditions is met:

(i) The excluded or restricted food employee provides to the Person in Charge written medical documentation from a health practitioner stating that the food employee is free of a nontyphoidal Salmonella infection based on test results showing 2 consecutive negative stool specimen cultures that are taken;

(I) Not earlier than 48 hours after discontinuance of antibiotics,[P] and

(II) At least 24 hours apart;[P]

(ii) The food employee was restricted after symptoms of vomiting or diarrhea resolved, and more than 30 days have passed since the food employee became asymptomatic;[P] or

(iii) The food employee was excluded or restricted and did not develop symptoms and more than 30 days have passed since the food employee was diagnosed.

8. Reinstate a food employee who was excluded or restricted for being ill with symptoms of acute onset of sore throat with fever if the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets one of the following conditions:

(i) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours;[P]

(ii) Has at least 1 negative throat specimen culture for *Streptococcus pyogenes* infection;[P] or

(iii) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.[P]

9. Reinstate a food employee who was restricted for a skin lesion containing pus such as a boil or infected wound that was open and draining if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

(i) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;[P]

(ii) An impermeable cover on the arm if the infected wound or pustular boil is on the arm;[P] or

(iii) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.[P]

10. Reinstate a food employee who was restricted in a food service establishment serving a highly susceptible population due to exposure to one of the following pathogens as specified under subsection (4)(a)4. or 5. of this Rule:

(i) Norovirus and one of the following conditions is met:

(I) More than 48 hours have passed since the last day the food employee was potentially exposed;[P] or

(II) More than 48 hours have passed since the food employee's household contact became symptomatic.[P]

(ii) Shigella spp. or Shiga toxin-producing *Escherichia coli* and one of the following conditions is met:

(I) More than 3 calendar days have passed since the last day the food employee was potentially exposed;[P] or

(II) More than 3 calendar days have passed since the food employee's household contact became asymptomatic.[P]

(iii) Typhoid fever (caused by *Salmonella* Typhi) and one of the following conditions is met:

(I) More than 14 calendar days have passed since the last day the food employee was potentially exposed;[P] or

(II) More than 14 calendar days have passed since the food employee's household contact became asymptomatic.[P]

(iv) Hepatitis A virus and one of the following conditions is met:

(I) The food employee is immune to Hepatitis A virus infection because of a prior illness from Hepatitis A;

(II) The food employee is immune to Hepatitis A virus infection because of vaccination against Hepatitis A;[P]

(III) The food employee is immune to Hepatitis A virus infection because of IgG administration;[P]

(IV) More than 30 calendar days have passed since the last day the food employee was potentially exposed;[P]

(V) More than 30 calendar days have passed since the food employee's household contact became jaundiced;[P] or

(VI) The food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food through a variance until at least 30 days after the potential exposure, and the food employee receives additional training about:

I. Hepatitis A symptoms and preventing the transmission of infection,[P]

II. Proper handwashing procedures,[P] and

III. Protecting ready-to-eat food from contamination introduced by bare hand contact.[P]

(5) Personal Cleanliness:

(a) Clean Condition. Food employees shall keep their hands and exposed portions of their arms clean.[P]

(b) Cleaning Procedure.

1. Except as specified in paragraph 4. of this subsection, 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 properly equipped.[P]

2. 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:

(i) Rinse under clean, running warm water;[P]

(ii) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;[P]

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

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

(II) 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]

(iv) Thoroughly rinse under clean, running warm water;[P] and

(v) Immediately follow the cleaning procedure with thorough drying using disposable paper towels, a continuous towel system, or a heated-air hand drying device.[P]

3. To avoid re-contaminating 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.

4. 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.

(c) When to Wash.

1. Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles[P] and:

(i) After touching bare human body parts other than clean hands and clean, exposed arms;[P]

(ii) After using the toilet room;[P]

(iii) After caring for or handling service animals or aquatic animals;[P]

(iv) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking, except for drinking from a closed beverage container and the container is handled to prevent contamination of the hands;[P]

(v) After handling soiled equipment or utensils;[P]

(vi) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;[P]

(vii) When switching between working with raw food and working with ready-to-eat food;[P]

(viii) Before donning gloves to initiate a task that involves working with food;[P] and

(ix) After engaging in other activities that contaminate the hands.[P]

2. All employees shall wash hands before leaving the restroom. All food employees leaving the restroom shall wash their hands again upon re-entering the food preparation area.[P]

(d) 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 curbed cleaning facility used for the disposal of mop water and similar liquid waste.[Pf]

(e) Hand Antiseptics.

1. A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(i) Comply with one of the following:

(I) 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

(II) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash;[Pf]

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

(I) A threshold of regulation exemption as specified in 21 CFR 170.39 - Threshold of Regulation for Substances used in Food-contact Articles,[Pf] or

(II) 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

(III) 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

(IV) A prior sanction listed under 21 CFR 181 - Prior Sanctioned Food Ingredients,[Pf] or

(V) A Food Contact Notification that is effective;[Pf] and

(iii) Be applied only to hands that are clean.[Pf] If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under paragraph 1.(ii) of this subsection, use shall be:

(I) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves;[Pf] or

(II) Limited to situations that involve no direct contact with food by the bare hands.[Pf]

3. 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]

(f) Fingernails. Employees shall keep their fingernails clean and trimmed to no longer than the tips of the fingers.[Pf] Unless wearing gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with
exposed food.[Pf]

(g) Jewelry. Except for a plain ring such as a wedding band food employees may not wear jewelry including medical information jewelry on their arms and hands while preparing food.

(h) Clothing. The outer layer of clothing of all employees shall be clean. Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linen, and single-service and single-use articles.

(i) Hair Restraints.

1. Employees preparing or handling food shall use effective and clean, disposable or easily cleanable nets or other hair restraints approved by the Health Authority, worn properly to restrain loose hair including beards and mustaches longer than one half inch.

2. This does not apply to employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food, clean utensils and linens and unwrapped single-service and single-use articles.

(j) Hygienic Practices.

1. Employees shall not use tobacco in any form, or electronic devices that simulate tobacco smoking, while engaged in food preparation or service, nor while in areas used for equipment or utensil washing and storage, food preparation or food storage. Employees shall only use tobacco products or electronic devices that simulate tobacco smoking in approved designated areas.

2. Employees shall consume food only in approved designated areas separate from food preparation and serving areas, equipment or utensil areas and food storage areas. However, drinking from a single service beverage cup with a secure lid and straw that is handled to prevent contamination of the employee's hands, the container, exposed food, clean equipment, utensils and linens, unwrapped single-service and single-use articles will be allowed.

3. Employees shall handle soiled tableware in a way that minimizes contamination of their hands.

4. Employees shall maintain a high degree of personal cleanliness and shall use good hygienic practices during all working periods in the food service establishment.

5. Food employees experiencing persistent sneezing, coughing, or runny nose that cause discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment; utensils, and linens; or unwrapped single-service articles.

6. Food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in DPH Rule 511-6-1-.07(5)(o)(2)(ii) through (vi).[Pf] Food employees with service animals may handle or care for their service animal and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacean in display tanks if they wash their hands as specified in this Rule.

(6) Responding To Contamination Events. A food establishment shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food service establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.[Pf]

Authority: O.C.G.A. §§ 26-2-373, 31-2A-6. Administrative History. Original Rule entitled "Permits Required" was filed and effective on July 19, 1965 as 270-5-6-.03. Amended: Rule repealed and a new Rule entitled "Food Supplies" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.03. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Food Care" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new rule entitled “Management and Personnel”

adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended. Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept.12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.03 Management and Personnel revised. Filed January 25, 2022; effective February 24, 2023.

511-6-1-.04 Food.

(1) Condition. Food shall be safe, unadulterated, and honestly presented.[P]

(2) Source.

(a) Compliance with Food Law.

1. Food shall be obtained from sources that comply with law.[P]

2. Food prepared in a private home or received from a consumer may not be used or offered for human consumption in a food service establishment.[P]

3. Packaged food shall be labeled as specified in law, including 21 CFR 101 - Food Labeling, 9 CFR 317 - Labeling, Marking Devices, and Containers, and 9 CFR 381, Subpart N - Labeling and Containers, and as specified under subsections (3)(g) and (3)(h) of this Rule.[Pf]

4. Fish, other than molluscan shellfish, that are intended for consumption in their raw or undercooked form may be offered for sale or service in a food service establishment not serving a highly susceptible population if they are obtained from a supplier that freezes the fish to destroy parasites or frozen on the premises and records are retained.

5. Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory shall be:

(i) Obtained from a food processing plant that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of whole-muscle, intact beef,[Pf] or

(ii) Deemed acceptable by the Health Authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef,[Pf] and

(iii) If individually cut in a food service establishment:

(I) Cut from whole-muscle intact beef that is labeled by a food processing plant as specified in paragraph 5.(i) of this subsection or identified as specified in paragraph 5.(ii) of this subsection,[Pf]

(II) Prepared so they remain intact,[Pf] and

(III) If packaged for undercooking in a food service establishment, labeled as specified in paragraph 5.(i) of this subsection or identified as specified in paragraph 5.(ii) of this subsection.[Pf]

6. Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

7. Eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).

(b) Food Received in a Hermetically Sealed Container. Food received in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.[P]

(c) Fluid Milk and Milk Products. Fluid milk and milk products shall be obtained from sources that comply with grade A standards as specified in law.[P]

(d) Fish. Fish that are received for sale or service shall be commercially and legally caught or harvested; or approved for sale or service.[P]

(e) Molluscan Shellfish.

1. Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.[P]

2. Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.[P]

3. Molluscan shellfish that are recreationally caught may not be received for sale or service.[P]

(f) Wild Mushrooms.

1. Except as specified in paragraph 2. of this subsection, mushroom species picked in the wild shall not be offered for sale or service by a food establishment unless the food service establishment has been approved to do so.[P]

2. This subsection does not apply to:

(i) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or

(ii) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(g) Game Animals.

1. Game animals are received for sale or service shall be:

(i) Commercially raised for food[P] and:

(I) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction,[P] or

(II) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction,[P] and

(III) Raised, slaughtered, and processed according to:

I. Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program,[P] and

II. Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee;[P]

(ii) Under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are “inspected and approved” in accordance with 9 CFR 352 Exotic animals; voluntary inspection or rabbits that are “inspected and certified” in accordance with 9 CFR 354 voluntary inspection of rabbits and edible products thereof;[P]

(iii) As allowed by law, for wild game animals that are live-caught:

(I) Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction,[P] and

(II) Slaughtered and processed according to:

I. Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program,[P] and

II. Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee;[P] or

III. As allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals:

i. Receive a postmortem examination by an approved veterinarian or veterinarian's designee,[P] or

ii. Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program,[P] and

iii. Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.[P]

2. A game animal may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 - Endangered and Threatened Wildlife and Plants.

(3) Specifications for Receiving.

(a) Temperature.

1. Except as specified in paragraph 2. of this subsection, refrigerated, time/temperature control for safety food shall be at a temperature of 41°F (5°C) or below when received.[P]

2. If a temperature other than 41°F (5°C) for a time/temperature control for safety food is specified in law governing its distribution, such as laws governing milk and molluscan shellfish, the food may be received at the specified temperature.

3. Raw eggs shall be received in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.[P]

4. Time/temperature control for safety food that is cooked and received hot shall be at a temperature of 135°F (57°C) or above.[P]

5. A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.[Pf]

6. Upon receipt, time/temperature control for safety food shall be inspected to ensure that there is no evidence of previous temperature abuse.[Pf]

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(b) Additives. Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170 through 180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181 through 186, substances that exceed amounts specified in 9 CFR Subpart C, Section 424.21(b) - Food Ingredients and Sources of Radiation, or pesticide residues that exceed provisions specified in 40 CFR 180 - Tolerances and Exemptions for Pesticide Chemical Residues in Food.[P]

(c) Eggs. Eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of USDA.[P]

(d) Eggs and Milk Products, Pasteurized.

1. Egg products shall be obtained pasteurized.[P]

2. Fluid and dry milk and milk products shall:

(i) Be obtained pasteurized;[P] and

(ii) Comply with Grade A standards as specified in law.[P]

3. Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 - Frozen Desserts.[P]

4. Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in 21 CFR 133 - Cheeses and Related Cheese Products, for curing certain cheese varieties.[P]

(e) Package Integrity. Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.[Pf]

(f) Ice. Ice for use as a food or a cooling medium shall be made from drinking water.[P]

(g) Shucked Shellfish, Packaging and Identification.

1. Raw shucked shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the:[Pf]

(i) Name, address, and certification number of the shucker, packer, or repacker of the molluscan shellfish;[Pf] and

(ii) The “sell by” or “best if used by” date for packages with a capacity of less than one-half gallon (1.89 L) or the date shucked for packages with a capacity of one-half gallon (1.89 L) or more.[Pf]

2. A package of raw shucked shellfish that does not bear a label or which bears a label which does not contain all the information as specified under paragraph 1 of this subsection shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d) - Molluscan Shellfish.

(h) Shellstock Identification.

1. Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester or dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list:[Pf]

(i) Except as specified under paragraph 3. of this subsection, on the harvester's tag or label, the following information in the following order:[Pf]

(I) The harvester's identification number that is assigned by the shellfish control authority,[Pf]

(II) The date of harvesting,[Pf]

(III) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested,[Pf]

(IV) The type and quantity of shellfish,[Pf] and

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

(ii) Except as specified in paragraph 4. of this subsection, on each dealer's tag or label, the following information in the following order:[Pf]

(I) The dealer's name and address, and the certification number assigned by the shellfish control authority,[Pf]

(II) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested,[Pf]

(III) The same information as specified for a harvester's tag under paragraphs 1.(i)(II) through of this subsection,[Pf] and

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

2. A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under paragraph 1 of this subsection shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d) - Molluscan Shellfish.

3. If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first.

4. If the harvester's tag or label is designed to accommodate each dealer's identification as specified under paragraphs 1.(ii)(I) and (II) of this subsection, individual dealer tags or labels need not be provided.

(i) Shellstock, Condition. When received by a food service establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

(j) Juice Treated. Pre-packaged juice shall:

1. Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120 - Hazard Analysis and Critical Control (HACCP) Systems;[Pf] and

2. Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24 - Process Controls.[P]

(k) Molluscan Shellfish, Original Container.

1. Except as specified in paragraphs 2. through 4. of this subsection, Molluscan shellfish may not be removed from the container in which they are received until immediately before sale or preparation for service.

2. For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:

(i) The source of the shellstock on display is identified and recorded; and

(ii) The shellstock are protected from contamination.

3. Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:

(i) The labeling information for the shellfish on display is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(ii) The shellfish are protected from contamination.

4. Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers where allowed by law if:

(i) The labeling information for the shellfish is on each consumer self-service container;

(ii) The labeling information is retained and correlated with the date when, or dates during which, the shellfish are sold or served;

(iii) The labeling information and dates specified under paragraph 4(ii) of this subsection are maintained for 90 days; and

(iv) The shellfish are protected from contamination.

(l) Shellstock, Maintaining Identification.

1. Except as specified under paragraphs 3.(ii) of this subsection, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.[Pf]

2. The date when the last shellstock from the container is sold or served shall be recorded on the tag or label.[Pf]

3. The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for 90 calendar days from the date that is recorded on the tag or label, as specified under paragraph 2. of this subsection, by:[Pf]

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

(ii) If shellstock are removed from their tagged or labeled container:

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(I) Preserving source identification by using a record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served,[Pf] and

(II) Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer.[PF]

(m) After Business Hours of Operations - Key Drop Deliveries. The Health Authority may allow a food service establishment to receive deliveries after the business hours of the operation, if the following criterion is found to be in compliance by the Health Authority:

1. The permit holder or person in charge of the food service establishment notifies the local Health Authority that key drop deliveries will be received after its business operating hours;[Pf]

2. For purposes of enforcing this Chapter, an entity performing work under contract for the establishment shall be considered to be an employee of the establishment as defined in DPH Rule 511-6-1-.01(45);[Pf]

3. The business entity providing key drop deliveries to the establishment shall certify in writing to the establishment that the products delivered will be under its control throughout the delivery process to the establishment, and that all products will be delivered to the establishment during the key drop delivery hours pursuant to the secured access arrangement set by the food service establishment complies with paragraphs 4, 5 and 6 of this subsection;[Pf] and

4. The entity providing the key drop deliveries shall ensure that all products are stored within the food service establishment and not left on loading docks or in an area accessible by the public. Food products shall be stored in compliance with applicable provisions of DPH Rule 511-6-1-.04 and as follows:[P]

(i) Food products requiring temperature control for safety shall be immediately stored within approved temperature control storage equipment verified by the food service establishment management that is capable of maintaining food
product temperatures of:[P]

(I) 41°F (5°C) or less, if held cold;[P]

(II) 135°F (57°C) or higher if held hot;[P] or

(III) Frozen if delivered frozen;[P] and

(ii) All food shall be placed within appropriate storage facilities of the establishment to maintain food safety and security so as to protect against contamination and adulteration;[Pf]

5. The food service establishment shall maintain records of the written agreement as specified in subsection (3)(m)3. of this Rule as well as records that show the delivery condition and temperature of the products upon receipt of delivery. Records shall be made available upon request by the Health Authority;[Pf] and

6. Receipt of delivery by the food service establishment must be immediately verified by its employees.[Pf]

(4) Protection From Contamination After Receiving.

(a) Preventing Contamination from Hands.

1. Food employees shall wash their hands as specified under DPH Rule 511-6-1-.03(5).

2. Except when washing fruits and vegetables or as specified under subsection (a)4., food employees shall not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.[P]

3. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.[Pf]

4. Paragraph (a)2. of this subsection does not apply to a food employee that contacts exposed, ready-to eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:

(i) Contains a raw animal food and is to be cooked in the food service establishment to heat all parts of the food to at least the minimum time/temperatures specified in DPH Rule 511-6-1-.04(5)(a)1. and 2. and DPH Rule 511-6-1-.04(5)(b);[P] or

(ii) Does not contain a raw animal food but is to be cooked in the food service establishment to heat all parts of the food to a time/temperature of at least 145°F (63°C);[P] and

(iii) The ready-to-eat food must be identified for cooking use only and kept separate from other ready-to-eat food that will not be cooked as specified in paragraphs 4.(i) and (ii) of this subsection.[Pf]

(b) 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]

(c) Packaged and Unpackaged Food - Separation, Packaging, and Segregation.

1. Food shall be protected from cross contamination by:

(i) Except as specified in paragraph (i)(III) of this subsection, separating raw animal foods during storage, preparation, holding, and display from:

(I) 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] and

(II) Cooked ready-to-eat food;[P] and

(III) 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.

(ii) 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:

(I) Using separate equipment for each type,[P] or

(II) Arranging each type of food in equipment so that cross contamination of one type with another is prevented,[P] and

(III) Preparing each type of food at different times or in separate areas;[P]

(iii) Cleaning and sanitizing equipment and utensils;

(iv) Except as specified under paragraph 2 of this subsection and when cooling as specified in DPH Rule 511-6-1-.04(6)(e)2.(ii), storing the food in packages, covered containers, or wrappings, except for loosely covered or uncovered containers in which food is being cooled if protected from overhead contamination;

(v) Cleaning hermetically sealed containers of food of visible soil before opening;

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

(vii) Storing damaged, spoiled, or recalled food being held in the food service establishment separate from food, equipment, utensils, linens and single-service and single-use articles; or

(viii) Separating fruits and vegetables, before they are washed from ready-to-eat food.

2. The requirement in paragraph 1.(iv) of this subsection does not apply to:

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

(ii) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;

(iii) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;

(iv) Food being cooled in cooling or cold holding equipment loosely covered, or uncovered if protected from overhead contamination; or

(v) Shellstock.

(d) 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 be clearly and legibly identified, in English, with the common name of the food.

(e) 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 if raw eggs are not cooked to the required temperatures specified under subsection (5)(a)1.(i) or (ii) of this Rule or served with a consumer advisory in a food establishment that serves a population that is not a highly susceptible population.

(f) Protection from Unapproved Additives.

1. As specified in subsection (3)(b) of this Rule, food shall be protected from contamination that may result from the addition of:

(i) Unsafe or unapproved food or color additives;[P] and

(ii) Unsafe or unapproved levels of approved food and color additives.[P]

2. A food employee may not:

(i) 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

(ii) Except for grapes, serve or sell food specified under paragraph 2.(i) of this subsection that is treated with sulfiting agents before receipt by the food service establishment.[P]

(g) Washing Fruits and Vegetables.

1. Except as specified in paragraphs (g)2. and 3. of this subsection 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, in a sink designated for that purpose only, 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.

2. Fruits and vegetables may be washed by using chemicals as specified under DPH Rule 511-6-1-.07(6)(h).

3. Ready-to-eat food such as potatoes, soups, chili, sauces, etc., may be thawed, rehydrated, or cooled after cooking in the sink if the sink is cleaned and sanitized before ready to eat food is placed in the sink and again before washing whole, raw fruits and vegetables. This does not apply to ready to eat food that is served as raw or undercooked animal foods.

4. 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]

(h) Ice Used as Exterior Coolant, Prohibited as Ingredient. Ice may not be used as food after it has been used 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.[P]

(i) Storage or Display of Food in Contact with Water or Ice.

1. 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 positioning in the ice or water.

2. Except as specified in paragraphs 3. and 4. of this subsection, unpackaged food may not be stored in direct contact with undrained ice.

3. 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.

4. 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.

(j) Food Contact with Equipment and Utensils. Food shall only contact surfaces of:

1. Equipment and utensils that are cleaned and sanitized as specified under DPH Rule 511-6-1-.05(7) and (8);[P] or

2. Single-service and single-use articles;[P] or

3. Linens, such as cloth napkins, that have been laundered as specified under DPH Rule 511-6-1-.05(9).

(k) Storage of In-Use Utensils. During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

1. Except as specified under paragraph 2. of this subsection, in the food with their handles above the top of the food and the container;

2. 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;

3. 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 DPH Rule 511-6-1-.05(7)(b) and (8)(a);

4. In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;

5. 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

6. In a container of water if the water is maintained at a temperature of at least 135°F (57°C) and the container is cleaned at a frequency specified under DPH Rule 511-6-1-.05(7)(b)3.(vi).

(l) 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.

(m) Wiping Cloths, Use Limitation.

1. Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:

(i) Maintained dry; and

(ii) Used for no other purpose.

2. Cloths in-use for wiping counters and other equipment surfaces shall be:

(i) Held between uses in a chemical sanitizer solution at a concentration specified under DPH Rule 511-6-1-.05(6)(n); and

(ii) Laundered daily.

3. Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.

4. Dry wiping cloths and the chemical sanitizing solutions in which wet wiping cloths are held between uses shall be free of food debris and visible soil.

5. Containers of chemical sanitizing solutions 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.

6. Single-use disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions.

(n) Gloves, Use Limitation.

1. 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]

2. Except as specified in paragraph 3 of this subsection, 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 subsection (5) such as frozen food or a primal cut of meat.

3. 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.

4. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked, such as frozen food or a primal cut of meat.

(o) Using Clean Tableware for Second Portions and Refills.

1. 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, or single-service articles, soiled by the consumer, to provide second portions or refills.

2. Except as specified in paragraph 3. of this subsection, 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.

3. Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process.

(p) Refilling Returnables.

1. Except as specified in paragraphs 2. and 5. of this subsection, empty containers returned to a food service establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.

2. A take-home food container returned to a food service establishment may be refilled at a food service establishment with food if the food container is:

(i) Designed and constructed for reuse and in accordance with the requirements as specified in DPH Rule 511-6-1-.05(1) and (2);[P]

(ii) One that was initially provided by the food service establishment to the consumer, either empty or filled with food by the food service establishment, for the purpose of being returned, for reuse;

(iii) Returned to the food service establishment by the consumer after use;

(iv) Visually inspected by a food employee to verify that the container, as returned meets the requirements in DPH Rule 511-6-1-.05(1) and (2), and is cleaned and sanitized before being refilled with food;[P] and

3. A take-home food container returned to a food service establishment may be refilled at a food service establishment with beverage if:

(i) The beverage is not a Time/Temperature Control for Safety food;

(ii) 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 service establishment;

(iii) 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 or by the food service establishment if the consumer is notified by signage;

(iv) The consumer-owned container returned to the food service establishment for refilling is refilled for sale or service only to the same consumer; and
(v) The container is refilled by:

(I) An employee of the establishment, or

(II) The owner of the container if the beverage system includes a contamination-free transfer process as specified under DPH Rule 511-6-1-.05(2)(p)1., 2., and 4. that cannot be bypassed by the container owner.

4. Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under DPH Rule 511-6-16-1-.05(2)(p)1., 2., and 4.

5. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

(q) Food Storage.

1. Except as specified in paragraphs 2. and 3. of this subsection, food shall be protected from contamination by storing the food:

(i) In a clean, dry location;

(ii) Where it is not exposed to splash, dust, or other contamination; and

(iii) At least 6 inches (15 cm) above the floor.

2. Food in packages and working containers may be stored less than 6 inches (15 cm) above the floor on case lot handling equipment if the equipment can be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

3. 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.

(r) Food Storage, Prohibited Areas. Food may not be stored in the following areas:

1. Locker rooms;

2. Toilet rooms;

3. Dressing rooms;

4. Garbage rooms;

5. Mechanical rooms;

6. Under sewer lines that are not shielded to intercept potential drips;

7. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;

8. Under open stairwells; or

9. Under other sources of contamination.

(s) Vended Time/Temperature Control for Safety Food, Original Container. Time/temperature control for safety food dispensed through a vending machine shall be in the package in which it was placed at the food service establishment or food processing plant at which it was prepared.

(t) Food Preparation. During preparation, unpackaged food shall be protected from environmental sources of contamination.

(u) Food Display.

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

2. Protective devices for counters, serving lines, salad bars and other similar food displays in food service establishments shall be designed and constructed so as to intercept contaminants which may be expelled from the customer's mouth or nose.

3. All food, whether on display, being prepared for service or placed for consumer self-service must be protected from contamination from consumers standing or sitting within eight feet of the food, except that table side finishing as approved by the Health Authority and hibachi grills will be allowed when food preparation is for immediate service.

(v) Condiments, Protection.

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

2. Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the food service establishment that provides food to the vending machine location, a food processing plant that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.

(w) Consumer Self-Service Operations.

1. Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to:

(i) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;

(ii) Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or

(iii) Raw, frozen, shell-on shrimp, or lobster.

2. Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.[Pf]

3. Clean tableware shall be provided to consumers returning to the self-service area for additional food. A public notice informing consumers to use clean tableware shall be posted in a conspicuous place in the self-service area. Beverage cups and glasses, and flatware including forks, knives and spoons are exempt from this requirement.[Pf]

4. When refilling containers of Time/Temperature Control for Safety (TCS) foods on a self-service display, the new food product shall not be mixed with the old food product unless:

(i) The displayed product is holding at 41°F or below or 135°F or above;[Pf] and

(ii) The self-service operation is being monitored by employees trained in safe operating procedures;[Pf] and

(iii) The date and time of the earliest food prepared shall either be marked on the container or documented by an alternate method acceptable to the Health Authority.[Pf]

5. All unwrapped foods on a self-service buffet or salad bar shall be disposed of at the end of the business day or after a maximum of 24 hours. Written procedures for tracking the total accumulative time that unwrapped food is displayed shall be prepared in advance, maintained within the food service establishment, and made available to the Health Authority upon request. Those written procedures shall specify:[Pf]

(i) How displayed foods will be identified;[Pf]

(ii) How food shall be monitored in regards to tracking time during display for each food item;[Pf] and

(iii) Corrective action to be taken should a total accumulative display time as specified in subsection (4)(w)5. above is exceeded.[Pf]

6. Family-style of self-service may be allowed in facilities that do not serve a highly susceptible population as long as the following provisions are met:[Pf]

(i) The permit holder shall fully disclose how the family-style of service will be provided to consumers prior to their being seated for service. Disclosure shall be in the form of a prominently displayed sign containing descriptive language of a letter height of at least 1 inch so as to be easily readable by consumers at the location where consumers wait to be seated and then again, verbally by the host, hostess or server prior to consumers being seated;[Pf]

(ii) A group of consumers will be seated at a table for one sitting;[Pf]

(iii) Each container of food shall have its own serving utensils as required within paragraph 2 of this subsection;[Pf]

(iv) All food will be placed in bulk on a table, and served to only one sitting of people;[Pf]

(v) Any food served to a consumer shall not later be offered as food for human consumption to other consumers.[Pf]

(x) Returned Food and Re-Service of Food.

1. Except as specified in paragraph 2. of this subsection, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.[P]

2. Except for food served to patients or clients who are under contact precautions or protective environment isolation in a facility serving a highly susceptible population, a container of food that is not time/temperature control for safety food may be re-served from one consumer to another if:

(i) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
(ii) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

(y) Outdoor Cooking and Service of Food.

1. For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premises of a permitted food service establishment. Prior approval must be obtained from the Health Authority.[P]

2. The presentation of food orders and limited table side finishing, such as tossing salad and flaming desserts, is permissible from a permitted food service establishment in an adjoining outdoor seating area. Outdoor salad bars or unenclosed dessert carts are prohibited.[P]

3. Outdoor barbeque pits or barbeque cookers may be allowed on the premises of a food service establishment with the approval of the Health Authority if the following requirements are met:[Pf]

(i) The cooking equipment is used only for cooking bulk volume of meats and poultry such as hams, chicken or beef and not as a grill for cooking individual orders;[P]

(ii) Within the food service establishment, all meats and poultry will be placed within clean and sanitized containers and then covered prior to being carried to the cooking equipment;[P]

(iii) All of the meat and poultry will be placed at one time onto cooking surfaces of cooking equipment that has been preheated and then cooked as required in subsection (5) of this Rule. Once meats have completed the cooking process, they will be placed in a clean and sanitized food grade container, using separate utensils from handling raw meats and poultry and then covered and transported into the food service establishment for further processing and service. No food preparation other than seasoning will be allowed at outdoor barbeque pits or barbeque cookers;[P]

(iv) Utensils and food shall not be left outside of the cooking equipment or outside of the food service establishment;[P]

(vi) Outdoor barbeque pits or barbeque cookers shall be protected with permanent overhead protection and placed on an easily cleanable surface such as smooth finished concrete;[Pf]

(vii) Outdoor barbeque pits or barbeque cookers shall be equipped with closable lids and kept closed except for cleaning and working with food such as turning and seasoning;[Pf]

(viii) The outside cooking area shall be designed and constructed so as to control the presence of vermin;[Pf] and
(ix) The outside cooking area shall be designed and constructed so as to facilitate the ease of routine cleaning and to promote good sanitation.[Pf]

(z) Miscellaneous Sources of Contamination. Food shall be protected from contamination that may result from a factor or source not specified under paragraphs (a) through (y) of this subsection.

(5) Pathogen Destruction.

(a) Raw Animal Foods.

1. Except as specified under paragraphs 2., 3., and 4. of this subsection, raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:

(i) 145°F (63°C) or above for 15 seconds for:[P]

(I) Raw eggs that are broken and prepared in response to a consumer's order and for immediate service,[P] and

(II) Except as specified under paragraphs 1.(ii) and (iii), 2., and 3. of this subsection, fish and meat including game animals commercially raised for food or under a voluntary inspection program;[P]

(ii) 155°F (68°C) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals raised for food, and commercially game animals or under a voluntary inspection program; and raw eggs that are not prepared to a consumer's order and for immediate service;[P] or

Minimum	
Temperature ºF (ºC)	Time
145 (63)	3 minutes
150 (66)	1 minute
158 (70)	< 1 second (instantaneous)

(iii) 165°F (74°C) or above for 15 seconds for poultry baluts, wild game animals, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites.[P]

2. Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked:
(i) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:[Pf]

Oven Type	Oven Temperature Based on Roast Weight	
	less than 10 lbs (4.5 kg)	10 lbs (4.5 kg) or more
Still Dry	350°F (177°C) or more	250°F (121°C) or more
Convection	325°F (163°C) or more	250°F (121°C) or more
High Humidity[1]	250°F (121°C) or less	250°F (121°C) or less
[1] Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.		

and

(ii) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:[P]

Temperature °F (°C)	Time[1] in Minutes	Temperature °F (°C)	Time[1] in Seconds
130 (54.4)	112	147 (63.9)	134
131 (55.0)	89	149 (65.0)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60.0)	12	158 (70.0)	0
142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		
[1]Holding time may include postoven heat rise.			

3. A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:

(i) The food service establishment serves a population that is not a highly susceptible population, and

(ii) The steak is labeled by the producer or supplier to indicate that it meets the definition of "whole-muscle, intact beef", and
(iii) The steak is cooked on both the top and bottom to a surface temperature of 145°F (63°C) or above and a cooked color change is achieved on all external surfaces.

4. A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in paragraph 3. of this subsection, may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:

(i) The food service establishment serves a population that is not a highly susceptible population; and

(ii) The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat,[Pf] and

(iii) The consumer is informed that to ensure its safety, the food should be cooked as specified under paragraphs 1 or 2 of this subsection; or

(iv) The Health Authority grants a variance from paragraphs 1. or 2. of this subsection as specified in DPH Rule 511-6-1-.10(5)(a) based on a HACCP plan that:

(I) Is submitted by the permit holder and granted as specified under DPH Rule 511-6-1-.10(5)(b), and

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

(III) Verifies that equipment and procedures for food preparation and training of food employees at. the food service establishment meet the conditions of the variance.

(b) Microwave Cooking. Raw animal foods cooked in a microwave oven shall be:

1. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

2. Covered to retain surface moisture;

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

4. Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(c) Plant Food Cooking for Hot Holding. Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135°F (57°C).[Pf]

(d) Non-Continuous Cooking of Raw Animal Foods. Raw animal foods that are cooked using a non-continuous cooking process shall be:

1. Subject to an initial heating process that is no longer than sixty minutes in duration;[P]

2. Immediately after initial heating, cooled according to the time and temperature parameters as specified in subsection (6)(d) of this Rule for cooked time/temperature control for safety food;[P]

3. After cooling, held frozen or cold, as specified for time/temperature control for safety food as specified in subsection (6)(f) of this Rule;[P]

4. Prior to sale or service, cooked using a process that heats all parts of the food to a temperature for a time as specified under subsection (5)(a)1. through 3. of this Rule;[P]

5. Cooled according to the time and temperature parameters specified for cooked time/temperature control for safety food as specified in 2. of this subsection if not either hot held as specified in subsection (6)(f) of this Rule, served immediately, or held using time as a public health control as specified in subsection (6)(i) of this Rule after complete cooking;[P] and

6. Prepared and stored according to written procedures that:

(i) Have obtained prior approval from the Health Authority;[Pf]

(ii) Are maintained in the food service establishment and are available to the Health Authority upon request;[Pf]

(iii) Describe how the requirements specified in paragraphs 1. through 5. of this subsection are to be monitored and documented by the permit holder and the corrective actions to be taken if the requirements are not met;[Pf]

(iv) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified in paragraph 4. of this subsection prior to being offered for sale or service;[Pf] and

(v) Describe how the foods, after initial heating but prior to cooking as specified in paragraph 4. of this subsection, are to be separated from ready-to-eat foods as specified in subsection (4)(c)1. of this Rule.[Pf]

(e) Parasite Destruction.

1. Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:

(i) Frozen and stored at a temperature of -4°F (-20°C) or below for a minimum of 7 days (168 hours) in a freezer;[P]

(ii) Frozen at -31°F (-35°C) or below until solid and stored at -31°F (-35°C) or below for a minimum of 15 hours;[P] or

(iii) Frozen at -31°F (-35°C) or below until solid and stored at -4°F (-20°C) or below for a minimum of 24 hours.[P]

2. The requirement in paragraph 1 of this subsection does not apply to:

(i) Molluscan shellfish;

(ii) A scallop product consisting only of the shucked adductor muscle;

(iii) Tuna of the species Thunnus alalunga, Thunnus albacares (Yellowfin tuna), Thunnus atlanticus, Thunnus maccoyii (Bluefin tuna, Southern), Thunnus obesus (Bigeye tuna), or Thunnus thynnus (Bluefin tuna, Northern); or

(iv) Aquacultured fish, such as salmon, that:

(I) If raised in open water, are raised in net-pens, or

(II) Are raised in land-based operations such as ponds or tanks, and

(III) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.

(v) Fish eggs that have been removed from the skein and rinsed.

(f) Records, Creation and Retention.

1. Except as specified in subsections (2) and (5)(e) of this Rule. if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the food service establishment for 90 calendar days beyond the time of service or sale of the fish.[Pf]

2. If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under

subsection (5)(e) of this Rule may substitute for the records specified under paragraph 1. of this subsection.

3. If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in subsection (5)(e)2.(iv) of this Rule, a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in subsection (5)(e)2.(iv) of this Rule shall be obtained by the person in charge and retained in the records of the food service establishment for 90 calendar days beyond the time of service or sale of the fish.[Pf]

(g) Preparation for Immediate Service. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(h) Reheating for Hot Holding.

1. Except as specified under paragraphs 2., 3., and 5. of this subsection, time/temperature control for safety food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) for 15 seconds.[P]

2. Except as specified under paragraph 3. of this subsection, time/temperature control for safety food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) and the food is rotated or stirred, covered, and then allowed to stand covered for 2 minutes after reheating.[P]

3. Ready-to-eat time/temperature control for safety food that has been commercially processed and packaged in a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 135°F (57°C) for hot holding.[P]

4. Reheating for hot holding shall be done rapidly and the time the food is between the temperatures of 41°F (5°C) and 165°F (74°C) and 41°F (5°C) and 135°F (57°C) for commercially processed food, may not exceed 2 hours.[P]

5. Remaining unsliced portions of meat roasts that are cooked as specified under subsection (5)(a)2. of this Rule may be reheated for hot holding using the same oven parameters and minimum time and temperature conditions under which it was cooked.

(i) Treating Juice. Juice packaged in a food service establishment shall be:

1. Treated under a HACCP plan to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance;[P] or

2. Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance:[Pf]

(i) As specified under subsection (7)(c) of this Rule,[Pf] and

(ii) 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]

(6) Limiting the Growth of Pathogens

(a) Frozen Food. Stored frozen foods shall be maintained frozen.

(b) Time/Temperature Control for Safety Food, Slacking. Frozen time/temperature control for safety food that is slacked to moderate the temperature shall be held:

1. Under refrigeration that maintains the food temperature at 41°F (5°C) or less; or

2. At any temperature if the food remains frozen.

(c) Thawing. Except as specified in paragraph 4 of this subsection, time/temperature control for safety food shall be thawed:

1. Under refrigeration that maintains the food temperature at 41°F (5°C) or less; or

2. Completely submerged under running water:

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

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

(iii) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F (5°C), or

(iv) For a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 41°F (5°C), for more than 4 hours including:

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

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

3. As part of a cooking process if the food that is frozen is:

(i) Cooked as specified under subsections (5)(a)1. or 2. or (5)(b) of this Rule, or

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

4. 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.

5. 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:

(i) Prior to its thawing under refrigeration that maintains the food temperature at 41°F (5°C) or less; or

(ii) Prior to, or immediately upon completion of its thawing, using procedures to completely submerge in running water as specified in paragraph 2. of this subsection.

(d) Cooling.

1. Cooked time/temperature control for safety food shall be cooled:

(i) Within 2 hours from 135°F (57°C) to 70°F (21°C);[P] and

(ii) Within a total of 6 hours from 135°F (57°C) to 41°F (5°C) or less.[P]

2. Time/temperature control for safety food shall be cooled within 4 hours to 41°F (5°C) or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.[P]

3. Except as specified under paragraph 4. of this subsection, a time/temperature control for safety food received in compliance with laws allowing a temperature above 41°F (5°C) during shipment from the supplier shall be cooled within 4 hours to 41°F (5°C).[P]

4. Raw eggs shall be received and immediately placed in refrigerated equipment that maintains an ambient air temperature of 45°F (7°C) or less.[P]

(e) Cooling Methods.

1. Cooling shall be accomplished in accordance with the time and temperature criteria specified under DPH Rule 511-6-1-.04(6)(d) by using one or more of the following methods depending on the type of food being cooled:

(i) Placing the food in shallow pans;[Pf]

(ii) Separating the food into smaller or thinner portions;[Pf]

(iii) Using rapid cooling equipment;[Pf]

(iv) Stirring the food in a container placed in an ice water bath;[Pf]

(v) Using containers that facilitate heat transfer;[Pf]

(vi) Adding ice as an ingredient;[Pf] or

(vii) Other effective methods.[Pf]

2. When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

(i) Arranged in the equipment to provide maximum heat transfer through the container walls; and

(ii) Loosely covered or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food.

(f) Time/Temperature Control for Safety Food, Hot and Cold Holding. Except during preparation, cooking, or cooling, or when time is used as the public health control, time/temperature control for safety food shall be maintained at 41°F (5°C) or below or 135°F (57°C) or above, except that roasts cooked to a temperature and for a time specified in subsection (5)(a)2. of this Rule and reheated using the same temperature and time conditions as cooking may be held at a temperature of 130°F (54°C) or above.[P]

(g) Ready-to-Eat Time/Temperature Control for Safety Food, Date Marking

1. Except when packaging food using a reduced oxygen packaging method, and except as specified in paragraphs 4. and 5. of this subsection, 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 41°F (5°C) or below for a maximum of 7 days. The day of preparation shall be counted as Day 1.[Pf]

2. Except as specified in paragraphs 4 through 6 of this subsection, 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 service 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, when held at a temperature of 41°F (5°C) or below for a maximum of 7 days after the original container is opened. The day the original container is opened in the food service establishment shall be counted as Day 1, except, the day or date marked by the food service establishment may not exceed a manufacturer's use by date if the manufacturer determined the use-by date based on food safety;[Pf]

3. 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]

4. A date marking system that meets the criteria stated in paragraphs 1. and 2. of this subsection may include:

(i) Using a method approved by the Health 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;

(ii) 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;

(iii) Marking the date or day the original container is opened in a food service 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; or

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

5. The requirements in paragraphs 1. and 2. of this subsection do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

6. The requirements in paragraphs 1. and 2. of this subsection do not apply to shellstock.

7. The requirement in paragraph 2. of this subsection does not apply to the following foods prepared and packaged by a food processing plant inspected by a Health Authority:

(i) 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;

(ii) 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;

(iii) 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;

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

(v) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114 - Acidified Foods;

(vi) Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami; and

(vii) Shelf stable salt-cured products, such as prosciutto and Parma ham.

(h) Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition.

1. A food that requires datemarking shall be discarded if it:

(i) Exceeds 7 days, not including the time that the product is frozen;[P]

(ii) Is in a container or package that does not bear a date or day;[P] or

(iii) Is appropriately marked with a date or day that exceeds 7 days.[P]

2. Refrigerated, ready-to-eat, Time/Temperature Control for Safety food prepared in a food service establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds 7 days.[P]

(i) Time as a Public Health Control.

1. Except as specified under paragraph 4. of this subsection, if time without temperature control is used as the public health control for a working supply of time/temperature control for safety food before cooking, or for ready-to-eat time/temperature control for safety food that is displayed or held for sale or service, written procedures shall be prepared in advance, maintained in the food service establishment, and made available to the regulatory authority upon request that specify:[Pf]

(i) Methods of compliance with paragraphs 2.(i) through (iii) or 3.(i) through (v) of this subsection; and

(ii) Methods of compliance with the cooling of time/temperature control for safety food that is prepared, cooked, and refrigerated before time is used as a public health control.[Pf]

2. If time without temperature control is used as the public health control up to a maximum of 4 hours:

(i) The food shall have an initial temperature of 41°F (5°C) or less when removed from cold holding temperature control, or 135°F (57°C) or greater when removed from hot holding temperature control;[P]

(ii) 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]

(iii) 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

(iv) The food in unmarked containers or packages, or marked to exceed a 4-hour limit shall be discarded.[P]

3. If time without temperature control is used as the public health control up to a maximum of 6 hours:

(i) The food shall have an initial temperature of 41°F (5°C) or less when removed from temperature control and the food temperature may not exceed 70°F (21°C) within a maximum time period of 6 hours;[P]

(ii) The food shall be monitored to ensure the warmest portion of the food does not exceed 70°F (21°C) during the 6-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 70°F (21°C) during the 6-hour holding period;[Pf]

(iii) The food shall be marked or otherwise identified to indicate:[Pf]

(I) The time when the food is removed from 41°F (5°C) or less cold holding temperature control,[Pf] and

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

(iv) The food shall be:

(I) Discarded if the temperature of the food exceeds 70°F (21°C),[P] or

(II) 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 41°F (5°C) or less cold holding temperature control;[P] and

(v) The food in unmarked containers or packages, or marked with a time that exceeds the 6-hour limit shall be discarded.[P]

4. A food service establishment that serves a highly susceptible population may not use time as the public health control for raw eggs.

(j) Variance Requirement. A food service establishment shall obtain a variance from the Health Authority as specified in DPH Rule 511-6-1-.10(5)(a) and (5)(b) before:[Pf]

1. Smoking food as a method of food preservation rather than as a method of flavor enhancement;[Pf]

2. Curing food;[Pf]

3. Using food additives or adding components such as vinegar:[Pf]

(i) As a method of food preservation rather than as a method of flavor enhancement,[Pf] or

(ii) To render a food so that it is not time/temperature control for safety food;[Pf]

4. Operating a molluscan shellfish life-support system display tank used to store or display shellfish that are offered for human consumption;[Pf]

5. Packaging time/temperature control for safety food using a reduced oxygen packaging method except where the growth and toxin formation of Clostridium botulinum and growth of Listeria monocytogenes are controlled as specified
under (k) of this Rule;[Pf]

6. Custom processing animals that are for personal use as food and not for sale or service in a food service establishment;[Pf]

7. Preparing food by another method that is determined by the Health Authority to require a variance;[Pf] or

8. Sprouting seeds or beans.[Pf]

(k) Reduced Oxygen Packaging Without a Variance but HACCP Plan Required, Criteria.

1. Except for a food service establishment that obtains a variance as specified under (j) of this Rule, a food service establishment that packages time/temperature control for safety food using a reduced oxygen packaging method shall control the growth and toxin formation of Clostridium botulinum and the growth of Listeria monocytogenes.[P]

2. Except as specified under paragraph 6. of this subsection, a food service establishment that packages time/temperature control for safety food using a reduced oxygen packaging method shall implement a HACCP plan that contains the information specified under DPH Rule 511-5-14-.02(6)(b) and (d) and that:[Pf]

(i) Identifies the food to be packaged;[Pf]

(ii) Except as specified under paragraphs 3. through 5. of this subsection, requires that the packaged food shall be maintained at 41°F (5°C) or less and meet at least one of the following criteria:[Pf]

(I) Has an a_w of 0.91 or less,[Pf]

(II) Has a pH of 4.6 or less,[Pf]

(III) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 424.21 - Use of Food Ingredients and Sources of Radiation, and is received in an intact package,[Pf] or

(IV) Is a food with a high level of competing organisms such as raw meat, raw poultry, or raw vegetables;[Pf]

(iii) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:[Pf]

(I) Maintain the food at 41°F (5°C) or below,[Pf] and

(II) Discard the food if within 30 calendar days of its packaging if it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;[Pf]

(iv) Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's “sell by” or “use by” date, whichever occurs first;[P]

(v) Includes operational procedures that:

(I) Prohibit contacting ready-to-eat food with bare hands,[Pf]

(II) Identify a designated work area and the method by which:[Pf]

(A) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination,[Pf] and

(B) Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation,[Pf] and

(III) Delineate cleaning and sanitization procedures for food-contact surfaces;[Pf] and

(vi) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:[Pf]

(I) Concepts required for a safe operation,[Pf]

(II) Equipment and facilities,[Pf] and

(III) Procedures specified under paragraph 2.(v) of this subsection and DPH Rule 511-6-1-.02(8)(b) and (d).[Pf]

3. Except for fish that is frozen before, during, and after packaging. a food service establishment may not package fish using a reduced oxygen packaging method.[P]

4. Except as specified under paragraph 3 of this subsection and subsection (l) of this Rule, a food service establishment that packages food using a cook-chill or sous vide process shall:

(i) Prior to implementation, provide a HACCP plan that contains the information as specified under DPH Rule 511-6-1-.02(8)(b) and (d) to the Health Authority;[Pf]

(ii) Ensure the food is:

(I) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or the consumer,[Pf]

(II) Cooked to heat all parts of the food to a temperature and for a time as specified under DPH Rule 511-6-1-.04(5)(a),[P]

(III) Protected from contamination before and after cooking as specified within DPH Rule 511-6-1-.04(4) and (5) of this Rule,[P]

(IV) Placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below 135°F (57°C),[P]

(V) Cooled to 41°F (5°C) in the sealed package or bag as specified under DPH Rule 511-6-1-.04(6)(d) of this Rule and subsequently:[P]

I. Cooled to 34°F (1°C) within 48 hours of reaching 41°F (5°C) and held at that temperature until consumed or discarded within 30 days after the date of packaging;[P]

II. Held at 41°F (5°C) or less for no more than 7 days, at which time the food must be consumed or discarded;[P] or

III. Held frozen with no shelf life restriction while frozen until consumed or used.[P]

(VI) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,[Pf]

(VII) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation,[Pf] and

(VIII) Labeled with the product name and the date packaged;[Pf]

(iii) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP plan for at least six months and, make such records available to the Health Authority upon request;[Pf] and

(iv) Implement written operational procedures as specified under paragraph 2.(v) of this subsection and a training program as specified under paragraph 2.(vi) of this subsection.[Pf]

5. Except as specified under subsection (l) below, a food service establishment that packages cheese using a reduced oxygen packaging method shall:

(i) Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added in the food service establishment and that meet the Standards of Identity as specified in 21 CFR 133.150 - Hard Cheeses, 21 CFR 133.169 - Pasteurized Process Cheese, or 21 CFR 133.187 - Semisoft Cheeses;[P]

(ii) Have a HACCP plan that contains the information specified under DPH Rule 511-6-1-.02(6)(b) and (d) and as specified under paragraphs 2.(i), (iii)(I), (v), and (vi) of this subsection;[Pf]

(iii) Labels the package on the principal display panel with a “use by” date that does not exceed 30 days from its packaging or the original manufacturer's “sell by” or “use by” date, whichever occurs first;[Pf] and

(v) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.[Pf]

(l) Reduced Oxygen Packaging Without a Variance and no HACCP Plan Required, Criteria. A HACCP Plan is not required when a food service establishment uses a reduced oxygen packaging method to package time/temperature control for safety food that is always:

1. Labeled with the production time and date,

2. Held at 41°F (5°C) or less during refrigerated storage, and

3. Removed from its package in the food service establishment within 48 hours after packaging.

(7) Food Identity, Presentation, and On-Premises Labeling.

(a) Standards of Identity. Packaged food shall comply with standard of identity requirements in 21 CFR 131 through 169 and 9 CFR 319 - Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR 130 - Food Standards: General and 9 CFR 319 Subpart A - General.

(b) Honestly Presented.

1. Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

2. Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

(c) Food Labels.

1. Food packaged in a food service establishment, shall be labeled as specified in law, including 21 CFR 101 - Food labeling and 9 CFR 317 - Labeling, Marking Devices, and Containers.

2. Label information shall include:

(i) The common name of the food, or if there is no common name, an adequately descriptive identity statement;

(ii) If made from two or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial color or flavors and chemical preservatives, if contained in the food;

(iii) An accurate declaration of the net quantity of contents;

(iv) The name and place of business of the manufacturer, packer, or distributor; and
(v) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.[Pf]

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

(vii) For any salmonid fish containing canthaxanthin or astaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

3. Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:

(i) The manufacturer's or processor's label that was provided with the food; or

(ii) A card, sign, or other method of notification that includes the information specified under paragraphs 2.(i), (ii), and (vi) of this subsection.

4. Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:

(i) A health, nutrient content, or other claim is not made;

(ii) There are no state or local laws requiring labeling; and

(iii) The food is manufactured or prepared on the premises of the food service establishment or at another food service establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

(d) Other Forms of Information.

1. If required by law, consumer warnings shall be provided.

2. Food service establishment or manufacturers' dating information on foods may not be concealed or altered.

(e) Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.

1. Except as specified in subsections (5)(a)3., and (5)(a)4., and (9)(a)3. of this Rule, if an animal food such as beef, eggs, fish, lamb, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in paragraphs 2. and 3. of this subsection using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means. The disclosure and reminder statements shall be worded in legible type in all capital letters and no smaller than font size #8, or if displayed on a menu board shall be printed no smaller than the smallest lettering used for a menu item.[Pf]

2. Disclosure shall include:

(i) A description of the animal-derived foods, such as “oysters on the half shell (raw oysters),” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order);”[Pf] or

(ii) Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.[Pf]

3. The reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:

(i) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness;[Pf] or

(ii) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.[Pf]

(8) Contaminated Food.

(a) Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.

1. A food that is unsafe, adulterated, or not honestly presented shall be discarded or reconditioned according to an approved procedure.[P]

2. Food that is not from an approved source shall be discarded.[P]

3. Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded shall be discarded.[P]

4. Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.[P]

(b) Expired Foods. Prepackaged sandwiches, eggs, infant formula, shucked oysters, milk, and time/temperature control safety foods that are labeled as "keep refrigerated" and that are for sale or service to the consumer or used as an ingredient in other foods shall be immediately discarded and shall not be sold, served, or used after the manufacturer's expiration date or the sell-by date.[P]

(9) Special Requirements for Highly Susceptible Populations (Pasteurized Foods, Prohibited Re-Service, and Prohibited Food).

(a) In a food service establishment that serves a highly susceptible population:

1. The following criteria apply to juice:

(i) For the purposes of this paragraph only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

(ii) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label 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, or a packaged juice or beverage containing juice, that bears a warning label may not be served or offered for sale;[P] and

(iii) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan that contains the information specified under DPH Rule 511-6-1-.02(6)(b) through (e) and as specified in 21 CFR Part 120 - Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B - Pathogen Reduction, 120.24 - Process Controls.[P]

2. Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of:

(i) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages,[P] and

(ii) Except as specified in paragraph 6 of this subsection, recipes in which more than one egg is broken and the eggs are combined;[P]

3. The following foods may not be served or offered for sale in a ready-to-eat form:[P]

(i) Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare,[P]

(ii) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue;[P] and

(iii) Raw seed sprouts.[P]

4. Except when washing fruits and vegetables, food employees shall handle ready to eat food as specified under (4)(a)2. of this Rule.P

5. Time only, as the public health control may not be used for raw eggs.[P]

6. The requirement in paragraph 2.(ii) of this subsection does not apply if:

(i) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked to 145°F (63°C) for 15 seconds, and served immediately, such as an omelet, soufflé, or scrambled eggs;

(ii) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or

(iii) The preparation of the food is conducted under a HACCP plan that:

(I) Identifies the food to be prepared,

(II) Prohibits contacting ready-to-eat food with bare hands,

(III) Includes specifications and practices that ensure:

I. *Salmonella* Enteritidis growth is controlled before and after cooking, and

II. *Salmonella* Enteritidis is destroyed by cooking the eggs to 155°F (68°C) for 15 seconds or

(IV) Contains the information specified under DPH Rule 511-6-1-.02(8)(d) including procedures that:

I. Control cross contamination of ready-to-eat food with raw eggs, and

II. Set forth cleaning and sanitization procedures for food-contact surfaces, and

(v) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

7. Except as specified in paragraph 8 of this subsection, food may be re-served if the food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or the food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

8. Food may not be re-served under the following conditions:

(i) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.

(ii) Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation.

Authority: O.C.G.A. §§ 26-2-373; 31-2A-4. Administrative History. Original Rule entitled "Application; Filing of" was filed and effective on July 19, 1965 as 270-5-6-.04. Amended: Rule repealed and a new Rule entitled "Food Protection" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.04. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Personnel" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled “Food Care” adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule entitled “Food” adopted. Filed. Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.04 “Food” revised. Filed January 25, 2022; effective February 24, 2023.

511-6-1-.05 Equipment and Utensils.

(1) Materials.

(a) General Requirements. Utensils and food-contact surfaces of equipment shall be made of materials that do not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions, and shall be:[P] safe[P], durable, corrosion-resistant, and nonabsorbent. In addition, materials shall be sufficient in weight and thickness to withstand repeated warewashing and shall be finished to have a smooth, easily cleanable surface. Materials shall be resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

(b) Iron, Use Limitations. Cast iron may not be used for utensils or food contact surfaces of equipment except as follows:

1. Cast iron may be used as a surface for cooking.

2. Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

(c) Lead, Use Limitation.

1. Ceramic, china, crystal and decorative utensils such as hand painted ceramic or china that are used in contact with food shall be lead-free or contain levels of lead not to exceed the limits of the following utensil categories:[P]

Utensil category	Ceramic Article Description	Maximum Lead mg/L
Beverage mugs, cups, pitchers	Coffee Mugs	0.5
Large hollowware (excluding pitchers)	Bowls > 1.1 Liter (1.16 Quart)	1.0
Small hollowware (excluding cups & mugs)	Bowls < 1.1 Liter (1.16 Quart)	2.0
Flat tableware	Plates, Saucers	3.0

2. Pewter alloys containing lead in excess of 0.05% may not be used as a food-contact surface.[P]

3. Solder and flux containing lead in excess of 0.2% may not be used as a food-contact surface.

(d) Copper, Use Limitations. Copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or

tubing installed between a backflow prevention device and a carbonator[P], except that copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the pre-fermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

(e) Galvanized Metal, Use Limitation. Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.[P]

(f) Sponges, Use Limitation. Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(g) Wood, Use Limitation.

1. Except as specified in paragraphs 2., 3., and 4. of this subsection, wood and wood wicker may not be used as a food-contact surface.

2. Hard maple or an equivalently hard, close-grained wood may be used for cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, toothpicks, and chopsticks. It may also be used for wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above.

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

4. If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in untreated wood containers or treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 - Preservatives for Wood.

(h) Nonstick Coating, Use Limitation. Multiuse kitchenware such as frying pans, griddles, saucepans, cookie sheets, and waffle bakers that have a perfluorocarbon resin (nonstick) coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

(i) Nonfood-contact Surfaces. Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

(j) Single-service and Single-use Articles. Materials that are used to make single-service and single-use articles may not allow the migration of deleterious substances[P] or impart colors, odors, or tastes to food and shall be safe[P] and clean.

(2) Design and Construction.

(a) Equipment and Utensils. Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) Food Temperature Measuring Devices. Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.[P]

(c) Multiuse Food-Contact Surfaces.

1. Multiuse food-contact surfaces shall be:

(i) Smooth;[Pf]

(ii) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;[Pf]

(iii) Free of sharp internal angles, corners, and crevices;[Pf]

(iv) Finished to have smooth welds and joints;[Pf] and

(v) Except as specified in paragraph 2. of this subsection, accessible for cleaning and inspection by one of the following methods:

(I) Without being disassembled,[Pf]

(II) By disassembling without the use of tools,[Pf] or

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

2. The requirement in paragraph 1.(v) of this subsection does not apply to cooking oil storage tanks, Distribution lines for cooking oils, or beverage syrup lines or tubes.

(d) Clean-in-Place (CIP) Equipment.

1. Clean-in-Place (CIP) equipment shall meet the characteristics specified under subsection (2)(c) of this Rule and shall be designed and constructed so that:

(i) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces,[Pf] and

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

2. CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

(e) "V" Threads. Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.

(f) Hot Oil Filtering Equipment. Hot oil filtering equipment shall meet the characteristics specified under subsections (2)(c) or (d) of this Rule and shall be readily accessible for filter replacement and cleaning of the filter.

(g) Can Openers. Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

(h) Nonfood-contact Surfaces. Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

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

1. Removable by one of the methods specified under subsection (2)(c)1.(v) of this Rule or capable of being rotated open; and

2. Removable or capable of being rotated open without unlocking equipment doors.

(j) Ventilation Hood Systems, Filters. Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(k) Temperature Measuring Devices, Food.

1. Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to ± 1°C in the intended range of use.[Pf]

2. Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to ± 2°F in the intended range of use.[Pf]

(l) Temperature Measuring Devices, Ambient Air and Water.

1. Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to ± 1.5°C in the intended range of use.[Pf]

2. Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to ± 3°F in the intended range of use.[Pf]

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

(n) Exhaust Ventilation Hood Systems. Exhaust ventilation hood systems in food preparation and warewashing areas, including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

(o) Equipment Openings, Closures and Deflectors.

1. A cover or lid for equipment shall overlap the opening and be sloped to drain.

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

3. Except as specified under paragraph 4. of this subsection, fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.

4. If a watertight joint is not provided:

(i) The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and

(ii) The opening shall be flanged upward at least two-tenths of an inch (5 millimeters).

(p) Dispensing Equipment, Protection of Equipment and Food. In equipment that dispenses or vends liquid food or ice in unpackaged form:

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

2. The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

3. The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

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

(ii) Available for self-service during hours when it is not under the fulltime supervision of a food employee; and

4. The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

(q) Vending Machine, Vending Stage Closure. The dispensing compartment of a vending machine including a machine that is designed to vend prepackaged snack food that is not time/temperature control for safety food, such as chips, party mixes, and pretzels, shall be equipped with a self-closing door or cover if the machine is:

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

2. Available for self-service during hours when it is not under the full-time supervision of a food employee.

(r) Bearings and Gear Boxes, Leakproof. Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.

(s) Beverage Tubing, Separation. Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice. This does not apply to cold plates that are constructed integrally with an ice storage bin.

(t) Ice Units, Separation of Drains. Liquid waste drain lines may not pass through an ice machine or ice storage bin.

(u) Condenser Unit, Separation. If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

(v) Molluscan Shellfish Life-Support System.

1. Except as specified under paragraph 2. of this subsection, molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.[P]

2. Molluscan shellfish life-support system display tanks that are used to store or display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the Health Authority as specified in DPH Rule 511-6-1-.10(5)(a) and a HACCP plan that:[Pf]

(i) Is submitted by the permit holder and deemed by the Health Authority as being in satisfactory conformance with the specifications found in DPH Rule 511-6-1-.02(6);[Pf] and

(ii) Ensures that:

(I) Water used with fish other than molluscan shellfish does not flow into the molluscan tank,[Pf]

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

(III) The identity of the source of the shellstock is retained as specified under DPH Rule 511-6-1-.04(3)(l).[Pf]

(w) Vending Machines, Automatic Shutoff.

1. A machine vending time/temperature control for safety food shall have an automatic control that prevents the machine from vending food:

(i) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified under DPH Rule 511-6-1-.04 (6)(f);[P] and

(ii) If a condition specified under paragraph 1.(i) of this subsection occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under DPH Rule 511-6-1-.04 (6)(f).[P]

2. When the automatic shutoff within a machine vending time/temperature control for safety food is activated:

(i) In a refrigerated vending machine, the ambient temperature may not exceed 41°F (5°F) for more than 30 minutes immediately after the machine is filled, serviced, or restocked;[P] or

(ii) In a hot holding vending machine, the ambient temperature may not be less than 135°F (57°C) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.[P]

(x) Temperature Measuring Devices.

1. In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

2. Except as specified in paragraph 3. of this subsection, cold or hot holding equipment used for time/temperature control for safety food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

3. The requirement in paragraph 2. of this subsection does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment such as insulated food transport containers and salad bars.

4. Temperature measuring devices shall be designed to be easily readable.

5. Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F in the intended range of use.[Pf]

(y) Warewashing Machine, Data Plate Operating Specifications. A warewashing machine, if utilized, shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

1. Temperatures required for washing, rinsing, and sanitizing;

2. Pressure required for the freshwater sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and

3. Conveyor speed for conveyor machines or cycle time for stationary rack machines.

(z) Warewashing Machines, Internal Baffles. Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

(aa) Warewashing Machines, Temperature Measuring Devices. A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

1. In each wash and rinse tank;[Pf] and

2. As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.[Pf]

(bb) Manual Warewashing Equipment, Heaters and Baskets. If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

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

2. Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.[Pf]

(cc) Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers. A warewashing machine that is installed after September 12, 2007 shall be designed and equipped to: automatically dispense detergents and sanitizers[Pf] and incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.[Pf]

(dd) Warewashing Machines, Flow Pressure Device.

1. Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and

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

3. The requirements in paragraphs 1. and 2. of this subsection do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

(ee) Warewashing Sinks and Drainboards, Self-Draining. Sinks and drainboards of warewashing sinks and machines shall be self-draining.

(ff) Equipment Compartments, Drainage. Equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

(gg) Vending Machines, Liquid Waste Products.

1. Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

2. Vending machines that dispense liquid food in bulk shall be:

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

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

3. Shutoff devices specified under paragraph 2.(ii) of this subsection shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

(hh) Case Lot Handling Equipment, Moveability. Apparatuses, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

(ii) Vending Machine Doors and Openings.

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

(i) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12 mesh to 1 inch (12 or more mesh to 2.5 centimeters) meets this requirement;

(ii) Being effectively gasketed;

(iii) Having interface surfaces that are at least 13 millimeters or one-half inch wide; or

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(iv) Jambs or surfaces used to form an L-shaped entry path to the interface.

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

(jj) Food Service Equipment, Acceptability. Food service equipment must be commercial grade equipment and designed and built according to standards set by American National standards Institute (ANSI) accredited certification programs. Such an accredited program includes, but is not limited to, one offered by the National Sanitation Foundation, or Underwriters Laboratories. Food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program is deemed to comply with subsections (1) and (2) of this Rule when used for its intended purpose.

(3) Numbers and Capacities.

(a) Cooling, Heating, and Holding Capacities. Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under DPH Rule 511-6-1-.04.[Pf]

(b) Manual Warewashing, Sink Compartment Requirements.

1. A sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.[Pf]

2. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. Equipment and utensils that are too large for the warewashing sink, shall be washed, rinsed, and sanitized manually or cleaned through pressure spray methods.[Pf]

3. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:

(i) High-pressure detergent sprayers;

(ii) Low- or line-pressure spray detergent foamers;

(iii) Other task-specific cleaning equipment;

(iv) Brushes or other implements; or

(v) Receptacles that substitute for the compartments of a multicompartment sink.

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(c) Drainboards. Drainboards, utensil racks, or tables large enough to separately accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

(d) Ventilation Hood Systems, Adequacy. Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(e) Clothes Washers and Dryers.

1. If work clothes or linens are laundered on the premises, then a mechanical clothes washer and dryer shall be provided and used.

2. If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried, then a mechanical clothes washer and dryer need not be provided.

(f) Utensils, Consumer Self-Service. A food dispensing utensil shall be available for each container displayed at a consumer self-service unit such as a buffet or salad bar. The utensil's length shall be longer than the widest portion of the container.[Pf]

(g) Food Temperature Measuring Devices.

1. Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under DPH Rule 511-6-1-.04.[Pf]

2. A temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.[Pf]

(h) Temperature Measuring Devices, Manual and Mechanical Warewashing.

1. In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.[Pf]

2. In hot water mechanical warewashing operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the utensil surface temperature.[Pf]

(i) Sanitizing Solutions, Testing Devices. A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided.[Pf]

(j) Sink for Washing Raw Fruits and Vegetables. At least one sink, plumbed with hot and cold water under pressure, shall be provided for the washing of fruits and vegetables as specified under DPH Rule 511-6-1-.04(4)(g)1.[P]

(4) Location and Installation.

(a) Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.

1. Except as specified in paragraph 2. of this subsection, equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located under any source of contamination, including in locker rooms; in toilet rooms; in garbage rooms; in mechanical rooms; under sewer lines; under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed; or under open stairwells.

2. A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

3. If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

(b) Fixed Equipment, Spacing or Sealing.

1. Equipment that is fixed because it is not easily movable shall be installed so that it is:

(i) Spaced to allow access for cleaning along the sides, behind, and above the equipment;

(ii) Spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second inch or 1 millimeter; or

(iii) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

2. Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

(i) Sealed to the table; or

(ii) Elevated on legs that provide at least a 4 inch (10 centimeter) clearance between the table and the equipment.

(c) Fixed Equipment, Elevation or Sealing.

1. Except as specified in paragraph 2. of this subsection, floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a 6-inch (15 centimeter) clearance between the floor and the equipment.

2. If no part of the floor under the floor-mounted equipment is more than 6 inches (15 centimeters) from the point of cleaning access, the clearance space may be only 4 inches (10 centimeters).

3. Except as specified in paragraph 4. of this subsection, table-mounted equipment that is not easily movable shall be elevated on legs that provide at least a 4-inch (10 centimeter) clearance between the table and the equipment.

4. The clearance space between the table and table-mounted equipment may be:

(i) 3 inches (7.5 centimeters) if the horizontal distance of the tabletop under the equipment is no more than 20 inches (50 centimeters) from the point of access for cleaning; or

(ii) 2 inches (5 centimeters) if the horizontal distance of the tabletop under the equipment is no more than 3 inches (7.5 centimeters) from the point of access for cleaning.

(5) Acceptability of Existing Equipment. Equipment that was installed in a food service establishment prior to September 12, 2007 and that does not fully meet all of the material, design and fabrication requirements specified under subsections (1)(a) through (j) and subsections (2)(a) through (jj) of this Rule shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this Chapter shall meet the requirements of this Rule.[Pf]

(6) Maintenance and Operation.

(a) Good Repair and Proper Adjustment.

1. Equipment shall be maintained in a state of repair and condition that meets the requirements specified under subsections (1) and (2) of this Rule.

2. Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

3. 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.

(b) 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 cannot be resurfaced.

(c) Microwave Ovens. Microwave ovens shall be in good repair and meet the safety standards specified in 21 CFR 1030.10 - Microwave Ovens.

(d) 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 shall be cleaned before use; 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 if used, at least every 24 hours.

(e) Warewashing Machines, Manufacturers' Operating Instructions.

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

2. A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately and timed in accordance with the manufacturer's specifications.

(f) Warewashing Sinks, Use Limitation.

1. A warewashing sink may not be used for handwashing.[Pf]

2. A warewashing sink may be used for thawing and preparing raw foods and raw foods served in the ready-to-eat form, other than fruits and vegetables, if the sink is cleaned and sanitized prior to use and the food is placed in a clean colander or pan.[Pf]

(g) Warewashing Equipment, Cleaning Agents. When used for warewashing, the wash compartment of a sink or mechanical warewasher 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]

(h) Warewashing Equipment, Clean Solutions. The wash, rinse, and sanitize solutions shall be kept clean.

(i) Manual Warewashing Equipment, Wash Solution Temperature. The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 110°F (43°C) or the temperature specified on the cleaning agent manufacturer's label instructions.[Pf]

(j) Mechanical Warewashing Equipment, Wash Solution Temperature.

1. The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:

(i) For a stationary rack, single temperature machine, 165°F (74°C);[Pf]

(ii) For a stationary rack, dual temperature machine, 150°F (66°C);[Pf]

(iii) For a single tank, conveyor, dual temperature machine, 160°F (71°C);[Pf] or

(iv) For a multitank, conveyor, multitemperature machine, 150°F (66°C).[Pf]

2. The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 120°F (49°C).[Pf]

(k) 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 171°F (77°C) or above.[P]

(l) Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.

1. Except as specified in paragraph 2. of this subsection, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 194°F (90°C), or less than:[Pf]

(i) For a stationary rack, single temperature machine, 165°F (74°C);[Pf] or

(ii) For all other machines, 180°F (82°C).[Pf]

2. The maximum temperatures specified under paragraph 1 of this subsection, do not apply to the high pressure and temperature systems with wand-type, handheld, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

(m) 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 control valve, 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).

(n) 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 subsection (8)(b)3. of this Rule shall meet the requirements specified in DPH Rule 511-6-1-.07(6)(g), shall

be used in accordance with the Environmental Protection Agency (EPA)-registered label use instructions,[P] and shall be used as follows:

1. A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;[P]

Concentration Range	Minimum Temperature	
mg/L	pH 10 or less ºF (ºC)	pH 8 or less ºF (ºC)
25-49	120 (49)	120 (49)
50-99	100 (38)	75 (24)
100	55 (13)	55 (13)

2. An iodine solution shall have a minimum temperature of 68°F (20°C)[P] minimum concentration between 12.5 ppm and 25 ppm,[P] and pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies for the solution to be effective;[P]

3. A quaternary ammonium compound solution shall have a minimum temperature of 75°F (24°C),[P] have a concentration as specified in DPH Rule 511-6-1-.07(6)(g) and as indicated by the manufacturer's use directions included in the labeling,[P] and be used only in water with 500 ppm hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions;[P]

4. If another solution of a chemical specified under paragraphs 1. through 3. of this subsection is used, the permit holder shall demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution shall be approved;[P]

5. 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

6. If a chemical sanitizer is generated by a device located on-site at the food service establishment, it shall be used as specified in 1. through 5. of this subsection and shall be produced by a device that:

(i) Complies with law as specified in sections (2)(q)1. and 12. of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),[P]

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

(iii) Displays the EPA device manufacturing facility registration number on the device,[Pf] and

(iv) Is operated and maintained in accordance with manufacturer's instructions.[Pf]

7. On-site chemical sanitizer generating equipment with active ingredients, such as copper, must be registered as pesticides. The active ingredient may be part of the equipment or separately added.

(o) 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.

(p) Warewashing Equipment, Determining Chemical Sanitizer Concentration. Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.[Pf]

(q) Good Repair and Calibration.

1. Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under subsections (1) and (2) of this Rule or shall be discarded.

2. Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.[Pf]

3. Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

(r) Single-Service and Single-Use Articles, Use Limitation.

1. Single-service and single-use articles may not be reused.

2. The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

(s) Shells, Use Limitation. Mollusk and crustacean shells shall not be used more than once as serving containers.

(7) Cleaning of Equipment and Utensils.

(a) Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.

1. Equipment food-contact surfaces and utensils shall be clean to sight and touch.[Pf]

2. The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

3. Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

(b) Equipment Food-Contact Surfaces and Utensils.

1. Equipment food-contact surfaces and utensils shall be cleaned:

(i) Before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry. It does not apply if the food-contact surface or utensil is in contact with a succession of different types of raw meat and raw poultry each requiring a higher cooking temperature as specified under DPH Rule 511-6-1.04(5)(a) than the previous type such as preparing raw pork followed by cutting raw poultry on the same cutting board;[P]

(ii) Each time there is a change from working with raw foods to working with ready-to-eat foods;[P]

(iii) Between uses with raw fruits and vegetables and with Time/Temperature Control for Safety food;[P]

(iv) Before using or storing a food temperature measuring device;[P] and

(v) At any time during the operation when contamination may have occurred.[P]

2. Except as specified in paragraph 3. of this subsection, if used with time/temperature control for safety food, equipment food-contact surfaces and utensils shall be cleaned at least every 4 hours throughout the day.[P]

3. Surfaces of utensils and equipment contacting time/temperature control for safety food may be cleaned less frequently than every 4 hours if:

(i) In storage, containers of time/temperature control for safety food and their contents are maintained at temperatures specified under DPH Rule 511-6-1-.04 and the containers are cleaned when they are empty;

(ii) 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:

(I) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Temperature	Cleaning Frequency
41ºF (5.0ºC) or less	24 hours
> 41ºF - 45ºF (> 5.0ºC - 7.2ºC)	20 hours
> 45ºF - 50ºF (> 7.2ºC - 10.0ºC)	16 hours
> 50ºF - 55ºF (> 10.0ºC - 12.8ºC)	10 hours

and

(II) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food service establishment.

(iii) 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 DPH Rule 511-6-1-.04;

(iv) 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;

(v) The cleaning schedule is approved based on consideration of:

(I) Characteristics of the equipment and its use,

(II) The type of food involved,

(III) The amount of food residue accumulation, and

(IV) 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

(vi) In-use utensils are intermittently stored in a container of water in which the water is maintained at 135°F (57°C) 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.

4. Dining counters and tabletops shall be cleaned and sanitized routinely after removing all soiled tableware and food trays shall be cleaned and sanitized after each use by one of the following methods:

(i) A two-step method in which one cloth, rinsed in sanitizing solution is used to clean food debris from the surface and a second cloth in separate sanitizing solution is used to rinse;

(ii) Sanitizing solution is sprayed onto the surface and the surface is then wiped clean with a disposable towel;

(iii) If used for cleaning and sanitizing, single-use disposable sanitizer wipes shall be used in accordance with EPA-registered label use instructions; or

(iv) Other methods approved by the Health Authority.

(v) Food trays may be cleaned and sanitized the same as table ware.

5. Except when dry cleaning methods are used as specified under subsection (7)(e) of this Rule, surfaces of utensils and equipment contacting food that is not time/temperature control for safety food shall be cleaned:

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

(ii) At least every 24 hours for iced tea dispensers including nozzles and consumer self-service utensils such as tongs, scoops, or ladles;

(iii) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and

(iv) 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:

(I) At a frequency specified by the manufacturer; or

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

(c) Cooking and Baking Equipment.

1. The food-contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours. This subsection does not apply to hot oil cooking and filtering equipment if it is cleaned as specified under subsection (7)(b)3.(v) of this Rule.

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

(d) Nonfood-Contact Surfaces. Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

(e) Dry Cleaning.

1. If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not time/temperature control for safety food.

2. Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

(f) Precleaning.

1. Food debris on equipment and utensils shall be scraped over a waste disposal unit, or garbage receptacle or shall be removed in a warewashing machine with a prewash cycle.

2. If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

(g) Loading of Soiled Items, Warewashing Machines. Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

1. Exposes the items to the unobstructed spray from all cycles; and

2. Allows the items to drain.

(h) Wet Cleaning.

1. Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

2. The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

(i) Washing, Procedures for Alternative Manual Warewashing Equipment. If washing in sink compartments or a warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative methods in accordance with the following procedures:

1. Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;

2. Equipment components and utensils shall be scraped or rough cleaned to remove food particle accumulation; and

3. Equipment and utensils shall be washed as specified under subsection (7)(h)1. of this Rule.

(j) Rinsing Procedures. Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

1. Use of a distinct, separate water rinse after washing and before sanitizing if using:

(i) A 3-compartment sink, or

(ii) A 3-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment;

2. Use of a detergent-sanitizer as specified under subsection (6)(o) of this Rule if using a warewashing system for CIP equipment;

3. If using a warewashing machine that does not recycle the sanitizing solution as specified under paragraph 4. of this subsection, or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse must be:

(i) Integrated in the application of the sanitizing solution, and

(ii) Wasted immediately after each application; or

4. If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

(8) Sanitization of Equipment and Utensils.

(a) Before Use After Cleaning. Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.[P]

(b) Hot Water and Chemical. After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:

1. Hot water manual operations by immersion for at least 30 seconds in water at a temperature of 171°F (77°C) or above;[P]

2. Hot water mechanical operations by being cycled through equipment that is set up as specified under subsections (6)(e), (l), and (m) of this Rule and achieving a utensil surface temperature of 160°F (71°C) as measured by an irreversible registering temperature indicator;[P] or

3. Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under subsection (6)(n) of this Rule. Contact times shall be consistent with those on EPA-registered label use instructions by providing:

(i) Except as specified under paragraph 3.(ii) of this subsection, an contact time of at least 10 seconds for a chlorine solution specified under subsection (6)(n)1. of this Rule;[P]

(ii) A contact time of at least seven seconds for a chlorine solution of 50 ppm that has pH of 10 or less and a temperature of at least 100°F (38°C) or a pH of 8 or less and a temperature of at least 75°F (24°C);[P]

(iii) A contact time of at least 30 seconds for other chemical sanitizing solutions;[P] or

(iv) A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization.[P]

(9) Laundering.

(a) Clean Linens. Clean linens shall be free from food residues and other soiling matter.

(b) Specifications.

1. Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.

2. Cloth gloves used in direct contact with foods that will be subsequently cooked shall be laundered before being used with a different type of raw animal food such as beef, fish, lamb, pork or poultry.

3. Linens, used to line a container for service of food, that come in direct contact with food and cloth napkins shall be laundered between each use.

4. Wet wiping cloths shall be laundered daily.

5. Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

(c) Storage of Soiled Linens. Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

(d) Mechanical Washing and Drying.

1. Except as specified in paragraph 2. of this subsection, all linens shall be mechanically washed.

2. In food service establishments in which only wiping cloths are laundered as specified in subsection (3)(e)2. of this Rule, the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing sink that is cleaned before and after use.

(e) Use of Laundry Facilities.

1. Except as specified in paragraph 2. of this subsection, laundry facilities on the premises of a food service establishment shall be used only for the washing and drying of items used in the operation of the establishment.

2. Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering food service establishment items.

(10) Protection of Clean Items.

(a) Equipment and Utensils, Air-Drying Required. After cleaning and sanitizing, equipment and utensils:

1. Shall be air-dried or used after adequate draining before contact with food; and

2. May not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

(b) Wiping Cloths, Air-Drying Locations. Wiping cloths laundered in a food service establishment that does not have a mechanical clothes dryer shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths. This subsection does not apply if wiping cloths are stored after laundering in a sanitizing solution.

(c) Food-Contact Surfaces. Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

(d) Equipment. Equipment shall be reassembled so that food-contact surfaces are not contaminated.

(e) Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.

1. Except as specified in paragraph 4. of this subsection, cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:

(i) In a clean, dry location;

(ii) Where they are not exposed to splash, dust, or other contamination; and

(iii) At least 6 inches (15 centimeters) above the floor.

2. Clean equipment and utensils shall be stored as specified under paragraph 1. of this subsection and shall be stored:

(i) In a self-draining position that allows air drying; and

(ii) Covered or inverted.

3. Single-service and single-use articles shall be stored as specified under paragraph 1 of this subsection and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

4. Items that are kept in closed packages may be stored less than 6 inches (15 centimeters) above the floor on dollies, pallets, racks, and skids that are designed as specified under subsection (2)(hh) of this Rule.

(f) Prohibitions.

1. Except as specified in paragraph 2. of this subsection, cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored in or under any source of contamination, including in locker rooms, in toilet rooms, in garbage rooms, in mechanical rooms, under sewer lines, under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed; under open stairwells; or under other sources of contamination.

2. Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

(g) Kitchenware and Tableware.

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1. Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed, and dispensed so that contamination of food-and lip-contact surfaces is prevented.

2. Knives, forks, and spoons that are not pre-wrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

3. Except as specified under paragraph 2. of this subsection, single-service articles that are intended for food- or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

(h) Soiled and Clean Tableware. Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

(i) Preset Tableware.

1. Except as specified in subsection 2.(i) below, tableware that is preset shall be protected from contamination by being wrapped, covered, or inverted.

2. Preset tableware may be exposed if:

(i) Unused settings are removed when a consumer is seated; or

(ii) Settings not removed when a consumer is seated are cleaned and sanitized before further use.

(j) After being cleaned and sanitized, equipment and utensils shall not be rinsed before air drying, unless:

(i) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under subsections (2) and (6) of this Rule; and

(ii) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

Authority: O.C.G.A. §§ 26-2-373, 31-2A-6. Administrative History. Original Rule entitled "Permits, Granting and Validity" was filed and effective on July 19, 1965 as 270-5-6-.05. Amended: Rule repealed and a new Rule entitled "Preparation" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.05. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Equipment and Utensils" adopted. Filed July 10,1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 26, 2006; effective. Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept.12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015.

511-6-1-.06 Sanitary Facilities and Controls.

(1) Water Supply.

(a) Approved System. Enough potable water for the needs of the food service establishment shall be provided from an approved source that is a public water system;[P] or a nonpublic water system that is constructed, maintained and operated according to applicable state or local codes as amended.[P]

(b) System Flushing and Disinfection. A potable water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, or water interruption event that may introduce contaminants to the system.[P]

(c) Bottled Drinking Water. Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination.[P] Bottled and packaged potable water shall be dispensed from the original container.

(d) Standards. Except as specified under subsection (1)(e) of this Rule:

1. Water from a public water system shall meet 40 CFR 141 - National Primary Drinking Water Regulations and state drinking water quality standards;[P] and

2. Water from a nonpublic water system shall meet state drinking water quality standards or as applicable as established by the department.[P]

(e) Nondrinking Water. A non-potable water supply may be used for nonculinary purposes such as air conditioning, nonfood equipment cooling, fire protection, and irrigation.[P]

(f) Non-Public Water Supply - Approved Wells.

1. Sampling. Except when used as specified under subsection (1)(e) of this Rule water from a non-public water system shall be sampled and tested in accordance with requirements as established by the department,[Pf] and

2. Sampling Report. The most recent sample report for the non-public water system shall be retained on file in the food service establishment or the report shall be maintained as specified by the Department.

(g) Capacity.

1. The water source and system shall be of sufficient capacity to meet the peak water demands of the food service establishment.[Pf]

2. Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food service establishment.[Pf]

(h) Pressure. Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under subsection(1)(k)1. and 2. to a temporary food service operation or in response to a temporary interruption of a water supply need not be under pressure.[Pf]

(i) System. Water shall be received from the source through the use of:

1. An approved public water main;[Pf] or

2. One or more of the following that shall be constructed, maintained, and operated according to law:[Pf]

(i) Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances,[Pf]

(ii) Water transport vehicles,[Pf] or

(iii) Water containers.[Pf]

(j) Alternative Water Supply. Water meeting the requirements specified under subsections (1)(a) - (i) of this Rule shall be made available for a mobile food service establishment's base of operation, for a temporary food service establishment without a permanent water supply, and for a food service establishment with a temporary interruption of its water supply through:

1. A supply of containers of commercially bottled drinking water;[Pf]

2. One or more closed portable water containers;[Pf]

3. An enclosed vehicular water tank;[Pf]

4. An on-premises water storage tank;[Pf] or

5. Piping, tubing, or hoses connected to an adjacent approved source.[Pf]

(2) Plumbing System.

(a) Approved.

1. A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to law.[P]

2. A water filter shall be made of safe materials.[Pf]

(b) Approved System and Cleanable Fixtures.

1. A plumbing system shall be designed, constructed, and installed according to law.[P]

2. A plumbing fixture such as a handwashing sink, toilet, or urinal shall be easily cleanable.

(c) Handwashing Sink Installation.

1. A handwashing sink shall be equipped to provide tempered water at a temperature of at least 100°F (38°C) through a mixing valve or combination faucet.[Pf]

2. A steam mixing valve may not be used at a handwashing sink.

3. A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

4. An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

(d) Backflow Prevention, Air Gap. An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 1 inch (25 mm).[P]

(e) Backflow Prevention Device, Design Standard. A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.[P]

(f) Conditioning Device, Design. A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

(g) Handwashing Sinks, Numbers and Capacities.

1. Except as specified in paragraph 2. of this subsection, at least one handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under subsection (2)(l) of this Rule, and not fewer than the number of handwashing sinks required by law shall be provided.[Pf]

2. If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing sinks in a food service establishment that has at least one handwashing sink.

(h) Toilets and Urinals, Numbers and Capacities.

1. Toilet facilities shall be provided for food employees.

2. All toilet facilities shall be installed in accordance with applicable State or local plumbing code as amended and shall be the number required by such code.

3. In toilet facilities that have exit doors with handles or knobs that must be touched to open, sanitary towels must be provided.

4. In all establishments with dining facilities on the premises and permitted since July 31, 1995, patrons' toilet facilities shall be provided. Access to patrons' toilet facilities shall not be through food service, preparation, storage, or warewashing areas.

5. Toilets shall be located on or within 200 feet of the premises. Off-premises toilets must be approved by the Health Authority.

(i) Service Sinks, Numbers and Capacities. At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

(j) Backflow Prevention Device, When Required. A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food service establishment, including on a hose bib if a hose is attached or on a hose bib if a hose is not attached and backflow prevention is required by law, by:

1. Providing an air gap;[P] or

2. Installing an approved backflow prevention devices.[P]

(k) Backflow Prevention Device, Carbonator.

1. If not provided with an air gap as specified under subsection (2)(d) of this Rule a double check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 1 inch (100 mesh to 25.4 mm) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.[P]

2. A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under paragraph 1. of this subsection.

(l) Handwashing Sinks, Location and Placement. A handwashing sink shall be located:

1. To allow convenient use by employees in food preparation, food dispensing, and warewashing areas;[Pf] and

2. In, or immediately adjacent to, toilet rooms.[Pf]

(m) Backflow Prevention Device, Location. A backflow prevention device shall be located so that it may be serviced and maintained.

(n) Conditioning Device, Location. A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

(o) Using a Handwashing Sink.

1. A handwashing sink shall be maintained so that it is accessible at all times for employee use.[Pf]

2. A handwashing facility may not be used for purposes other than handwashing.[Pf]

3. An automatic handwashing facility shall be used in accordance with manufacturer's instructions.[Pf]

(p) Prohibiting a Cross Connection.

1. A person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.[P]

2. The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.[Pf]

(q) Scheduling Inspection and Service for a Water System Device. A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the person in charge.[Pf]

(r) System Maintained in Good Repair. A plumbing system shall be repaired according to law[P] and maintained in good repair.

(3) Mobile Water Tank and Mobile Food Service Unit Water Tanks.

(a) Approved. Materials that are used in the construction of a mobile water tank, mobile food service unit water tank, and appurtenances shall be:

1. Safe;[P]

2. Durable, corrosion-resistant, and nonabsorbent; and

3. Finished to have a smooth, easily cleanable surface.

(b) Enclosed System, Sloped to Drain. A mobile water tank shall be:

1. Enclosed from the filling inlet to the discharge outlet; and

2. Sloped to an outlet that allows complete drainage of the tank.

(c) Inspection and Cleaning Port, Protected and Secured. If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

1. Flanged upward at least one-half inch (13 mm); and

2. Equipped with a port cover assembly that is:

(i) Provided with a gasket and a device for securing the cover in place, and

(ii) Flanged to overlap the opening and sloped to drain.

(d) "V" Type Threads, Use Limitation. A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

(e) Tank Vent, Protected. If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

1. 16 mesh to 1 inch (16 mesh to 25.4 mm) screen or equivalent when the vent is in a protected area; or

2. A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(f) Inlet and Outlet, Sloped to Drain.

1. A water tank and its inlet and outlet shall be sloped to drain.

2. A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

(g) Hose, Construction and Identification. A hose used for conveying drinking water from a water tank shall be:

1. Safe;[P]

2. Durable, corrosion-resistant, and nonabsorbent;

3. Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;

4. Finished with a smooth interior surface; and

5. Clearly and durably identified as to its use if not permanently attached.

(h) Filter, Compressed Air. A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.[P]

(i) Protective Cover or Device. A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for a water inlet, outlet, and hose.

(j) Mobile Food Service Unit Tank Inlet. A mobile food service unit's water tank inlet shall be:

1. Three-fourths inch (19.1 mm) in inner diameter or less; and

2. Provided with a hose connection of a size or type that will prevent its use for any other service.

(k) System Flushing and Sanitization. A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.[P]

(l) Using a Pump and Hoses, Backflow Prevention. A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

(m) Protecting Inlet, Outlet, and Hose Fitting. If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under subsection (3)(i) of this Rule.

(n) Tank, Pump, and Hoses, Dedication.

1. Except as specified in paragraph 2. of this subsection, a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.[P]

2. Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

(4) Sewage, Other Liquid Waste, and Rainwater.

(a) Mobile Holding Tank, Capacity and Drainage. A sewage holding tank on a mobile food service unit shall be:

1. Sized 15 percent larger in capacity than the water supply tank; and

2. Sloped to a drain that is 1 inch (25 mm) in inner diameter or greater, equipped with a shut-off valve.

(b) Establishment Drainage System. Food service establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under subsection (2)(b)1. of this Rule.

(c) Backflow Prevention.

1. Except as specified in paragraphs 2., 3., and 4. of this subsection, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.[P]

2. The requirement in paragraph 1. of this subsection does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.

3. If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 5 feet (1.5 m) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

4. If allowed by law, a warewashing or culinary sink may have a direct connection.

(d) Grease Trap. If used, a grease trap shall be located to be easily accessible for cleaning.

(e) Conveying Sewage. Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.[P]

(f) Removing Mobile Food Service Wastes. Sewage and other liquid wastes shall be removed from a mobile food service unit at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.[Pf]

(g) Flushing a Waste Retention Tank. A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

(h) Approved Sewage Disposal System. Sewage shall be disposed through an approved facility that is:

1. A public sewage treatment plant;[P] or

2. An individual sewage disposal system that is sized, constructed, maintained, and operated according to law.[P]

(i) Other Liquid Wastes and Rainwater. Condensate drainage and other non-sewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

(5) Refuse, Recyclables, And Returnables.

(a) Indoor Storage Area. If located within the food service establishment, a storage area for refuse, recyclables, and returnables shall meet the requirements specified under DPH Rule 511-6-1-.07(1) and (2).

(b) Outdoor Storage Surface. An outdoor storage surface for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped enough to drain to prevent the collection of surface water.

(c) Outdoor Enclosure. If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

(d) Receptacles.

1. Except as specified in paragraph 2. of this subsection, receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

2. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food service establishment, or within closed outside receptacles.

(e) Receptacles in Vending Machines. Except for a receptacle for beverage bottle crown closures, a refuse receptacle may not be located within a vending machine.

(f) Outside Receptacles.

1. Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food service establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

2. Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

(g) Storage Areas, Rooms, and Receptacles, Capacity and Availability.

1. An inside storage room and area, outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.

2. A receptacle shall be provided in each area of the food service establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

3. If disposable towels are used at handwashing sinks, a waste receptacle shall be located at each handwashing sink or group of adjacent sinks.

(h) Toilet Room Receptacle, Covered. A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

(i) Cleaning Implements and Supplies.

1. Except as specified in paragraph 2. of this subsection, suitable cleaning implements and supplies such as high-pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

2. If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

(j) Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.

1. An area designated for refuse, recyclables, returnables, and, except as specified in paragraph 2. of this subsection, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.

2. A redeeming machine may be located in the packaged food storage area or consumer area of a food service establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

3. The location of receptacles and waste handling units for refuse, recyclables, and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

(k) Storing Refuse, Recyclables, and Returnables. Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(l) Areas, Enclosures, and Receptacles, Good Repair. Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

(m) Outside Storage Prohibitions.

1. Except as specified in paragraph 2. of this subsection, refuse receptacles not meeting the requirements specified under subsection (5)(d)1. of this Rule such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.

2. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

(n) Covering Receptacles. Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

1. Inside the food service establishment if the receptacles and units:

(i) Contain food residue and are not in continuous use; or

(ii) After they are filled; and

2. With tight-fitting lids or doors if kept outside the food service establishment.

(o) Using Drain Plugs. Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

(p) Maintaining Refuse Areas and Enclosures. A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items and clean.

(q) Cleaning Receptacles.

1. Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of as specified under subsection (4)(e) of this Rule.

2. Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be single-use articles.[P]

(r) Frequency. Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(s) Receptacles or Vehicles. Refuse, recyclables, and returnables shall be removed from the premises by way of:

1. Portable receptacles that are constructed and maintained according to law; or

2. A transport vehicle that is constructed, maintained, and operated according to law.

(t) Community or Individual Facility. Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility; or solid waste shall be disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

Authority: O.C.G.A. §§ 26-2-373, 379, 31-2A-6. Administrative History. Original Rule entitled "Display of Permit was filed and effective on July 19, 1965 as 270-5-6-.06. Amended: Rule repealed and new Rule entitled "Storage" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.06. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Cleaning, Sanitization and Storage of Equipment and Utensils" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled "Sanitary Facilities and Controls" adopted. File Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule of same title adopted Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.06 "Sanitary Facilities and Controls" revised. Filed January 25, 2022; effective February 24, 2023.

511-6-1-.07 Physical Facilities.

(1) Materials for Construction and Repair.

(a) Indoor Materials. Materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

1. Smooth, durable, and easily cleanable for areas where food service establishment operations are conducted;

2. Closely woven and easily cleanable carpet for carpeted areas; and

3. Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food service unit servicing areas, and areas subject to flushing or spray cleaning methods.

(b) Outdoor Surfaces.

1. The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been approved by the Health Authority and have been graded to drain.

2. Exterior surfaces of buildings shall be of weather-resistant materials and shall comply with law.

(2) Design, Construction, and Installation.

(a) Floors, Walls, and Ceilings, Cleanability. Except as specified under subsection (2)(d) of this Rule and except for anti-slip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable.

(b) Utility Lines.

1. Utility service lines and pipes may not be unnecessarily exposed.

2. Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

3. Exposed horizontal utility service lines and pipes may not be installed on the floor.

(c) Floor and Wall Junctures, Coved, and Enclosed or Sealed.

1. In food service establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second inch (1 mm).

2. The floors in food service establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

(d) Floor Carpeting, Restrictions and Installation.

1. A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

2. If carpeting is installed as a floor covering in areas other than those specified under paragraphs 1 of this subsection, it shall be:

(i) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and

(ii) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

(e) Floor Covering, Mats and Duckboards. Mats and duckboards shall be designed to be removable and easily cleanable.

(f) Wall and Ceiling Coverings and Coatings.

1. Wall and ceiling covering materials shall be nonabsorbent, light colored, and attached so that they are easily cleanable.

2. Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(g) Walls and Ceiling, Attachments.

1. Except as specified in paragraphs 2. of this subsection, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

2. In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

(h) Walls and Ceilings, Studs, Joists, and Rafters. Except for temporary food service establishments, studs, joists, and rafters may not be exposed in areas subject to moisture.

(i) Light Bulbs, Protective Shielding.

1. Except as specified in paragraph 2. of this subsection, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

2. Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:

(i) The integrity of the packages cannot be affected by broken glass falling onto them; and

(ii) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

3. An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(j) Heating, Ventilating, Air Conditioning, System Vents. Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

(k) Insect Control Devices, Design and Installation.

1. Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

2. Insect control devices shall be installed so that:

(i) The devices are not located over a food preparation area; and

(ii) Dead insects and insect fragments are prevented from contact with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

(l) Toilet Rooms, Enclosed. Except where a toilet room is located outside a food service establishment and does not open directly into the food service establishment, such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door.

(m) Outer Openings, Protected.

1. Except as specified in paragraphs 2. through 5. of this subsection, outer openings of a food service establishment shall be protected against the entry of insects and rodents by:

(i) Filling or closing holes and other gaps along floors, walls, and ceilings;

(ii) Closed, tight-fitting windows; and

(iii) Solid, self-closing, tight-fitting doors.

2. The requirements in paragraph 1. of this subsection does not apply if a food service establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

3. Exterior doors used as exits need not be self-closing if they are:

(i) Solid and tight-fitting;

(ii) Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the food establishment; and

(iii) Limited use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

4. Except as specified in paragraphs 2. and 5. of this subsection, if the windows or doors of a food service establishment, or of a larger structure within which a food service establishment is located, are kept open for ventilation or other purposes or a temporary food service establishment is not provided with windows and doors as specified under paragraph 1. of this subsection, the openings shall be protected against the entry of insects and rodents by:

(i) 16 mesh to 1-inch (16 mesh to 25.4 mm) screens;

(ii) Properly designed and installed air curtains to control flying insects; or

(iii) Other effective means.

5. The requirement in paragraph 4. of this subsection does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

(n) Exterior Walls and Roofs, Protective Barrier. Perimeter walls and roofs of a food service establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(o) Outdoor Food Vending Areas, Overhead Protection. Except for machines that vend canned beverages, if located outside, a machine used to vend food shall be provided with overhead protection.

(p) Outdoor Walking and Driving Surfaces, Graded to Drain. Exterior walking and driving surfaces shall be graded to drain.

(q) Outdoor Refuse Areas, Curbed and Graded to Drain. Outdoor refuse areas shall be constructed in accordance with Law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

(r) Private Homes and Living or Sleeping Quarters, Use Prohibition. A private home kitchen, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be used for conducting food service establishment operations.[P]

(s) Living or Sleeping Quarters, Separation. Living or sleeping quarters located on the premises of a food service establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food service establishment operations by complete partitioning and solid self-closing doors.

(3) Numbers and Capacities.

(a) Handwashing Cleanser, Availability. Each handwashing sink or group of two adjacent handwashing sinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap.[Pf]

(b) Hand Drying Provision. Each handwashing sink or group of adjacent handwashing sinks shall be provided with:

1. Individual, disposable towels;[Pf]

2. A continuous towel system that supplies the user with a clean towel;[Pf]

3. A heated-air hand drying device;[Pf] or

4. A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.[Pf]

(c) Handwashing Aids and Devices, Use Restrictions. A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing sink.

(d) Handwashing Signage. A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing sinks used by food employees and shall be clearly visible to food employees.

(e) Toilet Tissue, Availability. A supply of toilet tissue shall be available at each toilet.[Pf]

(f) Lighting Intensity. The light intensity shall be:

1. At least 10-foot candles (108 lux) at a distance of 30 inches (75 cm) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

2. At least 20-foot candles (215 lux):

(i) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;

(ii) Inside equipment such as reach-in and under-counter refrigerators;

(iii) At a distance of 30 inches (75 cm) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and

3. At least 50-foot candles (540 lux) at a surface where a food service employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

(g) Mechanical Ventilation. If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

(h) Dressing Areas and Lockers.

1. Dressing rooms or dressing areas shall be designated and used if employees routinely change their clothes in the establishment.

2. Lockers or other suitable facilities shall be provided and used for the orderly storage of employees' clothing and other possessions.

(4) Location and Placement.

(a) Toilet Rooms Convenience and Accessibility. Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(b) Designated Areas for Employee Activity.

1. Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.

2. Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens and single-service and single-use articles cannot occur.

(c) Segregation and Location. Products that are held by permit holder for credit, redemption, or returned to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.[Pf]

(5) Maintenance and Operation.

(a) Good Repair. All physical facilities shall be maintained in good repair.

(b) Cleaning, Frequency and Restrictions.

1. The physical facilities shall be cleaned as often as necessary to keep them clean and by methods that prevent contamination of food products.

2. Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed, such as after closing.

3. If present, playground equipment and associated areas shall be maintained in a clean and sanitary condition. Further, a plan for employees to follow when responding to vomiting and diarrheal events shall be included and submitted at the time of permit application as specified in DPH Rule 511-6-1-.02(1)(c).[Pf]

(c) Dustless Methods of Cleaning Floors.

1. Only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds, except for emergency spills that occur between normal cleaning times.

2. Spills or drippage on floors that occur between normal floor cleaning times may be cleaned: without the use of dust-arresting compounds; and in the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

(d) Cleaning Ventilation Systems, Nuisance and Discharge Prohibition. Intake and exhaust air ducts shall be cleaned and filters changed, so they are not a source of contamination by dust, dirt, and other materials. If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

(e) Cleaning Maintenance Tools, Preventing Contamination. Food preparation sinks, handwashing sinks, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar

(f) Drying Mops. After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(g) Absorbent Materials on Floors, Use Limitation. Except as specified in subsection (5)(c)2. of this Rule, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

(h) Cleaning of Plumbing Fixtures. Plumbing fixtures such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean and maintained.

(i) Closing Toilet Room Doors. Except during cleaning and maintenance operations, toilet room doors as specified under subsection (2)(l) of this Rule shall be kept closed.

(j) Using Dressing Rooms and Lockers.

1. Dressing rooms shall be used by employees if the employees regularly change their clothes in the establishment.

2. Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

(k) Controlling Pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

1. Routinely inspecting incoming shipments of food and supplies;

2. Routinely inspecting the premises for evidence of pests;

3. Using methods, if pests are found, such as trapping devices or other means of pest control as specified under subsections (6)(e), (6)(m), and (6)(n) of this Rule;[Pf] and

4. Eliminating harborage conditions.

(l) Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests. Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

(m) Maintenance Tools. Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

1. Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and

2. Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

3. If wet, placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(n) Maintaining Premises. The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment, such as litter or equipment that is nonfunctional or no longer used.

(o) Prohibiting Animals.

1. Except as specified in paragraphs 2., 3., and 4. of this subsection, live animals may not be allowed on the premises of a food service establishment.[Pf]

2. Live animals may be allowed in the following situations if the contamination of food, clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result:

(i) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(ii) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(iii) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee, person or trainer of such animal, if a health or safety hazard will not result from the presence or activities of the service animal;

(iv) Pets in the common dining areas of group residences or institutional care facilities at times other than during meals if:

(I) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas; and

(II) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(III) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(v) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.

(vi) Pet dogs may be allowed in outside dining areas of a food service establishment that are accessed from the outside of the establishment under the following conditions:

(I) The food service establishment prepares written procedures that include:

I. A diagram of the outdoor area to be designated as available to consumers with pet dogs;[Pf]

II. The establishment's procedure for assuring that employees do not touch, pet or otherwise handle pet dogs and for immediately cleaning accidents involving dog waste. The procedure must also describe the location of materials and equipment necessary to clean up accidents involving dog waste;[Pf] and

III. The establishment's procedure for notifying employees and consumers of the requirements of this paragraph.[Pf]

(II) Pet dogs may not come into contact with serving dishes, utensils and tableware. Pet dogs are also not allowed on chairs, tables and other furnishings.[Pf]

(III) Employees and consumers may not provide food to pet dogs.[Pf]

(IV) Pet dogs must be on a leash and under control of the consumer at all times.[Pf]

(V) At no time may pet dogs be permitted to travel through the indoor or non-designated outdoor portions of the food establishment.[Pf]

3. Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

(6) Poisonous or Toxic Materials.

(a) Original Containers, Identifying Information. Containers of poisonous or toxic materials shall bear a legible manufacturer's label.[Pf]

(b) Working Containers, Common Name. Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.[Pf]

(c) Storage, Separation. Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

1. Separating the poisonous or toxic materials by spacing or partitioning;[P] and

2. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This requirement does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.[P]

(d) Restriction.

1. Only those poisonous or toxic materials that are required for the operation and maintenance of the food service establishment, such as for the cleaning and sanitizing of equipment and utensils, and the control of insects and rodents shall be allowed in a food service establishment.[Pf]

2. The requirement in paragraph 1. of this subsection does not apply to packaged poisonous or toxic materials that are for retail sale.

(e) Conditions of Use.

1. Poisonous or toxic materials shall be used according to:

(i) Law and this Chapter;

(ii) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food service establishment,[P]

(iii) The conditions of certification, if certification is required, for use of the pest control materials,[P] and

(iv) Additional conditions that may be established by the Health Authority; and

2. Be applied so that:

(i) A hazard to employees or other persons is not created,[P] and

(ii) Contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted use pesticide, this is achieved by:[P]

(I) Removing the items,[P]

(II) Covering the items with impermeable covers,[P] or

(III) Taking other appropriate preventive actions,[P] and

(IV) Cleaning and sanitizing equipment and utensils after the application.[P]

3. A restricted use pesticide shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a person under the direct supervision of a certified applicator.[Pf]

(f) Poisonous or Toxic Materials Containers, Prohibition. A container previously used to store poisonous or toxic materials shall not be used to store, transport, or dispense food.[P]

(g) Chemical Sanitizers, Criteria. Chemical sanitizers, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to food-contact surfaces shall:

1. Meet requirements specified in 40 CFR 180.940 - Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions),[P] or

2. Meet the requirements as specified in 40 CFR 180.2020 - Non-Food Determinations.[P]

(h) Chemicals for Washing, Treatment, Storage, and Processing Fruits and Vegetables, Criteria.

1. Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables shall:

(i) Be an approved food additive listed for this intended use in 21 CFR 173,[P] or

(ii) Be generally recognized as safe (GRAS) for this intended use,[P] or

(iii) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification),[P] and

(iv) Meet the requirements in 40 CFR 156 - Labeling Requirements for Pesticide and Devices.[P]

2. Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a food service establishment shall meet the requirements specified in 21 CFR 173.368 - Ozone.[P]

(i) Boiler Water Additives, Criteria. Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310 - Boiler Water Additives.[P]

(j) Drying Agents, Criteria. Drying agents used in conjunction with sanitization shall:

1. Contain only components that are listed as one of the following:

(i) Generally recognized as safe for use in food as specified in 21 CFR 182 - Substances Generally Recognized as Safe or in 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe,[P]

(ii) Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,[P]

(iii) Generally recognized as safe for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to food as described in 21 CFR 170.30 - Eligibility for Classification as Generally Recognized as Safe (GRAS),[P]

(iv) Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 409(h);[P]

(v) Approved for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) § 201(s)(4);[P]

(vi) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 175 through 178,[P] or
(vii) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 - Threshold of Regulation for Substances Used in Food-Contact Articles;[P] and

2. When sanitization is with chemicals, the approval required under paragraphs 1.(v) or 1.(vii) of this subsection or the regulation as an indirect food additive required under paragraph 1.(vi) of this subsection, shall be specifically for use with chemical sanitizing solutions.[P]

(k) Lubricants, Incidental Food Contact Criteria. Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with Incidental Food Contact, if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.[P]

(l) Restricted Use Pesticides, Criteria. Restricted use pesticides specified under subsection (6)(e)3. of this Rule shall meet the requirements specified in 40 CFR 152 Subpart I.

(m) Rodent Bait Stations. Rodent bait shall be contained in a covered, tamper-resistant bait station.[P]

(n) Tracking Powders, Pest Control and Monitoring. A tracking powder pesticide may not be used in a food service establishment.[P] If a nontoxic tracking powder such as talcum or flour is used, it shall not be allowed to contaminate food, equipment, utensils, linens, or single-service and single-use articles.

(o) Medicines, Restriction and Storage.

1. Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees shall be allowed in a food service establishment.[Pf]

2. Medicines that are in a food service establishment for the employee's use shall be labeled with a legible manufacturer's label and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles; and located so they are inaccessible to children.[P]

(p) Refrigerated Medicines, Storage. Medicines belonging to employees or that require refrigeration and are stored in a food refrigerator shall be stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines.[P]

(q) First-aid Supplies, Storage. First-aid supplies that are in a food service establishment for the employee's use shall be:

1. Labeled with the manufacturer's label;[Pf] and

2. Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.[P]

(r) Other Personal Care Items, Storage. Except as specified under subsections (6)(p) and (6)(q) of this Rule, employees shall store their personal care items in lockers or other facilities for orderly storage.

(s) Stock and Retail Sale. Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

1. Separating the poisonous or toxic materials by spacing or partitioning;[P] and

2. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.[P]

Authority: O.C.G.A. §§ 26-2-373, 31-2A-6. Administrative History. Original Rule entitled "Processing of Application" was filed and effective on July 19, 1965 as 270-5-6-.07. Amended: Rule repealed and a new Rule entitled "Display and Service" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.07 Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Sanitary Facilities and Controls" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995.Amended: Rule repealed and a new Rule entitled “Physical Facilities” adopted. Filed Jan. 26, 2006; effective Feb.15, 2006. Amended: Rule repealed and a new Rule entitled “Physical Facilities and Toxic Materials” adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015.

511-6-1-.08 Special Food Service Operations.

(1) Mobile Food Service Units and Extended Food Service Units.

(a) Compliance Required. Mobile food service units and extended food service units shall comply with the requirements of this Chapter, except as otherwise provided in this subsection and as specified under subsection (1)(b) of this Rule.[Pf] After review of a proposed menu, plans and specifications, and the proposed method of operation, the Health Authority may:

1. Impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation;

2. Prohibit the sale of some or all time/temperature control for safety food, or

3. When no health hazard will result, modify requirements of this Rule relating to physical facilities, except those requirements specified under subsections (1)(e) and (f) of this Rule.

(b) Exceptions to Compliance for Mobile and Extended Food Service Units.

1. General. Mobile food service units, such as vehicle venders, and extended food service units may be exempt from the requirements of this Chapter pertaining to the necessity of water and sewage systems and to those requirements pertaining to the cleaning and sanitization, if the following conditions are met:

(i) The required equipment for cleaning and sanitization exists at their permitted base of operation;[Pf] and

(ii) Menus shall be limited to food that is prepared, prepackaged and labeled in individual servings, transported and stored; or

(iii) Beverages that are not time/temperature control for safety foods that are dispensed from covered urns or other protected equipment all under conditions meeting the requirements of the Chapter.[P]

2. Push Carts. Push carts may be exempted from the requirements of subsection (1)(g)1. of this Rule if the following conditions for push carts are met:

(i) The menu shall be limited to only service of commercially prepared and prepackaged time/temperature control for safety foods such as frankfurters, precooked encased sausages, and similar approved foods requiring heating only;[P]

(ii) All food shall be protected from customer handling, coughing, sneezing or other contamination by wrapping, using food shields or other effective barriers. Condiments must be

dispensed in single service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources of contamination;[P]

(iii) No cooking equipment shall be allowed at the food vending location of carts. Heating equipment will be limited to steam or hot water heating equipment that meets the requirements of this Chapter;[Pf]

(iv) At a minimum, overhead protection such as an umbrella large enough to fully cover and protect the entirety of the cart, employee and any cart associated equipment such as food storage, handwashing, etc., shall be provided for the cart's onsite operation;[Pf]

(v) Properly installed and equipped handwashing facilities meeting the requirements of this Chapter must be installed on carts. Potable hot and cold running water under pressure with suitable hand cleaner, dispensed paper towels, and a waste receptacle must be provided at or near the handwashing facility.[Pf] However, certified commercially manufactured, portable hand washing stations may be allowed for onsite operational use with the cart upon approval by the Health Authority.

(vi) With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use with sufficient ice for cold time/temperature control for safety foods and NSF listed;[Pf]

(vii) In use equipment and utensils must be cleaned and sanitized at least every 4 hours; therefore, carts shall be equipped with at least a 3-compartmented sink dedicated for the purpose of cleaning and sanitizing of equipment and utensils. However, in lieu of the 3-compartmented sink being installed on the cart and as deemed acceptable by the Health Authority, the permit holder may provide an adequate supply of clean and sanitized equipment and utensils stored in such a way on the cart so as to protect them from contamination, if the required equipment for cleaning and sanitization exists at its base of operation;[Pf]

(viii) Push Carts must be designed, constructed and built to at least NSF Standard 59;[Pf] and

(ix) Push Carts must be supplied with one day's operational supply of hot and cold potable water under pressure and waste water storage capacity of 15% larger than that of the potable water tank. The potable water storage tank shall have at least 10 gallons storage capacity and may be required by the Health Authority to have a larger storage volume depending on length of time in which the cart is used away from the base of operation.[P]

(x) Stored food, utensils and equipment, single-service and single-use supplies, and hand washing supplies shall be protected from environmental contamination during transportation of the Push Cart from location to location.[Pf]

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(c) Equipment and Supplies Required for Onboard Preparation of more complex menus.

1. Units preparing time/temperature control for safety foods on the unit other than the limited menu items stated within subsection (1)(b) of this Rule shall utilize thermostatically controlled heating, cooling, and freezing equipment for those foods stored or displayed on the unit requiring controlled heating or refrigeration.[Pf]

2. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit.[Pf]

3. Each unit must have two separate types of sinks, one for hand-washing and the other for warewashing.[Pf]

4. Mobile food service units and extended food service units shall provide only individually wrapped single-service articles for use by the consumer.[Pf]

(d) Water System.

1. A mobile food service unit and extended food service unit requiring a water system shall have a potable water system as specified under DPH Rule 511-6-1-.06(1), and the water system shall be under pressure.[Pf]

2. Mobile water tanks and mobile food service unit water tanks shall meet all the requirements specified under DPH Rule 511-6-1-.06(3) as it relates to materials, design, construction, installation, numbers and capacities, and operation and maintenance of these tanks.[Pf]

3. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of this regulation.[Pf]

(e) Liquid Waste. The sewage holding tanks for all mobile food service units and extended food service units, and all sewage and liquid waste resulting from the operation of a mobile food service unit or extended food service units shall meet the requirements of and be handled as specified under DPH Rule 511-6-1-.06(4)(a), (e), (f), (g), (h) and (i) as it relates to capacity, drainage, design, construction, installation, operation, maintenance and sewage disposal.[Pf]

(f) Operation.

1. A mobile food service unit shall operate from its permitted base of operation and report daily or more often if needed to such location to service their unit for supplies, fresh water, cleaning, waste water disposal, and any other and servicing operations.[P]

2. An extended food service unit shall operate as an extension of its permitted base of operation.[P]

3. An extended food service unit shall be serviced daily from the base of operation.

4. The base of operation or fixed food service establishment used as a base of operation for mobile food units and extended food service units shall be constructed and operated in conjunction with the mobile food service unit or extended food service unit under the active managerial control of a single permit holder to be in compliance with the requirements of this Chapter.[P]

5. Toilet facilities must be available for employee's use and, as applicable, consumer use along the route of food vending locations as per requirements found in DPH Rule 511-6-1-.06(2)(h). In addition, and to the satisfaction of the Health Authority, the permit holder must maintain and provide a list of toilet facilities available to the unit food vending locations.[Pf]

6. When not in use, mobile food service units shall be properly stored at the base of operation or other location approved by the Health Authority.[Pf]

(g) Construction Based Upon Menu.

1. Units preparing and serving time/temperature control for safety foods other than that stated in subsection (1)(b) of this Rule shall be so constructed that the operator must prepare and serve food from within the protective environment of a fully enclosed area of the unit such as that provided for in a fully enclosed trailer.[P] Except that units preparing non-time/temperature control for safety foods such as snow cones and popcorn shall be constructed so that the food preparation and service areas are protected from potential contamination by means of closable cabinets.[Pf]

2. The service area requirements are as follows:

(i) A mobile food service unit servicing area shall be available at its base of operation; except, a servicing area will not be required where only packaged food is placed on the mobile food service unit or where mobile food units do not contain waste retention tanks as stated in subsection (1)(b)1. of this Rule;[Pf]

(ii) Except for areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses, servicing areas shall be provided with overhead protection;[Pf]

(iii) There shall be a location and equipment for the flushing and drainage of liquid wastes separate from the location and equipment provided for water servicing and for the loading and unloading of food and related supplies.[Pf] Requirements for sizing and location of equipment for flushing and drainage of liquid wastes and for equipment to provide potable water servicing of units shall be as specified within the most current editions of the Interpretative Manuals as referenced within DPH Rule 511-6-1-.02(10);

(iv) The surface of the servicing area shall be constructed of a smooth, nonabsorbent material, such as concrete or machine-laid and sealed asphalt and shall be maintained in good repair, kept clean, and be graded to drain; and

(v) The construction of the walls and ceilings of the servicing areas is exempted from the provisions of DPH Rule 511-6-1-.07(2)(a) through (f).

(vi) Toilet and handwashing facilities that meet the requirements of this Chapter shall be available for employees at the servicing area.[Pf]

(h) Identification.

1. All mobile food service units and extended food service units shall be identified by a sign or lettering indicating the name and address of the owner, the operator and the permit number. Letters and numbers must be at least two inches high.

2. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

3. The mobile food service unit authorization to operate shall be made available by the permit holder and shall be provided to the Health Authority upon request.

(i) Food Vending Location.

1. Food vending location requirements are as follows:

(i) Listings for mobile food service unit and extended food service unit food vending locations shall be maintained by the permit holder and shall be provided to the Health Authority. Permit holders shall notify the Health Authority at least 7 days prior to any changes in food vending locations.[Pf]

(ii) The operator must provide evidence of legal access and use of the premises for food vending; and

(iii) If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements.

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2. Those units functioning under permits granted to food service establishments and operating on their premises as an extension thereof may be allowed, at the Health Authority's discretion to meet lesser restrictions if sanitation, temperature control, and sanitization requirements for operation of the unit are satisfactorily met at the food service establishment.

(j) Compliance with Other Regulations. The operation must comply with all applicable regulations and ordinances.[Pf]

(k) Home Prepared Foods Prohibited. Home prepared foods or condiments may not be sold, served, or used on mobile food service units.[P]

(2) Temporary Food Service Establishments.

(a) Operation, Permit Application, Responsibilities.

1. A temporary food service establishment means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.[P]

2. The application for a special food service permit shall indicate the inclusive dates of the proposed operation and must be submitted at least 30 days prior to the event.[Pf]

3. The following applies to a vendor application:

(i) Any person desiring to operate a temporary food service establishment shall make written application for a permit on forms provided by the Health Authority at least 30 days prior to the event and pay applicable fees at the time of application.

(ii) The application shall include the name and address of each applicant, the location and type of the proposed temporary food service establishment, a list of all menu items and the signature of the applicant.

4. The organizer's responsibility is the following:

(i) Ensure that only vendors permitted by the Health Authority are allowed to participate in the event,[P]

(ii) The organizer and property owner must notify the Health Authority 30 days prior to the event taking place and provide a list of food vendors who will be allowed by that organizer to participate in the event.[Pf]

(iii) Ensure that any unauthorized or unpermitted vendor found participating in an event shall immediately leave the event premises and shall be charged with a violation of this Rule.[P]

(b) Inspections.

1. Prior to issuance of a permit, the Health Authority shall inspect the proposed temporary food service establishment. The Health Authority shall only issue a permit to the applicant if the inspection reveals that the proposed temporary food service establishment complies with this Rule.

2. Temporary food service inspections will be conducted as often as necessary to ensure compliance with this Rule.

3. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

(c) Operations.

1. A temporary food service establishment which does not comply fully with Rules .03 through .07 of this Chapter may be permitted to operate when food preparation, service and the operation meet fully the requirements set forth in DPH Rule 511-6-1-.08(2)(a) through (h).[P]

2. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment.

3. Preparation processes for time/temperature control for safety foods will be approved by the Health Authority based on a plan review that shows adequate holding, preparation and service facilities.[Pf]

4. For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premises of a permitted food service establishment. Prior approval must be obtained from the Health Authority.[P]

(d) Preparation and Service - Time/Temperature Control for Safety Foods - Prohibited Menu Items.

1. Fixed Permitted Food Service Establishments. Any time/temperature control for safety food that has been prepared, stored and transported under conditions meeting the requirements of this Chapter, is stored at a temperature of 41°F (5°C) or below or at a temperature of 135°F (57°C) or above in facilities meeting the requirements of this Chapter may be served.[P]

2. Temporary Onsite Preparation and Service. All food prepared and served onsite of a temporary establishment must comply with the following:

(i) Only those time/temperature control for safety foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, may be prepared or served;[P]

(ii) Once cooked, time/temperature control for safety foods shall not be touched by employee bare hands and must be maintained at 135°F or higher until served;[P]

(iii) Prior to service to the consumer, commercially prepared, precooked, and prepackaged time/temperature control for safety foods may be reheated thoroughly to at least 135°F for 15 seconds;[P] and

(iv) Time as a Public Health Control shall not be allowed in a temporary food service establishment.[P]

3. Menu Item Prohibition. The preparation or service of the following menu items are prohibited from service onsite of a temporary establishment:

(i) Except for paragraph 2. of this subsection, other ready-to-eat, time/temperature control for safety foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited.[P] This prohibition does not apply to any time/temperature control for safety food that has been prepared and packaged under conditions meeting the requirements of this Chapter, is obtained in individual servings at 135°F (57°C) or above, or 41°F (5°C) or below in facilities meeting the requirements of this Chapter, and is served directly to the consumer in the unopened container in which it was packaged.[P]

(ii) Home prepared foods or condiments may not be sold, served, or used in temporary food service unit establishments.[P]

(e) Equipment and Supplies Required.

1. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit.

2. Enough potable water shall be available at the event for consumption and in the establishment for food preparation, cleaning, and sanitizing utensils and equipment, and for handwashing.[P]

3. Ice shall be handled as follows:

(i) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Chapter,[P]

(ii) The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture,[P]

(iii) The ice shall be held in these bags until it is dispensed in a way that protects it from contamination,[P] and

(iv) Storage of packaged or wrapped food in contact with water or undrained ice is prohibited.[P]

4. Temporary food service operations shall provide only individually wrapped single-service articles for use by the consumer.[Pf]

5. A heating facility capable of producing enough hot water shall be provided on the premises.[Pf]

6. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.[Pf]

7. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.[P]

8. Facilities for cleaning and sanitizing utensils and equipment shall be provided at the temporary site or permitted base of operation. Such items shall be cleaned and sanitized at least daily or more often if prescribed by the Health Authority.[Pf]

9. When food is prepared on the site, a system capable of producing enough hot water for cleaning and sanitizing utensils and equipment shall be provided on the premises. Such systems shall consist of:

(i) a water heater properly sized according to the needs of the establishment as established by interpretative and guidance manuals referenced within DPH Rule 511-6-1-.02(8);[Pf] or

(ii) a gas or electric stove or burner with a container of water;[Pf] or

(iii) other means as determined by the Health Authority.[Pf]

10. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, a catch bucket, a pressurized or gravity fed supply of warm water, soap, and individual paper towels at the service site.[Pf]

(f) Liquid Waste. All sewage including liquid waste shall be disposed of as specified under DPH Rule 511-6-1-.06(4)(h) and (i).[P]

(g) Construction.

1. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material, and shall be kept clean in good repair.

2. Doors to food preparation areas shall be solid or screened and shall be self-closing or as otherwise approved by the Health Authority.

3. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

4. Air curtains shall be properly designed and installed and then approved by the Health Authority.

5. Ceilings shall be made of wood or other material that protects the interior of the establishment from the weather.[Pf]

6. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects.

(h) Protection from Contamination.

1. Approved means of excluding insect and vermin from food preparation, service areas and from waste storage areas must be provided commensurate with the type and scope of food service permitted.[Pf]

2. Counter-service openings shall not be larger than necessary for the particular operation conducted.

3. Counter-service openings shall be provided with effective means to restrict the entrance of flying insects.

4. Counter-service openings shall be kept closed when not in actual use, except that these openings may remain open if air curtains are provided as deemed adequate by the Health Authority.

5. All food preparation and food display areas shall be adequately protected from dust, contamination by patrons, and from insects by provision of walls, ceilings, shields, screens or other approved barriers or devices.[Pf]

6. Open, unprotected display or service of food is prohibited.[P]

(i) Exceptions to Compliance. This Rule shall not apply to temporary food services which meet the criteria of DPH Rule 511-6-1-.01(60)(a-f)

(3) Incubator Food Service Operations. A permit holder or a permit applicant may seek a variance from the provisions in DPH Rule 511-6-1-.02(1)(a)4. in order to operate an incubator food service establishment only if, as an alternative to DPH Rule 511-6-1-.02(1)(a)4., the permit holder or permit applicant provides a written management plan along with the necessary supportive documentation that specifies standard operating procedures (SOP) in detail to the satisfaction of the Health Authority as to how active managerial control of risk-factors and public health interventions for foodborne illness along with maintenance of equipment and facilities will be maintained to the requirements of this Chapter.[P] Incubator food service operations shall comply with other requirements of this Chapter in addition to the requirements of one of the following business models:[P]

(a) Business Model A. The permit holder must ensure the following:

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Plan (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policy, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum items:[P]

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items:[P]

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers;[P]

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment;[P]

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract.[P]

(ii) Active Managerial Control Plan and SOP. The SOP will contain not less than the following items:

(I) A statement as to the maximum number of incubatees/members that will use the establishment per day or per shift;[Pf]

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift;[Pf]

(III) A statement as to how incubatees/members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority;[Pf]

(IV) A statement as to how separation in space and time will be maintained so as no other activities, such as bakery or food processing plant activity, will be conducted at the same time food service operations are being conducted. Separation of time and space may be accomplished by equipment and facilities being physically separated into areas or rooms separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority;[Pf]

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter;[Pf]

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date and time and temperature of food as it leaves the establishment to when it is delivered to the consumer will be maintained for review upon the request of the Health Authority. Food temperature charts shall be maintained by management within the establishment for no less than 90 days from the date of any event or service:[Pf]

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority;[Pf]

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule 511-6-14-.02(1)(g). The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule 511-5-14-.02(1)(g);[Pf]

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited;[Pf]

(X) A list of incubatees/members scheduled for each day must be maintained at the establishment and made available for review by the Health Authority upon request. Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation;[Pf]

(XI) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder;[P]

(XII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter.[Pf] Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge;[P]

(XIII) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer;[Pf]

(XIV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule 511-6-1-.03(4) and it must include all employees of the establishment including incubatee/members;[Pf]

(XV) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter;[Pf]

(XVI) A written food safety training plan for employees and incubatees/members;[Pf] and

(XVII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule 511-6-1-.02(6).[Pf]

(b) Business Model B. The permit holder must ensure the following:

Rule -.08(3)(b)1

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Procedure (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policies, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum items:[P]

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items:[P]

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers;[P]

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment;[P]

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract.[P]

(ii) Active Managerial Control Plan and SOP. The SOP shall not contain less than the following items:

(I) A statement as to the maximum number of incubatees/members that will use the individual build out units per day or per shift;[Pf]

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift;[Pf]

(III) A statement as to how incubatees/members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority;[Pf]

(IV) A statement as to how separation in space or time will be maintained so as to ensure that all food service operations are conducted within each individual incubatee/member's build-out unit. Separation of all activities, such as bakery or food processing plant activity must be accomplished by equipment and facilities being physically separated into areas or rooms

separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority;[Pf]

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter;[Pf]

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date, time, and temperature of food as it leaves the establishment to when it is delivered to the consumer shall be maintained by management for review upon the request of the Health Authority for no less than 6 months from the date of any event or service;[Pf]

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority;[Pf]

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule 511-6-1-.02(1)(g) The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule 511-6-1-.02(1)(g);[Pf]

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited;[Pf]

(X) A list of incubatees/members scheduled for each day according to the build-out unit they will use must be maintained at the establishment and made available for review by the Health Authority upon request. Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation;[Pf]

(XI) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder;[P]

(XII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter.[Pf] Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge;[P]

(XIII) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer;[Pf]

(XIV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule 511-6-1-.03(4), and it must include all employees of the establishment including incubatee/members;[Pf]

(XV) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter;[Pf]

(XVI) A written food safety training plan for employees and incubatees/members;[Pf] and

(XVII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule 511-6-1-.02(6).[Pf]

(XVIII) Each incubatee/member shall show the incubator food service establishment permit holder proof of a valid permit issued by the Health Authority to a food service facility unit specified in the permit application prior to being allowed access to the specified food service building unit;[P]

(XIX) A permit will be valid for one food service build-out unit per incubatee/member and not multiple food service build-out units;[P] and

(XX) The Health Authority will be notified of food service facility build-out schedule changes.

(4) Catering Food Service Establishments.

(a) Operations.

1. Catering food service establishments shall fully comply with the requirements of DPH Rules 511-6-1-.03 through .07 in addition to the following:[P]

(I) Catering operations shall be permitted and operated separately from "food sales establishments" as defined in O.C.G.A. Section 26-2-21;[Pf] and

(II) For purposes of inspection of the base of operation and upon request by the Health Authority, catering food service establishments shall provide a quarterly schedule of events to be catered.[Pf]

2. When the catering operation involves only the preparation and delivery of food to a private party, special event, or motion picture filming location and does not include the handling of tableware and utensils or any preparation, service, or restocking of non-prepackaged foods on location at the service site, no hand washing facility is required at the service site.[Pf]

3. When the catering operation involves the handling of tableware and utensils and/or the preparation, service, or restocking of non-prepackaged foods on location at the service site, adequate handwashing facilities are required and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and waste receptacle(s) that are available and conveniently located for employees' use in the areas used for food preparation, food service, and warewashing.[Pf]

4. For the duration of the catering operation, all foods, display and service utensils, and other food-contact surfaces shall be adequately protected from dust, weather conditions, insects, and human contamination through the use of walls, ceiling, shields, screens, or other approved barriers or devices.[Pf]

5. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material approved by the Health Authority, and shall be kept clean and in good repair.

6. Catered food shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. Such catered food is to be discarded to waste or may be left in the possession of the consumer for which the catered food was contracted.[P]

7. When outdoor cooking equipment is used to prepare food at the service site, such equipment shall be located adjacent to a fully enclosed food preparation area and shall comply with all applicable provisions of law. Cookers, grills, ovens or any other type of equipment used for outdoor cooking shall have a lid or other design approved by the Health Authority which protects the food from dust, weather conditions, insects, and human contamination during the cooking process. No food preparation other than seasoning shall be allowed at outdoor cooking equipment.

8. Toilet facilities must be available at the service site for employee use and, if applicable, consumer use, as provided in DPH Rule 511-6-1-.06(2)(h).

9. Except as provided in subparagraph (4)(a)10., supplies and equipment used at the service site shall be cleaned and serviced daily at the catering food service establishment's permitted base of operation. The shared use of facilities or equipment by two separate permit holders is prohibited.

10. A catering food service establishment that services a site, such as a filming location, more than 60 miles from its permitted base of operation for an extended period of time during which a daily return to the base of operation for service and restocking is impracticable, shall:

(i) Utilize an on-site warewashing method for washing, rinsing, and sanitizing utensils and equipment in accordance with DPH Rule 511-6-1-.05(2), (3), and (6), which shall consist of either a portable dish washing trailer or a pre-approved, three-compartment basin system that is large enough to accommodate complete submersion of the largest utensil used at the service site; and

(ii) Maintain and provide to the Health Authority, upon request, written procedures which:

(I) Outline the methods of compliance with DPH Rule 511-6-1-.04(2) and (3) for deliveries received in the field;

(II) Outline the methods of compliance with DPH Rule 511-6-1-.06(1)(j) with regard to an alternative water supply;

(III) Outline the methods of compliance with DPH Rule 511-6-1-.06(4)(e) and (f) with regard to proper sewage disposal; and

(IV) Describe how solid waste material and refuse from the food service operation will be stored and handled.

11. When not in use, all mobile catering units, equipment and all other supplies shall be properly stored at the base of operation or other location approved by the Health Authority.

(b) Design and Construction of Mobile Catering Units. Mobile catering units must comply with the requirements for mobile food service units set forth in DPH Rule 511-6-1-.08(1)(a) through (e), (g), (h), (j), and (k).

(c) Identification. All mobile catering units used in conjunction with catering operations for which food is prepared all or in part at the service site shall:

1. Display an adhesive sticker provided by the Department indicating that the mobile catering unit has been approved by the Health Authority for catering operations within the State of Georgia. The sticker must be located in a readily visible area on the unit and maintained in good condition; or

2. Maintain and provide to the Health Authority, upon request, a copy of the catering food service establishment's permit, which shall list the Vehicle Identification Number for each mobile catering unit used by the permit holder for the catering operation.

(d) Catering Location. A catering food service establishment shall maintain a record of each catering operation, including date, location, and menu, for at least six months after the catering operation takes place. Such records shall be provided to the Health Authority upon request.

(e) Inspections.

1. The Health Authority in the county that issued a permit to the catering food service establishment shall be responsible for conducting inspections in accordance with DPH Rule 511-6-1-.10(2).

2. The Health Authority in a county where a service site is located shall be authorized to enter any catering operation, at any reasonable time and upon proper identification, for the purpose of conducting a complaint investigation. Any food safety Risk Factor violations shall be immediately corrected on-site; and, if an imminent health hazard is discovered, food service operations may be temporarily suspended by the local Health Authority until the imminent health hazard is corrected. The permit holder shall be entitled to appeal any such suspension to the local District Health Director in accordance with DPH Rule 511-6-1-.10(1)(b).

3. Upon completion of the complaint investigation, the person in charge shall sign the report form provided by the local Health Authority. The signature of the person in charge shall not necessarily indicate agreement with any findings noted during the complaint investigation. A copy of the signed report shall be given to the person in charge and a copy shall be sent to the Health Authority in the county that issued the permit. A score shall not be given for a complaint investigation conducted in a county where a service site, but not the permitted base of operation, is located; however, blatant or repeated food safety compromises found during such complaint investigations may lead to permit suspension or revocation by the Health Authority in the county that issued the permit.

(5) “Pop-Up” Food Service Operations.

(a) Food service establishments participating in “pop-up” food service operations shall fully comply with the requirements of DPH Rules 511-6-1-.03 through .07 in addition to the following:[P]

1. Unless the food service establishment is already permitted for catering operations, it must obtain a letter of approval from the Health Authority prior to engaging in "pop-up" food service operations.

2. A food service establishment participating in a "pop-up" food service operation shall operate from its permitted base of operation.[P]

3. A food service establishment shall not operate more than 3 hours in one day at any "pop-up" location without first obtaining a mobile food service vending permit, and shall be limited to no more than 2 days per calendar week at any one "pop-up" location.

4. Only ready-to-eat foods that have been prepared, cooked, and properly containerized for transport at the permitted base of operation may be served and sold at the "pop-up" location.

5. Time/Temperature Control for Safety (TCS) foods to be served and sold at the "pop-up" location must be maintained at the following temperatures during transport and kept in approved NSF certified containers:

(i) 41°F or less if held cold;[P] or

(ii) 135°F or more if held hot.[P]

6. All food shall be protected from coughing, sneezing, customer handling, or other contamination through the use of effective barriers such as wrapping or food shields. Condiments shall be dispensed in single-service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources.[P]

7. "Pop-up" food service operations shall provide only individually wrapped single-service tableware for use by the consumer.[Pf]

8. No cooking equipment shall be allowed at the "pop-up" food service location. Hot-holding and cold-holding equipment shall be limited to steam or hot water heating equipment or refrigerated equipment that meets the requirements of this Chapter. With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use and contain sufficient ice for cold TCS foods may be used; however, packaged or wrapped food shall not be stored in contact with water or undrained ice, except for commercially packaged beverages such as canned or bottled soda or water.[Pf]

9. A food service establishment participating in a "pop-up" food service operation shall bring an adequate supply of clean and sanitized food service equipment and utensils and store them at the "pop-up" location in a way that ensures they are protected from contamination. Only food service equipment and utensils that belong to the permitted food service establishment

operating at the “pop-up” location shall be used by that food service establishment during the operation. At no time shall food service equipment or utensils be shared between food service establishments.[Pf]

10. Adequate handwashing facilities are required at the “pop-up” location and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and a waste receptacle that is conveniently located for use by food employees at the “pop-up” location. Wastewater from the “pop-up” food service operation shall be disposed of according to law.[Pf]

11. Copies of the permit and the current inspection report for the food service establishment's base of operation must be displayed for public view at the “pop-up” food service location.

12. Inspections of “pop-up” food service operations may be conducted as often as necessary to ensure compliance with this Rule.

13. Except for unopened commercially packaged beverages, food not sold or consumed at the “pop-up” location shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. All food from a “pop-up” food service operation shall be discarded to waste after service at the “pop-up” location has concluded for that day.[P]

(b) The facilitator of a “pop-up” food service operation shall obtain a letter of approval from the local Health Authority for the “pop-up” location by providing the following information at least ten business days prior to the anticipated date of operating at the selected “pop-up” location:

1. The name, title, address, and telephone number of the person directly responsible for the management of the facilitator;

2. The address of the proposed “pop-up” food service operation;

3. The method, such as an electronic ticket or other tracking method, that will be used to identify patrons purchasing food at the “pop-up” location for trace back purposes in the event of a foodborne illness;

4. A statement signed by the facilitator or authorized agent that:

(i) Attests to the accuracy of the information provided in the application; and

(ii) Affirms that the applicant will fulfill the obligations of a facilitator as outlined in this subsection; and

5. If the facilitator is not the owner of the proposed location of the "pop-up" food service operation, a written statement signed by the owner or authorized agent of the proposed location, giving permission for the "pop-up" food service operation to take place;

(c) A "pop-up" food service operation shall not take place in a location where the food is subject to overhead or environmental contamination[Pf] or in a building which serves a highly susceptible population. A "pop-up" food service operation shall comply with all applicable regulations and ordinances, including access to toilet facilities which meet the requirements of DPH Rule 511-6-1-.06(2)(h).

(d) The local Health Authority shall be notified prior to any change in the facilitator of a "pop-up" food service operation.

(e) The facilitator shall maintain and make available to the local Health Authority, upon request, a list of the food service establishments participating in the "pop-up" food service operation, which shall include:

(i) the address and food service permit number of each food service establishment;

(ii) the dates and times of operation for each food service establishment at the "pop-up" location; and

(iii) the menu of foods offered by each food service establishment at the "pop-up" location.

(f) The local Health Authority may, in its discretion, suspend or revoke a letter of approval for a "pop-up" food service operation if it is determined that the requirements of this Rule have not been met.

Authority: O.C.G.A. §§ 26-2-373, 379, 31-2A-6**.** Administrative History. Original Rule entitled "Inspection of Premises" was filed and effective on July 19, 1965 as 270-5-6-.06. Amended: Rule repealed and a new Rule entitled "Transportation" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.08. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Construction and Maintenance of Physical Facilities" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled "Special Food Service Operations" adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.08 Special Food Service Operations revised. Filed July 24, 2018; effective August 13, 2018. Amended: Rule 511-6-1-.08 Special Food Service Operations revised. Filed October 1, 2018; effective October 21, 2018. Amended: Rule 511-6-1-.08 "Special Food Service Operations" revised. Filed January 25, 2022; effective February 24, 2023.

511-6-1-.09 Certification and Standardization of Environmental Health Personnel.

(1) Responsibilities and Requirements. All Environmental Health personnel who are assigned responsibilities in food service plan review, permitting, inspecting or other means of enforcing this Chapter will successfully complete and maintain current certification in:

(a) Nationally Recognized Food Safety Training Program. A nationally recognized food safety training program approved by the department and a professionally validated examination that is accredited by the Conference for Food Protection prior to acquiring food service program responsibilities;

(b) Standardization Certification. Standardization certification in food safety inspection techniques shall be obtained through a program approved by the Department within two years of acquiring food service program responsibilities. Standardization certificates shall be administered as follows:

1. Georgia Standardized Food Service Establishment Inspection Officer Certificates issued to EHS shall be valid for a five-year period from the date of issuance;

2. Standardized Food Service Establishment Inspection and Training Officer Certificates shall be issued to District Standard-Trainers by the Department's State Office of Environmental Health Standard-Trainers and they shall be valid for a five year period from the date of issuance; and

3. The Department's State Office of Environmental Health Standard-Trainers shall maintain current standardization certification in retail food establishment inspections through the Food and Drug Administration (FDA). Should such FDA certification not be available, State Office of Environmental Health Standard-Trainers shall maintain at least the same level of standardization certification as specified in subsection (1)(b)2. of this Rule.

(2) Standardization Certification Maintenance.

(a) In order to maintain the standardization certification maintenance, Environmental Health personnel must accumulate at least 20 hours of continuing education unit credits (CEU) prior to being re-standardized.

(b) All CEU credit hours shall be evaluated by the Department's State Office of Environmental Health prior to being credited to Environmental Health personnel.

(3) Notification of Food Service Program Responsibilities. Local Health Authorities shall notify the Department's State Office of Environmental Health with the date that Environmental Health personnel are assigned food service program responsibilities.

(4) Record of Training, Standardization and CEU Credit. A record of training, standardization, and CEU credit for Environmental Health personnel shall be maintained in the office where each Environmental Health employee works. At its discretion, the Department may audit these records for compliance with this Rule.

(5) Temporary Staffing and Emergency Response. Environmental Health personnel must successfully complete a nationally recognized food safety training program, as stated in subsection (1)(a) of this Rule prior to conducting independent food service program duties that may occur in emergency situations such as staffing issues for temporary employee coverage, emergency response events, or widespread foodborne outbreak responses.

(6) Non-standardized Environmental Health Personnel. All food service program activities performed by non-standardized Environmental Health personnel, as stated in subsections (1)(b) and (4) of this Rule, shall be monitored by Environmental Health personnel who hold a valid standardization certificate as specified within subsection (1)(b)2. of this Rule.

Authority: O.C.G.A. §§ 26-2-373, 31-2A-6. Administrative History. Original Rule entitled "Routine Inspection" was filed and effective on July 19, 1965 as 270-5-6-.09. Amended: Rule repealed and a new Rule entitled "Poisonous and Toxic Materials" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.09. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Special Food Service Operation" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled “Certification and Standardization of Environmental Health Personnel” adopted. Filed Jan. 26, 2006; effective Feb.15, 2006. Amended: Rule repealed and a new Rule of same title adopted. F. Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015.

511-6-1-.10 Inspections and Compliance Procedures.

(1) Suspension or Revocation of Permits. The Health Authority shall have the power to suspend or revoke a permit if the permit holder is unwilling or unable to comply with these regulations, the regulations of the local Health Authority, the provisions of O.C.G.A. Section 26-2-370 et seq., or if a violation is not corrected within a reasonable time. The notice of suspension or revocation shall be in writing and shall state the reasons in support of the action. The notice shall be delivered to the permit holder by mail or in person or, if the permit holder cannot be located, by tacking a copy to the front door of the food service establishment and mailing a copy to the permit holder's last known address.

(a) There shall be a rebuttable presumption that a permit holder is unwilling or unable to comply if he or she refuses to allow the Health Authority to enter upon and inspect the premises of the food service establishment at any reasonable time and in a reasonable manner, or if any particular violation is found to be uncorrected upon the third consecutive inspection.

(b) Except as specified in DPH Rule 511-6-1-.03(2)(n), a permit may be summarily suspended upon the discovery of an imminent health hazard. The permit holder may seek immediate review of a summary suspension by written request to the District Health Director. The matter shall be heard by the District Health Director, or a supervisory level employee designated by the District Health Director who was not personally involved in the inspection, acting as a review official. The Health Authority shall make every effort to arrange a hearing within 72 hours of the request. The hearing shall be conducted informally and without application of the rules of evidence. Both the inspector and the permit holder shall be given an opportunity to present any arguments or evidence in support of their positions. The review official may uphold the summary suspension or may modify or lift the suspension on such conditions as may be appropriate.

(c) In lieu of suspension or revocation of a permit, the Health Authority may in its discretion allow a food service establishment to voluntarily close all or part of the premises until such time as violations are corrected, and upon such additional restrictions as the Health Authority may deem appropriate.

(d) The permit holder may appeal any suspension or revocation to the Department in accordance with O.C.G.A. Section 31-5-3 by sending written notice within ten days, by certified mail or statutory overnight delivery, addressed to the Department of Public Health, Office of General Counsel, with a copy to the Health Authority official that suspended or revoked the permit. Within ten days of receiving the notice, the Health Authority shall provide the Department with a copy of its entire file on the inspections and actions that led to the suspension or revocation. The Department shall schedule a hearing within 20 days of receiving the notice, and shall decide the matter upon the arguments of the parties and the administrative record.

(e) If operations of a food service establishment are discontinued due to the order or action of the Health Authority, the permit holder shall obtain approval from the Health Authority before resuming operations.

(f) The Health Authority may, in its discretion, allow the owner to voluntarily close all or part of the food service establishment in lieu of suspending or revoking a permit. Such action will not prohibit the Health Authority from taking such further action as it may deem necessary to protect employees or members of the public.

(g) If at any time a mobile food service establishment's permit is no longer in good standing in any jurisdiction, a county may revoke the establishment's authorization to operate in its jurisdiction.

(2) Inspections.

(a) Risk Categorization. Inspections of a food service establishment shall be conducted based on risk categorization. The risk type shall be determined by the menu items served, the food preparation processes performed, and the previous food safety history in the food service establishment. Each establishment shall be grouped in one of the following categories:

1. Risk Type I. Frequency of inspection will be one time per year for establishments that do not cook any foods. This includes establishments that may reheat commercially precooked ingredients or foods such as hotdogs and sausages;

2. Risk Type II. Frequency of inspection will be two times per year for establishments that cook and/or hold and reheat foods that are prepared onsite; or

3. Risk Type III. Frequency of inspection will be three times per year for establishments that have a required HACCP plan that is deemed in conformance with DPH Rule 511-6-1-.02(8). One of these inspections will be a scheduled inspection to meet with the Certified Food Safety Manager.

(b) Inspection Frequency.

1. The Health Authority shall conduct one or more construction inspections for newly constructed or extensively remodeled establishments to verify that the food service establishment is constructed and equipped in accordance with the approved plans and specifications and is in compliance with law and this Chapter. In addition, the Health Authority may conduct one or more preoperational inspections to verify compliance with the construction and equipment requirements of this Chapter at the time of a change in the permit holder of an existing food service establishment.

2. An initial inspection will be conducted in an establishment prior to the food permit being issued.

3. To allow the permit holder of the food service establishment sufficient time to fully train employees as specified in of DPH Rule 511-6-1-.03(3)(d)1. and 2., the first routine inspection will be conducted within sixty days after the opening of the establishment; and it will mark the beginning of the establishment's compliance history with this Chapter.

4. After the first routine inspection, establishments maintaining an "A" food safety grade shall be inspected based on the risk categorization specified in subsection (2)(a)1. through 3. of this Rule.

5. Establishments that receive a "C" or "U" food safety grade will have at least one additional routine inspection added in a twelve-month period and may have more inspections at the discretion of the Health Authority.

6. If an establishment maintains an "A" food safety rating on three consecutive routine inspections, then the Health Authority may, in its discretion, reduce the frequency of routine inspections to one time per year for Risk Type II establishments and to two times per year for Risk Type III establishments.

7. The reduced inspection frequency may continue until the food service establishment incurs a grade of a "B", "C" or "U". The routine inspection frequency will then resume to the number specified for Risk Type but may be more frequent as deemed necessary for the enforcement of this Chapter by the Health Authority.

(c) Follow-up Inspections. Follow-up inspections may be conducted at any time at the discretion of the Health Authority but must be conducted within ten days after an establishment receives a grade "U".

(d) Access.

1. Representatives of the Health Authority, after proper identification, shall be permitted to enter any food service establishment or operation at any reasonable time for the purpose of making inspections and review of pertinent records to determine compliance with this Chapter. Should access be denied, an inspection warrant may be obtained as authorized in O.C.G.A. § 31-5, Article 2.

2. If a person denies access to the Health Authority, the Health Authority shall:

(i) Inform the person that:

(I) The permit holder is required to allow access to the Health Authority,

(II) Access is a condition of the acceptance and retention of a food service establishment permit to operate, and

(III) If access is denied, an inspection warrant, issued by the appropriate authority to order access, may be obtained according to law; and

(ii) Make a final request for access.

(e) Inspection of Mobile Food Service Units. The local Health Authority in the county of origin and the local Health Authority in additional counties in which the mobile food service unit operates shall exchange information regarding their inspection of mobile food service establishments. When inspecting a mobile food service unit in a county other than the county of origin, the local Health Authority shall consult the DPH permit and inspection database to find out the violations received during the last inspection of the base of operation. These violations will be noted as violations during the inspection of each mobile food service unit.

(f) Inspection of Mobile Food Service Units outside of the county of origin.

1. The mobile food service establishment may be subject to periodic and unannounced inspections in any outside county where its permit has been recognized. County boards of health shall utilize discretion when inspecting mobile food service establishments that have been authorized to operate in multiple jurisdictions to ensure they are not inspected more frequently than necessary to protect public health and safety. A mobile food service establishment shall allow the county board of health access for inspection when the mobile food service establishment is physically operating in such county.

2. Fees for inspections conducted in outside counties shall be paid in full by the next business day. Failure to pay for inspections in outside counties will result in termination of authorization to operate in that county. The inspection fee shall be limited to the administrative costs incurred by the county to complete the inspection.

3. If any such inspection results in a violation, any outside county shall notify the county of origin and any other counties where the mobile food service establishment is authorized to operate of the violation. Any county where the mobile food service establishment operates may issue a court citation, terminate authorization for the mobile food service establishment to operate in the county, or require implementation of a remediation plan for the violation.

4. A mobile food service establishment shall stay current with its annual inspection fees in its county of origin and shall provide any outside counties where it is authorized to operate proof of currency before operating in that county.

(g) Report of Inspection.

1. The Health Authority shall document on the Department's current approved “Food Service Establishment Inspection Report” form and “Food Service Inspection Report Addendum” form(s):

(i) Administrative information about the food service establishment's legal owner, street and mailing addresses, type of establishment and operation, inspection date, and other information which may include such information as type of water supply and sewage disposal, status of the permit, and personnel certificates that may be required;

(ii) Specific factual observations of violations or other deviations from this Chapter that require correction by the permit holder including:

(I) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of this Chapter as specified under DPH Rule 511-6-1-.03(1)(a) through (c),

(II) Failure of food employees, conditional employees, and the person in charge to report a disease or medical condition as specified under DPH Rule 511-6-1-.03(4)(b),

(III) Nonconformance with Priority items and priority foundation items of this Chapter,

(IV) Failure of the appropriate food employees to comply with or demonstrate their knowledge of the procedural, monitoring, verification, and corrective action practices required by the Health Authority for a variance or HACCP Plan,

(V) Failure of the person in charge to provide records required by the Health Authority for determining conformance with a HACCP plan as specified under DPH Rule 511-6-1-.02(8),

(VI) Nonconformance with critical limits of a HACCP plan; and

(iii) The numerical score and equivalent grade, based on debiting the appropriate points for violations and repeat violations of code provisions found or observed during the inspection.

2. Upon the completion of the inspection, the evaluating official shall have the person in charge sign the inspection report form. The person in charge's signature shall not necessarily indicate agreement with the findings noted on the inspection.

(h) Violation Categories.

1. Violations of this Chapter are categorized according to their potential for creating a health risk to the consumer. All violations shall be recorded on the current inspection report and addendum(s). Violations are divided into two categories, Risk Factors/Public Health Interventions (RF/PHI) Categories and Good Retail Practices (GRP) Categories. In addition and

for purposes of prioritization of corrective action, items in these categories are designated as priority items, priority foundation items, or core items as defined in DPH Rule 511-6-1-.01.

2. Violation of Risk Factors/Public Health Interventions (RF/PHI) categories are prominent on the inspection report because they are vital to preventing foodborne illness. These items are numbered 1 to 9 on the inspection report and divided into Subcategory “1” and “2” as follows:

(i) Subcategory “1” items cover provisions of the code, that when applied would directly prevent, eliminate or reduce hazards to a safe level to protect consumer health. Because the probability of occurrence and severity of a hazard is greater when these provisions are out of compliance, the incidence and impact of foodborne illness is increased and therefore a point value is assigned for a violation of any subcategory “1” item of nine points, and

(ii) Subcategory “2” items cover provisions of the code, that when applied, would indirectly prevent, eliminate or reduce hazards to a safe level to protect consumer health. Because the probability of occurrence and severity of a hazard is lower than subcategory “1” when these provisions are out of compliance, the incidence and impact of foodborne illness is not as great and therefore a point value is assigned for a violation of any subcategory “2” item of four points.

3. Risk Factors and Public Health Interventions (RF/PHI) Categories include:

(i) Supervision.

(ii) Employee health, good hygienic practices, preventing contamination by hands.

(iii) Approved source.

(iv) Protection from contamination.

(v) Cooking of time/temperature control for safety foods, consumer advisory.

(vi) Holding and date-marking of time/temperature control for safety foods.

(vii) Highly susceptible populations.

(viii) Chemicals.

(ix) Conformance with approved procedures.

4. Good Retail Practices (GRP) categories are deemed to be mostly operational and maintenance violations that, if not corrected, increase the potential for causing food borne illness. They are usually designated as core items; however, some may be designated as priority foundation items as defined within DPH Rule 511-6-1-.01. A violation of an item in a GRP

category constitutes a one-to-three-point deduction from the overall score (maximum 100 points) as shown on the current food services establishment inspection report form.

5. Good Retail Practices Categories (GRP) include:

(i) Safe food and water, food identification.

(ii) Food temperature control.

(iii) Pest and animal control.

(iv) Prevention of food contamination.

(v) Proper use of utensils.

(vi) Utensils, equipment, and vending.

(vii) Water, plumbing and waste.

(viii) Physical facilities.

(ix) Other.

(i) Timely Correction of Violations of Priority Item or Priority Foundation Item and HACCP Plans.

1. Except as specified in paragraph 2. of this subsection, a person in charge shall at the time of inspection correct a violation of a priority item or a priority foundation item of this Chapter and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.[PF]

2. Based on the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed:

(i) 72 hours after the inspection, for the permit holder to correct violations of a priority item; or

(ii) 10 calendar days after the inspection, for the permit holder to correct violations of a priority foundation item or HACCP Plan deviations.

3. Failure to correct these violations to the satisfaction of the Health Authority may result in such emergency action as deemed necessary by the Health Authority including legal actions pursuant to O.C.G.A. § 31-5-9(a).

(j) Time Frame for Correction of Core Item Violations.

1. Except as specified in paragraph 2. of this subsection, the permit holder shall correct core items within 72 hours of the food service establishment's receipt of the inspection report or as otherwise directed by the Health Authority. Failure to make timely corrections to the satisfaction of the Health Authority of core items may subject the food service establishment to suspension or revocation of its permit pursuant to DPH Rule 511-6-1-.10(1).

2. The Health Authority may approve a compliance schedule that extends beyond the time limits specified under paragraph 1. of this subsection if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

(k) Verification and Documentation of Correction.

1. After observing at the time of inspection a correction of a violation of a priority item or priority foundation item or HACCP plan deviation, the Health Authority shall enter the violation and information about the corrective action on the inspection report.

2. As specified under subsection (2)(h)2. of this Rule, after receiving notification that the permit holder has corrected a violation of a priority item or priority foundation item or HACCP plan deviation, or at the end of the specified period of time, the Health Authority shall verify correction of the violation, document the information on an inspection report or addendum, and enter the report in the Health Authority's records.

(l) Grading Inspections. Inspections will receive a letter grade based on the numerical score as follows:

1. “A”. The letter grade “A” means food safety excellence and is applied to a score of 90 to 100.

2. “B”. The letter grade “B” means satisfactory compliance and is applied to a score of 80 to 89.

3. “C”. The letter grade “C” means marginal compliance and is applied to a score of 70 to 79.

4. “U”. The letter grade “U” means unsatisfactory compliance and is applied to a score of 69 or less.

(m) Repeat Violations. A repeat violation means a violation of the same code provision of this Chapter under an item in a Risk Factors/Public Health Interventions (RF/PHI), or Good Retail practices (GRP) category as documented in the previous routine inspection. A repeat

violation constitutes the initial point deduction as specified in subsection (2)(h)2. and 4. of this Rule plus an additional two-point deduction for one or more repeat violation(s) within a RF/PHI category and one point deduction in a GRP category from the overall score (maximum 100 points). If a violation of the same provision of this Chapter is found in three consecutive routine inspections, the points will be deducted accordingly; and the food service establishment may be subject to suspension or revocation of its permit pursuant to subsection (1)(b) of this Rule.

(n) Follow-up Inspections.

1. A follow-up inspection is a complete inspection conducted as a result of a routine inspection which resulted in a "C" or "U" grade. If a grade of "C" or higher is earned on the follow-up inspection, then at the discretion of the Health Authority no additional follow-up inspections will be required, however, all priority items and all priority foundation items must be corrected as specified under subsection (2)(i)1. through 3. of this Rule.

2. The new score and equivalent grade will be posted on an inspection report during a follow-up inspection. The two previous inspection grades and scores, whether routine or follow-up inspections, will be posted subsequently under "Last Grade, Score and Date" and "Prior Grade, Score and Date" on the inspection report.

(o) Informal Follow-up Inspection. If a follow-up inspection as specified in subsection (2)(n) of this Rule cannot be conducted by the Health Authority, then an informal follow-up may be performed to confirm correction of the violations that were cited on the routine inspection that were not corrected at the time of the inspection. On an informal follow-up inspection, an inspection report addendum(s) will be completed, documenting the violations that have been corrected. It will be noted on the addendum(s) that this was an informal follow-up inspection, and the establishment will keep the same grade that was earned on the previous routine inspection. The addendum(s) will be made available by the food service establishment to the public upon request.

(p) Voluntary Closure.

1. If a food service establishment is graded as a "U" and does not earn at least a grade "C" within ten days of receiving the "U", it may be requested to voluntarily close until all violations are corrected or have its food service permit suspended or revoked according to subsection (1)(b) of this Rule.

2. A food service establishment that is graded as a "U" on two consecutive routine inspections will be asked to voluntarily close until all violations are corrected and/or have enforcement action taken to suspend or revoke the food service permit pursuant to subsection (1)(b) of this Rule.

(3) Examination, Condemnation and Public Notice.

Rule -.10(3)

(a) Examination of Food. Food may be examined or sampled by the Health Authority when necessary to determine whether it has been adulterated or misbranded.

(b) Condemnation of Food, Hold Order, Justifying Conditions and Removal of Food.

1. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food that the Health Authority has probable cause to believe to be unwholesome; originating from an unapproved source; unsafe, adulterated, or not honestly presented; not labeled according to law, or, if raw molluscan shellfish, not tagged or labeled according to law; or otherwise not in compliance with this Chapter. Under a hold order, food shall be moved to a suitable holding area for storage until a hold order release or destruction order is issued. No food subject to a hold order shall be used, served, or removed from the establishment except as specified in paragraph 2 of this subsection. Immediate destruction shall be ordered and accomplished if there is risk to public health.

2. If the Health Authority has reasonable cause to believe that the hold order will be violated, or finds that the order is violated, the Health Authority may remove the food that is subject to the order to a place of safekeeping.

3. The hold order notice shall:

(i) State that food subject to the order may not be used, sold, moved from the food service establishment, or destroyed without a written release of the order from the Health Authority;

(ii) State the specific reasons for placing the food under the hold order with reference to the applicable provisions of this Chapter and the hazard or adverse effect created by the observed condition;

(iii) Completely identify the food subject to the hold order by the common name, the label information, a container description, the quantity, Health Authority's tag or identification information, and location;

(iv) State that the Health Authority may order the destruction of the food if a timely request for reconsideration is not received; and

(v) Provide the name and address of the Health Authority representative to whom a request for reconsideration may be made.

4. If a hold order is sustained upon reconsideration, or if no timely request for reconsideration is made by the permit holder, then the Health Authority may order the permit holder or other person who owns or has custody of the food to bring the food into compliance with this Chapter or to destroy or denature the food under the Health Authority's supervision.

(4) Procedure When Infection is Suspected.

(a) Investigation and Control. The Health Authority shall act when it has reasonable cause to believe that a food employee or conditional employee has possibly transmitted disease; may be infected with a disease in a communicable form that is transmissible through food; may be a carrier of infectious agents that cause a disease that is transmissible through food; or is affected with a boil, an infected wound, or acute respiratory infection, by:

1. Securing a confidential medical history of the food employee or conditional employee suspected of transmitting disease or making other investigations as deemed appropriate; and

2. Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food employee or conditional employee.

(b) Restriction or Exclusion of Food Employee, or Summary Suspension of Permit. Based on the findings of an investigation related to a food employee or conditional employee who is suspected of being infected or diseased, the Health Authority may issue an order to the suspected food employee, conditional employee or permit holder instituting one or more of the following control measures:

1. Restricting the food employee or conditional employee;

2. Excluding the food employee or conditional employee; or

3. Closing the food service establishment by summarily suspending a permit to operate.

(5) Variance.

(a) Modifications and Waivers. The Department may grant a variance by modifying or waiving the requirements of this Chapter if in the opinion of the Department a health hazard or nuisance will not result from the variance. If a variance is granted, the Department shall retain the information specified under subsection (5)(b) of this Rule in its records for the food service establishment.

(b) Documentation of Proposed Variance and Justification. Before a variance from a requirement of this Chapter is granted by the Department, the information that shall be provided by the person requesting the variance and retained in the Department's file on the food service establishment includes:

1. A statement of the proposed variance of the Chapter requirement citing relevant rule and subsection numbers;[Pf]

2. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant rules and subsections will be alternatively addressed by the proposal;[Pf] and

3. A HACCP plan if required that includes the information specified under DPH Rule 511-6-1-.02(8) as it is relevant to the variance requested.[Pf]

(c) Conformance with Approved Procedures. If the Department grants a variance as specified in subsection (5)(a) of this Rule, or a HACCP plan is otherwise required as specified under DPH Rule 511-6-1-.02(7), the permit holder shall:

1. Comply with the HACCP plans and procedures that are submitted and deemed in conformance with DPH Rule 511-6-1-.02(8)(a) through (e) as a basis for the modification or waiver;[P] and

2. Maintain and provide to the Department, upon request, records specified under DPH Rule 511-6-1-.02(8) that demonstrate that the following are routinely employed;

(i) Procedures for monitoring the critical control points,[Pf]

(ii) Monitoring of the critical control points,[Pf]

(iii) Verification of the effectiveness of the operation or process,[Pf] and

(iv) Necessary corrective actions if there is failure at a critical control point.[Pf]

Authority: O.C.G.A. §§ 26-2-373, 379, 31-2A-6**.** Administrative History. Original Rule entitled "Violations" was filed and effective on July 19, 1965 as 270-5-6-14-.10. Amended: Rule repealed and a new Rule entitled "Personnel" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.10. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Protective Shielding" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 5, 1996; effective March 25, 1996. Amended: Rule repealed and a new Rule entitled “Compliance Procedures” adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Repealed: New Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29 2015. Amended: Rule 511-6-1-.10 “Inspections and Compliance Procedures” revised. Filed January 25, 2022; effective February 24, 2023.

290-5-14-.11 Repealed.

Authority O.C.G.A. 26-2-371 & 372, 375-377, 31-2-1, 31-2-4, Chapter 31-5. Administrative History. Original Rule entitled "Denial, Suspension or Revocation" was filed and effective on July 19, 1965 as 270-5-6-.11. Amended: Rule repealed and a new Rule entitled "Food Equipment and Utensils" adopted. Filed January 25, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.11. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Compliance Procedures" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 5, 1996; effective March 25, 1996. Repealed: Filed Jan. 26, 2006; effective Feb. 15, 2006.

290-5-14-.12 Repealed.

Authority Ga. L. 1964, pp. 507, 559. Administrative History. Original Rule entitled "Administrative Hearings" was filed and effective on July 19, 1965 as 270-5-6-.12. Amended: Rule repealed and a new Rule entitled "Equipment Installation" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.12 Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.13 Repealed.

Authority Ga. 1964, pp 507, 559. Administrative History Original Rule entitled "Personal Service" was filed and effective on July 19, 1965 as 270-5-6-.13. Amended: Rule repealed and a new Rule entitled "Cleanliness of Equipment and Utensils" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.13. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed, Filed July 10, 1986; effective July 30, 1986.

290-5-14-.14 Repealed.

Authority Ga. L. 1964, pp. 507, 559. Administrative History. Original Rule entitled "Unwholesome Food or Food Products" was filed and effective on July 19, 1965 as 270-5-6-.14. Amended: Rule repealed and a new Rule entitled "Storage and Handling of Cleaned Equipment and Utensils" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.14. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.15 Repealed.

Authority Ga. L. 1964, pp. 507, 559. Administrative History. Original Rule entitled "Withhold from Sale Orders" was filed and effective on July 19, 1965 as 270-5-6-.15. Amended: Rule repealed and a new Rule entitled "Single-Service Article" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.15. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.16 Repealed.

Authority Ga. L. 1964, pp. 507, 559. Administrative History. Original Rule entitled "Condemnation" was filed and effective on July 19, 1965 as 270-5-6-.16. Amended: Rule repealed and a new Rule entitled "Sanitary Facilities and Controls" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-6-.16. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.17 Repealed.

Authority Ga. L. 1964, pp 507, 559. Administrative History. Original Rule entitled "Communicable Diseases" was filed and effective on July 19, 1965 as 270-5-6-.17. Amended: Rule repealed and a new Rule entitled "Vermin Control" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.17. filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.18 Repealed.

Authority Ga. L. 1964, pp. 507, 559. Administrative History. Original Rule entitled "Permits, Suspension in Emergency" was filed and effective on July 19, 1965 as 270-5-6-.18. Amended: Rule repealed and a new Rule entitled "Other Facilities and Operations" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.18. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. filed July 10, 1986; effective July 30, 1986.

290-5-14-.19 Repealed.

Authority Ga. L. 1964, pp. 507, 559. Administrative History. Original Rule entitled "Sanitation Requirements for Permit" was filed and effective on July 19, 1965 as 270-5-6-.19. Amended: Rule repealed and a new Rule entitled "Temporary Food Service Establishments" adopted. Filed January 24, 1967; effective February 12, 1967. Amended Rule renumbered as 290-5-14-.19. Filed June 10. 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.20 Repealed.

Authority Ga. L. 1964, pp 507, 559. Administrative History. Original rule entitled "Inspection of Food Service Establishments" was filed on January 24, 1967 as 270-5-6-.20; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.20. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.21 Repealed.

Authority Ga. L. 1964, pp 507, 559. Administrative History. Original Rule entitled "Plan Review of Future Construction" was filed on January 24, 1967 as 270-5-6-.21; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.21. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.

290-5-14-.22 Repealed.

Authority Ga. L. 1964, pp. 507, 559. Administrative History. Original Rule entitled "Enforcement" was filed on January 24, 1967 as 270-5-6- .22; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.22. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed. Filed July 10, 1986; effective July 30, 1986.