

**DISTRICT OF
COLUMBIA
MUNICIPAL
REGULATIONS**

For

**FOOD AND FOOD
OPERATIONS**

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to section 2(c) and 2(i) of the Food Regulation Amendment Act of 2002, effective May 2, 2002, (D.C. Law 14-116; D.C. Official Code §48-101 *et seq.*) ("Act"), and pursuant to Mayor's Order 2002-103, dated June 18, 2002, hereby gives notice of the adoption of a new Title 25 (District of Columbia Food and Food Operations) in the District of Columbia Municipal Regulations (DCMR).

On July 5, 2002, the Notice of Proposed Rulemaking, was published in the D.C. Register 49 DCR 6184 *et seq.*. The Department received one comment raising an issue, which was addressed in the proposed rules. Therefore, no changes were made to the proposed rules.

Sections 2(c) and 2(i) of the Food Regulation Amendment Act of 2002, requires a 45-day Council review period within which the proposed rules must be approved or disapproved in whole or part, by resolution otherwise the proposed rules would be deemed disapproved. On November 7, 2002, the Council approved the proposed rules through Resolution 1613, entitled "Food Code Approval Resolution of 2002."

These rules will take effect immediately upon publication of this notice in the D.C. Register. New food establishments licensed after September 6, 2003 must fully comply with these rules. Food establishments licensed before September 6, 2003 have a year from the effective date of these rules to come into compliance with section 2409, Backflow Prevention Device, and section 1105, Consumer Advisory. Food establishments licensed before September 6, 2003 must meet the equipment cooling requirements in section 1005.1(c) of the rules by December 30, 2009. The Department will institute the Certificate of Achievement (section 4408) and the Risk Based Inspection Schedule (section 4409) after June 6, 2004.

4394

TITLE 23A
FOOD CODE REGULATIONS
TABLE OF CONTENTS

SECTION**SUBJECT**

SUBTITLE A: PURPOSE

CHAPTER 1 TITLE, INTENT, SCOPE

- 100 TITLE - FOOD CODE
- 101 INTENT - FOOD SAFETY, ILLNESS PREVENTION AND HONEST PRESENTATION
- 102 SCOPE - STATEMENT

SUBTITLE B: MANAGEMENT AND PERSONNEL

CHAPTER 2 SUPERVISION & TRAINING OF FOOD EMPLOYEES

- 200 RESPONSIBILITY - ASSIGNMENT & QUALIFICATION OF PERSON IN CHARGE
- 201 KNOWLEDGE - DEMONSTRATION BY PERSON IN CHARGE
- 202 DUTIES - PERSON IN CHARGE
- 203 FOOD EMPLOYEE TRAINING - CERTIFICATION REQUIREMENTS

CHAPTER 3 FOOD EMPLOYEE/APPLICANT HEALTH

- 300 DISEASE OR MEDICAL CONDITION - RESPONSIBILITY TO REQUIRE FOOD EMPLOYEE/ APPLICANT TO REPORT HEALTH STATUS
- 301 DISEASE OR MEDICAL CONDITION - EXCLUDING AND RESTRICTING ILL FOOD EMPLOYEES

- 302 DISEASE OR MEDICAL CONDITION - REINSTATING
EXCLUDED OR RESTRICTED FOOD EMPLOYEES
- 303 DISEASE OR MEDICAL CONDITION - FOOD EMPLOYEE/
APPLICANT RESPONSIBILITY TO REPORT HEALTH STATUS
- 304 DISEASE OR MEDICAL CONDITION - PERSON IN CHARGE TO
REPORT SPECIFIC ILLNESSES TO HEALTH DEPARTMENT

**CHAPTER 4 PERSONAL CLEANLINESS OF FOOD
EMPLOYEES**

- 400 HANDS AND ARMS - CLEAN CONDITION
- 401 HANDS AND ARMS - CLEANING PROCEDURE
- 402 HANDS AND ARMS - SPECIAL HANDWASH PROCEDURES
- 403 HANDS AND ARMS - WHEN TO WASH
- 404 HANDS AND ARMS - WHERE TO WASH
- 405 HANDS AND ARMS - HAND SANITIZERS
- 406 FINGERNAILS - MAINTENANCE
- 407 JEWELRY - PROHIBITION
- 408 OUTER CLOTHING - CLEAN CONDITION

**CHAPTER 5 HYGIENIC PRACTICES OF EMPLOYEES
AND FOOD EMPLOYEES**

- 500 FOOD CONTAMINATION PREVENTION - EATING, DRINKING,
OR USING TOBACCO
- 501 FOOD CONTAMINATION PREVENTION - DISCHARGES FROM
EYES, NOSE, AND MOUTH
- 502 HAIR RESTRAINTS - EFFECTIVENESS
- 503 ANIMALS - PROHIBITION ON HANDLING

SUBTITLE C: FOOD

CHAPTER 6 CHARACTERISTICS OF FOOD

- 600 CONDITION OF FOOD

**CHAPTER 7 SOURCES, SPECIFICATIONS, AND ORIGINAL
CONTAINER AND RECORDS FOR FOODS**

- 700 SOURCES - COMPLIANCE WITH FOOD LAW

- 701 SOURCES - FOOD IN HERMETICALLY SEALED CONTAINER
- 702 SOURCES - FLUID MILK AND MILK PRODUCTS
- 703 SOURCES - FISH
- 704 SOURCES - MOLLUSCAN SHELLFISH
- 705 SOURCES - WILD MUSHROOMS
- 706 SOURCES - GAME ANIMALS
- 707 SPECIFICATIONS FOR RECEIVING - TEMPERATURE
- 708 SPECIFICATIONS FOR RECEIVING - ADDITIVES
- 709 SPECIFICATIONS FOR RECEIVING - SHELL EGGS
- 710 SPECIFICATIONS FOR RECEIVING - EGGS AND
MILK PRODUCTS, PASTEURIZED
- 711 SPECIFICATIONS FOR RECEIVING - PACKAGE INTEGRITY
- 712 SPECIFICATIONS FOR RECEIVING - ICE
- 713 SPECIFICATIONS FOR RECEIVING - SHUCKED SHELLFISH,
PACKAGING AND IDENTIFICATION
- 714 SPECIFICATIONS FOR RECEIVING - SHELLSTOCK
IDENTIFICATION
- 715 SPECIFICATIONS FOR RECEIVING - SHELLSTOCK,
CONDITION
- 716 ORIGINAL CONTAINERS AND RECORDS - MOLLUSCAN
SHELLFISH
- 717 ORIGINAL CONTAINERS AND RECORDS - SHELLSTOCK,
MAINTAINING IDENTIFICATION
- 718 ORIGINAL CONTAINERS AND RECORDS - PULL DATES

**CHAPTER 8 PROTECTION OF FOODS FROM
CONTAMINATION AFTER RECEIVING**

- 800 PREVENTING CONTAMINATION BY EMPLOYEES - FROM
HANDS
- 801 PREVENTING CONTAMINATION BY EMPLOYEES - WHEN
TASTING
- 802 PREVENTING CROSS CONTAMINATION - SEPARATION,
PACKAGING AND SEGREGATION
- 803 PREVENTING FOOD AND INGREDIENT CONTAMINATION -
FOOD STORAGE CONTAINERS, IDENTIFIED WITH
COMMON NAME OF FOOD
- 804 PREVENTING FOOD AND INGREDIENT CONTAMINATION -
PASTEURIZED EGGS, SUBSTITUTE FOR RAW SHELL
EGGS FOR CERTAIN RECIPES
- 805 PREVENTING FOOD AND INGREDIENT CONTAMINATION -
PROTECTION FROM UNAPPROVED ADDITIVES
- 806 PREVENTING FOOD AND INGREDIENT CONTAMINATION -
WASHING FRUITS AND VEGETABLES

- 807 PREVENTING CONTAMINATION FROM ICE USED AS
EXTERIOR COOLANT - PROHIBITED AS AN INGREDIENT
- 808 PREVENTING CONTAMINATION FROM EQUIPMENT
AND UTENSILS - STORAGE OR DISPLAY OF FOOD
IN CONTACT WITH WATER OR ICE
- 809 PREVENTING CONTAMINATION FROM EQUIPMENT
AND UTENSILS - FOOD CONTACT WITH EQUIPMENT
AND UTENSILS
- 810 PREVENTING CONTAMINATION FROM UTENSILS - IN-USE
UTENSILS, BETWEEN-USE STORAGE
- 811 PREVENTING CONTAMINATION FROM LINENS AND NAPKINS -
USE LIMITATION
- 812 PREVENTING CONTAMINATION FROM WIPING CLOTHS -
USE LIMITATION
- 813 PREVENTING CONTAMINATION FROM GLOVES - USE
LIMITATION
- 814 PREVENTING CONTAMINATION FROM TABLEWARE -
USING CLEAN TABLEWARE FOR SECOND PORTIONS
AND REFILLS
- 815 PREVENTING CONTAMINATION FROM REFILLS AND
RETURNABLES
- 816 PREVENTING CONTAMINATION FROM PREMISES -
FOOD STORAGE
- 817 PREVENTING CONTAMINATION FROM THE PREMISES -
FOOD STORAGE, PROHIBITED AREAS
- 818 PREVENTING CONTAMINATION FROM THE PREMISES -
VENDED POTENTIALLY HAZARDOUS FOOD,
ORIGINAL CONTAINER
- 819 PREVENTING CONTAMINATION FROM THE PREMISES -
FOOD PREPARATION
- 820 PREVENTING CONTAMINATION BY
CONSUMERS - FOOD DISPLAY
- 821 PREVENTING CONTAMINATION BY CONSUMERS -
CONDIMENTS, PROTECTION
- 822 PREVENTING CONTAMINATION BY CONSUMERS -
CONSUMER SELF-SERVICE OPERATIONS
- 823 PREVENTING CONTAMINATION BY CONSUMERS -
RETURNED FOOD, RESERVICE OF FOOD
- 824 PREVENTING MISCELLANEOUS SOURCES OF
CONTAMINATION
- 825 PREVENTING CONTAMINATION FROM GREASE
CONTAINERS
- 826 PREVENTING CONTAMINATION FROM RODENTS

CHAPTER 9 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

- 900 COOKING - RAW ANIMAL FOODS
- 901 COOKING - MICROWAVE COOKING
- 902 COOKING - PLANT FOOD COOKING FOR HOT HOLDING
- 903 FREEZING - PARASITE DESTRUCTION
- 904 FREEZING - RECORDS, CREATION, AND RETENTION
- 905 REHEATING - PREPARATION FOR IMMEDIATE SERVICE
- 906 REHEATING - FOR HOT HOLDING

CHAPTER 10 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

- 1000 TEMPERATURE AND TIME CONTROL - FROZEN FOOD
- 1001 TEMPERATURE AND TIME CONTROL - POTENTIALLY HAZARDOUS FOODS, SLACKING
- 1002 TEMPERATURE AND TIME CONTROL - THAWING
- 1003 TEMPERATURE AND TIME CONTROL - COOLING
- 1004 TEMPERATURE AND TIME CONTROL - COOLING METHODS
- 1005 TEMPERATURE AND TIME CONTROL - POTENTIALLY HAZARDOUS FOOD, HOT AND COLD HOLDING
- 1006 TEMPERATURE AND TIME CONTROL - POTENTIALLY HAZARDOUS FOOD, DISPLAY
- 1007 TEMPERATURE AND TIME CONTROL - READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD, DATE MARKING
- 1008 TEMPERATURE AND TIME CONTROL - READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD, DISPOSITION
- 1009 TIME AS A PUBLIC HEALTH CONTROL
- 1010 SPECIALIZED PROCESSING METHODS - VARIANCE REQUIRED
- 1011 SPECIALIZED PROCESSING METHODS - REDUCED OXYGEN PACKAGING, CRITERIA

CHAPTER 11 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING

- 1100 ACCURATE REPRESENTATION - STANDARDS OF IDENTITY
- 1101 ACCURATE REPRESENTATION - HONESTLY PRESENTED
- 1102 FOOD LABELING REQUIREMENTS
- 1103 FOOD LABELING REQUIREMENTS - COMMINUTED MEATS

- 1104 DISPLAYING OTHER FORMS OF INFORMATION
1105 CONSUMER ADVISORY - CONSUMING RAW OR
UNDERCOOKED ANIMAL FOODS

CHAPTER 12 CONTAMINATED OR ADULTERATED FOOD

- 1200 DISPOSITION - DISCARDING OR RECONDITIONING

**CHAPTER 13 SPECIAL REQUIREMENTS FOR FOODS FOR
HIGHLY SUSCEPTIBLE POPULATIONS**

- 1300 ADDITIONAL SAFEGUARDS - PASTEURIZED FOODS,
PROHIBITED RESERVE, AND PROHIBITED FOODS

**SUBTITLE D: EQUIPMENT, UTENSILS,
AND LINENS**

**CHAPTER 14 MATERIALS USED FOR CONSTRUCTION AND
REPAIR OF EQUIPMENT, UTENSILS
AND LINENS**

- 1400 MULTI-USE - CHARACTERISTICS
1401 MULTI-USE - CAST IRON, USE LIMITATION
1402 MULTI-USE - LEAD IN CERAMIC, CHINA, AND
CRYSTAL UTENSILS, USE LIMITATION
1403 MULTI-USE - COPPER, USE LIMITATION
1404 MULTI-USE - GALVANIZED METAL, USE
LIMITATION
1405 MULTI-USE - SPONGES, USE LIMITATION
1406 MULTI-USE - LEAD IN PEWTER ALLOYS,
USE LIMITATION
1407 MULTI-USE - LEAD IN SOLDER AND FLUX,
USE LIMITATION
1408 MULTI-USE - WOOD, USE LIMITATION
1409 MULTI-USE - NONSTICK COATINGS, USE
LIMITATION
1410 MULTI-USE - NONFOOD-CONTACT SURFACES
EXPOSED TO FOOD SOILING
1411 SINGLE-SERVICE AND SINGLE-USE -
CHARACTERISTICS

- EQUIPMENT, HEATERS AND BASKETS
- 1529 FUNCTIONALITY – WAREWASHING MACHINES,
SANITIZER LEVEL INDICATOR
- 1530 FUNCTIONALITY – WAREWASHING MACHINES, FLOW
PRESSURE DEVICE
- 1531 FUNCTIONALITY – WAREWASHING SINKS AND
DRAINBOARDS, SELF DRAINING
- 1532 FUNCTIONALITY – EQUIPMENT COMPARTMENTS,
DRAINAGE
- 1533 FUNCTIONALITY – VENDING MACHINES, LIQUID
WASTE PRODUCTS
- 1534 FUNCTIONALITY – CASE LOT HANDLING EQUIPMENT,
MOVEABILITY
- 1535 FUNCTIONALITY – VENDING MACHINE DOORS AND
OPENINGS
- 1536 ACCEPTABILITY – FOOD EQUIPMENT, CERTIFICATION
AND CLASSIFICATION

**CHAPTER 16 NUMBERS AND CAPACITIES OF EQUIPMENT,
UTENSILS AND LINENS**

- 1600 EQUIPMENT- COOLING, HEATING AND HOLDING
CAPACITIES
- 1601 EQUIPMENT – MANUAL WAREWASHING, SINK
COMPARTMENT REQUIREMENTS
- 1602 EQUIPMENT- DRAINBOARDS
- 1603 EQUIPMENT- VENTILATION HOOD SYSTEMS,
ADEQUACY
- 1604 EQUIPMENT – CLOTHES WASHERS AND DRYERS
- 1605 UTENSILS – CONSUMER SELF-SERVICE
- 1606 FOOD TEMPERATURE MEASURING DEVICES
- 1607 TEMPERATURE MEASURING DEVICES – MANUAL
WAREWASHING
- 1608 TESTING DEVICES – SANITIZING SOLUTIONS

CHAPTER 17 LOCATION AND INSTALLATION OF EQUIPMENT

- 1700 LOCATION – EQUIPMENT, CLOTHES WASHERS AND DRYERS,
AND STORAGE CABINETS, CONTAMINATION PREVENTION
- 1701 INSTALLATION – FIXED EQUIPMENT, SPACING OR SEALING
- 1702 INSTALLATION – FIXED EQUIPMENT, ELEVATION
OR SEALING

**CHAPTER 18 MAINTENANCE AND OPERATION OF
EQUIPMENT**

- 1800 EQUIPMENT – GOOD REPAIR AND PROPER ADJUSTMENT
- 1801 EQUIPMENT – CUTTING SURFACES
- 1802 EQUIPMENT – MICROWAVE OVENS
- 1803 EQUIPMENT – WAREWASHING, CLEANING FREQUENCY
- 1804 EQUIPMENT – WAREWASHING MACHINES,
 MANUFACTURERS' OPERATING INSTRUCTIONS
- 1805 EQUIPMENT – WAREWASHING SINKS, USE LIMITATION
- 1806 EQUIPMENT – WAREWASHING, CLEANING AGENTS
- 1807 EQUIPMENT – WAREWASHING, CLEAN SOLUTIONS
- 1808 EQUIPMENT – MANUAL WAREWASHING, WASH
 SOLUTION TEMPERATURE
- 1809 EQUIPMENT – MECHANICAL WAREWASHING,
 WASH SOLUTION TEMPERATURE
- 1810 EQUIPMENT – MANUAL WAREWASHING, HOT
 WATER SANITIZATION TEMPERATURES
- 1811 EQUIPMENT – MECHANICAL WAREWASHING, HOT
 WATER SANITIZATION TEMPERATURES
- 1812 EQUIPMENT – MECHANICAL WAREWASHING,
 SANITIZATION PRESSURE
- 1813 EQUIPMENT – MANUAL AND MECHANICAL
 WAREWASHING, CHEMICAL SANITIZATION
 – TEMPERATURE, ph, CONCENTRATION, AND HARDNESS
- 1814 EQUIPMENT – MANUAL WAREWASHING, CHEMICAL
 SANITIZATION USING DETERGENT- SANITIZERS
- 1815 EQUIPMENT – WAREWASHING, DETERMINING
 CHEMICAL SANITIZER CONCENTRATION
- 1816 UTENSILS AND MEASURING DEVICES AND PRESSURE
 MEASURING DEVICES – GOOD REPAIR
 AND CALIBRATION
- 1817 UTENSILS – SINGLE-SERVICE AND SINGLE-USE ARTICLES,
 REQUIRED USE
- 1818 UTENSILS – SINGLE-SERVICE AND SINGLE-USE ARTICLES – USE
 LIMITATION UTENSILS
- 1819 UTENSILS – SHELLS, USE LIMITATION

CHAPTER 19 CLEANING OF EQUIPMENT AND UTENSILS

- 1900 OBJECTIVE – CLEANING
- 1901 FREQUENCY – EQUIPMENT FOOD-CONTACT
 SURFACES AND UTENSILS
- 1902 FREQUENCY – COOKING AND BAKING EQUIPMENT

**SUBTITLE E: WATER, PLUMBING AND
WASTE****CHAPTER 23 WATER**

- 2300 SOURCE - APPROVED SYSTEM
- 2301 SOURCE - SYSTEM FLUSHING AND DISINFECTION
- 2302 SOURCE - BOTTLED DRINKING WATER
- 2303 QUALITY - STANDARDS
- 2304 QUALITY - NONDRINKING WATER
- 2305 QUANTITY AND AVAILABILITY - CAPACITY
- 2306 QUANTITY AND AVAILABILITY - PRESSURE
- 2307 DISTRIBUTION, DELIVERY AND RETENTION - SYSTEM
- 2308 DISTRIBUTION, DELIVERY AND RETENTION -
ALTERNATIVE WATER SUPPLY

CHAPTER 24 PLUMBING SYSTEM

- 2400 MATERIALS - APPROVED MATERIALS, USE
- 2401 DESIGN, CONSTRUCTION, AND INSTALLATION -
APPROVED SYSTEM AND CLEANABLE FIXTURES
- 2402 DESIGN, CONSTRUCTION, AND INSTALLATION-
HANDWASHING LAVATORY, WATER TEMPERATURE,
AND FLOW
- 2403 DESIGN, CONSTRUCTION, AND INSTALLATION- BACKFLOW
PREVENTION, AIR GAP
- 2404 DESIGN, CONSTRUCTION, AND INSTALLATION-
BACKFLOW PREVENTION DEVICE, DESIGN STANDARD
- 2405 DESIGN, CONSTRUCTION, AND INSTALLATION -
CONDITIONING DEVICE, DESIGN
- 2406 NUMBERS AND CAPACITIES - HANDWASHING
LAVATORY
- 2407 NUMBERS AND CAPACITIES - TOILETS AND URINALS
- 2408 NUMBERS AND CAPACITIES - SERVICE SINKS
- 2409 NUMBERS AND CAPACITIES - BACKFLOW PREVENTION
DEVICE, WHEN REQUIRED
- 2410 NUMBERS AND CAPACITIES - BACKFLOW PREVENTION
DEVICE, CARBONATOR
- 2411 LOCATION AND PLACEMENT - HANDWASHING
LAVATORY
- 2412 LOCATION AND PLACEMENT- BACKFLOW PREVENTION
DEVICE
- 2413 LOCATION AND PLACEMENT- CONDITIONING DEVICE

- 2414 OPERATION AND MAINTENANCE - USING A
HANDWASHING LAVATORY
- 2415 OPERATION AND MAINTENANCE - PROHIBITING A
CROSS-CONNECTION
- 2416 OPERATION AND MAINTENANCE - SCHEDULING
INSPECTION AND SERVICE FOR A WATER SYSTEM
DEVICE
- 2417 OPERATION AND MAINTENANCE - WATER RESERVOIR
OF FOGGING DEVICES, CLEANING
- 2418 OPERATION AND MAINTENANCE - SYSTEM
MAINTAINED IN GOOD REPAIR
- 2419 EXCEPTION TO PLUMBING FACILITIES REQUIREMENTS

**CHAPTER 25 MOBILE WATER TANK AND MOBILE FOOD
ESTABLISHMENT WATER TANK**

- 2500 MATERIALS - APPROVED MATERIALS, USE
- 2501 DESIGN AND CONSTRUCTION - ENCLOSED SYSTEM,
SLOPED TO DRAIN
- 2502 DESIGN AND CONSTRUCTION - ACCESS PORT,
PROTECTED AND SECURED
- 2503 DESIGN AND CONSTRUCTION - "V" TYPE THREADS,
USE LIMITATION
- 2504 DESIGN AND CONSTRUCTION - TANK VENT,
PROTECTED
- 2505 DESIGN AND CONSTRUCTION - INLET AND OUTLET,
SLOPED TO DRAIN
- 2506 DESIGN AND CONSTRUCTION - DRINKING WATER HOSE,
IDENTIFICATION
- 2507 NUMBERS AND CAPACITIES - FILTER, COMPRESSED AIR
- 2508 NUMBERS AND CAPACITIES - PROTECTIVE COVER OR
DEVICE
- 2509 NUMBERS AND CAPACITIES - MOBILE FOOD
ESTABLISHMENT, TANK INLET
- 2510 OPERATION AND MAINTENANCE - SYSTEM FLUSHING
AND DISINFECTION
- 2511 OPERATION AND MAINTENANCE - USING A PUMP AND
HOSES, BACKFLOW PREVENTION
- 2512 OPERATION AND MAINTENANCE - PROTECTING INLET,
OUTLET, AND HOSE FITTING
- 2513 OPERATION AND MAINTENANCE - TANK, PUMP, AND
HOSES, DEDICATION

**CHAPTER 26 SEWAGE, OTHER LIQUID WASTE, AND
RAINWATER**

- 2600 MOBILE HOLDING TANK, CAPACITY AND DRAINAGE
- 2601 RETENTION, DRAINAGE, AND DELIVERY - DRAINAGE
SYSTEM
- 2602 RETENTION, DRAINAGE, AND DELIVERY -
BACKFLOW PREVENTION
- 2603 RETENTION, DRAINAGE, AND DELIVERY - GREASE TRAP
- 2604 RETENTION, DRAINAGE, AND DELIVERY - CONVEYING SEWAGE
- 2605 RETENTION, DRAINAGE, AND DELIVERY - REMOVING
FOOD ESTABLISHMENT WASTES
- 2606 RETENTION, DRAINAGE, AND DELIVERY - FLUSHING A WASTE
RETENTION TANK
- 2607 DISPOSAL FACILITY - APPROVED SYSTEM
- 2608 DISPOSAL FACILITY - OTHER LIQUID WASTES AND
RAINWATER

CHAPTER 27 REFUSE, RECYCLABLES, AND RETURNABLES

- 2700 FACILITIES ON PREMISES - INDOOR STORAGE AREAS
- 2701 FACILITIES ON PREMISES - OUTDOOR STORAGE
SURFACE
- 2702 FACILITIES ON PREMISES - OUTDOOR ENCLOSURE
- 2703 FACILITIES ON PREMISES - RECEPTACLES
- 2704 FACILITIES ON PREMISES - RECEPTACLES IN
VENDING MACHINES
- 2705 FACILITIES ON PREMISES - OUTSIDE RECEPTACLES
- 2706 NUMBERS AND CAPACITIES - STORAGE AREA, ROOMS,
AND RECEPTACLES,
- 2707 NUMBERS AND CAPACITIES - TOILET ROOM
RECEPTACLE, COVERED
- 2708 NUMBERS AND CAPACITIES - CLEANING
IMPLEMENTS AND SUPPLIES
- 2709 LOCATION AND PLACEMENT - STORAGE AREAS,
REDEEMING MACHINES, RECEPTACLES AND
WASTE HANDLING UNITS
- 2710 OPERATION AND MAINTENANCE - STORING REFUSE,
RECYCLABLES AND RETURNABLES
- 2711 OPERATION AND MAINTENANCE - AREAS, ENCLOSURES,
AND RECEPTACLES, GOOD REPAIR
- 2712 OPERATION AND MAINTENANCE - OUTSIDE STORAGE
PROHIBITIONS

- 2713 OPERATION AND MAINTENANCE - COVERING
RECEPTACLES
- 2714 OPERATION AND MAINTENANCE - USING DRAIN PLUGS
- 2715 OPERATION AND MAINTENANCE - REFUSE AREAS AND
ENCLOSURES
- 2716 OPERATION AND MAINTENANCE - CLEANING
RECEPTACLES
- 2717 REMOVAL - FREQUENCY
- 2718 REMOVAL - RECEPTACLES OR VEHICLES
- 2719 FACILITIES FOR DISPOSAL AND RECYCLING -
COMMUNITY OR INDIVIDUAL FACILITY

SUBTITLE F: PHYSICAL FACILITIES

CHAPTER 28 MATERIALS FOR CONSTRUCTION AND REPAIR OF PHYSICAL FACILITIES

- 2800 INDOOR AREAS - SURFACE CHARACTERISTICS
- 2801 OUTDOOR AREAS - SURFACE CHARACTERISTICS

CHAPTER 29 DESIGN, CONSTRUCTION, AND INSTALLATION OF PHYSICAL FACILITIES

- 2900 CLEANABILITY - FLOORS, WALLS, AND CEILINGS
- 2901 CLEANABILITY - FLOORS, WALLS, AND CEILINGS,
AND UTILITY LINES
- 2902 CLEANABILITY - FLOOR AND WALL JUNCTURES, COVERED,
AND ENCLOSED OR SEALED
- 2903 CLEANABILITY - FLOOR CARPETING, RESTRICTIONS AND
INSTALLATION
- 2904 CLEANABILITY - FLOOR COVERING, MATS AND
DUCKBOARDS
- 2905 CLEANABILITY - WALL AND CEILING COVERINGS
AND COATINGS
- 2906 CLEANABILITY - WALLS AND CEILINGS, ATTACHMENTS
- 2907 CLEANABILITY - WALLS AND CEILINGS, STUDS, JOISTS,
AND RAFTERS
- 2908 FUNCTIONALITY - LIGHT BULBS, PROTECTIVE
SHIELDING
- 2909 FUNCTIONALITY - HEATING, VENTILATING, AIR
CONDITIONING SYSTEM VENTS

- 2910 FUNCTIONALITY - INSECT CONTROL DEVICES,
DESIGN AND INSTALLATION
- 2911 FUNCTIONALITY - TOILET ROOMS, ENCLOSED
- 2912 FUNCTIONALITY - OUTER OPENINGS, PROTECTED
- 2913 FUNCTIONALITY - EXTERIOR WALLS AND ROOFS,
PROTECTIVE BARRIER
- 2914 FUNCTIONALITY - OUTDOOR FOOD VENDING AREAS,
OVERHEAD PROTECTION
- 2915 FUNCTIONALITY - OUTDOOR SERVICING AREAS,
OVERHEAD PROTECTION
- 2916 FUNCTIONALITY - OUTDOOR WALKING
AND DRIVING SURFACES, GRADED TO DRAIN
- 2917 FUNCTIONALITY - OUTDOOR REFUSE AREAS,
CURBED AND GRADED TO DRAIN
- 2918 FUNCTIONALITY - PRIVATE HOMES AND LIVING
OR SLEEPING QUARTERS, USE PROHIBITION
- 2919 FUNCTIONALITY - LIVING OR SLEEPING QUARTERS,
SEPARATION

CHAPTER 30 NUMBERS AND CAPACITIES OF PHYSICAL FACILITIES

- 3000 HANDWASHING FACILITIES - MINIMUM NUMBER
- 3001 HANDWASHING FACILITIES - HANDWASHING
CLEANSER, AVAILABILITY
- 3002 HANDWASHING FACILITIES - HAND DRYING
PROVISION
- 3003 HANDWASHING FACILITIES - AIDS AND DEVICES,
USE RESTRICTIONS
- 3004 HANDWASHING FACILITIES - HANDWASHING
SIGNAGE
- 3005 HANDWASHING FACILITIES - DISPOSABLE TOWELS,
WASTE RECEPTACLE
- 3006 TOILETS AND URINALS - MINIMUM NUMBER
- 3007 TOILETS AND URINALS - TOILET TISSUE
AVAILABILITY
- 3008 LIGHTING - INTENSITY
- 3009 VENTILATION - MECHANICAL
- 3010 DRESSING AREAS AND LOCKERS - DESIGNATION
- 3011 SERVICE SINKS - AVAILABILITY

CHAPTER 31 LOCATION AND PLACEMENT OF PHYSICAL FACILITIES

- 3100 HANDWASHING FACILITIES - CONVENIENTLY LOCATED
- 3101 TOILET ROOMS - CONVENIENCE AND ACCESSIBILITY
- 3102 EMPLOYEE ACCOMMODATIONS - DESIGNATED AREAS
- 3103 DISTRESSED MERCHANDISE - SEGREGATION AND LOCATION
- 3104 REFUSE, RECYCLABLES, AND RETURNABLES - RECEPTACLES, WASTE HANDLING UNITS AND DESIGNATED STORAGE AREAS

CHAPTER 32 MAINTENANCE AND OPERATION OF PHYSICAL FACILITIES

- 3200 PHYSICAL FACILITIES - REPAIRING
- 3201 PHYSICAL FACILITIES - CLEANING, FREQUENCY AND RESTRICTIONS
- 3202 PHYSICAL FACILITIES - CLEANING FLOORS, DUSTLESS METHODS
- 3203 PHYSICAL FACILITIES - CLEANING VENTILATION SYSTEMS, NUISANCE AND DISCHARGE PROHIBITION
- 3204 PHYSICAL FACILITIES - CLEANING MAINTENANCE TOOLS, PREVENTING CONTAMINATION
- 3205 PHYSICAL FACILITIES - DRYING MOPS
- 3206 PHYSICAL FACILITIES - ABSORBENT MATERIALS ON FLOORS, USE LIMITATION
- 3207 PHYSICAL FACILITIES - MAINTAINING AND USING HANDWASHING FACILITIES
- 3208 PHYSICAL FACILITIES - CLOSING TOILET ROOM DOORS
- 3209 PHYSICAL FACILITIES - USING DRESSING ROOMS AND LOCKERS
- 3210 PHYSICAL FACILITIES - CONTROLLING PESTS
- 3211 PHYSICAL FACILITIES - REMOVING DEAD OR TRAPPED BIRDS, INSECTS, RODENTS AND OTHER PESTS
- 3212 PHYSICAL FACILITIES - STORING MAINTENANCE TOOLS
- 3213 PHYSICAL FACILITIES - MAINTAINING PREMISES, UNNECESSARY ITEMS AND LITTER
- 3214 PHYSICAL FACILITIES - PROHIBITING ANIMALS

**SUBTITLE G POISONOUS OR TOXIC
MATERIALS**

**CHAPTER 33 LABELING AND IDENTIFICATION OF
POISONOUS OR TOXIC MATERIALS**

- 3300 ORIGINAL CONTAINERS - IDENTIFYING INFORMATION,
PROMINENCE
- 3301 WORKING CONTAINERS - COMMON NAME

**CHAPTER 34 OPERATIONAL SUPPLIES AND APPLICATIONS
OF POISONOUS OR TOXIC MATERIALS**

- 3400 STORAGE - SEPARATION
- 3401 PRESENCE AND USE - RESTRICTION
- 3402 PRESENCE AND USE - CONDITIONS OF USE
- 3403 CONTAINER PROHIBITIONS - POISONOUS OR
TOXIC MATERIAL CONTAINERS
- 3404 CHEMICALS - SANITIZERS, CRITERIA
- 3405 CHEMICALS FOR WASHING FRUITS AND
VEGETABLES, CRITERIA
- 3406 CHEMICALS - BOILER WATER ADDITIVES,
CRITERIA
- 3407 CHEMICALS - DRYING AGENTS, CRITERIA
- 3408 LUBRICANTS - INCIDENTAL FOOD CONTACT,
CRITERIA
- 3409 PESTICIDES - RESTRICTED USE PESTICIDES, CRITERIA
- 3410 PESTICIDES - RODENT BAIT STATIONS
- 3411 PESTICIDES - TRACKING POWDERS, PEST CONTROL
AND MONITORING
- 3412 MEDICINES - RESTRICTION AND STORAGE
- 3413 MEDICINES - REFRIGERATED MEDICINES, STORAGE
- 3414 FIRST AID SUPPLIES - STORAGE
- 3415 OTHER PERSONAL CARE ITEMS - STORAGE

**CHAPTER 35 STOCK AND RETAIL SALE OF POISONOUS OR
TOXIC MATERIALS**

- 3500 STORAGE AND DISPLAY - SEPARATION

SUBTITLE H: SPECIAL REQUIREMENTS**CHAPTER 36 MISCELLANEOUS HEALTH & SAFETY**

Reserved

CHAPTER 37 MOBILE STRUCTURES & TEMPORARY STANDS

Reserved

CHAPTER 38 RESIDENTIAL KITCHENS IN BED & BREAKFAST

- 3800 RESIDENTIAL KITCHENS – CODE APPLICABILITY
- 3801 RESIDENTIAL KITCHENS – FOOD SUPPLIES, PREPARATION,
PROTECTION AND RESTRICTIONS
- 3802 RESIDENTIAL KITCHENS – PERSONAL HEALTH AND HYGIENE
- 3803 RESIDENTIAL KITCHENS – HANDWASHING AND
TOILET ROOM FACILITIES
- 3804 RESIDENTIAL KITCHENS – EQUIPMENT AND UTENSILS
- 3805 RESIDENTIAL KITCHENS – PHYSICAL FACILITIES

CHAPTER 39 CATERERS

- 3900 CATERERS – ADDITIONAL LICENSING REQUIREMENTS
- 3901 CATERERS – BASE OF OPERATION
- 3902 CATERERS – NOTIFICATION TO THE DEPARTMENT

CHAPTER 40 CATERED ESTABLISHMENTS

- 4000 CATERED ESTABLISHMENTS – CODE APPLICABILITY
- 4001 CATERED ESTABLISHMENTS – STORAGE OF
POTENTIALLY HAZARDOUS FOOD
- 4002 CATERED ESTABLISHMENTS – RECEIPT OF
TRANSPORTED INDIVIDUALLY PORTIONED
SERVINGS
- 4003 CATERED ESTABLISHMENTS – RECEIPT OF
HOT OR COLD TRANSPORTED READY-TO-EAT FOODS
IN BULK CONTAINERS
- 4004 CATERED ESTABLISHMENTS – REHEATING TRANSPORTED
COLD FOODS RECEIVED IN BULK CONTAINERS

SUBTITLE I COMPLIANCE, ENFORCEMENT AND DEFINITIONS

CHAPTER 41 CODE APPLICABILITY TO COMPLIANCE AND ENFORCEMENT

- 4100 USE FOR INTENDED PURPOSE - PUBLIC HEALTH
PROTECTION
- 4101 PREVENTING HEALTH HAZARDS, PROVISION FOR
CONDITIONS NOT ADDRESSED
- 4102 VARIANCES - MODIFICATIONS AND WAIVERS
- 4103 VARIANCES - APPLICATION FOR AND JUSTIFICATION
- 4104 VARIANCES - CRITERIA FOR ISSUANCE
- 4105 VARIANCES - ATTACHMENT OF CONDITIONS
- 4106 VARIANCES - EFFECT OF ALTERNATIVE
MEASURES OR CONDITIONS
- 4107 VARIANCES - NOTIFICATION OF DECISION TO GRANT,
CHANGED CONDITIONS
- 4108 VARIANCES - RENEWAL
- 4109 VARIANCES - DENIAL, REVOCATION, OR REFUSAL
TO RENEW

CHAPTER 42 PLAN SUBMISSION AND APPROVAL

- 4200 FACILITY AND OPERATING PLANS - WHEN REQUIRED
- 4201 FACILITY AND OPERATING PLANS - CONTENTS AND
SPECIFICATIONS
- 4202 FACILITY AND OPERATING PLANS - TYPES OF
ACTIVITIES THAT REQUIRE A HACCP PLAN
- 4203 FACILITY AND OPERATING PLANS - TIMING OF HACCP
PLAN REQUIREMENTS
- 4204 FACILITY AND OPERATING PLANS - WHEN MUST A
HACCP PLAN BE SUBMITTED
- 4205 FACILITY AND OPERATING PLANS - COMPLIANCE
WITH HACCP PLAN
- 4206 FACILITY AND OPERATING PLANS - CONTENTS OF
A HACCP PLAN
- 4207 CONFIDENTIALITY - TRADE SECRETS
- 4208 CONSTRUCTION, INSPECTION AND APPROVAL -
PRE-OPERATIONAL INSPECTIONS

CHAPTER 43 LICENSE TO OPERATE

- 4300 LICENSE REQUIREMENT – PREREQUISITE FOR OPERATION
- 4301 APPLICATION PROCEDURE – PERIOD FOR SUBMISSION
- 4302 APPLICATION PROCEDURE – FORM OF SUBMISSION
- 4303 APPLICATION PROCEDURE – QUALIFICATIONS AND RESPONSIBILITIES OF APPLICANTS
- 4304 APPLICATION PROCEDURE – CONTENTS OF THE APPLICATION
- 4305 ISSUANCE – NEW, CONVERTED, OR REMODELED ESTABLISHMENTS
- 4306 ISSUANCE – REQUIREMENT, NOTICE OF OPENING
- 4307 ISSUANCE – EXISTING ESTABLISHMENTS, LICENSE RENEWAL, AND CHANGE OF OWNERSHIP
- 4308 ISSUANCE – DENIAL OF APPLICATION FOR LICENSE, NOTICE
- 4309 CONDITIONS OF RETENTION – RESPONSIBILITIES OF THE DEPARTMENT
- 4310 CONDITIONS OF RETENTION – RESPONSIBILITIES OF LICENSEE
- 4311 CONDITIONS OF RETENTION – LICENSES NOT TRANSFERABLE

CHAPTER 44 INSPECTION AND CORRECTION OF VIOLATIONS

- 4400 FREQUENCY – INSPECTION INTERVAL
- 4401 FREQUENCY – PERFORMANCE- AND RISK-BASED
- 4402 ACCESS – RIGHT OF ENTRY, DENIAL A MISDEMEANOR
- 4403 REPORT OF FINDINGS – DOCUMENTING INFORMATION AND OBSERVATIONS
- 4404 REPORT OF FINDINGS – SPECIFYING TIME FRAME FOR CORRECTIONS
- 4405 REPORT OF FINDINGS – ISSUING REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT
- 4406 REPORT OF FINDINGS – REFUSAL TO SIGN ACKNOWLEDGMENT
- 4407 REPORT OF FINDINGS – PUBLIC INFORMATION
- 4408 REPORT OF FINDINGS – CERTIFICATE OF ACHIEVEMENT
- 4409 IMMINENT HEALTH HAZARD – CEASING OPERATIONS AND EMERGENCY REPORTING

- 4410 IMMINENT HEALTH HAZARD - RESUMPTION OF OPERATIONS
- 4411 CRITICAL VIOLATION - TIME FRAME FOR CORRECTION
- 4412 CRITICAL VIOLATION - VERIFICATION AND DOCUMENTATION OF CORRECTION
- 4413 NONCRITICAL VIOLATION - TIME FRAME FOR CORRECTION
- 4414 REQUEST FOR REINSPECTION

**CHAPTER 45 PREVENTION OF FOODBORNE DISEASE
TRANSMISSION BY EMPLOYEES**

- 4500 INVESTIGATION AND CONTROL - OBTAINING INFORMATION, ILLNESSES
- 4501 INVESTIGATION AND CONTROL - RESTRICTION OR EXCLUSION OF FOOD EMPLOYEE OR SUMMARY SUSPENSION OF LICENSE
- 4502 INVESTIGATION AND CONTROL - RESTRICTION OR EXCLUSION ORDER
- 4503 INVESTIGATION AND CONTROL - RELEASE OF EMPLOYEE FROM RESTRICTION OR EXCLUSION

CHAPTER 46 NOTICES

- 4600 SERVICE OF NOTICE - PROPER METHODS
- 4601 SERVICE OF NOTICE - RESTRICTION OR EXCLUSION ORDER, EMBARGO, CONDEMNATION OR SUMMARY SUSPENSION ORDERS
- 4602 SERVICE OF NOTICE - WHEN NOTICE IS EFFECTIVE
- 4603 SERVICE OF NOTICE - PROOF OF PROPER SERVICE

CHAPTER 47 REMEDIES

- 4700 CRITERIA FOR SEEKING REMEDIES - CONDITIONS WARRANTING REMEDY
- 4701 ADMINISTRATIVE - EXAMINING, SAMPLING, AND TESTING FOOD
- 4702 ADMINISTRATIVE - EMBARGO ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF FOOD
- 4703 ADMINISTRATIVE - EMBARGO ORDER, CONTENTS
- 4704 ADMINISTRATIVE - EMBARGO ORDER, OFFICIAL

- TAGGING OF FOOD
- 4705 ADMINISTRATIVE - EMBARGO ORDER, FOOD MAY NOT BE USED OR MOVED
- 4706 ADMINISTRATIVE - EMBARGO ORDER, REMOVING THE OFFICIAL TAG
- 4707 ADMINISTRATIVE - EMBARGO ORDER, DESTROYING OR DENATURING FOOD
- 4708 ADMINISTRATIVE - EMBARGO ORDER, WARNING OR HEARING NOT REQUIRED
- 4709 ADMINISTRATIVE - CONDEMNATION ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF EQUIPMENT, UTENSILS AND LINENS
- 4710 ADMINISTRATIVE - CONDEMNATION ORDER, CONTENTS
- 4711 ADMINISTRATIVE - CONDEMNATION ORDER, OFFICIAL TAGGING OF EQUIPMENT, UTENSILS AND LINENS
- 4712 ADMINISTRATIVE - CONDEMNATION ORDER, REMOVING THE OFFICIAL TAG
- 4713 ADMINISTRATIVE - CONDEMNATION ORDER, WARNING OR HEARING NOT REQUIRED
- 4714 ADMINISTRATIVE - SUMMARY LICENSE SUSPENSION, CONDITIONS WARRANTING ACTION
- 4715 ADMINISTRATIVE - CONTENTS OF SUMMARY SUSPENSION NOTICE
- 4716 ADMINISTRATIVE - SUMMARY SUSPENSION, WARNING OR HEARING NOT REQUIRED
- 4717 ADMINISTRATIVE - SUMMARY SUSPENSION, TIME FRAME FOR REINSPECTION
- 4718 ADMINISTRATIVE - SUMMARY SUSPENSION, TERM OF SUSPENSION, REINSTATEMENT
- 4719 ADMINISTRATIVE - LICENSE REVOCATION OR SUSPENSION
- 4720 ADMINISTRATIVE - CIVIL PENALTIES
- 4721 ADMINISTRATIVE - CIVIL PENALTIES, NOTICES OF VIOLATION OR INFRACTIONS
- 4722 JUDICIAL - CRIMINAL PENALTIES, INJUNCTIVE RELIEF, IMPRISONMENT

CHAPTER 48 HEARING ADMINISTRATION

- 4800 ADMINISTRATIVE - NOTICE, REQUEST FOR HEARING, BASIS AND TIME FRAME
- 4801 ADMINISTRATIVE - HEARINGS ADMINISTRATION, CONTENTS OF A RESPONSE TO HEARING NOTICE OR HEARING REQUEST
- 4802 ADMINISTRATIVE - HEARINGS ADMINISTRATION, TIMELINESS

CHAPTER 49 JUDICIAL REVIEW

4900 JUDICIAL REVIEW - APPEALS

CHAPTER 99 DEFINITIONS

9900 GENERAL PROVISIONS

9901 DEFINITIONS

SUBTITLE A: PURPOSE**CHAPTER 1 TITLE, INTENT, SCOPE****100 TITLE – FOOD CODE**

100.1 These provisions shall be known as the Food Code, hereinafter referred to as “this Code.”

101 INTENT – FOOD SAFETY, ILLNESS PREVENTION, AND HONEST PRESENTATION

101.1 The purpose of this Code is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

102 SCOPE – STATEMENT

102.1 This Code establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities; provides for food establishment plan review, license issuance, inspections, and employee restriction; sets requirements for bed & breakfast kitchens, caterers and catered facilities; and provides for enforcement through license suspension and revocation, embargo and condemnation of foods and equipment, and fines and penalties.

102.2 Certain provisions of this Code are identified as critical. Critical provisions are those provisions where noncompliance is more likely to contribute to food contamination, illness, or environmental health hazard. A critical item is denoted with an asterisk (*).

102.3 Certain provisions of this Code are identified as noncritical. Noncritical provisions are those provisions where noncompliance, is less likely to contribute to food contamination, illness, or environmental degradation. A part that is denoted in the Code without an asterisk (*) after the headnote is a noncritical item. A part designated as a critical item may have a provision within the part designated as a noncritical item. This is indicated by a superscripted letter “N” following the provision.

102.4 The provisions of Subtitles A-I are supplemental to other rules that apply to specific food operations, and supplement other applicable District rules.

SUBTITLE B: MANAGEMENT AND PERSONNEL**CHAPTER 2 SUPERVISION & TRAINING OF FOOD EMPLOYEES****200 RESPONSIBILITY - ASSIGNMENT & QUALIFICATION OF PERSON IN CHARGE***

- 200.1 The licensee shall be the person in charge or shall designate a person in charge, who will serve as an on-site manager or supervisor, and the licensee shall ensure that a person in charge is present at the food establishment during all hours of operation.
- 200.2 The licensee or person in charge shall designate an alternate person to be in charge at all times when they cannot be present. The alternate, when acting as the person in charge, shall be responsible for all duties specified in this Code, and must be adequately trained to ensure that the food establishment operates in compliance with this Code.
- 200.3 In addition to the requirements in sections 200.1 and 200.2, effective January 1, 2004, each food establishment that qualifies as a high to moderate risk establishment, as set out at section 4400.2 (a) - (d), shall employ at least one (1) full-time equivalent person in charge, who is present at the food establishment during all hours of operation, and is a certified food protection manager who has shown proficiency of required information by passing a test that is part of an accredited program recognized by the Department, or provided by the Department.
- 200.4 In addition to the requirements in sections 200.1 and 200.2, effective January 1, 2004, each food establishment that qualifies as a low risk establishment, as set out at section 4400.2 (e), shall employ at least one (1) full-time equivalent person in charge, who is present at the food establishment during all hours of operation, and is a certified limited food protection manager who has shown proficiency of required information by passing a test that is part of an accredited program recognized by the Department, or provided by the Department.
- 200.5 Documentation that at least one (1) full-time equivalent person in charge is a certified food protection manager or a certified limited food protection manager with demonstrated knowledge of food safety, as specified in sections 200.3 and 200.4, shall be conspicuously posted in the food establishment next to the food establishment license. Such documentation shall be removed when the individual is no longer employed on-site by the establishment.
- 200.6 If a person in charge, after attending a training program, fails to pass the examination after two (2) attempts, the licensee may request a variance for this individual based on:

- (a) The food establishment being in full compliance with this Code; and
- (b) Signed documentation from the instructor that the person in charge participated in a food safety training program, provided that the instructor's qualifications and course content meet the standards recognized by the Department.

201 **KNOWLEDGE – DEMONSTRATION BY PERSON IN CHARGE***

- 201.1 Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request, the person in charge shall demonstrate to the Department knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point (HACCP) principles, and the requirements of this Code.
- 201.2 The person in charge shall demonstrate the knowledge required in section 201.1 by compliance with this Code, by being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program, or by responding correctly to the inspector's questions as they relate to the specific food operation.
- 201.3 Areas of knowledge required by sections 201.1 and 201.2 include:
- (a) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
 - (b) 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;
 - (c) Describing the symptoms associated with the diseases that are transmissible through food;
 - (d) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness;
 - (e) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
 - (f) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish;
 - (g) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;

- (h) Describing the relationship between the prevention of foodborne illness and the management and control of cross contamination, hand contact with ready-to-eat foods, handwashing, and maintaining the food establishment in a clean condition and in good repair;
- (i) Explaining the relationship between food safety and providing equipment that is sufficient in number and capacity, and properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (j) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- (k) 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;
- (l) Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to applicable District of Columbia law;
- (m) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code;
- (n) Explaining the details of how the person in charge and food employees comply with the HACCP Plan if a plan is required by this Code, or an agreement between the Department and the establishment; and
- (o) Explaining the responsibilities, rights, and authorities assigned by this Code to the food employee, person in charge, and the Department.

202 DUTIES – PERSON IN CHARGE

- 202.1 The person in charge shall ensure that food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in Chapter 29, section 2918.
- 202.2 The person in charge shall ensure that persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination.

- 202.3 The person in charge shall ensure that employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Code.
- 202.4 The person in charge shall ensure that employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing.
- 202.5 The person in charge shall ensure that employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.
- 202.6 The person in charge shall ensure that employees are properly cooking potentially hazardous foods, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures, using appropriate temperature measuring devices properly scaled and calibrated as specified under sections 1510 and 1816.2.
- 202.7 The person in charge shall ensure that employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.
- 202.8 The person in charge shall ensure that consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified in Chapter 11, section 1105 that the food is not cooked sufficiently to ensure its safety.
- 202.9 The person in charge shall ensure that 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.
- 202.10 The person in charge shall ensure that consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified in Chapter 8, section 814.
- 202.11 The person in charge shall ensure that 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.

202.12 The person in charge shall ensure that employees are properly trained in food safety as it relates to their assigned duties.

203 FOOD EMPLOYEE TRAINING – CERTIFICATION REQUIREMENTS

203.1 The Department shall issue or recognize a certificate that qualifies the person identified on the certificate to be a certified food protection manager or a certified limited food protection manager with specific knowledge, skills, and abilities necessary to operate a safe and sanitary food establishment.

203.2 A licensee or person in charge certified in food safety as a certified food protection manager or a certified limited food protection manager as required in sections 201.2 and 201.3 shall be re-certified every three (3) years.

203.3 The Department may recognize food protection manager certificates issued by another jurisdiction or a private vendor, if the licensee or person in charge has also passed an examination approved by the Director.

203.4 The Department shall recognize as valid, until December 31, 2003, all advanced and basic food supervisor certification cards issued by the Director.

203.5 The Department may approve a food safety training program that is offered by a licensee, any other person, or organization if the training materials are from an approved source.

203.6 The Department may also provide a food manager training program with full cost of the program to be borne by the licensee or person in charge.

CHAPTER 3 FOOD EMPLOYEE/APPLICANT HEALTH

300 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY TO REQUIRE FOOD EMPLOYEE/APPLICANT TO REPORT HEALTH STATUS*

300.1 The licensee shall require food employees and food employee applicants to whom a conditional offer of employment is made to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food.

300.2 A food employee or food employee applicant shall report the information in a manner that allows the person in charge to prevent the likelihood of foodborne disease transmission,

including the date of onset of jaundice or of an illness specified in section 300.3 of this Chapter.

- 300.3 A food employee or food employee applicant shall report to the person in charge a diagnosis of illness due to:
- (a) *Salmonella Typhi*;
 - (b) *Shigella* spp.;
 - (c) *Escherichia coli* O157:H7; or
 - (d) Hepatitis A virus.
- 300.4 A food employee or food employee applicant shall report to the person in charge a symptom caused by illness, infection, or other source that is associated with an acute gastrointestinal illness such as: diarrhea, fever, vomiting, jaundice, or sore throat with fever, or a lesion containing pus such as a boil or infected wound that is open or draining and is:
- (a) 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;
 - (b) On exposed portions of the arms, unless the lesion is protected by an impermeable cover; or
 - (c) On other parts of the body, unless the lesion is covered by a dry, durable, tight fitting bandage.
- 300.5 A food employee or food employee applicant shall report to the person in charge a past illness from an infectious agent specified in section 300.3 of this Chapter.
- 300.6 A food employee or food employee applicant shall report to the person in charge whether he/she meets one or more of the following high-risk conditions:
- (a) Is suspected of causing, or being exposed to, a confirmed disease outbreak caused by *S. Typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus including an outbreak at an event such as a family meal, church supper, or festival because the food employee or applicant:
 - (1) Prepared food implicated in the outbreak;
 - (2) Consumed food implicated in the outbreak; or

(3) Consumed food at the event prepared by a person, who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent;

- (b) Lives in the same household as a person who is diagnosed with a disease caused by *S. Typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus; or
- (c) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by *S. Typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus.

301 DISEASE OR MEDICAL CONDITION – EXCLUDING AND RESTRICTING ILL FOOD EMPLOYEES*

301.1 The person in charge shall exclude a food employee from a food establishment if the food employee is diagnosed with an infectious agent specified in section 300.3 of this Chapter.

301.2 Except as specified in section 301.3 or 301.4 of this Chapter, the person in charge shall restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in a food establishment if the food employee is:

- (a) Suffering from a symptom specified in section 300.4; or
- (b) Not experiencing a symptom of acute gastroenteritis specified in section 300.4 but has a stool that yields a specimen culture that is positive for *Salmonella Typhi*, *Shigella* spp., or *Escherichia coli* O157:H7.

301.3 If the population served is a highly susceptible population, the person in charge shall exclude a food employee who:

- (a) Is experiencing a symptom of acute gastrointestinal illness specified in section 300.4 and meets a high-risk condition specified in section 300.6;
- (b) Is not experiencing a symptom of acute gastroenteritis specified in section 300.4 but has a stool that yields a specimen culture that is positive for *S. Typhi*, *Shigella* spp., or *E. coli* O157:H7;
- (c) Had a past illness from *S. Typhi* within the last three (3) months; or
- (d) Had a past illness from *Shigella* spp. or *E. coli* O157:H7 within the last month.

301.4 If the food employee is jaundiced, the person in charge shall:

- (a) Exclude the food employee from the food establishment if the onset of jaundice occurred within the last seven (7) calendar days;
- (b) Exclude the food employee from a food establishment that serves a highly susceptible population if the onset of jaundice occurred more than seven (7) calendar days before; or
- (c) Restrict the food employee from activities specified in section 301.2, if the food establishment does not serve a highly susceptible population.

302 DISEASE OR MEDICAL CONDITION – REINSTATING EXCLUDED OR RESTRICTED FOOD EMPLOYEES

302.1 The person in charge may remove an exclusion specified in section 301.1 if:

- (a) The person in charge obtains approval from the Department; and
- (b) The person excluded as specified in section 301.1 provides to the person in charge written medical documentation from a physician licensed to practice medicine that specifies that the excluded person may work in an unrestricted capacity in a food establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in Chapter 45, section 4503.

302.2 The person in charge may remove a restriction specified in section 301.2(a) if the restricted person:

- (a) Is free of the symptoms as specified in section 300.4 and no foodborne illness occurs that may have been caused by the restricted person;
- (b) Is suspected of causing foodborne illness but is free of the symptoms specified in section 300.4, and provides written medical documentation from a physician licensed to practice medicine stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in Chapter 45, section 4503; or
- (c) Provides written medical documentation from a physician licensed to practice medicine stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

302.3 The person in charge may remove a restriction specified in section 301.2(b) if the restricted person provides written medical documentation from a physician, licensed to practice medicine, according to the criteria specified in Chapter 45, section 4503 that

indicates the stools are free of *Salmonella Typhi*, *Shigella spp.*, or *E. coli* O157:H7, whichever is the infectious agent of concern.

302.4 The person in charge may remove an exclusion specified in section 301.3 if the excluded person provides written medical documentation from a physician licensed to practice medicine:

- (a) That specifies that the person is free of the infectious agent of concern as specified in section 4503, or jaundice as specified in section 302.5 if hepatitis A virus is the infectious agent of concern; or
- (b) If the person is excluded in section 301.3 (a), stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

302.5 The person in charge may remove an exclusion specified in section 301.4(a) and section 301.4(b) and a restriction specified in section 301.4(c) if:

- (a) No foodborne illness occurs that may have been caused by the excluded or restricted person and the person provides written medical documentation from a physician licensed to practice medicine that specifies that the person is free of hepatitis A virus as specified in section 4503.4; or
- (b) The excluded or restricted person is suspected of causing foodborne illness and complies with the requirements in sections 4503.3(a) and (b).

303 DISEASE OR MEDICAL CONDITION – FOOD EMPLOYEE/APPLICANT RESPONSIBILITY TO REPORT TO PERSON IN CHARGE*

303.1 A food employee or a person who applies for a job as a food employee shall:

- (a) In a manner specified in section 300.2, report to the person in charge the information specified in sections 300.3 - 300.6; and
- (b) Comply with exclusions and restrictions that are specified in sections 301.1 - 301.4.

304 DISEASE OR MEDICAL CONDITION – PERSON IN CHARGE TO REPORT SPECIFIC ILLNESSES TO HEALTH DEPARTMENT*

304.1 The person in charge shall notify the Department that a food employee is diagnosed with an illness due to *Salmonella Typhi*, *Shigella spp.*, *Escherichia coli* O157:H7, or hepatitis A virus.

**CHAPTER 4 PERSONAL CLEANLINESS OF
FOOD EMPLOYEES****400 HANDS AND ARMS - CLEAN CONDITION ***

400.1 Food employees shall keep their hands and exposed portions of their arms clean.

401 HANDS AND ARMS - CLEANING PROCEDURE*

401.1 Except as specified in section 401.2, food employees shall clean their hands and exposed portions of their arms with cleaning compound in a lavatory that is equipped as specified in section 2402 by vigorously rubbing together the surfaces of their lathered hands and arms for at least twenty (20) seconds and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers.

401.2 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.

402 HANDS AND ARMS - SPECIAL HANDWASH PROCEDURE*

Reserved.

403 HANDS AND ARMS - WHEN TO WASH*

403.1 Food employees shall clean their hands and exposed portions of their arms as specified in section 401 immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- (a) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (b) After using the toilet room;
- (c) After caring for or handling service or aquatic animals as specified in section 503.2;
- (d) Except as specified in section 500.2, after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;

- (e) After handling soiled equipment or utensils;
- (f) Immediately before engaging in food preparation including working with exposed food, clean utensils, and unwrapped single-service and single-use articles in the food preparation area;
- (g) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
- (b) When switching between working with raw food and working with ready-to-eat food; and
- (i) After engaging in other activities that contaminate the hands such as handling waste containing fecal matter, body fluids, or body discharges.

404 HANDS AND ARMS – WHERE TO WASH

- 404.1 Food employees shall clean their hands in a handwashing lavatory or approved automatic handwashing facility and shall not clean their hands in a sink used for food preparation, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

405 HANDS AND ARMS – HAND SANITIZERS

- 405.1 A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall:

- (a) Comply with one of the following:
 - (1) 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; or
 - (2) Have active antimicrobial ingredients that are listed in: the FDA monograph for OTC (over-the-counter) Health-Care Antiseptic Drug Products as an antiseptic handwash, or the USDA List of Proprietary Substances and Nonfood Compounds, Miscellaneous Publication No. 1419;
- (b) Comply with one of the following:
 - (1) Have components that are exempt from the requirements of being listed in the federal food additive regulations as specified in 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles; or

- (2) Comply with and be listed in: 21 CFR 178 – Indirect Food Additives; Adjuvants; Production Aids, and Sanitizers as regulated for use as a food additive with conditions of safe use, 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

(c) Be applied only to hands that are cleaned as specified in section 401.

405.2 If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified in section 405.1(b), use shall be:

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

(b) Limited to situations that involve no direct contact with food by the bare hands.

405.3 A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

406 FINGERNAILS – MAINTENANCE

406.1 Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

406.2 Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

407 JEWELRY – PROHIBITION

407.1 While preparing food, food employees may not wear jewelry on their arms and hands. This section does not apply to a plain ring such as a wedding band.

408 OUTER CLOTHING – CLEAN CONDITION

408.1 Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles. When moving from a raw food operation to a ready-to-eat food operation, food employees shall wear clean outer covering over clothing or change to clean clothing if clothing is soiled.

**CHAPTER 5 HYGIENIC PRACTICES OF EMPLOYEES
AND FOOD EMPLOYEES****500 FOOD CONTAMINATION PREVENTION - EATING, DRINKING, OR USING
TOBACCO***

500.1 Except as specified in section 500.2, an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can not result

500.2 A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

- (a) The employee's hands;
- (b) The container; and
- (c) Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

**501 FOOD CONTAMINATION PREVENTION - DISCHARGES FROM THE
EYES, NOSE, AND MOUTH***

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

502 HAIR RESTRAINTS - EFFECTIVENESS

502.1 Food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

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

503 ANIMALS - PROHIBITION ON HANDLING *

- 503.1 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 section 3214.2(b)-(e).
- 503.2 Notwithstanding section 503.1, food employees with service animals may handle or care for their service animals, and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified in sections 401 and 403.1(c).

SUBTITLE C: FOOD

CHAPTER 6 CHARACTERISTICS OF FOOD

600 CONDITION OF FOOD*

600.1 Food shall be safe, unadulterated, and, as specified in section 1101, honestly presented.

CHAPTER 7 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS FOR FOOD

700 SOURCES – COMPLIANCE WITH FOOD LAW*

700.1 Food shall be obtained from sources that comply with:

- (a) United States Code, Title 21, Sections 70 to 471;
- (b) United States Code, Title 21, Sections 601 to 695;
- (c) Code of Federal Regulations, Title 7, Parts 56 to 57;
- (d) Code of Federal Regulations, Title 9, Parts 200 to end;
- (e) Code of Federal Regulations, Title 21, Parts 108 to 1299;
- (f) Code of Federal Regulations, Title 40, Parts 141 to 152;
- (g) Code of Federal Regulations, Title 50, Part 17; and
- (h) Food Regulation Amendment Act, effective May 2, 2002 (D.C. Law 14-116; D.C. Official Code §48-101 *et seq.*).

700.2 Food prepared or stored in a private home shall not be used or offered for human consumption in a food establishment, except as provided in Chapter 38 – Residential Kitchens.

700.3 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 381.117, Subpart N – Labeling and Containers, and as specified in sections 713 and 714.

- 700.4 Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in section 900.3 may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified in section 903, or frozen on the premises as specified in section 903 and records are retained as specified in section 904.
- 700.5 Whole-muscle, intact beefsteaks that are intended for consumption in an undercooked form without a consumer advisory as specified in 900.4 shall be:
- (a) Obtained from a food processing plant that packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef; or
 - (b) If individually cut in a food establishment:
 - (1) Cut from whole-muscle intact beef that is labeled by a food processing plant to indicate that the beef meets the definition of whole-muscle, intact beef;
 - (2) Prepared so they remain intact; and
 - (3) If packaged for undercooking in a food establishment, labeled to indicate that they meet the definition of whole-muscle, intact beef.
- 700.6 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).
- 700.7 A licensee or person-in-charge shall be responsible for providing evidence indicating that he/she has reason to believe that food items in the food establishment comply with the requirements of this Code and shall, when requested by the Department, furnish the name and business address of the supplier or suppliers from whom any particular food item was purchased.
- 701 **SOURCES – FOOD IN HERMETICALLY SEALED CONTAINER***
- 701.1 Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the United States Department of Agriculture (USDA).
- 702 **SOURCES – FLUID MILK AND MILK PRODUCTS***
- 702.1 Fluid milk and milk products shall be obtained from sources that comply with grade A standards specified by the USDA.
- 703 **SOURCES – FISH***
- 703.1 Fish that are received for sale or service shall be commercially and legally caught or harvested; or approved for sale or service.

703.2 Molluscan shellfish that are recreationally caught may not be received for sale or service.

704 SOURCES – MOLLUSCAN SHELLFISH*

704.1 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 (1997). This Guide is incorporated by reference.

704.2 Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List (1987 and subsequent editions).

705 SOURCES – WILD MUSHROOMS*

705.1 Except as specified in section 705.3, mushroom species picked in the wild shall be obtained from approved sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert who has successfully completed a wild mushroom identification course provided by either an accredited college or university or a mycological society.

705.2 The Department shall develop and maintain a list of all such approved sources.

705.3 This section does not apply to:

- (a) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the USDA; or
- (b) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the USDA.

706 SOURCES – GAME ANIMALS*

706.1 If game animals are received for sale or service that are commercially raised for food, they shall be:

- (a) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the USDA; or
- (b) Under a routine inspection program conducted by the USDA; and raised, slaughtered, and processed according to:
 - (1) Laws governing meat and poultry as determined by the USDA; and

- (2) Requirements which are developed by the USDA with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee.
- 706.2 If game animals are received for sale or service they shall be 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 Animal; Voluntary Inspection, or rabbits that are "inspected and certified" in accordance with 9 CFR 354 - Voluntary Inspection of Rabbits And Edible Products Thereof.
- 706.3 If game animals are received for sale or service, they shall be, as allowed by law, for wild game animals that are live-caught:
- (a) Under a routine inspection program conducted by USDA; and
- (b) Slaughtered and processed according to:
- (1) Laws governing meat and poultry as determined by the USDA; and
- (2) Requirements, which are developed by the USDA with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee.
- 706.4 If game animals are received for sale or service they shall be, as allowed by law, for field dressed wild game animals under a routine inspection program that ensures the animals:
- (a) Receive a postmortem examination by an approved veterinarian or veterinarian's designee; or
- (b) Are field-dressed and transported according to requirements specified by the USDA; and are processed according to laws governing meat and poultry as determined by the USDA.
- 706.5 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.
- 707 **SPECIFICATIONS FOR RECEIVING - TEMPERATURE ***
- 707.1 Except as specified in section 707.2, refrigerated, potentially hazardous food shall be at a temperature of 5°C (41°F) or below when received.
- 707.2 If a temperature other than 5°C (41°F) for a potentially hazardous food is specified in law governing its distribution, such as laws governing milk, molluscan shellfish, and shell eggs, the food may be received at the specified temperature.

- 707.3 Potentially hazardous food that is cooked to a temperature and for a time specified in sections 900 - 902, and received hot shall be at a temperature of 60°C (140°F) or above.
- 707.4 A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.
- 707.5 Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.
- 708 **SPECIFICATIONS FOR RECEIVING – ADDITIVES***
- 708.1 Food shall not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170-180 – Relating to Food Additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) – Food ingredients and sources of radiation
- 709 **SPECIFICATIONS FOR RECEIVING – SHELL EGGS***
- 709.1 Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in 7 CFR Part 56 – Voluntary Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs, and 9 CFR Part 590 – Inspection of Eggs and Egg Products.
- 710 **SPECIFICATIONS FOR RECEIVING – EGGS AND MILK PRODUCTS, PASTEURIZED***
- 710.1 Liquid, frozen, and dry eggs and egg products shall be obtained pasteurized.
- 710.2 Fluid and dry milk and milk products complying with Grade A Standards as specified by the USDA shall be obtained pasteurized.
- 710.3 Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 – Frozen Desserts.
- 710.4 Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 – Cheeses and Related Cheese Products, for curing certain cheese varieties.
- 711 **SPECIFICATIONS FOR RECEIVING – PACKAGE INTEGRITY***
- 711.1 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.

712 SPECIFICATIONS FOR RECEIVING - ICE*

712.1 Ice for use as a food or a cooling medium shall be made from drinking water.

713 SPECIFICATIONS FOR RECEIVING - SHUCKED SHELLFISH, PACKAGING AND IDENTIFICATION

713.1 Raw shucked shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the:

- (a) Name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish; and
- (b) The "sell by" date for packages with a capacity of less than 1.87 L (one-half gallon) or the date shucked for packages with a capacity of 1.87 L (one-half gallon) or more.

713.2 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 in section 713.1 shall be subject to an embargo order, as allowed by section 4702, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

714 SPECIFICATIONS FOR RECEIVING - SHELLSTOCK IDENTIFICATION*

714.1 Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list the information in sections 714.2 and 714.3.

714.2 Except as specified in section 714.5, the harvester's tag or label shall list the following information in the following order:

- (a) The harvester's identification number that is assigned by the shellfish control authority;
- (b) The date of harvesting;
- (c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;
- (d) The type and quantity of shellfish; and

- (e) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

714.3 Except as specified in section 714.6, the following information shall appear in the following order on each dealer's tag or label:

- (a) The dealer's name and address, and the certification number assigned by the shellfish control authority;
- (b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested;
- (c) The same information as specified for a harvester's tag in section 714.2; and
- (d) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

714.4 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 in sections 714.1 - 714.3 shall be subject to an embargo order, as allowed by section 4702, or seizure and destruction in accordance with 21 CFR Subpart D – Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

714.5 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.

714.6 If the harvester's tag or label is designed to accommodate each dealer's identification as specified in section 714.3(a)-(b), individual dealer tags or labels need not be provided.

715 SPECIFICATIONS FOR RECEIVING – SHELLSTOCK, CONDITION

715.1 When received by a food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

716 ORIGINAL CONTAINERS AND RECORDS – MOLLUSCAN SHELLFISH

716.1 Except as specified in sections 716.2 and 716.3, molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service.

- 716.2 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:
- (a) The source of the shellstock on display is identified as specified in section 714 and recorded as specified in section 717; and
 - (b) The shellstock are protected from contamination.
- 716.3 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:
- (a) The labeling information for the shellfish on display as specified in section 713 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
 - (b) The shellfish are protected from contamination.
- 717 ORIGINAL CONTAINERS AND RECORDS – SHELLSTOCK, MAINTAINING IDENTIFICATION***
- 717.1 Except as specified in section 717.3, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.
- 717.2 The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety (90) calendar days from the date the container is emptied by 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.
- 717.3 If shellstock are removed from their tagged or labeled container, the identity and source of shellstock that are sold or served shall be maintained by using only one (1) tagged labeled container at a time, or using more than one (1) tagged or labeled container at a time and obtaining a variance from the Department as specified in section 4102 based on a HACCP Plan that:
- (a) Is submitted by the licensee and approved as specified in sections 4103 and 4104;
 - (b) Preserves source identification by using a record keeping system as specified in section 717.2; and
 - (c) Ensures that shellstock from one (1) tagged or labeled container are not commingled with shellstock from another container before being ordered by the consumer.

718 ORIGINAL CONTAINERS AND RECORDS - PULL DATES

- 718.1 All pasteurized fluid milk, fresh meat, poultry, fish, bread products, eggs, butter, cheese, cold meat cuts, mildly processed pasteurized products, and potentially hazardous foods sold in food-retail establishments which are pre-wrapped and not intended to be eaten on the premises of the food establishment shall have easily understood pull dates prominently displayed on their containers.
- 718.2 The pull date is the date after which the food may not be sold, unless isolated and prominently labeled as being beyond the last date on which the food should be sold without a significant risk of spoilage, loss of palatability if stored by the consumer after that date and in the manner which the food can reasonably be expected to be stored.
- 718.3 The display area where the isolated items are kept shall be marked in a manner that will advise the consumer that the goods in the area have been isolated due to the passing of the pull date.
- 718.4 The Department shall publish a list, after a public hearing, of other foods, which must display a pull-date.
- 718.5 The pull date list established in accordance with sections 718.1 and 718.4 shall be reviewed annually and revised as necessary.
- 718.6 If any food that has a pull date is rewrapped, the new package shall retain the original pull dates and the package shall prominently displayed with the word "REWRAPPED."

**CHAPTER 8 PROTECTION OF FOODS FROM
CONTAMINATION AFTER RECEIVING****800 PREVENTING CONTAMINATION BY EMPLOYEES - FROM HANDS***

- 800.1 Food employees shall wash their hands as specified in section 401.
- 800.2 Except when washing fruits and vegetables as specified in section 806 or when otherwise approved, food employees may 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.
- 800.3 Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to eat form.

- 800.4 Food employees may contact exposed, ready-to-eat food with their bare hands if:
- (a) The licensee complies with section 300 on food employee/applicant health status;
 - (b) The person in charge demonstrates knowledge of section 201.3 (a)- (c) and (h) – Demonstration of Knowledge, and complies with section 202.6 – Duties of Person in charge, and sections 301 and 302 on employee health;
 - (c) The person in charge maintains a documented plan in the food establishment, that is readily available at all times for use by employees and for the Department's review upon request, that specifies:
 - (1) Why it is necessary for food employees to contact ready-to-eat food in specified situations;
 - (2) The foods that will be contacted by bare hands;
 - (3) That the hazard presented by bare-hand contact is the possible transfer of bacterial, viral, or parasitic pathogens from food employees' hands to the food;
 - (4) The establishment's procedures and practices that require employees to wash their hands before returning to their work stations;
 - (5) A training program for the food employees that specifies the program content, including instructions to food employees about the hazard as specified in section 800.4(c)(3), not to work when they are ill with any symptoms or diagnosis specified under section 300, good hygienic practices, proper handwashing, the principles of safe food preparation procedures, and how to preclude cross contamination; who is responsible for the training; and the frequency of the training including periodic refresher sessions;
 - (6) How food employee compliance with the plan will be monitored, documented, and verified; and
 - (7) Corrective actions to be taken when the plan is not followed, such as when an ill food employee is found preparing food;
 - (d) The person in charge ensures compliance with the plan specified in section 800.4(c)(3) and amends it as required by the Department; and

- (e) Food employees comply with the plan specified in section 800.4(c), section 403 – When to Wash, and Chapter 5 – Hygienic Practices of Employees and Food Employees.

800.5 A licensee or person in charge electing to comply with section 800.3, may also implement one or more of the following:

- (a) Vaccination against hepatitis A for food employees, including initial and booster shots or medical evidence that a food employee has had a previous illness from hepatitis A virus;
- (b) Double handwashing;
- (c) Use of nailbrushes;
- (d) Use, after proper handwashing, of a hand sanitizer as specified under section 405; or
- (e) Motivation for food employees not to work when they are ill.

801 PREVENTING CONTAMINATION BY EMPLOYEES – WHEN TASTING*

801.1 A food employee shall not use a utensil more than once to taste food that is to be sold or reserved.

802 PREVENTING CROSS CONTAMINATION – SEPARATION, PACKAGING AND SEGREGATION*

802.1 Food shall be protected from cross contamination by:

- (a) Separating raw animal foods during storage, preparation, holding, and display from:
 - (1) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as vegetables; and
 - (2) Cooked ready-to-eat food;
- (b) 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:
 - (1) Using separate equipment for each type; or

- (2) Arranging each type of food in equipment so that cross contamination of one type with another is prevented, and preparing each type of food at different times or in separate areas;
- (c) Cleaning equipment and utensils as specified in section 1901 and sanitizing as specified in section 2002;
- (d) Except as specified in section 802.2, storing the food in packages, covered containers, or wrappings;
- (e) Cleaning hermetically sealed containers of food of visible soil before opening;
- (f) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
- (g) Storing damaged, spoiled, or recalled food being held in the food establishment as specified in section 3103; and
- (h) Separating fruits and vegetables, before they are washed as specified in section 806 from ready-to-eat,

802.2 Section 802.1(d) does not apply to:

- (a) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;
- (b) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
- (c) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;
- (d) Food being cooled as specified in section 1004.2(b); or
- (e) Shellstock.

803 PREVENTING FOOD AND INGREDIENT CONTAMINATION - FOOD STORAGE CONTAINERS, IDENTIFIED WITH COMMON NAME OF FOOD

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

804 PREVENTING FOOD AND INGREDIENT CONTAMINATION – PASTEURIZED EGGS, SUBSTITUTE FOR RAW SHELL EGGS FOR CERTAIN RECIPES*

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

- (a) Cooked as specified in sections 900.1(a) or (b); or
- (b) Included in section 900.3(a).

805 PREVENTING FOOD AND INGREDIENT CONTAMINATION – PROTECTION FROM UNAPPROVED ADDITIVES*

805.1 Food shall be protected from contamination that may result from the addition of, as specified in section 708:

- (a) Unsafe or unapproved food or color additives; and
- (b) Unsafe or unapproved levels of approved food and color additives.

805.2 A food employee shall not:

- (a) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B₁; or
- (b) Serve or sell food specified in section 805.2(a) that is treated with sulfiting agents before receipt by the food establishment, except that grapes need not meet this section.

806 PREVENTING FOOD AND INGREDIENT CONTAMINATION – WASHING FRUITS AND VEGETABLES

806.1 Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form except as specified in section 806.2 and except that whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

806.2 Fruits and vegetables may be washed by using chemicals as specified in section 3405.

807 PREVENTING CONTAMINATION FROM ICE USED AS EXTERIOR COOLANT – PROHIBITED AS AN INGREDIENT

807.1 After use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.

808 PREVENTING CONTAMINATION FROM EQUIPMENT AND UTENSILS – STORAGE OR DISPLAY OF FOOD IN CONTACT WITH WATER OR ICE

808.1 Packaged food shall not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

808.2 Except as specified in sections 808.3 and 808.4, unpackaged food shall not be stored in direct contact with undrained ice.

808.3 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.

808.4 Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

809 PREVENTING CONTAMINATION FROM EQUIPMENT AND UTENSILS – FOOD CONTACT WITH EQUIPMENT AND UTENSILS*

809.1 Food shall only contact surfaces of equipment and utensils that are cleaned as specified in Chapter 19 and sanitized as specified in Chapter 20.

810 PREVENTING CONTAMINATION FROM UTENSILS – IN-USE UTENSILS, BETWEEN-USE STORAGE

810.1 During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

- (a) Except as specified in section 810.1(b), in the food with their handles above the top of the food and the container;
- (b) In food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;
- (c) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food contact surface of the food preparation table or cooking

equipment are cleaned and sanitized at a frequency specified in sections 1901 and 2001;

- (d) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;
- (e) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous; or
- (f) In a container of water if the water is maintained at a temperature of at least 60°C (140°F) and the container is cleaned at a frequency specified in section 1901.4.

811 PREVENTING CONTAMINATION FROM LINENS AND NAPKINS – USE LIMITATION

811.1 Linens and napkins may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

812 PREVENTING CONTAMINATION FROM WIPING CLOTHS – USE LIMITATION

812.1 Cloths that are in use for wiping food spills shall be used for no other purpose.

812.2 Cloths used for wiping food spills shall be:

- (a) Dry and used for wiping food spills from tableware and carry-out containers; or
- (b) Wet and cleaned as specified in section 2101.4, stored in a chemical sanitizer at a concentration specified in section 1813, and used for wiping spills from food-contact and nonfood contact surfaces of equipment.

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

812.4 Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

813 PREVENTING CONTAMINATION FROM GLOVES – USE LIMITATION

813.1 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.

- 813.2 Except as specified in section 813.3, 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 in Chapter 9 such as frozen food or a primal cut of meat.
- 813.3 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.
- 813.4 Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required in Chapter 9 such as frozen food or a primal cut of meat.
- 814 PREVENTING CONTAMINATION FROM TABLEWARE – USING CLEAN TABLEWARE FOR SECOND PORTIONS AND REFILLS**
- 814.1 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, including single-service articles, soiled by the consumer to provide second portions or refills.
- 814.2 Except as specified in section 814.3, self-service consumers shall not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
- 814.3 Self-service consumers may reuse drinking cups and containers if refilling is a contamination-free process as specified in sections 1515.1, 1515.2, and 1515.4.
- 815 PREVENTING CONTAMINATION – REFILLING RETURNABLES**
- 815.1 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 shall not use tableware, including single-service articles soiled by the consumer, to provide second portions or refills.
- 815.2 Except as specified in section 815.3, a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified in section 1910.2.
- 815.3 Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified in sections 1515.1, 1515.2 and 1515.4.

816 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD STORAGE

816.1 Except as specified in sections 816.2 and 816.3, food shall be protected from contamination by storing the food:

- (a) In a clean, dry location;
- (b) Where it is not exposed to splash, dust, or other contamination; and
- (c) At least fifteen centimeters (15 cm) or six inches (6 in.) above the floor.

816.2 Food in packages and working containers may be stored less than fifteen centimeters (15 cm) or six inches (6 in.) above the floor on case lot handling equipment as specified in section 1534.

816.3 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.

817 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD STORAGE, PROHIBITED AREAS

817.1 Food may not be stored:

- (a) In locker rooms;
- (b) In toilet rooms;
- (c) In dressing rooms;
- (d) In garbage rooms;
- (e) In mechanical rooms;
- (f) Under sewer lines that are not shielded to intercept potential drips;
- (g) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (h) Under open stairwells; or
- (i) Under other sources of contamination.

818 PREVENTING CONTAMINATION FROM THE PREMISES – VENDED POTENTIALLY HAZARDOUS FOOD, ORIGINAL CONTAINER

818.1 Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the food establishment or food processing plant at which it was prepared.

819 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD PREPARATION

819.1 During preparation, unpackaged food shall be protected from environmental sources of contamination.

820 PREVENTING CONTAMINATION BY CONSUMERS – FOOD DISPLAY

820.1 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.

821 PREVENTING CONTAMINATION BY CONSUMERS – CONDIMENTS, PROTECTION

821.1 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 other individual packages or portions.

821.2 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 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.

822 PREVENTING CONTAMINATION BY CONSUMERS – CONSUMER SELF-SERVICE OPERATIONS*

822.1 Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish shall not be offered for consumer self-service. This paragraph does not apply to consumer self-service of: ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or raw, frozen, shell-on shrimp or lobster.

822.2 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.^N

822.3 Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.^N

823 PREVENTING CONTAMINATION BY CONSUMERS – RETURNED FOOD, RESERVICE OF FOOD*

823.1 Except as specified in section 823.2, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer shall not be offered as food for human consumption.

823.2 Except as specified in section 1300.1(c), a container of food that is not potentially hazardous may be transferred from one consumer to another if:

- (a) 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
- (b) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

824 PREVENTING MISCELLANEOUS SOURCES OF CONTAMINATION

824.1 Food shall be protected from contamination that may result from a factor or source not specified in sections 800 - 823.

CHAPTER 9 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

900 COOKING – RAW ANIMAL FOODS*

900.1 Except as specified in sections 900.2, 900.3 and 900.4, 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:

- (a) 63°C (145°F) or above for fifteen (15) seconds for:
 - (1) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service; and

- (2) Fish, meat, and pork including game animals commercially raised for food as specified in section 706.1(a) and game animals under a voluntary inspection program as specified in section 706.1(b); except as specified in sections 900.1(b) and 900.1(c), and section 900.2;
- (b) 68°C (155°F) for fifteen (15) seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified in section 706.1(a), and game animals under a voluntary inspection program as specified in section 706.1(b); and raw eggs that are not prepared as specified in section 900.1(a)(1):

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

; or

- (c) 74°C (165°F) or above for fifteen (15) seconds for:
 - (1) Poultry and wild game animals as specified in section 706.3; and
 - (2) Stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry or ratites.

900.2 Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts such as ham, shall be cooked:

- (a) In an oven that is preheated to the temperature specified for the roast's weight in Chart A and that is held at that temperature; and
- (b) To heat all parts of the food to a temperature and for the holding time that corresponds to that temperature as specified in Chart B.

CHART A - Oven Temperatures

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more
High Humidity ¹	121°C (250°F) or less	121°C (250°F) or less

¹ Relative humidity greater than ninety percent (90%) for at least one (1) hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides one hundred percent (100%) humidity.

CHART B - Internal Meat Temperatures

Temperature °C (°F)	Holding Time ¹ in Minutes	Temperature °C (°F)	Holding Time ¹ in Minutes	Temperature °C (°F)	Holding Time ¹ in Minutes
54 (130)	121	58 (136)	32	61 (142)	8
56 (132)	77	59 (138)	19	62 (144)	5
57 (134)	47	60 (140)	12	63 (145)	3

¹ Holding time may include postoven heat rise.

900.3

A raw animal food such as raw eggs, raw fish, raw-marinated fish, raw molluscan shellfish, 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 section

900.4, may be served or offered for sale in a ready-to-eat form under the following conditions:

- (a) If the food establishment serves a population that is not a highly susceptible population, and the consumer is informed as specified in section 1105 that to ensure the safety of the food, it should be cooked as specified in section 900.1 or 900.2; or
- (b) If the food establishment serves a population that is not a highly susceptible population and the Department grants a variance from sections 900.1 and 900.2 as specified in 4102 based on a HACCP Plan that:
 - (1) Is submitted by the licensee and approved as specified in sections 4103 and 4104;
 - (2) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food; and
 - (3) Verifies that equipment and procedures for food preparation and training of food employees at the food establishment meet the conditions of the variance.

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

- (a) The food establishment serves a population that is not a highly susceptible population;
- (b) The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as specified in section 700.5; and
- (c) The steak is cooked on both the top and bottom to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces.

901 COOKING – MICROWAVE COOKING*

901.1 Raw animal foods cooked in a microwave oven shall be:

- (a) Rotated during cooking, stirred throughout during cooking, or stirred midway during cooking to compensate for uneven distribution of heat;
- (b) Covered to retain surface moisture;
- (c) Heated to a temperature of at least 74°C (165°F) in all parts of the food; and
- (d) Allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

902 COOKING – PLANT FOOD COOKING FOR HOT HOLDING

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

903 FREEZING – PARASITE DESTRUCTION *

903.1 Except as specified in section 903.2, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:

(a) -20° C (-4° F) or below for one hundred and sixty-eight (168) hours or seven (7) days in a freezer; or

(b) -35° C (-31° F) or below for fifteen (15) hours in a blast freezer.

903.2 If the fish are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), the fish may be served or sold in a raw, raw-marinated, or partially cooked, or marinated-partially cooked ready-to-eat form without freezing as specified under section 903.1.

904 FREEZING – RECORDS, CREATION, AND RETENTION

904.1 Except as specified in sections 903.2 and 904.2, if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

904.2 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 in section 903 may substitute for the records specified in section 904.1.

905 REHEATING – PREPARATION FOR IMMEDIATE SERVICE

905.1 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.

906 REHEATING – FOR HOT HOLDING*

906.1 Except as specified in sections 906.2, 906.3 and 906.5, potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 74° C (165° F) for fifteen (15) seconds.

- 1002.2 Potentially hazardous food shall be thawed completely submerged under running water:
- (a) At a water temperature of 21° C (70° F) or below;
 - (b) With sufficient water velocity to agitate and float off loose particles in an overflow; and
 - (c) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 5° C (41° F), or 7° C (45° F) as specified in section 1005.1(c).
- 1002.3 Potentially hazardous food shall be thawed completely submerged under running water:
- (a) At a water temperature of 21° C (70° F) or below;
 - (b) With sufficient water velocity to agitate and float off loose particles in an overflow; and
 - (c) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified in sections 900.1 and 900.2 to be above 5° C (41° F), or 7° C (45° F) as specified in section 1005.1(c), for more than four (4) hours including the time the food is exposed to the running water and the time needed for preparation for cooking; or the time it takes under refrigeration to lower the food temperature to 5° C (41° F), or 7° C (45° F) as specified in section 1005.1(c).
- 1002.4 Potentially hazardous food shall be thawed as a part of a cooking process if the food that is frozen is:
- (a) Cooked as specified in sections 900.1, 900.2 or 901; or
 - (b) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process.
- 1002.5 Using any procedure in section 1002, potentially hazardous food may be thawed if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.
- 1003 **TEMPERATURE AND TIME CONTROL – COOLING***
- 1003.1 Cooked potentially hazardous food shall be cooled:
- (a) Within two (2) hours, from 60° C (140° F) to 21° C (70° F); and
 - (b) Within four (4) hours, from 21° C (70° F) to 5° C (41° F) or less, or to 7° C (45° F) as specified in section 1005.1(c).

1003.2 Potentially hazardous food shall be cooled within four (4) hours to 5° C (41° F) or less, or to 7° C (45° F) as specified in section 1005.1(c) if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

1003.3 Except as specified in section 1003.4, a potentially hazardous food received in compliance with laws allowing a temperature above 5° C (41° F) during shipment from the supplier as specified in 707.2, shall be cooled within four (4) hours to 5° C (41° F) or less, or 7° C (45° F) or less as specified in section 1005.1(c).

1003.4 Shell eggs need not comply with section 1003.3 if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining food at 5° C (41° F) or less, or 7° C (45° F) or less as specified in section 1005.1(c).

1004 TEMPERATURE AND TIME CONTROL - COOLING METHODS

1004.1 Cooling shall be accomplished in accordance with the time and temperature criteria specified in section 1003 by using one or more of the following methods based on the type of food being cooled:

- (a) Placing the food in shallow pans;
- (b) Separating the food into smaller or thinner portions;
- (c) Using rapid cooling equipment;
- (d) Stirring the food in a container placed in an ice water bath;
- (e) Using containers that facilitate heat transfer;
- (f) Adding ice as an ingredient; or
- (g) Other effective methods.

1004.2 When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

- (a) Arranged in the equipment to provide maximum heat transfer through the container walls; and
- (b) Loosely covered, or uncovered if protected from overhead contamination as specified in section 816.1(b), during the cooling period to facilitate heat transfer from the surface of the food.

1005 TEMPERATURE AND TIME CONTROL – POTENTIALLY HAZARDOUS FOOD, HOT AND COLD HOLDING*

- 1005.1 Except during preparation, cooking, or cooling, or when time is used as the public health control as specified in section 1009, potentially hazardous food shall be maintained:
- (a) At 60° C (140° F) or above, except that roasts cooked to a temperature and for a time specified in section 900.2 or reheated as specified in section 906.5 may be held at a temperature of 54° C (130° F);
 - (b) At 5° C (41° F) or less, except as specified in sections 1005.1(c), 1007, 1008 and 1523; or
 - (c) At 7° C (45° F) or between 7° C (45° F) and 5° C (41° F) in existing refrigeration equipment that is not capable of maintaining the food at 5° C (41° F) or less if:
 - (1) The equipment is in place and in use in the food establishment; and
 - (2) The equipment is upgraded or replaced to maintain food at a temperature of 5° C (41° F) or less by December 30, 2009.

1006 TEMPERATURE AND TIME CONTROL – POTENTIALLY HAZARDOUS FOOD, DISPLAY*

- 1006.1 Potentially hazardous food that is displayed on drained ice, or held in a display container, and is exposed to exterior temperatures either inside the food establishment or outdoors shall comply with section 1005.1.
- 1006.2 If equipment in place does not maintain proper temperatures for potentially hazardous food identified in section 1006.1, the Department may order the repair, replacement or purchase of National Sanitation Foundation (NSF) approved or NSF equivalent equipment subject to section 1005.1(c).

1007 TEMPERATURE AND TIME CONTROL – READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD, DATE MARKING*

- 1007.1 Except as specified in section 1007.5, refrigerated, ready-to-eat, potentially hazardous food prepared and held refrigerated for more than twenty-four (24) hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed which is, including the day of preparation:
- (a) Seven (7) calendar days or less from the day that the food is prepared, if the food is maintained at 5° C (41° F) or less; or

- (b) Four (4) calendar days or less from the day the food is prepared, if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c).

1007.2 Except as specified in section 1007.5, a ready-to-eat, potentially hazardous food prepared in a food establishment and subsequently frozen, shall be clearly marked:

- (a) When the food is thawed, to indicate that the food shall be consumed within twenty-four (24) hours; or
- (b) When the food is placed into the freezer, to indicate the length of time before freezing that the food is held refrigerated and which is, including the day of preparation:
 - (1) Seven (7) calendar days or less from the day of preparation, if the food is maintained at 5° C (41° F) or less; or
 - (2) Four (4) calendar days or less from the day of preparation, if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c); and
- (c) When the food is removed from the freezer, to indicate the date by which the food shall be consumed which is:
 - (1) Seven (7) calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is held refrigerated if the food is maintained at 5° C (41° F) or less before and after freezing; or
 - (2) Four (4) calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is held refrigerated if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c) before and after freezing.

1007.3 Except as specified in sections 1007.5 and 1007.6, a container of refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment, to indicate the date by which the food shall be consumed which is, including the day the original container is opened:

- (a) Seven (7) calendar days or less after the original container is opened, if the food is maintained at 5° C (41° F) or less; or
- (b) Four (4) calendar days or less from the day the original container is opened, if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c).

- 1007.4 Except as specified in sections 1007.5 and 1007.6, a container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by a food processing plant and subsequently opened and frozen in a food establishment shall be clearly marked:
- (a) When the food is thawed, to indicate that the food shall be consumed within twenty-four (24) hours; or
 - (b) When the food is placed in the freezer, to indicate the time the food is held refrigerated between the opening of the original container and freezing which is, including the day of opening the original container:
 - (1) Seven (7) calendar days or less, after opening the original container if the food is maintained at 5° C (41° F) or less; or
 - (2) Four (4) calendar days or less after opening the original container if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c); and
 - (c) When the food is removed from the freezer, to indicate the date by which the food shall be consumed which is:
 - (1) Seven (7) calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 5° C (41° F) or less before and after freezing; or
 - (2) Four (4) calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c) before and after freezing.
- 1007.5 Sections 1007.1 - 1007.4 do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
- 1007.6 Sections 1007.3 and 1007.4 do not apply to whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing.
- 1008 **TEMPERATURE AND TIME CONTROL - READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD, DISPOSITION***
- 1008.1 A food specified in section 1007.1 shall be discarded if not consumed within:
- (a) Seven (7) calendar days from the date of preparation if the food is maintained at 5° C (41° F) or less; or
 - (b) Four (4) calendar days from the date of preparation if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c).

- 1008.2 A food specified in section 1007.2(a) or 1007.4(a) shall be discarded if not consumed within twenty-four (24) hours after thawing.
- 1008.3 A food specified in sections 1007.2(b) and 1007.2(c) or 1007.4(b) and 1007.4(c) shall be discarded on or before the most recent date marked on the food container or package if the food is not consumed by that date.
- 1008.4 A food specified in section 1007.3 shall be discarded if not consumed within, including the day of opening the original container:
- (a) Seven (7) calendar days after the date that the original package is opened in a food establishment if the food is maintained at 5° C (41° F) or less; or
 - (b) Four (4) calendar days after the date that the original package is opened in a food establishment if the food is maintained at 7° C (45° F) or less as specified in 1005.1(c).
- 1008.5 A food specified in sections 1007.1, 1007.2, 1007.3 or 1007.4 shall be discarded if the food is:
- (a) Marked with the date specified in sections 1007.1, 1007.2, 1007.3 or 1007.4 and the food is not consumed before the most recent date expires;
 - (b) In a container or package which does not bear a date or time; or
 - (c) Inappropriately marked with a date or time that exceeds the date or time specified in sections 1007.1, 1007.2, 1007.3 or 1007.4.
- 1008.6 Refrigerated, ready-to-eat, potentially hazardous food prepared in a food establishment and dispensed through a vending machine with an automatic shut-off control that is activated at a temperature of:
- (a) 5° C (41° F) shall be discarded if not sold within seven (7) days; or
 - (b) 7° C (45° F) shall be discarded if not sold within four (4) days.
- 1008.7 A refrigerated, potentially hazardous, ready-to-eat food ingredient or a portion of a refrigerated, potentially hazardous, ready-to-eat food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest or first-prepared ingredient or portion and shall be discarded as specified in sections 1008.1 - 1008.6.

1009 TIME AS A PUBLIC HEALTH CONTROL*

1009.1 If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

- (a) The food shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control;
- (b) The food shall be cooked and served, served if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control;
- (c) The food in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded; and
- (d) Written procedures shall be maintained in the food establishment and made available to the Department upon request, that ensures compliance with:
 - (1) This section; and
 - (2) Section 1003 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

1009.2 In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

1010 SPECIALIZED PROCESSING METHODS - VARIANCE REQUIREMENT *

1010.1 A food establishment shall obtain a variance from the Department as specified in sections 4102, 4103 and 4104 before smoking food as a method of flavor enhancement, curing food, brewing alcoholic beverages, using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous.

1010.2 A food establishment shall obtain a variance from the Department as specified in sections 4102, 4103 and 4104 before packaging food using a reduced oxygen method of packaging food except as specified in section 1011 where a barrier to *Clostridium botulinum* in addition to refrigeration exists, custom processing animals that are for personal use as food and not for sale or service in a food establishment, or preparing food by another method that is determined by the Department to require a variance.

1011 SPECIALIZED PROCESSING METHODS – REDUCED OXYGEN
PACKAGING, CRITERIA*

1011.1 Except for a food establishment that obtains a variance as specified in section 1010, a food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall ensure that there are at least two (2) barriers in place to control the growth and toxin formation of *Clostridium botulinum*.

1011.2 A food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall have a HACCP Plan that contains the information specified in section 4205.1(d) and that:

- (a) Identifies the food to be packaged;
- (b) Limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it complies with one of the following:
 - (1) Has an a_w of 0.91 or less;
 - (2) Has a pH of 4.6 or less;
 - (3) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR Subpart C Section 424.21(b) – Food ingredients and sources of radiation; or
 - (4) Is a food with a high level of competing organisms such as raw meat or raw poultry;
- (c) Specifies methods for maintaining food at 5° C (41° F) or below;
- (d) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - (1) Maintain the food at 5° C (41° F) or below; and
 - (2) Discard the food if within fourteen (14) calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;

- (e) Limits the shelf life to no more than fourteen (14) calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;
- (f) Includes operational procedures that:
 - (1) Prohibit contacting food with bare hands;
 - (2) Identify a designated area and the method by which physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation; and
 - (3) Delineate cleaning and sanitization procedures for food-contact surfaces; and
- (g) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
 - (1) Concepts required for a safe operation;
 - (2) Equipment and facilities; and
 - (3) Procedures specified in section 1011.2(f) and section 4205.1(d).

1011.3 Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.

CHAPTER 11 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING

1100 ACCURATE REPRESENTATION – STANDARDS OF IDENTITY

1100.1 Packaged food shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 – Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR 130 – Food Standards: General.

1101 ACCURATE REPRESENTATION – HONESTLY PRESENTED

1101.1 Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

- 1101.2 Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- 1102 FOOD LABELING REQUIREMENTS**
- 1102.1 Food packaged in a food establishment, shall be labeled as specified in law, including 21 CFR 101 – Food Labeling, and 9 CFR 317 – Labeling, Marking Devices, and Containers.
- 1102.2 Label information shall include:
- (a) The common name of the food, or absent a common name, an adequately descriptive identity statement;
 - (b) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;
 - (c) An accurate declaration of the quantity of contents;
 - (d) The name and place of business of the manufacturer, packer, or distributor; and
 - (e) Except as exempted in the Federal Food Act section 403(Q)(3)-(5), nutrition labeling as specified in 21 CFR 101 – Food Labeling and 9 CFR 317 Subpart B – Nutrition Labeling.
- 1102.3 Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:
- (a) The manufacturer's or processor's label that was provided with the food; or
 - (b) A card, sign, or other method of notification that includes the information specified in sections 1102.2(a), 1102.2(b), and 1102.2(e).
- 1102.4 Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:
- (a) A health, nutrient content, or other claim is not made; and
 - (b) The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

1103 FOOD LABELING REQUIREMENTS – COMMINUTED MEATS

- 1103.1 No person shall convey into the District, sell, offer for sale, or use any food that does not conform to the provisions of this section.
- 1103.2 All products identified under this section as "Chopped Beef," "Breakfast Sausage," and "Ground Beef," "Hamburger," "Fabricated Steak," "Fresh Pork Sausage," or "Sausage" when they are labeled, advertised, or indicated to be "lean," "extra lean," or of lesser fat content than the maximum fat content for that product, as allowed by the USDA, shall, at the time offered for retail sale, display by percentage the fat content of each product, in accordance with this Code.
- 1103.3 Fat content shall be displayed on the package in which the product is sold, or shall be displayed on a sign placed conspicuously near the product.
- 1103.4 Display of fat content shall be in letters no smaller than one-eighth inch (1/8 in.) on packages and no smaller than one-half inch (1/2 in.) on signs.
- 1103.5 Comminuted meats if offered for sale as being a specific cut shall be labeled as such, shall be made solely from such cut, and shall not contain added fat.
- 1103.6 Meats, which are labeled "Chopped Beef" or "Ground Beef," shall consist of comminuted meats which are fresh or frozen beef, or both; with or without seasoning; without the addition of beef fat; shall not contain added water, binders, extenders, color additives, preservatives, or more than thirty percent (30%) fat.
- 1103.7 Meats, which are labeled "Hamburger," shall consist of comminuted fresh or frozen beef, or both; with or without the addition of beef fat or seasoning; and shall not contain added water, binders, extenders, color additives, or preservatives.
- 1103.8 Fabricated beef steaks, fabricated veal steaks, fabricated beef and veal steaks, and similar products, shall be prepared by comminuting and forming the product from fresh or frozen meat, or both; with or without added fat; and shall not contain added water, binders, color additives, extenders, hydrolyzed plant protein, or preservatives.
- 1103.9 Meats, which are labeled "Fresh Pork Sausage," shall consist of comminuted fresh pork or frozen pork, or both, not including pork by-products, with or without seasoning added. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three percent (3%) of the total ingredients used. The product shall not contain color additives, preservatives, or more than fifty percent (50%) trimmable fat.
- 1103.10 Meats, which are labeled "Breakfast Sausage", shall consist of comminuted fresh or frozen meat, or both, or meat and meat by-products, with or without seasoning added. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three percent (3%) of the total ingredients used. Extenders or binders may be used to the extent

of three and one-half percent (3.5%) of the finished sausage. The product shall not contain color additives, preservatives, or more than fifty percent (50%) fat.

- 1103.11 Meats, which are labeled "Sausage," raw or cooked, shall consist of one (1) or more kinds of comminuted meat and meat by-products. The amounts of added water in raw sausage shall not exceed three percent (3%) of the total ingredients used. Raw sausage shall not contain color additives, preservatives, or more than fifty percent (50%) fat.
- 1103.12 In the case of cooked sausage, frankfurter, wiener, vienna, bologna, garlic bologna, and knockwurst, the added water content shall not exceed ten percent (10%). The product may be seasoned and may contain binders and extenders (e.g., cereal, vegetables, starch vegetable flour, soy flour, soy protein concentrate, non-fat dry milk, calcium reduced skim milk or dried milk); provided, that the finished product contains not more than three and one-half percent (3.5%) of these additives individually or collectively. The fat content shall not exceed thirty percent (30%).
- 1103.13 Packages in which raw and cooked sausages are sold shall be labeled as to the meat and meat by-products composition of the product in letters no smaller than one-eighth inch (1/8 in.). If such products are not sold in packages, signs bearing letters no smaller than one half inch (1/2 in.) shall be conspicuously posted nearby.
- 1103.14 Except where the manufacturer and the retail seller are under common ownership or control, it shall not be considered a violation of this section to sell at retail or offer for sale at retail, in the original package, any noncomplying product which has been manufactured and packaged in a federally-inspected plant and shipped in interstate commerce into the District of Columbia for sale at retail in the package in which shipped.
- 1104 **DISPLAYING OTHER FORMS OF INFORMATION**
- 1104.1 Consumer warnings shall be provided pursuant to this Code.
- 1104.2 Food establishment or manufacturers' dating information on foods may not be concealed or altered.
- 1105 **CONSUMER ADVISORY – CONSUMING RAW OR UNDERCOOKED ANIMAL FOODS***
- 1105.1 Except as specified in sections 900.4, 900.3, and 1300.1(d), if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the licensee shall inform consumers by brochures, deli-case or menu advisories, label statements, table tents, placards, or other effective written means of the potential health risks that may read:

"Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

CHAPTER 12 CONTAMINATED OR ADULTERATED FOOD

1200 DISPOSITION - DISCARDING OR RECONDITIONING*

- 1200.1 A food that is unsafe, adulterated, or not honestly presented as specified in section 600 shall be reconditioned according to procedures approved by the Department or discarded.
- 1200.2 Food that is not from an approved source as specified in sections 700 - 706 shall be discarded.
- 1200.3 Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified in section 301 shall be discarded.
- 1200.4 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.

CHAPTER 13 SPECIAL REQUIREMENTS FOR FOOD FOR HIGHLY SUSCEPTIBLE POPULATIONS

1300 ADDITIONAL SAFEGUARDS - PASTEURIZED FOODS, PROHIBITED RESERVICE, AND PROHIBITED FOODS*

- 1300.1 In a food establishment that serves a highly susceptible population:
- (a) Prepackaged juice or prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR, Section 101.17(g) - Food Labeling, shall not be served or offered for sale;
 - (b) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:
 - (1) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, egg nog, ice cream, and egg-fortified beverages; and

- (2) Recipes in which more than one egg is broken and the eggs are combined, except as specified in 1300.2 through 1300.4;
 - (c) Food in an unopened original package shall not be re-served; and
 - (d) The following foods shall not be served or offered for sale in a ready-to-eat form:
 - (1) Raw animal food such as raw, raw-marinated fish, raw molluscan shellfish, and steak tartare;
 - (2) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue; and
 - (3) Raw seed sprouts.
- 1300.2 Section 1300.1(b)(2) does not apply if the raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified in section 900.1(a), and served immediately, such as an omelet, soufflé, or scrambled eggs.
- 1300.3 Section 1300.1(b)(2) does not apply if 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.
- 1300.4 Section 1300.1(b)(2) does not apply if the preparation of the food is conducted under a HACCP Plan that:
- (a) Identifies the food to be prepared;
 - (b) Prohibits contacting ready-to-eat food with bare hands;
 - (c) Includes specifications and practices that ensure:
 - (1) *Salmonella Enteritidis* growth is controlled before and after cooking; and
 - (2) *Salmonella Enteritidis* is destroyed by cooking the eggs according to the temperature and time specified in section 900.1(a);
 - (d) Contains the information specified in section 4205.1(d) including procedures that:
 - (1) Control cross contamination of ready-to-eat food with raw eggs; and
 - (2) Delineate cleaning and sanitization procedures for food contact surfaces; and
 - (e) Describes the training program that ensures the food employee responsible for the preparation of the food understands the procedures to be used.

**SUBTITLE D: EQUIPMENT, UTENSILS,
AND LINENS****CHAPTER 14 MATERIALS USED FOR CONSTRUCTION AND REPAIR
OF EQUIPMENT, UTENSILS AND LINENS****1400 MULTIUSE – CHARACTERISTICS***

1400.1 Materials that are used in the construction of utensils and food-contact surfaces of equipment shall not allow the migration of deleterious substances, or impart colors, odors, or tastes to food, and under normal use conditions shall be:

- (a) Safe;
- (b) Durable, corrosion-resistant, and nonabsorbent;^N
- (c) Sufficient in weight and thickness to withstand repeated warewashing;^N
- (d) Finished to have a smooth, easily cleanable surface;^N and
- (e) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.^N

1401 MULTIUSE – CAST IRON, USE LIMITATION

1401.1 Cast iron may not be used for utensils or food-contact surfaces of equipment, except as specified in sections 1401.2 and 1401.3.

1401.2 Cast iron may be used as a surface for cooking.

1401.3 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.

**1402 MULTIUSE – LEAD IN CERAMIC, CHINA, AND CRYSTAL UTENSILS,
USE LIMITATION**

1402.1 Ceramic, china and crystal utensils, and decorative utensils, such as hand painted ceramic or china that are used in contact with food, shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Description	Maximum Lead mg/L
Hot beverage mugs	Coffee mugs	0.5
Large Hollowware	Bowls \geq 1 liter (1.16 quart)	1
Small Hollowware	Bowls < 1.1 liter (1.16 quart)	2.0
Flat Utensils	Plates, Saucers	3.0

1403 MULTIUSE – COPPER, USE LIMITATION*

- 1403.1 Copper and copper alloys such as brass may not be used in contact with acidic food that has a pH below six (6) such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator, except as specified in section 1403.2.
- 1403.2 Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six (6) in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

1404 MULTIUSE – GALVANIZED METAL, USE LIMITATION*

- 1404.1 Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food that has a pH below (six) 6 such as vinegar, fruit juice or wine.

1405 MULTIUSE – SPONGES, USE LIMITATION

- 1405.1 Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

1406 MULTIUSE – LEAD IN PEWTER ALLOYS, USE LIMITATION

- 1406.1 Pewter alloys containing lead in excess of 0.05% may not be used as a food-contact surface.

1407 MULTIUSE – LEAD IN SOLDER AND FLUX, USE LIMITATION

1407.1 Solder and flux containing lead in excess of 0.2% may not be used as a food-contact surface.

1408 MULTIUSE – WOOD, USE LIMITATION

1408.1 Wood and wood wicker may not be used as a food-contact surface, except as specified in this section.

1408.2 Hard maple or an equivalently hard, close-grained wood may be used for:

- (a) Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and
- (b) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110°C (230°F) or above.

1408.3 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.

1408.4 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:

- (a) Untreated wood containers; or
- (b) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 – Preservatives for wood.

1409 MULTIUSE – NONSTICK COATINGS, USE LIMITATION

1409.1 Multiuse kitchenware such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

1410 MULTIUSE – NONFOOD-CONTACT SURFACES EXPOSED TO FOOD SOILING

1410.1 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.

1507 CLEANABILITY – NONFOOD-CONTACT SURFACES

1507.1 Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

1508 CLEANABILITY – KICK PLATES, REMOVABLE

1508.1 Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being removable by one of the methods specified in section 1502.2 or capable of being rotated open; and removable or capable of being rotated open without unlocking equipment doors.

1509 CLEANABILITY – VENTILATION HOOD SYSTEMS, FILTERS

1509.1 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.

1510 ACCURACY – TEMPERATURE MEASURING DEVICES, FOOD

1510.1 Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to $\pm 1^{\circ}$ C in the intended range of use.

1510.2 Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to $\pm 2^{\circ}$ F in the intended range of use.

1511 ACCURACY – TEMPERATURE MEASURING DEVICES, AMBIENT AIR AND WATER

1511.1 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 $\pm 1.5^{\circ}$ C in the intended range of use.

1511.2 Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to $\pm 3^{\circ}$ F in the intended range of use.

1512 ACCURACY – PRESSURE MEASURING DEVICES, MECHANICAL WAREWASHING EQUIPMENT

1512.1 Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of 7 kilopascals (1 pounds per square inch) or smaller and shall be accurate to ± 14 kilopascals (± 2 pounds per square inch) in the 100-170 kilopascals (15-25 pounds per square inch) range.

1513 FUNCTIONALITY – VENTILATION HOOD SYSTEMS, DRIP PREVENTION

1513.1 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.

1514 FUNCTIONALITY – EQUIPMENT OPENINGS, CLOSURES AND DEFLECTORS

1514.1 A cover or lid for equipment shall overlap the opening and be sloped to drain.

1514.2 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 five millimeters (5 mm) (two-tenths of an inch (2/10 in.)).

1514.3 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, except as specified in section 1514.4.

1514.4 If a watertight joint is not provided under section 1514.3:

(a) 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

(b) The opening shall be flanged as specified in section 1514.2.

1515 FUNCTIONALITY – DISPENSING EQUIPMENT, PROTECTION OF EQUIPMENT AND FOOD

1515.1 In equipment that dispenses or vends liquid food or ice in unpackaged form, 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.

1515.2 In equipment that dispenses or vends liquid food or ice in unpackaged form, the delivery tube, chute, or orifice shall be protected from manual contact, such as by being recessed.

1515.3 In equipment that dispenses or vends liquid food or ice in unpackaged form, the delivery tube or chute and orifice of the 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:

- (a) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
- (b) Available for self-service during hours when it is not under the full-time supervision of a food employee.

1515.4 In equipment that dispenses or vends liquid food or ice in unpackaged form 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.

1516 FUNCTIONALITY – VENDING MACHINE, VENDING STAGE CLOSURE

1516.1 The dispensing compartment of a vending machine, including a machine that is designed to vend prepackaged snack food that is not potentially hazardous such as chips, party mixes, and pretzels, shall be equipped with a self-closing door or cover if the machine is:

- (a) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
- (b) Available for self-service during hours when it is not under the full-time supervision of a food employee.

1517 FUNCTIONALITY – BEARINGS AND GEAR BOXES, LEAKPROOF

1517.1 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.

1518 FUNCTIONALITY – BEVERAGE TUBING, SEPARATION

1518.1 Beverage tubing and cold-plate beverage cooling devices shall not be installed in contact with stored ice. This section does not apply to cold plates that are constructed integrally with an ice storage bin.

1519 FUNCTIONALITY – ICE UNITS, SEPARATION OF DRAINS

1519.1 Liquid waste drain lines shall not pass through an ice machine or ice storage bin.

1520 FUNCTIONALITY – CONDENSER UNIT, SEPARATION

1520.1 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.

1521 FUNCTIONALITY – CAN OPENERS ON VENDING MACHINES

1521.1 Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.

1522 FUNCTIONALITY – MOLLUSCAN SHELLFISH TANKS

1522.1 Molluscan shellfish life support system display tanks shall 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, except as specified in section 1522.2.

1522.2 Molluscan shellfish life support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the Department as specified in section 4102 and a HACCP Plan that:

(a) Is submitted by the licensee and approved as specified in sections 4103 and 4104; and

(b) Ensures that:

- (1) Water used with fish other than molluscan shellfish does not flow into the molluscan tank;
- (2) The safety and quality of the shellfish as they were received are not compromised by the use of the tank; and
- (3) The identity of the source of the shellstock is retained as specified in section 717.

1523 FUNCTIONALITY – VENDING MACHINES, AUTOMATIC SHUTOFF *

1523.1 A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food if there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified in Subtitle C: Food until the machine is serviced and restocked with food that has been maintained at temperatures specified in Subtitle C: Food.

1523.2 When the automatic shutoff within a machine vending potentially hazardous food is activated:

- (a) In a refrigerated vending machine, the ambient temperature may not exceed 5°C (41°F) or 7°C (45°F) as specified in section 1005.1(c) for more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked; or
- (b) In a hot holding vending machine, the ambient temperature may not be less than 60°C (140°F) for more than one hundred and twenty (120) minutes immediately after the machine is filled, serviced, or restocked.

1524 FUNCTIONALITY – TEMPERATURE MEASURING DEVICES

1524.1 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.

1524.2 Cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display, except as specified in section 1524.3.

1524.3 Section 1524.2 does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.

1524.4 Temperature measuring devices shall be designed to be easily readable.

1524.5 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.

1525 FUNCTIONALITY – WAREWASHING MACHINE, DATA PLATE OPERATING SPECIFICATIONS

1525.1 A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

- (a) Temperatures required for washing, rinsing, and sanitizing;

- (b) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and
- (c) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

**1526 FUNCTIONALITY – WAREWASHING MACHINES, INTERNAL
BAFFLES**

- 1526.1 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.

**1527 FUNCTIONALITY – WAREWASHING MACHINES, TEMPERATURE
MEASURING DEVICES**

- 1527.1 A warewashing machine shall be equipped with a temperature-measuring device that indicates the temperature of the water:

- (a) In each wash and rinse tank; and
- (b) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

**1528 FUNCTIONALITY – MANUAL WAREWASHING EQUIPMENT,
HEATERS AND BASKETS**

- 1528.1 If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

- (a) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F); and
- (b) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

**1529 FUNCTIONALITY – WAREWASHING MACHINES, SANITIZER LEVEL
INDICATOR**

- 1529.1 A warewashing machine that uses a chemical for sanitization and that is installed after adoption of this Code shall be equipped with a device that indicates audibly or visually when more chemical sanitizer needs to be added.

1530 FUNCTIONALITY – WAREWASHING MACHINES, FLOW PRESSURE DEVICE

- 1530.1 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.
- 1530.2 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 (1/4 in.) Iron Pipe Size (IPS) valve.
- 1530.3 Sections 1530.1 and 1530.2 do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

1531 FUNCTIONALITY – WAREWASHING SINKS AND DRAINBOARDS, SELF-DRAINING

- 1531.1 Sinks and drainboards of warewashing sinks and machines shall be self-draining.

1532 FUNCTIONALITY – EQUIPMENT COMPARTMENTS, DRAINAGE

- 1532.1 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.

1533 FUNCTIONALITY – VENDING MACHINES, LIQUID WASTE PRODUCTS

- 1533.1 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.
- 1533.2 Vending machines that dispense liquid food in bulk shall be:
- (a) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and
 - (b) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.
- 1533.3 Shutoff devices specified in section 1533.2(b) 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.

**1534 FUNCTIONALITY -- CASE LOT HANDLING EQUIPMENT,
MOVEABILITY**

1534.1 Equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available equipment such as hand trucks and forklifts.

1535 FUNCTIONALITY -- VENDING MACHINE DOORS AND OPENINGS

1535.1 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 one and one-half millimeter (1.5 mm) or one-sixteenth inch (1/16 in.) by:

- (a) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one and one-half millimeter (1.5 mm) or one-sixteenth inch (1/16 in.). Screening of twelve (12) or more mesh to two and one-half centimeters (2.5 cm) (12 mesh to 1 inch) meets this requirement;
- (b) Being effectively gasketed;
- (c) Having interface surfaces that are at least thirteen millimeters (13 mm) or one-half inch (1/2 in.) wide; or
- (d) Jambs or surfaces used to form an L-shaped entry path to the interface.

1535.2 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 one and one-half millimeter (1.5 mm) or one-sixteenth inch (1/16 in).

**1536 ACCEPTABILITY -- FOOD EQUIPMENT, CERTIFICATION AND
CLASSIFICATION**

1536.1 Food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program shall be deemed to comply with Chapters 14 and 15 of this Code.

**CHAPTER 16 NUMBERS AND CAPACITIES OF EQUIPMENT,
UTENSILS AND LINENS****1600 EQUIPMENT – COOLING, HEATING, AND HOLDING CAPACITIES**

1600.1 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 in Subtitle C: Food.

1601 EQUIPMENT – MANUAL WAREWASHING, SINK COMPARTMENT REQUIREMENTS

1601.1 A sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils, except as specified in section 1601.3.

1601.2 Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in section 1601.3 shall be used.

1601.3 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:

- (a) High-pressure detergent sprayers;
- (b) Low- or line-pressure spray detergent foamers;
- (c) Other task-specific cleaning equipment;
- (d) Brushes or other implements;
- (e) Two (2)-compartment sinks as specified in sections 1601.4 and 1601.5; or
- (f) Receptacles that substitute for the compartments of a multi-compartment sink.

1601.4 Before a two (2)-compartment sink is used:

- (a) The licensee shall have its use approved; and
- (b) The nature of warewashing shall be limited to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another, or cleanup at the end of a shift, and:

- (1) A limited number of items shall be cleaned;
- (2) The cleaning and sanitizing solutions shall be made up immediately before use and drained immediately after use; and
- (3) A detergent-sanitizer shall be used to sanitize and shall be applied as specified in section 1814; or
- (4) A hot water sanitization immersion step shall be used as specified in section 1909.1(c).

1601.5 A two (2)-compartment sink shall not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

1602 EQUIPMENT – DRAINBOARDS

1602.1 Drainboards, utensil racks, or tables large enough to 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.

1603 EQUIPMENT – VENTILATION HOOD SYSTEMS, ADEQUACY

1603.1 Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

1604 EQUIPMENT – CLOTHES WASHERS AND DRYERS

1604.1 If work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used, except as specified in section 1604.2.

1604.2 If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified in section 2201, a mechanical clothes washer and dryer need not be provided.

1605 UTENSILS – CONSUMER SELF-SERVICE

1605.1 A food dispensing utensil shall be available for each container displayed at a consumer self-service unit such as a buffet or salad bar.

1606 FOOD TEMPERATURE MEASURING DEVICES

1606.1 Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified in Subtitle C: Food.

- 1607 TEMPERATURE MEASURING DEVICES – MANUAL WAREWASHING**
- 1607.1 In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.
- 1608 TESTING DEVICES – SANITIZING SOLUTIONS**
- 1608.1 A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided.

**CHAPTER 17 LOCATION AND INSTALLATION
OF EQUIPMENT**

- 1700 LOCATION – EQUIPMENT, CLOTHES WASHERS AND DRYERS, AND STORAGE CABINETS, CONTAMINATION PREVENTION**
- 1700.1 Except as specified in section 1700.2, 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 shall not be located:
- (a) In locker rooms;
 - (b) In toilet rooms;
 - (c) In garbage rooms;
 - (d) In mechanical rooms;
 - (e) Under sewer lines that are not shielded to intercept potential drips;
 - (f) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - (g) Under open stairwells; or
 - (h) Under other sources of contamination.
- 1700.2 A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

- 1700.3 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, clean utensils, clean linens, and unwrapped single-service and single-use articles.
- 1701 INSTALLATION – FIXED EQUIPMENT, SPACING OR SEALING**
- 1701.1 Equipment that is fixed because it is not easily movable shall be installed so that it is:
- (a) Spaced to allow access for cleaning along the sides, behind, and above the equipment;
 - (b) Spaced from adjoining equipment, walls, and ceilings a distance of not more than one millimeter (1 mm) or one thirty-second inch (1/32 in.); or
 - (c) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.
- 1701.2 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:
- (a) Sealed to the table; or
 - (b) Elevated on legs as specified in section 1702.4.
- 1702 INSTALLATION – FIXED EQUIPMENT, ELEVATION OR SEALING**
- 1702.1 Floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a fifteen centimeter (15 cm) or six inch (6 in.) clearance between the floor and the equipment, except as specified in sections 1702.2 and 1702.3.
- 1702.2 If no part of the floor under the floor-mounted equipment is more than fifteen centimeters (15 cm) or six inches (6 in.) from the point of cleaning access, the clearance space may be only ten centimeters (10 cm) or four inches (4 in.).
- 1702.3 This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.
- 1702.4 Table-mounted equipment that is not easily movable shall be elevated on legs that provide at least a ten centimeter (10 cm) or four inch (4 in.) clearance between the table and the equipment, except as specified in section 1702.5.

- 1702.5 The clearance space between the table and table-mounted equipment may be:
- (a) Seven and one-half centimeters (7.5 cm) or three inches (3 in.) if the horizontal distance of the table top under the equipment is no more than fifty centimeters (50 cm) or twenty inches (20 in.) from the point of access for cleaning; or
 - (b) Five centimeters (5 cm) or two inches (2 in.) if the horizontal distance of the table top under the equipment is no more than seven and one-half centimeters (7.5 cm) or three inches (3 in.) from the point of access for cleaning.

CHAPTER 18 MAINTENANCE AND OPERATION OF EQUIPMENT AND UTENSILS

1800 EQUIPMENT – GOOD REPAIR AND PROPER ADJUSTMENT

- 1800.1 Equipment shall be maintained in a state of repair and condition that meets the requirements specified in Chapters 14 and 15.
- 1800.2 Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- 1800.3 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.

1801 EQUIPMENT – CUTTING SURFACES

- 1801.1 Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

1802 EQUIPMENT – MICROWAVE OVENS

- 1802.1 Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 – Microwave ovens.

1803 EQUIPMENT – WAREWASHING, CLEANING FREQUENCY

- 1803.1 A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified in section 1602 shall be cleaned:

- (a) Before use;
- (b) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and
- (c) If used, at least every twenty-four (24) hours.

1804 EQUIPMENT – WAREWASHING MACHINES, MANUFACTURERS' OPERATING INSTRUCTIONS

- 1804.1 A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.
- 1804.2 A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

1805 EQUIPMENT – WAREWASHING SINKS, USE LIMITATION

- 1805.1 A warewashing sink shall not be used for handwashing.
- 1805.2 If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified in section 1803 before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified in Chapter 20 before and after using the sink to wash produce or thaw food.

1806 EQUIPMENT – WAREWASHING, CLEANING AGENTS

- 1806.1 When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in section 1601.3 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.

1807 EQUIPMENT – WAREWASHING, CLEAN SOLUTIONS

- 1807.1 The wash, rinse, and sanitize solutions shall be maintained clean.

1808 EQUIPMENT – MANUAL WAREWASHING, WASH SOLUTION TEMPERATURE

- 1808.1 The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions.

- 1809 EQUIPMENT – MECHANICAL WAREWASHING, WASH SOLUTION TEMPERATURE**
- 1809.1 The temperature of the wash solution in spray type warewashers that use hot water to sanitize shall not be less than:
- (a) For a stationary rack, single temperature machine, 74° C (165° F);
 - (b) For a stationary rack, dual temperature machine, 66° C (150° F);
 - (c) For a single tank, conveyor, dual temperature machine, 71° C (160° F); or
 - (d) For a multi-tank, conveyor, multi-temperature machine, 66° C (150° F).
- 1809.2 The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize shall not be less than 49°C (120°F).
- 1810 EQUIPMENT – MANUAL WAREWASHING, HOT WATER SANITIZATION TEMPERATURES***
- 1810.1 If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 77°C (171°F) or above.
- 1811 EQUIPMENT – MECHANICAL WAREWASHING, HOT WATER SANITIZATION TEMPERATURES**
- 1811.1 Except as specified in section 1811.2, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold shall not be more than 90°C (194°F), or less than:
- (a) For a stationary rack, single temperature machine, 74° C (165° F); or
 - (b) For all other machines, 82° C (180° F).
- 1811.2 The maximum temperature specified in section 1811.1, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.
- 1812 EQUIPMENT – MECHANICAL WAREWASHING, SANITIZATION PRESSURE**
- 1812.1 The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine shall not be less than 100 kilopascals (fifteen (15) pounds per square inch) or more than 170 kilopascals (twenty-five (25) pounds per square inch) as measured in the

water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

1813 EQUIPMENT – MANUAL AND MECHANICAL WAREWASHING, CHEMICAL SANITIZATION - TEMPERATURE, pH, CONCENTRATION, AND HARDNESS*

1813.1 A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified in section 2002.2 shall be listed in 21 CFR 178.1010 – Sanitizing solutions, and shall be used in accordance with the EPA-approved manufacturer’s label use instructions.

1813.2 A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration	Minimum Temperature	
	pH 10 or less °C (°F)	pH8 or less °C (°F)
mg/L		
25	49 (120)	49 (120)
50	38 (100)	24 (75)
100	13 (55)	13 (55)

1813.3 An iodine solution shall have a:

- (a) Minimum temperature of 24° C (75° F);
- (b) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective; and
- (c) Concentration between 12.5 mg/L and 25 mg/L.

1813.4 A quaternary ammonium compound solution shall:

- (a) Have a minimum temperature of 24°C (75°F);
- (b) Have a concentration as specified in section 3404 and as indicated by the manufacturer’s use directions included in the labeling; and
- (c) Be used only in water with 500 mg/L hardness or less, or in water having a hardness no greater than specified by the manufacturer’s label.

- 1813.5 If another solution of a chemical specified under sections 1813.2 – 1813.4 is used, the licensee shall demonstrate to the Department that the solution achieves sanitization and the use of the solution shall be approved.
- 1813.6 If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.
- 1814 EQUIPMENT – MANUAL WAREWASHING, CHEMICAL SANITIZATION USING DETERGENT-SANTIZERS**
- 1814.1 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.
- 1815 EQUIPMENT – WAREWASHING, DETERMINING CHEMICAL SANITIZER CONCENTRATION**
- 1815.1 Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.
- 1816 UTENSILS AND TEMPERATURE AND PRESSURE MEASURING DEVICES – GOOD REPAIR AND CALIBRATION**
- 1816.1 Utensils shall be maintained in a state of repair or condition that complies with the requirements specified in Chapters 14 and 15 or shall be discarded.
- 1816.2 Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.
- 1816.3 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.
- 1817 UTENSILS – SINGLE-SERVICE AND SINGLE-USE ARTICLES, REQUIRED USE***
- 1817.1 A food establishment without facilities specified in Chapters 19 and 20 for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

1818 UTENSILS - SINGLE-SERVICE AND SINGLE-USE ARTICLES, USE LIMITATION

- 1818.1 Single-service and single-use articles shall not be reused.
- 1818.2 The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

1819 UTENSILS - SHELLS, USE LIMITATION

- 1819.1 Mollusk and crustacea shells shall not be used more than once as serving containers.

CHAPTER 19 CLEANING OF EQUIPMENT AND UTENSILS**1900 OBJECTIVE - CLEANING***

- 1900.1 Equipment food-contact surfaces, and utensils shall be clean to sight and touch.
- 1900.2 The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.^N
- 1900.3 Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.^N

1901 FREQUENCY - EQUIPMENT FOOD-CONTACT SURFACES AND UTENSILS*

- 1901.1 Equipment food-contact surfaces, and utensils shall be cleaned:
- (a) Before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry, except as specified in section 1901.2;
 - (b) Each time there is a change from working with raw foods to working with ready-to-eat foods;
 - (c) Between uses with raw fruits and vegetables and with potentially hazardous food;
 - (d) Before using or storing food temperature measuring device; and
 - (e) At any time during the operation when contamination may have occurred.

1901.2 Section 1901.1(a) does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified in section 900 than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.

1901.3 If used with potentially hazardous food, equipment, food-contact surfaces, and utensils shall be cleaned throughout the day at least every four (4) hours, except as specified in section 1901.4.

1901.4 Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four (4) hours if:

- (a) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified in Subtitle C: Food, and the containers are cleaned when they are empty;
- (b) 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:
 - (1) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

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

; and

- (2) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment;
- (c) Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified in Subtitle C: Food, are intermittently combined with

additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every twenty-four (24) hours;

- (d) 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 in Subtitle C: Food;
- (e) 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;
- (f) The cleaning schedule is approved based on consideration of:
 - (1) Characteristics of the equipment and its use;
 - (2) The type of food involved;
 - (3) The amount of food residue accumulation; and
 - (4) 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; and
- (g) In-use utensils are intermittently stored in a container of water in which the water is maintained at 60°C (140°F) or more and the utensils and container are cleaned at least every twenty-four (24) hours or at a frequency necessary to preclude accumulation of soil residues.

1901.5 Surfaces of utensils and equipment in contact with food that is not potentially hazardous, except when dry cleaning methods are used as specified in section 1904, shall be cleaned.^N

- (a) At any time when contamination may have occurred;
- (b) At least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;
- (c) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
- (d) 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.^N

- (1) At a frequency specified by the manufacturer; or
- (2) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

1902 FREQUENCY – COOKING AND BAKING EQUIPMENT

1902.1 The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty-four (24) hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in section 1901.4.

1902.2 The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.

1903 FREQUENCY – NONFOOD-CONTACT SURFACES

1903.1 Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

1904 METHODS – DRY CLEANING

1904.1 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 potentially hazardous.

1904.2 Cleaning equipment used in dry cleaning food-contact surfaces shall not be used for any other purpose.

1905 METHODS – PRECLEANING

1905.1 Food debris on equipment and utensils shall be scraped over a waste disposal unit, scupper, or garbage receptacle or shall be removed in a warewashing machine with a prewash cycle.

1905.2 If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

1906 METHODS – LOADING OF SOILED ITEMS, WAREWASHING MACHINES

1906.1 Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

- (a) Exposes the items to the unobstructed spray from all cycles; and

- (b) Allows the items to drain.

1907 METHODS – WET CLEANING

1907.1 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.

1907.2 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.

1908 METHODS – WASHING, PROCEDURES FOR ALTERNATIVE MANUAL WAREWASHING EQUIPMENT

1908.1 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 manual warewashing equipment as specified in section 1601.3, in accordance with the following procedures:

- (a) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;
- (b) Equipment components and utensils shall be scraped or rough cleaned to remove food particle accumulation; and
- (c) Equipment and utensils shall be washed as specified in section 1907.1.

1909 METHODS – RINSING PROCEDURES

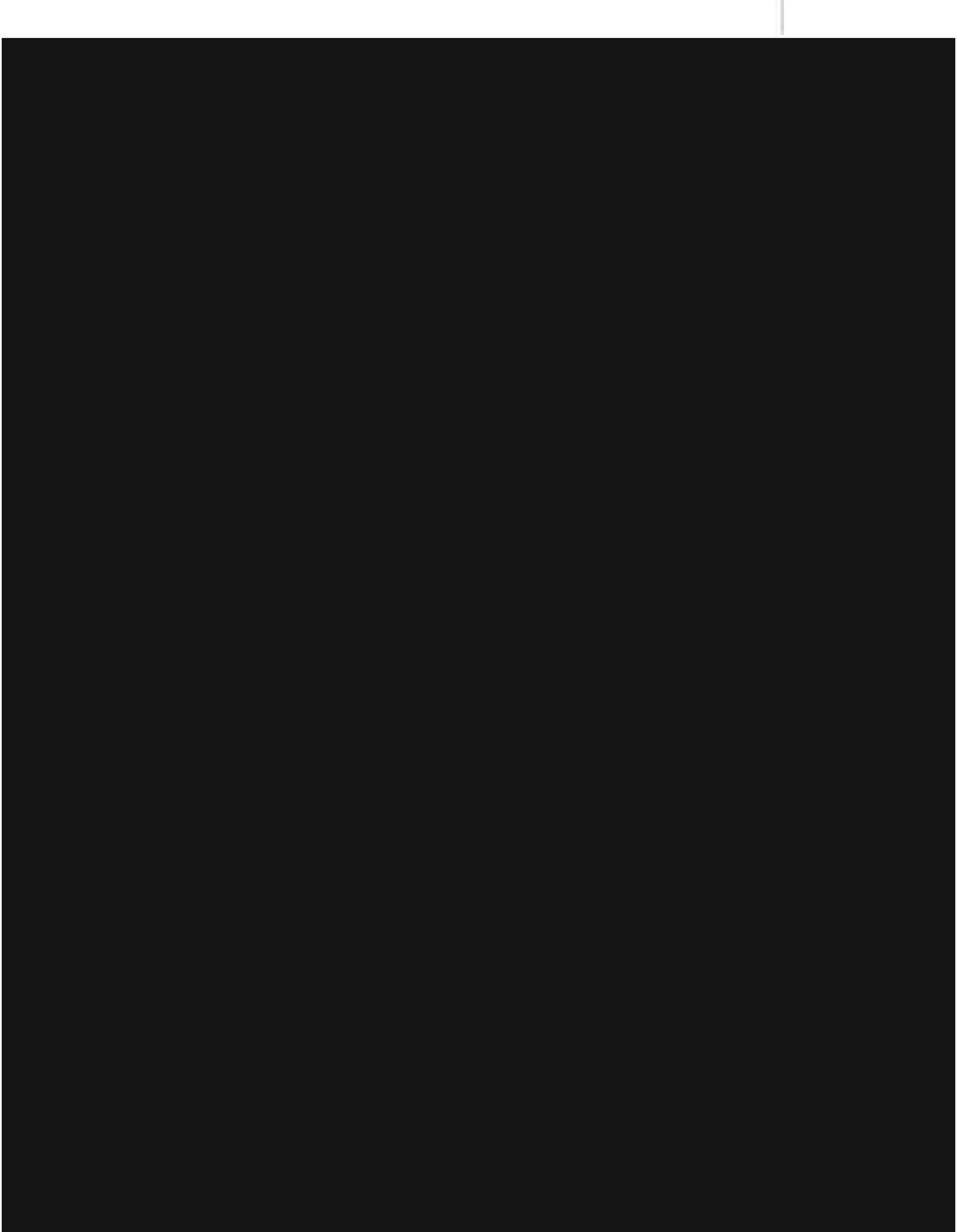
1909.1 Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

- (a) Use of a distinct, separate water rinse after washing and before sanitizing if using:
 - (1) A three (3)-compartment sink;
 - (2) Alternative manual warewashing equipment equivalent to a three (3)-compartment sink as specified in section 1601.3; or
 - (3) A three (3)-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment;

- (b) Use of a detergent-sanitizer as specified in section 1814 if using:
 - (1) Alternative warewashing equipment as specified in section 1601.3 that is approved for use with a detergent-sanitizer; or
 - (2) A warewashing system for CIP equipment;
- (c) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2)-compartment sink operation;
- (d) If using a warewashing machine that does not recycle the sanitizing solution as specified in section 1909.1(e), or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:
 - (1) Integrated in the application of the sanitizing solution; and
 - (2) Wasted immediately after each application; or
- (e) 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.

1910 METHODS – CLEANING FOR REFILLING OF RETURNABLES*

- 1910.1 Returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant, except as specified in sections 1910.2 and 1910.3.
- 1910.2 A food-specific container for beverages may be refilled at a food establishment if:
 - (a) Only a beverage that is not a potentially hazardous food is used as specified in section 815.1;
 - (b) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;
 - (c) 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;
 - (d) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and



2103 METHODS - MECHANICAL WASHING

- 2103.1 Linens shall be mechanically washed, except as specified in section 2103.2.
- 2103.2 In food establishments in which only wiping cloths are laundered as specified in section 1604.2 the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified in section 1803.

2104 METHODS - USE OF LAUNDRY FACILITIES

- 2104.1 Laundry facilities on the premises of a food establishment shall be used only for the washing and drying of items used in the operation of the establishment, except as specified in section 2104.2.
- 2104.2 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 establishment items.

**CHAPTER 22 PROTECTION OF CLEAN EQUIPMENT,
UTENSILS AND LINENS**

2200 DRYING - EQUIPMENT AND UTENSILS, AIR-DRYING REQUIRED

- 2200.1 After cleaning and sanitizing, equipment and utensils:
 - (a) Shall be air-dried or used after adequate draining as specified in paragraph (a) of 21 CFR 178.1010 - Sanitizing solutions, before contact with food; and
 - (b) May not be cloth-dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

2201 DRYING - WIPING CLOTHS, AIR-DRYING LOCATIONS

- 2201.1 Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in section 1604.2 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 section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified in section 1813.

- (e) The container is refilled by:
 - (1) An employee of the food establishment; or
 - (2) The owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.

1910.3 Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

CHAPTER 20 SANITIZATION OF EQUIPMENT AND UTENSILS

2000 OBJECTIVE – FOOD-CONTACT SURFACES AND UTENSILS

2000.1 Equipment, food-contact surfaces, and utensils shall be sanitized.

2001 FREQUENCY – BEFORE USE AFTER CLEANING*

2001.1 Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

2002 METHODS – HOT WATER AND CHEMICAL *

2002.1 After being cleaned, equipment, food-contact surfaces and utensils shall be sanitized in:

- (a) Hot water manual operations by immersion for at least thirty (30) seconds as specified in section 1810; or
- (b) Hot water mechanical operations by being cycled through equipment that is set up as specified in sections 1804, 1811, and 1812 and achieving a utensil surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator.

2002.2 After being cleaned, equipment, food-contact surfaces and utensils shall be sanitized in 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 in section 1813 by providing:

- (a) Except as specified in section 2002.2(b), an exposure time of at least ten (10) seconds for a chlorine solution specified in section 1813.2;
- (b) An exposure time of at least seven (7) seconds for a chlorine solution of 50 mg/L that has a pH of ten (10) or less and a temperature of at least 38°C (100°F), or a pH of eight (8) or less and a temperature of at least 24°C (75°F);
- (c) An exposure time of at least thirty (30) seconds for other chemical sanitizing solutions; or
- (d) An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy by the manufacturer of the sanitizing compound, yields sanitization.

CHAPTER 21 LAUNDERING OF LINENS

2100 OBJECTIVE – CLEAN LINENS

2100.1 Clean linens shall be free from food residues and other soiling matter.

2101 FREQUENCY – SPECIFICATIONS

2101.1 Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.

2101.2 Cloth gloves used as specified in section 813.4 shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork, and fish.

2101.3 Linens and napkins that are used as specified in section 811 and cloth napkins shall be laundered between each use.

2101.4 Wet wiping cloths shall be laundered daily.

2101.5 Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

2102 METHODS – STORAGE OF SOILED LINENS

2102.1 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.

2202 LUBRICATING AND REASSEMBLING – FOOD-CONTACT SURFACES, AND EQUIPMENT

- 2202.1 Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.
- 2202.2 Equipment shall be reassembled so that food-contact surfaces are not contaminated.

2203 STORING – EQUIPMENT, UTENSILS, LINENS, AND SINGLE-SERVICE AND SINGLE-USE ARTICLES

- 2203.1 Cleaned equipment and utensils, laundered linens, and single-service and single-use articles, except as specified in section 2203.4, shall be stored:

- (a) In a clean, dry location;
- (b) Where they are not exposed to splash, dust, or other contamination; and
- (c) At least fifteen centimeters (15 cm) or six inches (6 in.) above the floor.

- 2203.2 Clean equipment and utensils shall be stored as specified in section 2203.1 and shall be stored:

- (a) In a self-draining position that allows air drying; and
- (b) Covered or inverted.

- 2203.3 Single-service and single-use articles shall be stored as specified in section 2203.1 and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

- 2203.4 Items that are kept in closed packages may be stored less than fifteen centimeters (15 cm) or six inches (6 in.) above the floor on dollies, pallets, racks, and skids that are designed as provided in section 1534.

2204 STORING – PROHIBITIONS

- 2204.1 Cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles, except as specified in section 2204.2, shall not be stored:

- (a) In locker rooms;
- (b) In toilet rooms;
- (c) In garbage rooms;

- (d) In mechanical rooms;
- (e) Under sewer lines that are not shielded to intercept potential drips;
- (f) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- (g) Under open stairwells; or
- (h) Under other sources of contamination.

2204.2 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.

2205 HANDLING – KITCHENWARE AND TABLEWARE

2205.1 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.

2205.2 Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

2205.3 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, except as specified in section 2205.2.

2206 HANDLING – SOILED AND CLEAN TABLEWARE

2206.1 Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

2207 HANDLING – PRESET TABLEWARE

2207.1 If tableware is preset:

- (a) It shall be protected from contamination by being wrapped, covered, or inverted;
- (b) Exposed, unused settings shall be removed when a consumer is seated; or
- (c) Exposed, unused settings shall be cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

SUBTITLE E: WATER, PLUMBING AND WASTE**CHAPTER 23 WATER****2300 SOURCE – APPROVED SYSTEM***

2300.1 The only approved system for drinking water is the District of Columbia public water system.

2301 SOURCE – SYSTEM FLUSHING AND DISINFECTION*

2301.1 A drinking 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, that may introduce contaminants to the system.

2302 SOURCE – BOTTLED DRINKING WATER*

2302.1 Bottled drinking water used or sold in a food establishment shall be obtained from approved sources in accordance with 21 CFR 129 – Processing and Bottling of Bottled drinking water.

2303 QUALITY – STANDARDS*

2303.1 Water from a public water system shall meet 40 CFR 141 – National Primary Drinking Water Regulations and District of Columbia drinking water quality standards.

2304 QUALITY – NONDRINKING WATER*

2304.1 A nondrinking water supply shall be used only if its use is approved.

2304.2 Nondrinking water shall be used only for nonculinary purposes including, but not limited to, air conditioning, nonfood equipment cooling, fire protection, and irrigation.

2305 QUANTITY AND AVAILABILITY – CAPACITY*

2305.1 The water source and system shall be of sufficient capacity to meet the water demands of the food establishment.

2305.2 Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment.

2306 QUANTITY AND AVAILABILITY – PRESSURE

2306.1 Hot and/or cold water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use hot and/or cold water, except that water supplied as specified in sections 2308.1(a) and (b) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.

2307 DISTRIBUTION, DELIVERY, AND RETENTION – SYSTEM

2307.1 Water shall be received from the source through the use of an approved public water main; or shall be constructed, maintained, and operated according to 40 CFR 141 – National Primary Drinking Water Regulations and District of Columbia drinking water quality standards through one or more of the following:

- (a) Water transport vehicles; or
- (b) Water containers.

2308 DISTRIBUTION, DELIVERY, AND RETENTION – ALTERNATIVE WATER SUPPLY

2308.1 Water meeting the requirements specified in sections 2300 - 2307 shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:

- (a) A supply of containers of commercially bottled drinking water;
- (b) One or more closed portable water containers;
- (c) An enclosed vehicular water tank;
- (d) An on-premises water storage tank; or
- (e) Piping, tubing, or hoses connected to an adjacent approved source.

CHAPTER 24 PLUMBING SYSTEM**2400 MATERIALS – APPROVED MATERIALS, USE ***

2400.1 A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to the 1996 BOCA Codes and 1999 D.C. Supplements.

2400.2 A water filter shall be made of safe materials.

2401 DESIGN, CONSTRUCTION, AND INSTALLATION – APPROVED SYSTEM AND CLEANABLE FIXTURES*

2401.1 A plumbing system shall be designed, constructed, and installed according to the 1996 BOCA Codes and 1999 D.C. Supplements.

2401.2 A plumbing fixture such as a handwashing facility, toilet, or urinal shall be easily cleanable.^N

2402 DESIGN, CONSTRUCTION, AND INSTALLATION – HANDWASHING LAVATORY, WATER TEMPERATURE, AND FLOW

2402.1 A handwashing lavatory shall be equipped to provide water at a temperature of at least 43°C (110°F) through a mixing valve or combination faucet.

2402.2 A steam mixing valve may not be used at a handwashing lavatory.

2402.3 A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.

2402.4 An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

2403 DESIGN, CONSTRUCTION, AND INSTALLATION – BACKFLOW PREVENTION, AIR GAP*

2403.1 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 twenty-five millimeters (25 mm) or one inch (1 in).

2404 DESIGN, CONSTRUCTION, AND INSTALLATION – BACKFLOW PREVENTION DEVICE, DESIGN STANDARD

2404.1 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.

2405 DESIGN, CONSTRUCTION, AND INSTALLATION – CONDITIONING DEVICE, DESIGN

2405.1 A water filter, screen, and other water-conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

2406 NUMBERS AND CAPACITIES – HANDWASHING LAVATORY*

2406.1 Handwashing lavatories shall be provided for employees' use in areas specified in section 2411 in accordance with the 1996 BOCA Codes and 1999 D.C. Supplements.

2406.2 If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing lavatories in a food establishment that has at least one handwashing lavatory.

2406.3 If approved, when food exposure is limited and handwashing lavatories are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees shall use chemically treated towelettes for handwashing.

2407 NUMBERS AND CAPACITIES – TOILETS AND URINALS*

2407.1 Toilets shall be provided for employees' use in accordance with the 1996 BOCA Codes and 1999 D.C. Supplements. Urinals may be substituted for toilets if the substitution is authorized and conforms to the 1996 BOCA Codes and 1999 D.C. Supplements.

2408 NUMBERS AND CAPACITIES – SERVICE SINKS

2408.1 At least one (1) service sink or one (1) 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.

- 2409 NUMBERS AND CAPACITIES - BACKFLOW PREVENTION DEVICE, WHEN REQUIRED***
- 2409.1 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 establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by the 1996 BOCA Codes and 1999 D.C. Supplements by:
- (a) Providing an air gap as specified in section 2403; or
 - (b) Installing an approved backflow prevention device as specified in section 2404.
- 2410 NUMBERS AND CAPACITIES - BACKFLOW PREVENTION DEVICE, CARBONATOR***
- Reserved.
- 2411 LOCATION AND PLACEMENT - HANDWASHING LAVATORY***
- 2411.1 A handwashing lavatory shall be located to allow convenient use by employees in food preparation, food dispensing, and warewashing areas, and in, or immediately adjacent to, toilet rooms.
- 2411.2 All handwashing lavatories, including those in toilet rooms shall provide a combination or mixing faucet, or tempered water and a single faucet.
- 2411.3 The Department shall permit the continued use of handwashing lavatories in which the hot and cold water is delivered through separate faucets until such time as these faucets are relocated or replaced.
- 2411.4 Handwashing lavatories located in the toilet rooms, or within an anteroom or vestibule serving the toilet room, do not meet the requirements for handwashing lavatories in operating areas for persons working in any capacity the activities of which include contact with unprotected food for human consumption, or the care and use of food contact surfaces.
- 2411.5 Any area of food operation in which fresh meat is handled shall have its own hand washing facility, other than a toilet room, which shall be located not more than twenty feet (20 ft.) from where the meat is handled; provided, that the Department shall have the discretion to require that this hand washing facility be located closer than twenty feet (20 ft.) from the area where meat is handled.

- 2411.6 Handwashing lavatories which are outside a toilet room, anteroom, or vestibule, and which serve the toilet room shall not be considered as meeting the requirements of this section for handwashing lavatories serving the food operation areas.
- 2411.7 The Department may permit the continuing use of existing handwashing lavatories to meet the requirements of section 2411.6 if the lavatories:
- (a) Are immediately adjacent to the operational areas they are intended to serve;
 - (b) Are not available to or used by the public; and
 - (c) Do not serve more than three (3) persons when the activities of any person involve contact with unprotected food for human consumption or the care and use of food contact surfaces.
- 2412 LOCATION AND PLACEMENT - BACKFLOW PREVENTION DEVICE
- 2412.1 A backflow prevention device shall be located so that it may be serviced and maintained.
- 2413 LOCATION AND PLACEMENT - CONDITIONING DEVICE
- 2413.1 A water filter, screen, and other water-conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.
- 2414 OPERATION AND MAINTENANCE - USING A HANDWASHING LAVATORY
- 2414.1 A handwashing lavatory shall be maintained so that it is accessible at all times for employee use.
- 2414.2 A handwashing lavatory may not be used for purposes other than handwashing.
- 2414.3 An automatic handwashing facility shall be used in accordance with manufacturer's instructions.
- 2415 OPERATION AND MAINTENANCE - PROHIBITING A CROSS CONNECTION*
- 2415.1 A person shall 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.
- 2415.2 The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.^N

2416 OPERATION AND MAINTENANCE – SCHEDULING INSPECTION AND SERVICE FOR A WATER SYSTEM DEVICE

2416.1 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.

2417 OPERATION AND MAINTENANCE – WATER RESERVOIR OF FOGGING DEVICES, CLEANING*

2417.1 A reservoir that is used to supply water to a device such as a produce fogger shall be maintained in accordance with manufacturer's specifications, and cleaned in accordance with manufacturer's specifications or according to the procedures specified in section 2417.2, whichever is more stringent.

2417.2 Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

- (a) Draining and complete disassembly of the water and aerosol contact parts;
- (b) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;
- (c) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and
- (d) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) mg/L hypochlorite solution.

2418 OPERATION AND MAINTENANCE – SYSTEM MAINTAINED IN GOOD REPAIR*

2418.1 A plumbing system shall be:

- (a) Repaired according to the 1996 BOCA Codes and 1999 D.C. Supplements; and
- (b) Maintained in good repair.

2419 EXCEPTION TO PLUMBING FACILITIES REQUIREMENTS

2419.1 If a food establishment is indoors and is involved exclusively with previously wrapped, canned, packaged, or bottled food, or with whole nuts, fruits or vegetables that are commonly washed, peeled, shelled, or cooked by the consumer before being eaten, the

facilities required in this chapter may be provided at a suitable designated location elsewhere within the same building, if they are readily available.

- 2419.2 If the food establishment is entirely outdoors but not in a vehicle and is involved exclusively with previously wrapped, canned, packaged, or bottled food, or with whole nuts, fruits, or vegetables that are commonly washed, peeled, shelled, or cooked by the consumer before being eaten, the facilities required in this chapter may be provided at a suitable, designated location, if they are readily available.
- 2419.3 If the food establishment is a vehicle involved exclusively with previously wrapped, canned, packaged, or bottled food, or with whole nuts, fruits, or vegetables that are commonly washed, peeled, shelled, or cooked by the consumer before being eaten, the facilities required in this chapter need not be provided in the vehicle if they are provided at a suitable, designated location, if they are readily available.
- 2419.4 If the facilities for the cleansing of a vehicle used as a food establishment and the toilet facilities required by section 3101 are provided at a designated location, the facilities need not be provided within the vehicle.

CHAPTER 25 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT WATER TANK

2500 MATERIALS – APPROVED MATERIALS, USE

- 2500.1 Materials that are used in the construction of a mobile water tank, mobile food establishment water tank, and appurtenances shall be safe, durable, corrosion-resistant, nonabsorbent, and finished to have a smooth, easily cleanable surface.

2501 DESIGN AND CONSTRUCTION – ENCLOSED SYSTEM, SLOPED TO DRAIN

- 2501.1 A mobile water tank shall be enclosed from the filling inlet to the discharge outlet and sloped to an outlet that allows complete drainage of the tank.

2502 DESIGN AND CONSTRUCTION – ACCESS PORT, PROTECTED AND SECURED

- 2502.1 If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank, flanged upward at least thirteen millimeters (13 mm) or one-half inch (1/2 in.) and equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place and flanged to overlap the opening and sloped to drain.

2503 DESIGN AND CONSTRUCTION - "V" TYPE THREADS, USE LIMITATION

2503.1 A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

2504 DESIGN AND CONSTRUCTION - TANK VENT, PROTECTED

2504.1 If provided, a water tank vent shall terminate in a downward direction and shall be covered with a sixteen (16) mesh to twenty-five and four tenths millimeters (25.4 mm) or sixteen (16) mesh to one inch (1 in.) screen or equivalent when the vent is in a protected area or a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

2505 DESIGN AND CONSTRUCTION - INLET AND OUTLET, SLOPED TO DRAIN

2505.1 A water tank and its inlet and outlet shall be sloped to drain.

2505.2 A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

2506 DESIGN AND CONSTRUCTION - DRINKING WATER HOSE, IDENTIFICATION

2506.1 A hose used for conveying drinking water from a water tank, shall be safe, durable, corrosion-resistant, nonabsorbent, and shall be:

- (a) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (b) Finished with a smooth interior surface; and
- (c) Clearly and durably identified as to its use if not permanently attached.

2507 NUMBERS AND CAPACITIES - FILTER, COMPRESSED AIR

2507.1 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.

2508 NUMBERS AND CAPACITIES - PROTECTIVE COVER OR DEVICE

2508.1 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.

- 2509 **NUMBERS AND CAPACITIES – MOBILE FOOD ESTABLISHMENT TANK INLET**
- 2509.1 A mobile food establishment's water tank inlet shall be nineteen and one tenth millimeters (19.1 mm) or three-fourths inch (3/4 in.) in inner diameter or less and provided with a hose connection of a size or type that will prevent its use for any other service.
- 2510 **OPERATION AND MAINTENANCE – SYSTEM FLUSHING AND DISINFECTION***
- 2510.1 A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.
- 2511 **OPERATION AND MAINTENANCE – USING A PUMP AND HOSES, BACKFLOW PREVENTION**
- 2511.1 A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.
- 2512 **OPERATION AND MAINTENANCE – PROTECTING INLET, OUTLET, AND HOSE FITTING**
- 2512.1 If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified in section 2508.
- 2513 **OPERATION AND MAINTENANCE – TANK, PUMP, AND HOSES, DEDICATION**
- 2513.1 Except as provided in section 2513.2, a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.
- 2513.2 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.

**CHAPTER 26 SEWAGE, OTHER LIQUID WASTE
AND RAINWATER****2600 MOBILE HOLDING TANK, CAPACITY AND DRAINAGE**

2600.1 A sewage holding tank in a mobile food establishment shall be sized fifteen percent (15%) larger in capacity than the water supply tank and sloped to a drain that is twenty-five millimeters (25 mm) or one inch (1 in.) in inner diameter or greater, equipped with a shut-off valve.

2601 RETENTION, DRAINAGE, AND DELIVERY - DRAINAGE SYSTEM

2601.1 Food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified in 2401.1.

2602 RETENTION, DRAINAGE, AND DELIVERY - BACKFLOW PREVENTION*

2602.1 Except as specified in sections 2602.2 and 2602.3, a direct connection shall not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.

2602.2 A warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within one and one-half meters (1.5 m) or five feet (5 ft.) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap in accordance with the 1996 BOCA Codes and 1999 D.C. Supplements.

2602.3 A warewashing or culinary sink may have a direct connection in accordance with the 1996 BOCA Codes and 1999 D.C. Supplements.

2603 RETENTION, DRAINAGE, AND DELIVERY - GREASE TRAP

2603.1 A grease trap shall be easily accessible for cleaning.

2604 RETENTION, DRAINAGE, AND DELIVERY - CONVEYING SEWAGE*

2604.1 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 in accordance with the 1996 BOCA Codes and 1999 D.C. Supplements.

- 2605 RETENTION, DRAINAGE, AND DELIVERY – REMOVING FOOD ESTABLISHMENT WASTES**
- 2605.1 Removal of liquid waste, including grease collections, shall comply with the provisions of this chapter. Licensee shall maintain a copy of the establishment's waste service contract on the premises of the food establishment indicating approved waste servicing areas, and the:
- (a) Name and address of licensed sewage and liquid waste transport contractor;
 - (b) Duration of the contract; and
 - (c) Frequency of sewage and liquid waste removal services provided under the contract.
- 2605.2 Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.
- 2606 RETENTION, DRAINAGE, AND DELIVERY – FLUSHING A WASTE RETENTION TANK**
- 2606.1 A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.
- 2607 DISPOSAL FACILITY – APPROVED SYSTEM***
- 2607.1 Sewage shall be disposed through an approved facility that is a public sewage treatment plant or an individual sewage disposal system that is sized, constructed, maintained, and operated according to 1996 BOCA Codes and 1999 D.C. Supplements.
- 2607.2 Each food establishment served by a sanitary sewer and conducting any activity or activities which generate food wastes shall have and use one (1) or more food waste grinders that are conveniently located near each such activity and which have adequate capacity to dispose of all readily grindable food waste produced.
- 2608 DISPOSAL FACILITY – OTHER LIQUID WASTES AND RAINWATER**
- 2608.1 Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to applicable D.C. laws and regulations.

**CHAPTER 27 REFUSE, RECYCLABLES, AND
RETURNABLES**

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- 2700 FACILITIES ON PREMISES – INDOOR STORAGE AREA**
- 2700.1 If located within a food establishment, storage areas for refuse, recyclables, and returnables shall meet the requirements specified in Chapters 28 and 29.
- 2701 FACILITIES ON PREMISES – OUTDOOR STORAGE SURFACE**
- 2701.1 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 to drain.
- 2702 FACILITIES ON THE PREMISES – OUTDOOR ENCLOSURE**
- 2702.1 If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.
- 2703 FACILITIES ON PREMISES – RECEPTACLES**
- 2703.1 Except as specified in section 2703.2, 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.
- 2703.2 Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment or within closed outside receptacles.
- 2704 FACILITIES ON PREMISES – RECEPTACLES IN VENDING MACHINES**
- 2704.1 A refuse receptacle shall not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.
- 2705 FACILITIES ON PREMISES – OUTSIDE RECEPTACLES**
- 2705.1 Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.
- 2705.2 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.

- 2706 NUMBERS AND CAPACITIES – STORAGE AREAS, ROOMS, AND RECEPTACLES**
- 2706.1 An inside storage room and area, outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold the refuse, recyclables, and returnables that accumulate.
- 2706.2 A receptacle shall be provided in each area of the food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- 2706.3 If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.
- 2707 NUMBERS AND CAPACITIES – TOILET ROOM RECEPTACLE, COVERED**
- 2707.1 A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.
- 2708 NUMBERS AND CAPACITIES – CLEANING IMPLEMENTS AND SUPPLIES**
- 2708.1 Except as specified in section 2708.2, 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.
- 2708.2 If approved by the Department, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.
- 2709 LOCATION AND PLACEMENT – STORAGE AREAS, REDEEMING MACHINES, RECEPTACLES AND WASTE HANDLING UNITS**
- 2709.1 An area designated for refuse, recyclables, returnables; and, except as specified in section 2709.2 of this section, 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.
- 2709.2 A redeeming machine may be located in the packaged food storage area or consumer area of a food 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.
- 2709.3 The location of receptacles and waste handling units for refuse, recyclables, and returnables shall not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

- 2710 **OPERATION AND MAINTENANCE – STORING REFUSE, RECYCLABLES, AND RETURNABLES**
- 2710.1 Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.
- 2711 **OPERATION AND MAINTENANCE – AREAS, ENCLOSURES, AND RECEPTACLES, GOOD REPAIR.**
- 2711.1 Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.
- 2712 **OPERATION AND MAINTENANCE – OUTSIDE STORAGE PROHIBITIONS**
- 2712.1 Except as specified in section 2712.2, refuse receptacles not meeting the requirements specified in section 2703 such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue shall not be stored outside.
- 2712.2 Cardboard or other packaging material that does not contain food residues and 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.
- 2713 **OPERATION AND MAINTENANCE – COVERING RECEPTACLES**
- 2713.1 Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered inside the food establishment if the receptacles and units contain food residue and are not in continuous use; or after the receptacles and units are filled.
- 2713.2 Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered with tight-fitting lids or doors if kept outside the food establishment.
- 2714 **OPERATION AND MAINTENANCE – USING DRAIN PLUGS**
- 2714.1 Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.
- 2715 **OPERATION AND MAINTENANCE – REFUSE AREAS AND ENCLOSURES**
- 2715.1 A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, as specified in section 3213, and kept clean.

2716 OPERATION AND MAINTENANCE - CLEANING RECEPTACLES

2716.1 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 in section 2605.

2716.2 Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

2717 REMOVAL - FREQUENCY

2717.1 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.

2717.2 The licensee shall maintain a copy of the establishment's professional service contract which documents the following information:

- (a) Name and address of its licensed trash or solid waste contractor;
- (b) Duration of the contract; and
- (c) Frequency of trash or solid waste collection services provided under the contract.

2717.3 Trash or solid waste collection shall comply with Title 21, Chapter 7 of the DCMR.

2718 REMOVAL - RECEPTACLES OR VEHICLES

2718.1 Refuse, recyclables, and returnables shall be removed from the premises by way of:

- (a) Portable receptacles that meet District law; or
- (b) A transport vehicle that is maintained, and operated according to District law.

2719 FACILITIES FOR DISPOSAL AND RECYCLING - COMMUNITY OR INDIVIDUAL FACILITY

2719.1 Except as specified in section 2719.2, 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.

2719.2

Solid waste may be disposed of in an individual refuse facility such as a landfill or incinerator, which is properly sized, constructed, maintained, and operated.

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SUBTITLE F: PHYSICAL FACILITIES**CHAPTER 28 MATERIALS FOR CONSTRUCTION AND REPAIR OF PHYSICAL FACILITIES****2800 INDOOR AREAS – SURFACE CHARACTERISTICS**

2800.1 Except as specified in section 2800.2, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

- (a) Smooth, durable, and easily cleanable for areas where food establishment operations are conducted;
- (b) Closely woven and easily cleanable carpet for carpeted areas; and
- (c) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods.

2800.2 In a temporary food establishment:

- (a) If graded to drain, a floor shall be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud; and
- (b) Walls and ceilings shall be constructed of a material that protects the interior from the weather and windblown dust and debris.

2801 OUTDOOR AREAS – SURFACE CHARACTERISTICS

2801.1 The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

2801.2 Exterior surfaces of buildings and mobile food establishments shall be of weather-resistant materials, and shall comply with applicable D.C. laws and regulations and the 1996 BOCA Codes and 1999 D.C. Supplements.

2801.3 Outdoor storage areas for refuse, recyclables, or returnables shall be constructed of materials specified in sections 2701 and 2702.

**CHAPTER 29 DESIGN, CONSTRUCTION, AND INSTALLATION
OF PHYSICAL FACILITIES****2900 CLEANABILITY – FLOORS, WALLS, AND CEILINGS**

2900.1 Except as specified in section 2903, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, except that antislip floor coverings or applications may be used for safety reasons.

2901 CLEANABILITY – FLOORS, WALLS, CEILINGS, AND UTILITY LINES

2901.1 Utility service lines and pipes shall not be unnecessarily exposed.

2901.2 Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

2901.3 Exposed horizontal utility service lines and pipes shall not be installed on the floor.

2902 CLEANABILITY – FLOOR AND WALL JUNCTURES, COVERED, AND ENCLOSED OR SEALED

2902.1 In food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be covered and closed to no larger than one millimeter (1 mm) or one thirty-second inch (1/32 in.).

2902.2 The floors in food 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 covered and sealed.

2903 CLEANABILITY – FLOOR CARPETING, RESTRICTIONS AND INSTALLATION

2903.1 A floor covering such as carpeting or similar material shall not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

2903.2 If carpeting is installed as a floor covering in areas other than those specified in section 2903.1, it shall be:

- (a) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another similar method; and

- (b) 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.

2904 CLEANABILITY – FLOOR COVERING, MATS AND DUCKBOARDS

- 2904.1 Mats and duckboards shall be designed to be removable and easily cleanable.

2905 CLEANABILITY – WALL AND CEILING COVERINGS AND COATINGS

- 2905.1 Wall and ceiling covering materials shall be attached so that they are easily cleanable.
- 2905.2 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.

2906 CLEANABILITY – WALLS AND CEILINGS, ATTACHMENTS

- 2906.1 Except as specified in section 2906.2, 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.
- 2906.2 In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet the requirement of section 2906.1 if they are kept clean.

2907 CLEANABILITY – WALLS AND CEILINGS, STUDS, JOISTS, AND RAFTERS

- 2907.1 Except in temporary food establishments, studs, joists, and rafters shall not be exposed in areas subject to moisture.

2908 FUNCTIONALITY – LIGHT BULBS, PROTECTIVE SHIELDING

- 2908.1 Except as specified in section 2908.2, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles.
- 2908.2 Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:
- (a) The integrity of the packages cannot be affected by broken glass falling onto them; and

- (b) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

2908.3 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.

2909 FUNCTIONALITY – HEATING, VENTILATING, AIR CONDITIONING SYSTEM VENTS

2909.1 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.

2910 FUNCTIONALITY – INSECT CONTROL DEVICES, DESIGN AND INSTALLATION

2910.1 Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

2910.2 Insect control devices shall be installed so that:

- (a) The devices are not located over a food preparation area; and
- (b) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles.

2911 FUNCTIONALITY – TOILET ROOMS, ENCLOSED

2911.1 A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door, except that this requirement does not apply to a toilet room that is located outside a food establishment and does not open directly into the food establishment, such as a toilet room that is provided by the management of a shopping mall.

2912 FUNCTIONALITY – OUTER OPENINGS, PROTECTED

2912.1 Except as otherwise specified in this section, the outer openings of a food establishment shall be protected against the entry of insects and rodents by:

- (a) Filling or closing holes and other gaps along floors, walls, and ceilings;
- (b) Closed, tight-fitting windows; and

(c) Solid, self-closing, tight-fitting doors.

2912.2 Section 2912.1 does not apply if a food 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.

2912.3 Exterior doors used as exits need not be self-closing if they are:

(a) Solid and tight-fitting;

(b) Designated only for emergency by the Fire Department; and

(c) Restricted so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

2912.4 Except as specified sections 2912.2 and 2912.5, if the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes or a temporary food establishment is not provided with windows and doors as specified in section 2912.1, the openings shall be protected against the entry of insects and rodents by:

(a) Sixteen (16) mesh to twenty-five and four tenths millimeters (25.4 mm) or sixteen (16) mesh to one inch (1 in.) screens;

(b) Properly designed and installed air curtains; or

(c) Other effective means that prohibit the entry of insects and rodents to a similar degree.

2912.5 Section 2912.4 does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting conditions.

2913 **FUNCTIONALITY – EXTERIOR WALLS AND ROOFS, PROTECTIVE BARRIER**

2913.1 Perimeter walls and roofs of a food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

2914 FUNCTIONALITY – OUTDOOR FOOD VENDING AREAS, OVERHEAD PROTECTION

2914.1 If located outside, a machine used to vend food shall be provided with overhead protection, except that a machine vending canned beverages need not meet this requirement.

2915 FUNCTIONALITY – OUTDOOR SERVICING AREAS, OVERHEAD PROTECTION

2915.1 Servicing areas shall be provided with overhead protection except that 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, need not be provided with overhead protection.

2916 FUNCTIONALITY – OUTDOOR WALKING AND DRIVING SURFACES, GRADED TO DRAIN

2916.1 Exterior walking and driving surfaces shall be graded to drain.

2917 FUNCTIONALITY – OUTDOOR REFUSE AREAS, CURBED AND GRADED TO DRAIN

2917.1 Outdoor refuse areas shall be constructed, 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.

2918 FUNCTIONALITY – PRIVATE HOMES AND LIVING OR SLEEPING QUARTERS, USE PROHIBITION

2918.1 A private home, 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 establishment operations.

2919 FUNCTIONALITY – LIVING OR SLEEPING QUARTERS, SEPARATION

2919.1 Living or sleeping quarters located on the premises of a food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid, self-closing doors.

2919.2 Access to any place designed, intended, or used for human habitation shall not be through a food establishment, but shall be by means of a separate entrance.

- 2919.3 Access to a food establishment shall be through space available for use by the public and shall not be through any place designed, intended, or used for human habitation.

**CHAPTER 30 NUMBERS AND CAPACITIES OF
PHYSICAL FACILITIES**

3000 HANDWASHING FACILITIES – MINIMUM NUMBER

- 3000.1 Handwashing lavatories shall be provided as specified in section 2406.

**3001 HANDWASHING FACILITIES – HANDWASHING CLEANSER,
AVAILABILITY**

- 3001.1 Each handwashing lavatory or group of two (2) adjacent lavatories shall be provided with:

- (a) A supply of hand cleaning liquid, powder, or bar soap; and
- (b) A nailbrush at the handwashing lavatory used by employees.

3002 HANDWASHING FACILITIES – HAND DRYING PROVISION

- 3002.1 Each handwashing lavatory or group of adjacent lavatories shall be provided with:

- (a) Individual, disposable towels;
- (b) A continuous towel system that supplies the user with a clean towel; or
- (c) A heated-air hand-drying device, except that a heated-air hand-drying device shall not be the only device provided at a sink used by employees in a food preparation or warewashing area.

**3003 HANDWASHING FACILITIES – HANDWASHING AIDS AND DEVICES, USE
RESTRICTIONS**

- 3003.1 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, shall not be provided with the handwashing aids and devices required for a handwashing lavatory as specified in sections 3001, 3002, and 2706.3.

3004 HANDWASHING FACILITIES – HANDWASHING SIGNAGE

3004.1 A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing lavatories used by food employees and shall be clearly visibly to food employees.

3005 HANDWASHING FACILITIES – DISPOSABLE TOWELS, WASTE RECEPTACLE

3005.1 A handwashing lavatory or group of adjacent lavatories that is provided with disposable towels shall be provided with a waste receptacle as specified in section 2706.3.

3006 TOILETS AND URINALS – MINIMUM NUMBER

3006.1 Toilets and urinals shall be provided as specified in section 2407.

3007 TOILETS AND URINALS – TOILET TISSUE, AVAILABILITY

3007.1 A supply of toilet tissue shall be available at each toilet.

3008 LIGHTING – INTENSITY

3008.1 The light intensity shall be:

- (a) At least one hundred and ten (110) lux or ten (10) foot candles at a distance of seventy-five centimeters (75 cm) or thirty inches (30 in.) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;
- (b) At least two hundred and twenty (220) lux or twenty (20) foot candles:
 - (1) 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;
 - (2) Inside equipment such as reach-in and under-counter refrigerators;
 - (3) At a distance of seventy-five centimeters (75 cm) or thirty inches (30 in.) above the floor in areas used for handwashing, warewashing behind a bar, and equipment and utensil storage, and in toilet rooms; and

- (c) At least five hundred and forty (540) lux or fifty (50) foot candles at a surface where a food employee is working with food or working with utensils or equipment including knives, slicers, grinders, or saws where employee safety is a factor, and in areas used for warewashing other than the area behind a bar.

3009 VENTILATION - MECHANICAL

- 3009.1 All rooms shall have sufficient tempered make-up air and exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- 3009.2 All ventilation systems, furnaces, gas- or oil-fired room heaters, and water heaters shall be designed, installed, and operated in accordance with the 1996 BOCA Codes and 1999 D.C. Supplements.
- 3009.3 Each room in which food or drink is prepared, or in which utensils are washed, shall be provided with facilities for at least eight (8) air changes per hour. Recirculation of air is not permitted.
- 3009.4 Each room in which food or drink is served shall be provided with facilities for at least five (5) air changes per hour, and not more than fifty percent (50%) recirculation of air shall be permitted.
- 3009.5 Each cooking unit that creates smoke, steam, gases, fumes, odors, vapors, or excessive heat shall be hooded and vented, or locally vented to the outside air by forced draft, in a manner which will effectively remove the conditions; provided, that small burners used intermittently for short periods of time, warming equipment, bread toasters, coffee urns, and radiant cooking units need not be so vented unless one (1) or more of the units create a nuisance.

3010 DRESSING AREAS AND LOCKERS - DESIGNATION

- 3010.1 Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.
- 3010.2 Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

3011 SERVICE SINKS - AVAILABILITY

- 3011.1 A service sink or curbed cleaning facility shall be provided as specified in section 2408.1.

**CHAPTER 31 LOCATION AND PLACEMENT OF
PHYSICAL FACILITIES****3100 HANDWASHING FACILITIES - CONVENIENTLY LOCATED**

3100.1 Handwashing lavatories shall be conveniently located as specified in section 2411.

3101 TOILET ROOMS - CONVENIENCE AND ACCESSIBILITY

3101.1 Each food establishment shall maintain toilet facilities, which shall consist of a toilet room or toilet rooms with proper and sufficient water closets and lavatories and which are conveniently located so as to be readily accessible to all operating personnel.

3101.2 A food establishment that employs both males and females shall have separate toilet facilities for each sex; provided, that a food establishment with five (5) or fewer employees may allow employees of both sexes to use a single toilet facility.

3101.3 Toilet facilities shall be conveniently located and accessible to employees during all hours of operation if they are as follows:

- (a) Located within the same building as the business they serve;
- (b) Accessible during working hours without going outside the building; and
- (c) The use is not contrary to the provisions of the Housing Regulations (Title 14 DCMR).

3101.4 Lavatories shall be located within the toilet room or within an anteroom or vestibule serving the toilet room.

3101.5 The Department may permit in existing businesses the continuing location of existing lavatories outside, but immediately adjacent to, the toilet room.

3102 EMPLOYEE ACCOMMODATIONS - DESIGNATED AREAS

3102.1 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.

3102.2 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.

- 3103 **DISTRESSED MERCHANDISE – SEGREGATION AND LOCATION**
- 3103.1 Products that are held by the licensee for credit, redemption, or return to the distributor, including 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.
- 3104 **REFUSE, RECYCLABLES, AND RETURNABLES – RECEPTACLES, WASTE HANDLING UNITS AND DESIGNATED STORAGE AREAS**
- 3104.1 Units, receptacles, and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified in section 2709.

**CHAPTER 32 MAINTENANCE AND OPERATION OF
PHYSICAL FACILITIES**

- 3200 **PHYSICAL FACILITIES – REPAIRING**
- 3200.1 The physical facilities shall be maintained in good repair.
- 3201 **PHYSICAL FACILITIES – CLEANING FREQUENCY AND RESTRICTIONS**
- 3201.1 The physical facilities shall be cleaned as often as necessary to keep them clean.
- 3201.2 Cleaning shall be done after closing or during periods when the least amount of food is exposed such as after closing. This section does not apply to cleaning that is necessary due to a spill or other accident.
- 3202 **PHYSICAL FACILITIES – CLEANING FLOORS, DUSTLESS METHODS**
- 3202.1 Except as specified in section 3202.2, only wet cleaning, vacuum cleaning, mopping with treated dust mops, sweeping using a broom and dust-arresting compounds or other dustless methods of cleaning shall be used to clean floors.
- 3202.2 Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:
- (a) Without the use of dust-arresting compounds; and

- (b) In the case of liquid spills or drippage, with the use of a small amount of sawdust or diatomaceous earth or other absorbent compound applied immediately before spot cleaning.

**3203 PHYSICAL FACILITIES – CLEANING VENTILATION SYSTEMS,
NUISANCE AND DISCHARGE PROHIBITION**

3203.1 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.

3203.2 If vented to the outside, ventilation systems shall not create a public health hazard or nuisance or unlawful discharge.

**3204 PHYSICAL FACILITIES – CLEANING MAINTENANCE TOOLS,
PREVENTING CONTAMINATION***

3204.1 Food preparation sinks, handwashing lavatories, and warewashing equipment shall not be used to clean maintenance tools, to prepare or hold maintenance materials, or the disposal of mop water and similar liquid wastes.

3205 PHYSICAL FACILITIES – DRYING MOPS

3205.1 After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

**3206 PHYSICAL FACILITIES – ABSORBENT MATERIALS ON FLOORS, USE
LIMITATION**

3206.1 Except as specified in section 3202.2, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used on floors.

**3207 PHYSICAL FACILITIES – MAINTAINING AND USING HANDWASHING
FACILITIES**

3207.1 Handwashing lavatories shall be kept clean and maintained, and used as specified in section 2414.

3208 PHYSICAL FACILITIES – CLOSING TOILET ROOM DOORS

3208.1 Toilet room doors as specified in section 2911 shall be kept closed except during cleaning and maintenance operations.

3209 PHYSICAL FACILITIES – USING DRESSING ROOMS AND LOCKERS

- 3209.1 Employees shall use dressing rooms if the employees regularly change their clothes in the establishment.
- 3209.2 Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

3210 PHYSICAL FACILITIES – CONTROLLING PESTS*

- 3210.1 The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:
- (a) Routinely inspecting incoming shipments of food and supplies;^N
 - (b) Routinely inspecting the premises for evidence of pests;^N
 - (c) Using methods, if pests are found, such as trapping devices or other means of pest control as specified in sections 3402, 3410 and 3411; and
 - (d) Eliminating harborage conditions.^N
- 3210.2 The licensee shall maintain a copy of the establishment's professional service contract and service schedule, which documents the following information:
- (a) Name and address of its licensed pest exterminator / contractor;
 - (b) Frequency of pest extermination services provided under the contract; and
 - (c) Date pest extermination services were last provided to the establishment.

3211 PHYSICAL FACILITIES – REMOVING DEAD OR TRAPPED BIRDS, INSECTS, RODENTS, AND OTHER PESTS

- 3211.1 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.

3212 PHYSICAL FACILITIES – STORING MAINTENANCE TOOLS

- 3212.1 Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:
- (a) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and

- (b) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

3213 PHYSICAL FACILITIES – MAINTAINING PREMISES, UNNECESSARY ITEMS AND LITTER

3213.1 The premises shall be free of:

- (a) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and
- (b) Litter.

3214 PHYSICAL FACILITIES – PROHIBITING ANIMALS*

3214.1 Except as otherwise permitted in this section, live animals shall not be allowed on the premises of a food establishment.

3214.2 Live animals are permitted in the following situations if the contamination of food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles cannot result:

- (a) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, or shellfish and crustacea in display tank systems;
- (b) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- (c) 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 a disabled employee or person if a health or safety hazard will not result from the presence or activities of the service animal;
- (d) Pets in the common dining areas of group residences at times other than during meals if:
 - (1) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
 - (2) Condiments, equipment; and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
 - (3) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

- (e) 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.

3214.3 Live or dead fish bait shall be stored if contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result.

SUBTITLE G: POISONOUS OR TOXIC MATERIALS**CHAPTER 33 LABELING AND IDENTIFICATION OF
POISONOUS OR TOXIC MATERIALS****3300 ORIGINAL CONTAINERS – IDENTIFYING INFORMATION, PROMINENCE***

3300.1 Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

3301 WORKING CONTAINERS – COMMON NAME*

3301.1 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.

**CHAPTER 34 OPERATIONAL SUPPLIES AND
APPLICATIONS OF POISONOUS OR TOXIC MATERIALS****3400 STORAGE – SEPARATION***

3400.1 Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (a) Separating the poisonous or toxic materials by physically separating or partitioning by a wall or structure; and
- (b) 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 paragraph 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.

3401 PRESENCE AND USE – RESTRICTION*

3401.1 Only those poisonous or toxic materials that are required for the operation and maintenance of a food 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 establishment.

3401.2 Section 3401.1 does not apply to packaged poisonous or toxic materials that are for retail sale.

3402 PRESENCE AND USE – CONDITIONS OF USE*

3402.1 Poisonous or toxic materials shall be used according to:

- (a) The Pesticide Operations Act of 1977 (DC Law 2-70; 20 DCMR Chapters 22-25), and this Code;
- (b) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state use is allowed in a food establishment; and
- (c) The conditions of certification, if certification is required, for use of the pest control materials.

3402.2 Poisonous or toxic materials shall be applied so that:

- (a) A hazard to employees or other persons is not constituted;
- (b) 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
- (c) For restricted-use pesticide contamination is prevented by:
 - (1) Removing items listed in paragraph (b);
 - (2) Covering items listed in paragraph (b) with impermeable covers;
 - (3) Taking other appropriate preventive actions; and
 - (4) Cleaning and sanitizing equipment and utensils after the application.

3402.3 Restricted-use pesticides shall be applied only by a certified applicator as defined in the Pesticide Operations Act of 1977 (DC Law 2-70; 20 DCMR Chapters 22-25).

3403 CONTAINER PROHIBITIONS – POISONOUS OR TOXIC MATERIAL CONTAINERS*

3403.1 A container previously used to store poisonous or toxic materials shall not be used to store, transport, or dispense food.

3404 CHEMICALS – SANITIZERS, CRITERIA*

3404.1 Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements of 21 CFR 178.1010 – Sanitizing Solutions.

3405 CHEMICALS FOR WASHING FRUITS AND VEGETABLES, CRITERIA*

3405.1 Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements of 21 CFR 173.315 – Chemicals used in washing or to assist in the peeling of fruits and vegetables.

3406 CHEMICALS – BOILER WATER ADDITIVES, CRITERIA*

3406.1 Chemicals used as boiler water additives shall meet the requirements of 21 CFR 173.310 – Boiler Water Additives.

3407 CHEMICALS – DRYING AGENTS, CRITERIA*

3407.1 Drying agents used in conjunction with sanitization shall contain only components that are listed as one of the following:

- (a) Generally recognized as safe for use in food as specified in 21 CFR Part 182 – Substances Generally Recognized as Safe or 21 CFR Part 184 – Direct Food Substances Affirmed as Generally Recognized as Safe;
- (b) Generally recognized as safe for the intended use as specified in 21 CFR Part 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe;
- (c) Approved for use as a drying agent under a prior sanction specified in 21 CFR Part 181 – Prior-Sanctioned Food Ingredients;
- (d) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 175-178; or
- (e) 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.

3407.2 When sanitization is used with chemicals, the approval required in section 3407.1(c) or 3407.1(e) or the regulation as an indirect food additive required in section 3407.1(d) shall be specifically for use with chemical sanitizing solutions.

3408 LUBRICANTS – INCIDENTAL FOOD CONTACT, CRITERIA*

3408.1 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.

3409 PESTICIDES – RESTRICTED USE PESTICIDES, CRITERIA*

3409.1 Restricted use pesticides specified in section 3402.3 shall meet the requirements specified in 40 CFR Part 152 Subpart I – Classification of Pesticides.

3410 PESTICIDES – RODENT BAIT STATIONS*

3410.1 Rodent bait shall be contained in a covered, tamper-resistant bait station.

3411 PESTICIDES – TRACKING POWDERS, PEST CONTROL AND MONITORING*

3411.1 A tracking powder pesticide may not be used in a food establishment.

3411.2 A nontoxic tracking powder such as talcum or flour may be used in a food establishment if its use does not contaminate food, equipment, utensils, linens, and single-service and single-use articles.^N

3412 MEDICINES – RESTRICTION AND STORAGE*

3412.1 Only those medicines that are necessary for the health of employees shall be allowed in a food establishment. This section does not apply to medicines that are stored or displayed for retail sale.

3412.2 Medicines that are in a food establishment for the employees' use shall be labeled as specified in section 3300 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

3413 MEDICINES – REFRIGERATED MEDICINES, STORAGE*

3413.1 Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be:

- (a) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and
- (b) Located so they are inaccessible to children.

3414 FIRST AID SUPPLIES - STORAGE*

3414.1 First aid supplies that are in a food establishment for the employees' use shall be:

- (a) Labeled as specified in section 3300; and
- (b) 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.

3415 OTHER PERSONAL CARE ITEMS - STORAGE

3415.1 Employees shall store their personal care items in separate cabinets or storage lockers specified in section 3010.2, except as specified in sections 3413 and 3414.

**CHAPTER 35 STOCK AND RETAIL SALE OF
POISONOUS OR TOXIC MATERIALS**

3500 STORAGE AND DISPLAY - SEPARATION*

3500.1 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:

- (a) Separating the poisonous or toxic materials by physically separating or partitioning by a wall or structure; and
- (b) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

SUBTITLE H: SPECIAL REQUIREMENTS

CHAPTER 36 MISCELLANEOUS HEALTH & SAFETY

Reserved

**CHAPTER 37 MOBILE STRUCTURES
& TEMPORARY STANDS**

Reserved

**CHAPTER 38 RESIDENTIAL KITCHENS IN BED & BREAKFAST
OPERATIONS**

3800 RESIDENTIAL KITCHENS – CODE APPLICABILITY

3800.1 Residential kitchens in bed & breakfast operations where the available guest bedrooms do not exceed (3) and the number of guests served do not exceed nine (9) are exempted from this Code, except that they must inform the consumer by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department.

3800.2 Residential kitchens in bed and breakfast operations where the available guest bedrooms are between four (4) and ten (10) and the number of guests served do not exceed eighteen (18) shall:

- (a) Obtain a food establishment license;
- (b) Comply with the requirements of this chapter as well as Subtitle I: Compliance & Enforcement, and Definitions;
- (c) Be exempted from Chapter 42, "Plan Submission and Approval" and only submit an intended menu with the application for a food establishment license; and

- (d) Comply with all other District laws and regulations as to construction and renovations.
- 3800.3 Residential kitchens in bed and breakfast operations where the available guest bedrooms are ten (10) or more shall comply with all provisions of this Code, and shall obtain a food establishment license.
- 3801 **RESIDENTIAL KITCHENS – FOOD SUPPLIES, PREPARATION, PROTECTION AND RESTRICTIONS**
- 3801.1 Food shall be prepared and protected in bed and breakfast operations in accordance with section 3800.
- 3801.2 Food shall be obtained from approved sources, shall be in sound condition, and be safe for human consumption. Foods which do not comply with this Code shall not be served to the public in accordance with section 3800.
- 3801.3 Food intended for public consumption shall either be stored separately or labeled from food intended for private use. A separate shelf or portion of a shelf within a refrigerator shall be an acceptable form of separate storage. Packaged foods shall meet the requirements in chapters 7, 11 and 33.
- 3801.4 Food, utensils and equipment shall be stored in a manner to avoid contamination.
- 3801.5 Potentially hazardous foods shall not be:
- (a) Cooled and reheated prior to service;
 - (b) Subjected to hot holding for more than two (2) hours; or
 - (c) Served as leftovers.
- 3801.6 All food temperature requirements of this Code shall be met. Hot and cold holding equipment shall be provided to maintain potentially hazardous foods at temperatures required in Subtitle C: Food.
- 3802 **RESIDENTIAL KITCHENS – PERSONAL HEALTH AND HYGIENE**
- 3802.1 Food employees shall conform to employee health and hygiene requirements in Chapters 3 and 4.
- 3803 **RESIDENTIAL KITCHENS – HANDWASHING AND TOILET ROOM FACILITIES**
- 3803.1 A soap dispenser and disposable towels for use in handwashing shall be provided at the kitchen sink. This sink shall not be used for handwashing after

toilet use but may be used for food preparation and warewashing provided it is cleaned and sanitized prior to and between use.

- 3803.2 A toilet room shall be available for use by food employees. Toilet rooms opening to the kitchen or dining area shall have adequate ventilation. Ventilation may be provided by window(s) or by mechanical means. A soap dispenser and disposable towels shall be provided for handwashing in toilet rooms used by food employees.

3804 RESIDENTIAL KITCHENS – EQUIPMENT AND UTENSILS

- 3804.1 All equipment and utensils shall be constructed of safe materials and maintained in good repair.
- 3804.2 All food contact surfaces, counters, sinks and work surfaces in the establishment shall be smooth, non-absorbent and easily cleanable.
- 3804.3 Food-contact surfaces of equipment, tableware and utensils shall be cleaned and sanitized prior to food preparation for the public and after each use in accordance with this Code.
- 3804.4 For manual cleaning and sanitizing of cooking equipment, utensils and tableware, three (3) compartment sinks shall be provided and used, or a two (2) compartment sink may be used if single service tableware is provided, or when an approved detergent sanitizer is used in accordance with sections 1601 and 1813.
- 3804.5 A domestic or home-style dishwasher may be used provided the following performance criteria are met:
- (a) The dishwasher effectively removes physical soil from all surfaces of dishes, equipment and utensils;
 - (b) On a daily basis, a maximum registering thermometer or a heat thermal label determines that the dishwasher's internal temperature is a minimum of 66°C (150°F) after the final rinse and drying cycle. Records of this testing shall be kept on file for thirty (30) days;
 - (c) The dishwasher is installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing utensils and tableware. A copy of the instructions must be available on the premises at all times;
 - (d) There is sufficient area or facilities such as portable dish tubs and drain boards for the proper handling of soiled utensils prior to washing and of cleaned utensils after sanitization; and

- (e) Equipment, utensils and tableware shall be air-dried.

3805 RESIDENTIAL KITCHENS – PHYSICAL FACILITIES

- 3805.1 Food service preparation and storage areas shall be constructed and maintained to prevent the entry of pests and other vermin in accordance with Chapter 32.
- 3805.2 Pets may be present on the premises, but shall be kept out of food preparation and dining areas during food preparation and service to the public.
- 3805.3 Laundry facilities may be present in the kitchen, but shall not be used during food preparation and service to the public.
- 3805.4 Cooking facilities in the kitchen shall not be available to guests.
- 3805.5 Impervious receptacles shall be provided for storage of garbage and refuse in accordance with Chapter 27.
- 3805.6 Hot and cold water under pressure shall be provided in accordance with Chapter 23.

CHAPTER 39 CATERERS

3900 CATERERS – ADDITIONAL LICENSING REQUIREMENTS

- 3900.1 An applicant for a license as a caterer shall provide the Department with information on the:
- (a) Sources of the food;
 - (b) Type and volume of food to be sold or otherwise provided;
 - (c) Equipment used to sell or otherwise provide the food; and
 - (d) Its base of operation.

3901 CATERERS – BASE OF OPERATION

- 3901.1 Each caterer shall have as its base of operations a food establishment that shall comply with the provisions of this Code, except that a facility holding a license as a residential kitchen shall not serve as the base of operation for a caterer.

3902 CATERERS - NOTIFICATION TO THE DEPARTMENT

- 3902.1 Each caterer shall notify the Department prior to serving any meal other than from its own food establishment and shall give written notice to the Department on a form provided by the Department either prior to or within seventy-two (72) hours after serving food other than from its own food establishment.
- 3902.2 A caterer whose food establishment is located outside the District shall provide a copy of its food establishment license prior to serving a meal in the District, if required by the Department.

CHAPTER 40 CATERED ESTABLISHMENTS**4000 CATERED ESTABLISHMENTS - CODE APPLICABILITY**

- 4000.1 Catered establishments including child development centers, adult day care establishments, nursing homes, schools, community residential establishments, and other institutions that receive food from an approved catering firm or other food establishment shall obtain a food establishment license.
- 4000.2 Catered establishments shall comply with the requirements of this chapter as well as Subtitle I: Compliance and Enforcement, and shall be exempted from Chapter 42, "Plan Submission and Approval".
- 4000.3 If a catered establishment serves only prepackaged, non-potentially hazardous snack foods the food establishment is exempted from this Code.
- 4000.4 If a catered establishment also prepares and serves potentially hazardous foods on the premise it shall comply with all provisions of this Code.

4001 CATERED ESTABLISHMENTS - STORAGE OF POTENTIALLY HAZARDOUS FOOD

- 4001.1 Catered establishments shall provide an approved refrigerator where storage of potentially hazardous food is required and the food cannot remain stored in the transport containers until served. Potentially hazardous food kept in the transport containers must be maintained at proper temperatures in accordance with Subtitle C.

4001.2 If milk is served, it shall be served in original individual commercially filled containers received from the distributor, from an approved bulk milk dispenser, or poured from a commercially filled container of not more than one (1) gallon capacity which when not in use shall be immediately refrigerated.

4002 CATERED ESTABLISHMENTS – RECEIPT OF TRANSPORTED INDIVIDUALLY PORTIONED SERVINGS

4002.1 When a catered establishment receives food that is prepared elsewhere and is transported hot or cold in individually portioned and protected servings, it shall have the following on the premises:

- (a) A food establishment license with the notation “Catered establishment - serving only”;
- (b) A certified limited food protection manager on site during periods in which food is received and served;
- (c) A copy of the contract with the caterer who is providing the food;
- (d) A hand sink with running water or chemically treated towelettes;
- (e) A mop sink located within the establishment;
- (f) Approved food transport containers for hot or cold foods; and
- (g) A thermometer and log for recording the temperatures of food upon receipt.

4003 CATERED ESTABLISHMENTS – RECEIPT OF HOT OR COLD TRANSPORTED READY-TO-SERVE FOODS IN BULK CONTAINERS

4003.1 When a catered establishment receives and distributes hot or cold food that is prepared elsewhere and transported ready-to-serve in bulk containers, it shall have the following on the premises:

- (a) A food establishment license with the notation “Catered establishment - serving only”;
- (b) A certified limited food protection manager on site during periods in which food is received and served;
- (c) A copy of the contract with the caterer who is providing the food;

- (d) A hand sink with hot and cold or tempered running water;
- (e) A mop sink located within the establishment;
- (f) A single compartment general-purpose sink;
- (g) A formica work surface or an equivalently durable table or counter surface;
- (h) Hot water generation and distribution systems sufficient to meet the peak hot water demands throughout the establishment pursuant to section 2305;
- (i) Approved food transport containers for hot or cold foods; and
- (j) A thermometer and log for recording the temperatures of food upon receipt.

4004 CATERED ESTABLISHMENTS - REHEATING TRANSPORTED COLD FOODS RECEIVED IN BULK CONTAINERS

4004.1 When a catered establishment reheats food that is prepared elsewhere and is transported cold in bulk containers, it shall have the following on the premises:

- (a) A food establishment license with the notation "Catered establishment;"
- (b) A certified food protection manager on site during periods in which food is received, reheated, and served;
- (c) A copy of the contract with the caterer who is providing the food;
- (d) A hand sink with hot and cold or tempered running water;
- (e) A mop sink located within the establishment;
- (f) A single compartment general-purpose sink;
- (g) A formica work surface or equivalently durable table or counter surface;
- (h) Hot water generation and distribution systems sufficient to meet the peak hot water demands throughout the establishment pursuant to section 2305;

- (i) Approved food transport containers for hot or cold foods;
- (j) An oven or microwave oven; and
- (k) A thermometer and log for recording the temperatures of food upon receipt.

**SUBTITLE I: COMPLIANCE & ENFORCEMENT,
AND DEFINITIONS****CHAPTER 41 CODE APPLICABILITY****4100 USE FOR INTENDED PURPOSE - PUBLIC HEALTH PROTECTION**

4100.1 The Department shall use this Code to promote the safeguarding of public health and ensure that food is safe, not adulterated, misbranded, or falsely advertised when offered to the consumer.

4100.2 In enforcing the provisions of this Code, the Department shall assess existing facilities or equipment that were in use before the effective date of this Code based on the following considerations:

- (a) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;
- (b) Whether food-contact surfaces comply with Chapter 14;
- (c) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with section 1600; and
- (d) The existence of a documented agreement with the licensee that the facilities or equipment will be replaced as specified in section 4310.8 or upgraded or replaced as specified in section 4310.9.

4101 PREVENTING HEALTH HAZARDS - PROVISION FOR CONDITIONS NOT ADDRESSED

4101.1 If necessary to protect against public health hazards or nuisances, the Department may impose specific requirements in addition to the requirements contained in this Code that are authorized pursuant to An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code §7-131).

4101.2 The Department shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to a license applicant or licensee and a copy shall be maintained in the Department's file.

4102 VARIANCES – CRITERIA, MODIFICATIONS AND WAIVERS

- 4102.1 The Department may grant a variance from the provisions of this Code, except as provided in section 4102.2.
- 4102.2 The Department may grant a variance if all of the following conditions are met, except as provided in section 4102.3:
- (a) The variance was requested in the manner prescribed by section 4103;
 - (b) The variance will have no adverse effect on public health, safety and the environment;
 - (c) The alternative measures to be taken, if any, are equivalent to or superior to those prescribed by this Code; and
 - (d) Strict compliance with the provisions of this Code would impose an undue burden on the applicant if the variance was not granted.
- 4102.3 A variance shall not be granted for or from:
- (a) Chapter 3, Food Employee/Applicant Health;
 - (b) Chapter 4, Personal Cleanliness of Food Employees;
 - (c) Chapter 5, Hygienic Practices of Employees and Food Employees;
 - (d) Sections 3210 - 3214, Physical Facilities – Controlling Pests; Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests; Storing Maintenance Tools; Maintaining Premises, Unnecessary Items and Litter; and Prohibiting Animals;
 - (e) Subtitle G, Poisonous or Toxic Materials; and
 - (f) Subtitle H, Special Requirements.

4103 VARIANCES – APPLICATION, JUSTIFICATION & DOCUMENTATION

- 4103.1 A variance shall be requested in writing and be accompanied by the appropriate fee.
- 4103.2 A request for a variance shall contain the following information, which shall be retained in the Department's file on the food establishment:
- (a) The specified provision(s) of this Code from which the variance is requested;
 - (b) The reasons why the requirements of the provision(s) cannot be met;

- (c) Alternative measures that will be taken to ensure a comparable degree of protection to public health, safety, and the environment if a variance is granted;
- (d) Whether a HACCP Plan, as specified in section 4202 is involved that includes information specified under section 4205 that is relevant to the variance request;
- (e) The length of time for which the variance is requested; and
- (f) A statement that the party applying for the variance will agree to comply with the terms of any variance, if one is granted.

4104 VARIANCES – ATTACHMENT OF CONDITIONS*

4104.1 In granting a variance, the Department may attach conditions that it determines are needed to protect the public health, safety and the environment.

4104.2 If the Department grants a variance as specified in section 4102, or a HACCP Plan is otherwise required as specified in section 4202, the licensee shall:

- (a) Comply with the HACCP Plan and procedures submitted and approved as the basis for the variance; and
- (b) Maintain, and provide to the Department upon request, records specified in section 4205.1(d) and (e) that demonstrate the following are routinely used:
 - (1) Procedures for monitoring critical control points;
 - (2) The actual monitoring of the critical control points;
 - (3) Methods for verifying the effectiveness of an operation or process; and
 - (4) Necessary corrective actions if there is failure at a critical control point.

4105 VARIANCES – EFFECT OF ALTERNATIVE MEASURES OR CONDITIONS

4105.1 Alternative measures or conditions described in a variance shall have the force and effect of law.

4105.2 If a person violates any alternative measures or conditions described in a variance, the person shall be subjected to the enforcement actions and penalties provided in this Code.

4106 VARIANCES – NOTIFICATION OF DECISION TO GRANT, CHANGED CONDITIONS

- 4106.1 The Department shall notify the applicant in writing of its decision to grant or deny the variance.
- 4106.2 If a variance is granted, the notification shall specify the period of time for which the variance shall be effective and the alternative measures or conditions, if any, the applicant shall meet.
- 4106.3 A person to whom a variance has been issued shall notify the Department in writing within thirty (30) calendar days of a material change in the conditions upon which the variance was granted.

4107 VARIANCES – RENEWAL

- 4107.1 A request for the renewal of a variance shall be submitted to the Department in writing thirty (30) calendar days before its expiration date.
- 4107.2 Renewal requests shall contain the information specified in section 4103.
- 4107.3 The Department shall renew a variance if the food establishment continues to satisfy the criteria specified in section 4102 or the conditions set forth in section 4104 and demonstrates compliance with the alternative measures or conditions imposed at the time the original variance was approved.
- 4107.4 A variance may not be renewed if there has been a material change in the conditions upon which the variance was granted.

4108 VARIANCES – DENIAL, REVOCATION, OR REFUSAL TO RENEW

- 4108.1 The Department shall notify the person in writing of the denial, revocation or refusal to renew a variance if it determines that the criteria in section 4102 or the conditions in section 4104 are not met.
- 4108.2 The written notification denying, revoking, or refusing to renew a variance shall set out the person's right to a hearing in accordance with Chapter 48.

CHAPTER 42 PLAN SUBMISSION AND APPROVAL**4200 FACILITY AND OPERATING PLANS – WHEN REQUIRED**

4200.1 A license applicant or licensee shall submit to the Department for review and approval properly prepared plans and specifications as set out in the Department's Food License Application Guidance Packet, before:

- (a) The construction of a food establishment;
- (b) The conversion of an existing structure for use as a food establishment; or
- (c) Major renovation, remodeling or alteration of a food establishment or a change of type of food establishment or food operation as specified in Chapter 43 if the Department determines that plans and specifications are necessary to ensure compliance with this Code.

4200.2 Plans required by this section shall include specifications showing layout, arrangement, and construction materials to be used in the food operation, and the location, size, and type of fixed equipment and facilities.

4200.3 Plans, specifications, an application form, and the applicable fee, as set out in the Department's Food License Application Guidance Packet, shall be submitted at least thirty (30) calendar days before beginning construction, remodeling, or conversion of a food establishment.

4200.4 A license applicant or licensee operating mass gathering or special events food stands and retail food vehicles, mobile facilities, or carts is not required to submit plans and specifications.

4200.5 The Department shall approve the completed plans and specifications if they meet the requirements of this Code, and the Department shall report its findings to the license applicant or licensee within thirty (30) days of the date the completed plans are received.

4200.6 Plans and specifications that are not approved as submitted shall be changed to comply or be deleted from the project.

4201 FACILITY AND OPERATING PLANS – CONTENTS AND SPECIFICATIONS

4201.1 Based on the type of operation, type of food preparation, and foods prepared, the plans and specifications for a food establishment, including a food establishment specified in section 4202, shall include the following information to demonstrate conformance with Code provision:

- (a) Intended menu;
- (b) Anticipated volume of food to be stored, prepared, and sold or served;
- (c) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (d) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (e) A complete set of elevations and drawings for all custom fabricated equipment;
- (f) A functional flow plan indicating how food will be handled;
- (g) Evidence that standard procedures that ensure compliance with the requirements of this Code are developed or are being developed;
- (h) Evidence of an established food safety program such as an employee training manuals, standard operating procedures that ensure compliance with this Code; and
- (i) Other information that may be required before the Department may approve proposed plans for the construction, conversion, or modification, including but not limited to approvals by other District agencies.

4201.2 Used equipment shall be equivalent to the standards specified in Chapters 14 - 22 and approved by the Department before use.

4201.3 The Department shall approve the submitted plans and specifications if they meet the requirements of this Code. The Department shall report its findings to the licensee within thirty (30) calendar days of the date the submitted plans are received.

4201.4 Plans and specifications that are not approved as submitted shall be changed to comply with the Department's recommendations or this Code, or be deleted from the project.

4202 FACILITY AND OPERATING PLANS – TYPES OF ACTIVITIES THAT REQUIRE A HACCP PLAN

4202.1 The following activities require a license applicant or licensee to prepare a HACCP plan where:

- (a) A variance is being sought to serve raw or partially cooked animal foods, except whole muscle intact beef, without meeting the requirements of section 900.3;

- (b) A variance is required as specified in section 1010 for specialized processing;
- (c) A variance is required as specified in section 1522.2 for operating and maintaining molluscan shellfish tanks;
- (d) A variance is required as specified in section 717.3 for removing tags or labels from shellstock;
- (e) A variance is required as specified in section 1011 for reduced oxygen packaging; and
- (f) The Department determines that a food preparation or processing method requires a variance based on a plan submitted as specified in section 4201, or an inspectional finding, or a variance request.

4203 FACILITY AND OPERATING PLANS – WHEN MUST A HACCP PLAN BE SUBMITTED

4203.1 A license applicant or licensee shall submit to the Department for approval a properly prepared HACCP Plan as specified in section 4205 and the relevant provisions of this Code:

- (a) At the time of the license application and plan review, if the Department determines at that point that a HACCP Plan is required;
- (b) At the time of the license application or when the license applicant or licensee is seeking a variance or a variance is required based on inspectional findings; or
- (c) At the time of the license application or after a license is issued if the Department determines that a HACCP Plan is required.

4204 FACILITY AND OPERATING PLANS – COMPLIANCE WITH HACCP PLAN

4204.1 A licensee shall maintain and provide to the Department, on request, the records specified in section 4205.1(d) and (e) that demonstrate that the following are routinely employed:

- (a) Procedures for monitoring critical control points;
- (b) Monitoring of the critical control points;
- (c) Verification of the effectiveness of an operation or process; and
- (d) Necessary corrective actions if there is failure at a critical control point.

4205 FACILITY AND OPERATING PLANS – CONTENTS OF A HACCP PLAN

4205.1 For a food establishment that is required in sections 4202 and 4203 to have a HACCP Plan, the plan and specifications shall indicate:

- (a) A categorization of the types of potentially hazardous foods that are specified in the menu including, but not limited to, soups and sauces, salads, and bulk, solid foods such as meat roasts or other foods that are specified by the Department;
- (b) A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - (1) Ingredients, materials, and equipment used in the preparation of that food, and
 - (2) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (c) A food employee and supervisory training plan that addresses food safety issues;
- (d) A statement of standard operating procedures for the plan under consideration, including clearly identifying:
 - (1) Each critical control point;
 - (2) The critical limits for each critical control point;
 - (3) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;
 - (4) 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;
 - (5) Actions to be taken by the person in charge if the critical limits for each critical control point are not met; and
 - (6) Records to be maintained by the person in charge to demonstrate that the HACCP Plan is properly operated and managed; and
- (e) Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

4205.2 For a food establishment that is required in sections 4202.1(e) and 4203 to have a HACCP plan, the plan must be prepared as specified under section 1011 as indicated.

4206 CONFIDENTIALITY - TRADE SECRETS

4206.1 The Department shall treat as confidential, information that is contained in the plans and specifications submitted as specified in sections 4201 and 4205.

4207 CONSTRUCTION, INSPECTION AND APPROVAL - PREOPERATIONAL INSPECTIONS

4207.1 The Department shall conduct one (1) or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, has established standard operating procedures as specified in section 4201.1(g), and is in compliance with law and this Code.

CHAPTER 43 LICENSE TO OPERATE

4300 LICENSE REQUIREMENT - PREREQUISITE FOR OPERATION

4300.1 No person shall operate a food establishment without a valid license to operate issued by the Mayor.

4301 APPLICATION PROCEDURE - PERIOD FOR SUBMISSION

4301.1 An applicant shall submit an application for a license at least thirty (30) calendar days before the date planned for opening a food establishment or the expiration date of the current license for an existing facility.

4301.2 Licenses shall cover one (1) or two (2) year periods as provided by District law.

4301.3 Fees shall be prorated for licenses issued after beginning of the license period.

4302 APPLICATION PROCEDURE - FORM OF SUBMISSION

4302.1 An applicant shall submit a written application for a license on a form provided by the Department as set out in the Department's Food License Application Guidance Packet.

4303 APPLICATION PROCEDURE - QUALIFICATIONS AND RESPONSIBILITIES OF APPLICANTS

4303.1 To qualify for a license, an applicant shall:

- (a) Be an owner of the food establishment or an officer of the legal ownership;
- (b) Comply with sections 4302 - 4304 and all other requirements of this Code;
- (c) Agree to allow access to the food establishment and to provide required information, as specified in section 4402; and
- (d) Pay the applicable licensing fees.

4304 APPLICATION PROCEDURE - CONTENTS OF THE APPLICATION

4304.1 An application shall include the name, birth date, mailing address, telephone number, and signature of the person applying for the license and the name, mailing address, and location of the food establishment.

4304.2 An application shall include information specifying whether an association, corporation, individual, partnership, or other legal entity owns the food establishment.

4304.3 An application shall include a statement specifying whether the food establishment is mobile or stationary and temporary or permanent.

4304.4 An application shall include a statement specifying whether the food establishment prepares, offers for sale, or serves potentially hazardous food:

- (a) Only to order upon a consumer's request;
- (b) In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency; or
- (c) Using time as the public health control as specified in section 1009.

4304.5 An application shall include a statement specifying whether the food establishment prepares potentially hazardous food in advance using a food preparation method that involves two (2) or more steps which may include combining potentially hazardous ingredients, cooking, cooling, reheating, hot or cold holding, freezing, or thawing.

- 4304.6 An application shall include a statement specifying whether the food establishment prepares food as specified in section 4304.5 for delivery to and consumption at a location off the premises of the food establishment where it is prepared.
- 4304.7 An application shall include a statement specifying whether the food establishment prepares food under section 4304.5 for service to a highly susceptible population.
- 4304.8 An application shall include a statement specifying whether the food establishment prepares only food that is not potentially hazardous.
- 4304.9 An application shall include a statement specifying whether the food establishment does not prepare, but offers for sale only prepackaged food that is not potentially hazardous.
- 4304.10 An application shall include the name, title, address, and telephone number of the person directly responsible for the food establishment.
- 4304.11 An application shall include the name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified in section 4304.10 such as the zone, district, or regional supervisor.
- 4304.12 An application shall include the names, titles, and addresses of:
- (a) The persons comprising the legal ownership as specified in section 4304.2 including the owners and officers; and
 - (b) The local resident agent if one is required based on the type of legal ownership.
- 4304.13 An application shall include a statement signed by the applicant that attests to the accuracy of the information provided in the application, and affirms that the applicant will:
- (a) Comply with this Code; and
 - (b) Allow the Department access to the establishment as specified in section 4402 and to the records specified in sections 717 and 2416, and section 4205.1(d)(6).
- 4305 **ISSUANCE – NEW, CONVERTED, OR REMODELED ESTABLISHMENTS**
- 4305.1 For food establishments that are required to submit plans as specified in section 4200, the Department shall issue a license 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 as specified in section 4207 shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this Code.

4306 ISSUANCE REQUIREMENT - NOTICE OF OPENING

- 4306.1 The food establishment shall provide notice of opening to the Department at least fourteen (14) calendar days before the opening date.

4307 ISSUANCE - EXISTING ESTABLISHMENTS, LICENSE RENEWAL, AND CHANGE OF OWNERSHIP

- 4307.1 The Department may renew a license for an existing food establishment or may issue a license to a new owner of an existing food establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this Code.

4308 ISSUANCE - DENIAL OF APPLICATION FOR LICENSE, NOTICE

- 4308.1 If an application for a license to operate is denied, the Department shall provide the applicant with written notice that includes:
- (a) The specific reasons and legal authority for the license denial;
 - (b) The actions, if any, that the applicant must take to qualify for a license; and
 - (c) Advisement of the applicant's right to appeal and the process and time frames for appeal as prescribed in Chapter 48.

4309 CONDITIONS OF RETENTION - RESPONSIBILITIES OF THE DEPARTMENT

- 4309.1 The Department through its Food License Application Guidance Packet shall notify each license applicant how to obtain a copy of this Code so that the license applicant is aware of compliance requirements and the conditions of license retention as specified in section 4310.
- 4309.2 Failure to provide the information specified in section 4309.1 will not prevent the Department from taking authorized action or seeking remedies if the licensee fails to comply with this Code or an order, warning, or directive of the Department.

- 4310 CONDITIONS OF RETENTION – RESPONSIBILITIES OF THE LICENSEE**
- 4310.1 Upon acceptance of the license issued by the Department, the licensee in order to retain the license shall comply with sections 4310.2 - 4310.12.
- 4310.2 The licensee shall post the license and the most recent sanitation inspection in a location within the food establishment that is conspicuous to consumers.
- 4310.3 The licensee shall comply with the provisions of this Code including the conditions of a granted variance as specified in section 4105 and approved plans as specified in section 4201.
- 4310.4 If a food establishment is required in section 4202 to operate under a HACCP Plan, the licensee shall comply with the plan as specified in section 4105.
- 4310.5 The licensee shall immediately contact the Department to report an illness of an applicant or employee as specified in section 304.
- 4310.6 The licensee shall immediately discontinue operations and notify the Department if an imminent health hazard may exist as specified in section 4409.
- 4310.7 The licensee shall allow representatives of the Department access to the food establishment as specified in section 4402.
- 4310.8 The licensee shall replace existing facilities and equipment approved for use before the effective date of this Code as specified in section 4100, with facilities and equipment that comply with this Code, except as specified in section 4310.9 if:
- (a) The Department directs the replacement of existing facilities and equipment if the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted;
 - (b) The Department directs the replacement of the facilities and equipment when there is a change of ownership; or
 - (c) The licensee replaces the facilities and equipment in the normal course of operation.
- 4310.9 The licensee shall upgrade or replace refrigeration equipment as specified in section 1005.1(c) if the circumstances specified in section 4310.8(c) do not occur first or by December 30, 2009.

- 4310.10 The licensee shall comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the licensee's food establishment or in response to community emergencies.
- 4310.11 The licensee shall accept notices issued and served by the Department according to law.
- 4310.12 The licensee shall be subject to the administrative, civil, injunctive, and criminal remedies, authorized by the Food Regulation Amendment Act of 2002, effective May 2, 2002 (D.C. Law 14-116; D.C. Official Code §48-101 *et seq.*) for failure to comply with this Code or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.
- 4311 **CONDITIONS OF RETENTION – LICENSES NOT TRANSFERABLE**
- 4311.1 A license shall not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another if the food operation changes from the type of operation stated in the application, as specified in sections 4304.3 - 4304.9, and the change in operation is not approved.

CHAPTER 44 INSPECTION AND CORRECTION OF VIOLATIONS

4400 **FREQUENCY – RISK-BASED INSPECTION SCHEDULE**

- 4400.1 The Department shall inspect a food establishment based on a written risk-based inspection schedule that is uniformly applied throughout the District. The Department shall determine, by telephone or other means, that the establishment, its management and the nature of its food operation are not changed.
- 4400.2 The Department shall characterize each food establishment, according to the following risks, for the purpose of inspection frequency:
- (a) HIGH-RISK #5: Extensive handling of raw ingredients. Food processing at the retail level, e.g., smoking and curing; reduced oxygen packaging for extended shelf-life.
 - (b) HIGH-RISK #4: Extensive handling of raw ingredients. Preparation processes include the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods. Food processes include advanced preparation for next-day service. Category

would also include those facilities whose primary service population is immunocompromised.

- (c) MODERATE-RISK #3: Extensive handling of raw ingredients. Preparation process includes the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous food. Advance preparation for next-day service is limited to 2 or 3 items. Retail food operations include deli and seafood departments, establishments doing food processing at retail.
- (d) MODERATE-RISK #2: Limited menu (1 or 2 main items). Pre-packaged raw ingredients are cooked or prepared to order. Retail food operations exclude deli or seafood departments. Raw ingredients require minimal assembly. Most products are cooked/prepared and served immediately. Hot and cold holding of potentially hazardous foods is restricted to single meal service. Preparation processes requiring cooking, cooling, and reheating are limited to 1 or 2 potentially hazardous foods.
- (e) LOW-RISK #1: Primarily prepackaged nonpotentially hazardous foods. Limited preparation of hot dogs and frankfurters. Mobile ice cream operations.

4400.3 The Department may increase the interval between inspections if the food establishment is fully operating under an approved and validated HACCP Plan as specified in sections 4205, 4105.1, and 4105.2.

4400.4 The Department may inspect a food establishment less frequently if the establishment's operation involves only coffee service and other unpackaged or prepackaged food that is not potentially hazardous such as carbonated beverages and snack food such as chips, nuts, popcorn, and pretzels.

4400.5 The Department shall periodically inspect throughout its license period a temporary food establishment that prepares, sells, or serves unpackaged potentially hazardous food and that:

- (a) Has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control; or
- (b) Has inexperienced food employees.

4401 FREQUENCY - PERFORMANCE AND RISK-BASED FACTORS

- 4401.1 Within the parameters specified in section 4400, the Department shall prioritize, and conduct more frequent inspections based upon its assessment of a food establishment's history of compliance with this Code and the establishment's potential as a vector of foodborne illness by evaluating:
- (a) Past performance, for nonconformances with this Code or HACCP Plan requirements that are critical;
 - (b) Past performance, for numerous or repeat violations of this Code or HACCP Plan requirements that are noncritical;
 - (c) Past performance, for complaints investigated and found to be valid;
 - (d) The hazards associated with the particular foods that are prepared, stored, or served;
 - (e) The type of operation including the methods and extent of food storage, preparation, and service;
 - (f) The number of people served; and
 - (g) Whether the population served is a highly susceptible population.

4402 ACCESS - RIGHT OF ENTRY, DENIAL A MISDEMEANOR

- 4402.1 After representatives of the Department present official credentials and provide notice of the purpose of, and intent to conduct an inspection in accordance with this Code, the person in charge shall allow access to the Department during the food establishment's hours of operation and other reasonable times as determined by the Department, for one or more of the following purposes:
- (a) To determine if the food establishment is in compliance with this Code;
 - (b) To examine and sample the food; and
 - (c) To obtain information, and examine records on the premises relating to food purchased, received, or used by the food establishment.
- 4402.2 If a person denies access to the Department, the Department shall inform the person that:
- (a) The licensee is required to allow access to the Department as specified in section 4402.1;

- (b) Access is a condition of the acceptance and retention of a food establishment license to operate as specified in section 4310.7;
- (c) If access is denied, an inspection order allowing access may be obtained in accordance with District law, and
- (d) The Department is making a final request for access.

4402.3 If the Department presents credentials and provides notice as specified in 4402.1, explains the authority upon which access is requested, and makes a final request for access as specified in 4402.2, and the person in charge continues to refuse access, the Department shall provide details of the denial of access on an inspection report form.

4402.4 If denied access to a food establishment for an authorized purpose and after complying with 4402.2, the Department may issue, or apply for the issuance of, an inspection order to gain access as provided by District law.

4403 REPORT OF FINDINGS – DOCUMENTING INFORMATION AND OBSERVATIONS

4403.1 The form to be used for each food establishment inspection shall be designated by the Department and shall be incorporated by reference.

4403.2 The Department shall document on an inspection report form:

- (a) Administrative information about the food establishment's legal identity, street and mailing addresses, type of establishment and the nature of its operations as specified in section 4304, inspection date, and other information such as type of water supply and sewage disposal, status of the license, and personnel certificates that may be required; and
- (b) Specific factual observations of violative conditions or other deviations from this Code that require correction by the licensee including:
 - (1) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of this Code specified in section 201;
 - (2) Failure of food employees and the person in charge to demonstrate their knowledge of their responsibility to report a disease or medical condition as specified in sections 303 and 304;
 - (3) Nonconformance with critical items of this Code;

- (4) Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the Department as specified in section 4104;
- (5) Failure of the person in charge to provide records required by the Department for determining conformance with a HACCP Plan as specified in section 4205.1(d)(6); and
- (6) Nonconformance with critical limits of a HACCP Plan.

4404 REPORT OF FINDINGS - SPECIFYING TIME FRAME FOR CORRECTIONS

4404.1 The Department shall specify on the inspection report form the time frame for correction of the violations as specified in sections 4409, 4411, and 4413.

4405 REPORT OF FINDINGS - ISSUING REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT

4405.1 At the conclusion of the inspection and according to this Code, the Department shall provide a copy of the completed inspection report and the notice to correct violations to the licensee or to the person in charge, and request a signed acknowledgment of receipt.

4406 REPORT OF FINDINGS - REFUSAL TO SIGN ACKNOWLEDGMENT

4406.1 The Department shall inform a person who declines to sign an acknowledgment of receipt of inspectional findings as specified in section 4405 that:

- (a) An acknowledgment of receipt is not an agreement with finding;
- (b) Refusal to sign an acknowledgment of receipt will not affect the licensee's obligation to correct the violations noted in the inspection report within the time frames specified; and
- (c) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Department's historical record for the food establishment.

4406.2 The Department shall make a final request that the person in charge sign an acknowledgment receipt of inspection findings.

4407 REPORT OF FINDINGS - PUBLIC INFORMATION

4407.1 The Department shall keep and maintain a record of each inspection made of any food establishment within the District.

4407.2 The Department shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it as provided in the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §2-501 et seq.), except as provided in section 4206.

4407.3 The Department shall maintain the following information:

- (a) Total number of licensed food establishments by category;
- (b) Number of yearly inspections by category;
- (c) Number of reinspections by category;
- (d) Number of hearings;
- (e) Number of license suspensions;
- (f) Number of license revocations;
- (g) Number of foodborne illness complaints investigated (including the number of cases involving more than two (2) persons and the total number of persons involved);
- (h) Number of general complaints investigated;
- (i) Number and types of variances issued;
- (j) Total number of sanitarians; and
- (k) Other information the Department may deem necessary.

4408 REPORT OF FINDINGS – CERTIFICATE OF ACHIEVEMENT

4408.1 The Department shall develop and implement an annual Certificate of Achievement based on objective criteria during an annual rating period.

4408.2 A licensee who is awarded an annual Certificate of Achievement may post it in the same location where the license is displayed.

4408.3 Upon notification by the Department that the licensee fails to meet the requirements for the annual Certificate of Achievement, the licensee shall remove the out-dated certificate.

4409 IMMINENT HEALTH HAZARD – CEASING OPERATIONS AND EMERGENCY REPORTING

4409.1 A licensee shall immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic

materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

4410 IMMINENT HEALTH HAZARD - RESUMPTION OF OPERATIONS

4410.1 If operations are discontinued as specified in section 4409 or otherwise according to applicable D.C. laws and regulations, the licensee shall obtain approval from the Department before resuming operations.

4411 CRITICAL VIOLATION - TIME FRAME FOR CORRECTION

4411.1 A licensee shall, at the time of inspection, correct a critical violation of this Code and implement corrective actions for a HACCP Plan provision that is not in compliance with its critical limit, except as specified in section 4411.2.

4411.2 The Department may consider the nature of the potential hazard involved and the complexity of the corrective action needed and agree to or specify a longer time frame, not to exceed five (5) calendar days after the inspection, for the licensee to correct critical violation of this Code or HACCP Plan deviations.

4411.3 Violations of this section may subject a licensee to an embargo order pursuant to section 4702, a condemnation order pursuant to section 4709, summary suspension of license pursuant to section 4714, revocation or suspension of license pursuant to section 4719, civil penalties pursuant to section 4720, and judicial remedies pursuant to section 4722.

4412 CRITICAL VIOLATION - VERIFICATION AND DOCUMENTATION OF CORRECTION

4412.1 After observing at the time of inspection a correction of a critical violation or deviation, the Department shall enter the violation and information about the corrective action on the inspection report.

4412.2 After receiving notification that the licensee has corrected a critical violation or HACCP Plan deviation, or at the end of the specified period of time as stated in section 4411.2, the Department shall verify correction of the violation, document the information on an inspection report, and enter the report in the Department's records.

4413 NONCRITICAL VIOLATION - TIME FRAME FOR CORRECTION

4413.1 The licensee shall correct noncritical violations by a date and time agreed to or specified by the Department but no later than forty-five (45) calendar days after the inspection, except as specified in section 4413.2.

- 4413.2 The Department may approve a compliance schedule that extends beyond the time limits specified in section 4413.1 if the licensee submits a written schedule of compliance and no health hazard exists or will result from allowing an extended schedule for compliance.
- 4413.3 Violations of this section may subject a licensee to revocation or suspension of license pursuant to section 4719, civil penalties pursuant to section 4720, and judicial remedies pursuant to section 4722.
- 4414 REQUEST FOR REINSPECTION**
- 4414.1 If a license is suspended pursuant to section 4714, Summary License Suspension or section 4719, License Revocation or Suspension because of violations of this Code, the licensee shall submit a written request for reinspection.
- 4414.2 Upon receipt of a request for reinspection, the Department shall perform the reinspection of the food establishment within three (3) calendar days of receipt of the request.
- 4414.3 A food establishment shall not resume operation or remove from public view any warning or most recent sanitation inspection results until such time as the Department has reinspected the food establishment and certified that it is in compliance with this Code.

**CHAPTER 45 PREVENTION OF FOODBORNE DISEASE
TRANSMISSION BY EMPLOYEES**

**4500 INVESTIGATION AND CONTROL – OBTAINING INFORMATION,
ILLNESSES**

- 4500.1 The Department shall, when it has probable cause to believe that a food employee: has transmitted a disease; is infected with a disease in a communicable form that is transmissible through food; is a carrier of an infectious agent that causes a disease that is transmissible through food; or is affected with a boil, an infected wound, or acute respiratory infection:
- (a) Secure a confidential medical history of the employee suspected of transmitting disease or making other investigations as deemed appropriate; and
 - (b) Require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected employee and other employees.

4501 INVESTIGATION AND CONTROL – RESTRICTION OR EXCLUSION OF FOOD EMPLOYEE OR SUMMARY SUSPENSION OF LICENSE

4501.1 Based on the findings of an investigation related to a food employee who is suspected of being infected or diseased, or a carrier of an infectious agent that causes a disease that is transmissible through food, the Department may issue an order to the suspected employee or licensee instituting one (1) or more of the following control measures:

- (a) Restricting the food employee's services to specific areas and tasks in a food establishment that present no risk of transmitting the disease;
- (b) Excluding the food employee from a food establishment; or
- (c) Closing the food establishment by summarily suspending a license to operate in accordance with this Code.

4502 INVESTIGATION AND CONTROL – RESTRICTION OR EXCLUSION ORDER

4502.1 Based on the findings of the investigation as specified in section 4500 and to control disease transmission, the Department may issue an order of restriction or exclusion to a suspected food employee or the licensee without prior warning, notice of a hearing, or a hearing if the order recites:

- (a) The reasons for the restriction or exclusion that is ordered;
- (b) The requirement that the food employee or licensee shall provide evidence demonstrating that the reasons for the restriction or exclusion have been eliminated;
- (c) That the suspected food employee or the licensee may request a hearing by submitting a timely request as provided in the Code at section 4719; and
- (d) The name and address of the Department representative to whom a request for a hearing may be made.

4503 INVESTIGATION AND CONTROL – RELEASE OF FOOD EMPLOYEE FROM RESTRICTION OR EXCLUSION

4503.1 The Department shall release a food employee who was infected with *Salmonella Typhi* from restriction or exclusion, if the food employee's stools are negative for *Salmonella Typhi* based on testing of at least three (3) consecutive stool specimen cultures that are taken:

- (a) Not earlier than one (1) month after onset;

(b) At least forty-eight (48) hours after discontinuance of antibiotics; and

(c) At least twenty-four (24) hours apart.

4503.2 If one (1) of the cultures taken as specified in section 4503.1 is positive, repeat cultures are to be taken at intervals of one (1) month until at least three (3) consecutive negative stool specimen cultures are obtained.

4503.3 The Department shall release a food employee who was infected with *Shigella* spp. or *Escherichia coli* O157:H7 from restriction or exclusion according to this Code and the following conditions, if the food employee's stools are negative for *Shigella* spp. or *Escherichia coli* O157:H7 based on testing of two (2) consecutive stool specimen cultures that are taken:

(a) Not earlier than forty-eight (48) hours after discontinuance of antibiotics; and

(b) At least twenty-four (24) hours apart.

4503.4 The Department shall release a food employee who was infected with hepatitis A virus from restriction or exclusion if:

(a) Symptoms cease; or

(b) At least two (2) blood tests show falling liver enzymes.

CHAPTER 46 NOTICES

4600 SERVICE OF NOTICE – PROPER METHODS

4600.1 A notice issued in accordance with this Code shall be deemed properly served if it is served by one of the following methods:

(a) The notice is personally served by the Department, a law enforcement officer, or person authorized to serve a civil process and service is made to the licensee, the person in charge, or person operating a food establishment without a license;

(b) The notice is sent by the Department to the last known address of the licensee or person operating a food establishment without a license, or by other public means so that a written acknowledgment of receipt may be acquired; or

- (c) For civil infraction penalties, the notice is provided by the Department in accordance with 16 DCMR 3102.

4601 SERVICE OF NOTICE – RESTRICTION OR EXCLUSION, EMBARGO, CONDEMNATION, OR SUMMARY SUSPENSION ORDERS

4601.1 An employee restriction or exclusion order, embargo order, condemnation order, or a summary suspension order shall be:

- (a) Served as specified in section 4600.1(a); or
- (b) Clearly posted by the Department at a public entrance to the food establishment and a copy of the notice sent by first class mail to the licensee or the owner or custodian of the food, as appropriate.

4602 SERVICE OF NOTICE – WHEN NOTICE IS EFFECTIVE

4602.1 Service is effective at the time of the notice's receipt or if service is made as specified in section 4601.1(b), at the time of the notice's posting.

4603 SERVICE OF NOTICE – PROOF OF PROPER SERVICE

4603.1 Proof of proper service may be made by certificate of service signed by the person making service or by admission of a return receipt, certificate of mailing or a written acknowledgment signed by the licensee, the person operating a food establishment without a license to operate, or an authorized agent.

CHAPTER 47 REMEDIES

4700 CRITERIA FOR SEEKING REMEDIES – CONDITIONS WARRANTING REMEDY

4700.1 The Department may seek an administrative or judicial remedy to achieve compliance with the provisions of this Code if a person operating a food establishment or employee:

- (a) Fails to have a valid license to operate a food establishment as specified in section 4300;
- (b) Violates any term or condition of a license as specified in section 4310;

- (c) Allows serious or repeat Code violations to remain uncorrected beyond time frames for correction approved, directed, or ordered by the Department as specified in sections 4412 and 4413;
- (d) Fails to comply with a Department order issued as specified in section 4502 concerning an employee suspected of having a disease transmissible through food by an infected person;
- (e) Fails to comply with an embargo or condemnation order as specified in this Chapter;
- (f) Fails to comply with a summary suspension order by the Department as specified in this Chapter; or
- (g) Fails to comply with an order issued as a result of an administrative hearing.

4700.2 The Department may simultaneously use one or more of the remedies listed in this Chapter to address a violation of this Code.

4701 ADMINISTRATIVE – EXAMINING, SAMPLING, AND TESTING FOOD

4701.1 The Department may collect, without cost, and examine samples as necessary in order to determine compliance with this Code.

4702 ADMINISTRATIVE – EMBARGO ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF FOOD

4702.1 The Department may embargo and forbid the sale of, or cause to be destroyed, any food that:

- (a) May be unsafe, adulterated, or not honestly presented;
- (b) Is not prepared, processed, handled, packaged, transported, or stored in compliance with this Code;
- (c) Originated from an unapproved source;
- (d) Is not labeled according to law, or if raw molluscan shellfish, is not tagged or labeled as specified in sections 713.2 and 714.4; or
- (e) Is otherwise not in compliance with this Code.

4703 ADMINISTRATIVE - EMBARGO ORDER, CONTENTS

4703.1 The embargo order notice shall:

- (a) State that food subject to the order may not be used, sold, moved from the food establishment, or destroyed without a written release of the order from the Department;
- (b) State the specific reasons for placing the food under the embargo order with reference to the applicable provisions of this Code and the hazard or adverse effect created by the observed condition;
- (c) Completely identify the food subject to the embargo order by the common name, the label information, a container description, the quantity, the Department's tag or identification information, and location;
- (d) State that the licensee has the right to a hearing and may request a hearing by submitting a timely request in accordance with Chapter 48, which does not stay the Department's imposition of the embargo;
- (e) State that the Department may order the destruction of the food if a timely request for a hearing is not received; and
- (f) Provide the name and address of the Department representative to whom a request for a hearing may be made.

4704 ADMINISTRATIVE - EMBARGO ORDER, OFFICIAL TAGGING OF FOOD

4704.1 The Department shall securely place an official tag or label on the food or containers or otherwise conspicuously identify food subject to the embargo order.

4704.2 The tag or other method used to identify a food that is the subject of an embargo order shall include a summary of the provisions specified in section 4702 and shall be signed and dated by the Department.

4705 ADMINISTRATIVE - EMBARGO ORDER, FOOD MAY NOT BE USED OR MOVED

4705.1 A food placed under an embargo order may not be used, sold, served, or moved from the establishment by any person, except as specified in section 4705.2.

- 4705.2 The Department may allow the licensee the opportunity to store the food in an area of the food establishment if the food is protected from subsequent deterioration and the storage does not restrict operations of the establishment.
- 4706 ADMINISTRATIVE – EMBARGO ORDER, REMOVING THE OFFICIAL TAG**
- 4706.1 Only the Department may remove embargo order tags, labels, or other identification from food subject to an embargo order.
- 4707 ADMINISTRATIVE – EMBARGO ORDER, DESTROYING OR DENATURING FOOD**
- 4707.1 If an embargo order is sustained pursuant to a hearing or if a timely request for a hearing is not filed, the Department may order the licensee or other person who owns or has custody of the food to bring the food into compliance with this Code or to destroy or denature the food under the Department's supervision.
- 4708 ADMINISTRATIVE – EMBARGO ORDER, WARNING OR HEARING NOT REQUIRED**
- 4708.1 The Department may issue an embargo order to a licensee or to a person who owns or controls the food, as specified in section 4601, without prior warning, notice of a hearing, or a hearing on the embargo order.
- 4708.2 The licensee shall have a right to request a hearing within fifteen (15) days of receiving an embargo order. The Department shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. The request for a hearing shall not act as a stay of the embargo action.
- 4709 ADMINISTRATIVE – CONDEMNATION ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF EQUIPMENT, UTENSILS AND LINENS**
- 4709.1 The Department may condemn and cause to be removed any equipment, utensils or linens found in a food establishment, the use of which does not comply with this Code, or that is being used in violation of this Code, or that because of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.
- 4710 ADMINISTRATIVE – CONDEMNATION ORDER, CONTENTS**
- 4710.1 The condemnation order shall:
- (a) State that the equipment, utensils or linens subject to the order may not be used, sold, moved from the food establishment, or destroyed without a written release of the order from the Department.

- (b) State the specific reasons for placing the equipment, utensils or linens under the condemnation order with reference to the applicable provisions of this Code and the hazard or adverse effect created by the observed condition;
- (c) Completely identify the equipment, utensils, or linens subject to the condemnation order by the common name, the label or manufacturer's information, description of the item, the quantity, the Department's tag or identification information, and location;
- (d) State that the licensee has the right to a hearing and may request a hearing by submitting a timely request in accordance with Chapter 48, which request does not stay the Department' imposition of the condemnation order;
- (e) State that the Department may order the destruction, replacement or removal of the equipment, utensils or linens if a timely request for a hearing is not received; and
- (f) Provide the name and address of the Department representative to whom a request for a hearing may be made.

4711 ADMINISTRATIVE – CONDEMNATION ORDER, OFFICIAL TAGGING OF EQUIPMENT, UTENSILS AND LINENS

- 4711.1 The Department may place a tag to indicate the condemnation of equipment, utensils, or linens that do not meet the requirements of this Code.
- 4711.2 The tag or other method used to identify the equipment, utensils, or linens that is the subject of a condemnation order shall include a summary of the provisions specified in section 4710 and shall be signed and dated by the Department.

4712 ADMINISTRATIVE – CONDEMNATION ORDER – REMOVING THE OFFICIAL TAG

- 4712.1 No person shall remove the tag except under the direction of the Department as specified in section 4712.2.
- 4712.2 The Department shall issue a notice of release from a condemnation order and shall remove condemnation tags, labels, or other identification from equipment, utensils and linens if:
 - (a) The condemnation order is vacated; or
 - (b) The licensee notifies the Department that the equipment, utensils and linens have been modified to meet the National Sanitation Foundation (NSF) or NSF equivalent standards and requirements of this Code and after the Department has conducted a re-inspection.

4213 ADMINISTRATIVE - CONDEMNATION ORDER, WARNING OR HEARING NOT REQUIRED

4713.1 The Department may issue a condemnation order to a licensee or to a person who owns or controls the equipment, utensils or linens as specified in section 4601, without prior warning, notice of a hearing, or a hearing on the condemnation order.

4713.2 The licensee shall have the right to request a hearing within fifteen (15) days of receiving a Department condemnation order. The Department shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. The request for a hearing shall not act as a stay of the condemnation action.

4714 ADMINISTRATIVE - SUMMARY LICENSE SUSPENSION CONDITIONS WARRANTING ACTION

4714.1 The Department may summarily suspend a license to operate a food establishment if it determines through inspection, or examination of employees, food, records, or other means as specified in this Code, that an imminent health hazard exists.

4715 ADMINISTRATIVE - CONTENTS OF SUMMARY SUSPENSION NOTICE

4715.1 A summary suspension notice shall state:

- (a) That the food establishment license is immediately suspended and that all operations shall immediately cease;
- (b) The reasons for summary suspension with reference to the provisions of this Code that are in violation;
- (c) The name and address of the Department representative to whom a written request for reinspection may be made and who may certify that reasons for the suspension are eliminated; and
- (d) That the licensee may request a hearing by submitting a timely request in accordance with section 4716, which request does not stay the Department's imposition of the summary suspension notice.

4716 ADMINISTRATIVE - SUMMARY SUSPENSION, WARNING OR HEARING NOT REQUIRED

4716.1 The Department may summarily suspend a person's license as specified in section 4714 by providing written notice as specified in section 4601 of the summary suspension to the licensee or person in charge, without prior warning, notice of a hearing, or a hearing.

4716.2 The licensee shall have the right to request a hearing within fifteen (15) days of receiving the Department's summary suspension notice. The Department shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. The request for a hearing shall not act as a stay of the summary suspension action.

4717 ADMINISTRATIVE – SUMMARY SUSPENSION, TIME FRAME FOR REINSPECTION

4717.1 After receiving a written request from the licensee stating that the conditions cited in the summary suspension order no longer exist, the Department shall conduct a reinspection of the food establishment for which the license was summarily suspended within three (3) calendar days during which the Department's office is open to the public.

4718 ADMINISTRATIVE – SUMMARY SUSPENSION, TERM OF SUSPENSION, REINSTATEMENT

4718.1 A summary suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the Department through re-inspection and other means as appropriate.

4718.2 The suspended license shall be reinstated if the Department determines that the public health hazard or nuisance no longer exists. A notice of reinstatement shall be provided to the licensee or person in charge.

4719 ADMINISTRATIVE – LICENSE REVOCATION OR SUSPENSION

4719.1 Failure to comply with any of the provisions of this chapter shall be grounds for the revocation or suspension of any license issued for a food establishment pursuant to the Food Regulation Amendment Act of 2002, effective May 2, 2002 (D.C. Law 14-116; D.C. Official Code §48-101 *et seq.*). When there is a history of repeated violations or where a license has been previously suspended, the Mayor may revoke a license, upon a showing of a subsequent violation.

4719.2 Before the Department revokes or suspends a food establishment license, the licensee shall be given an opportunity to answer and to be heard on the charges.

4720 ADMINISTRATIVE – CIVIL PENALTIES

4720.1 Civil fines, penalties, or related costs may be imposed against any food establishment, owner or person in charge for violation of any provision of this Code.

4720.2 The Department may impose penalties for violations of any provision of this Code not to exceed \$10,000 for each violation. Each day of any failure to comply with this Code shall constitute a separate offense and the penalties prescribed in this section shall apply to each separate offense in accordance with the Food Regulation Amendment Act of 2002, effective May 2, 2002 (D.C. Law 14-116; D.C. Official Code §48-101 *et seq.*).

4720.3 The Department may impose civil fines, penalties, and fees as alternative sanctions for violations of any provision of this Code pursuant to the Department of Consumer & Regulatory Affairs Civil Infractions Act of 1985, ("Civil Infractions Act") effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §2-1801.01 *et seq.*).

4720.4 Civil fines or penalties imposed pursuant to section 4720.2 in an amount exceeding the Civil Infractions Schedule of Fines authorized by section 4720.3 shall be limited to egregious violations or flagrant violations involving gross negligence or carelessness, or violations involving the transmission of communicable diseases through foods which do not meet the criminal penalty standards in section 4722.1.

4721 ADMINISTRATIVE – CIVIL PENALTIES, NOTICES OF VIOLATION OR INFRACTIONS

4721.1 The notice of violation shall state the nature of the violation and allow a reasonable time for performance of the necessary corrective action.

4721.2 If a person fails to comply with the time stated in the notice of violation issued pursuant to this section, the Department shall issue a proposed compliance order, or a proposed cease and desist order which shall include a statement of the nature of the violation, afford the right to a hearing and allow a reasonable time for compliance with the order and shall state any penalties to be assessed for failure to comply with the order.

4721.3 A notice of infraction shall comply with Chapter 31, Title 16 of the DCMR.

4722 JUDICIAL – CRIMINAL PENALTIES, INJUNCTIVE RELIEF, IMPRISONMENT

4722.1 Any person who knowingly violates any provision of this Code shall, upon conviction, be punished by a fine not to exceed ten thousand dollars (\$10,000), imprisonment not to exceed one (1) year or both for each violation. Each day of any failure to comply with this Code shall constitute a separate offense and the penalties prescribed in this section shall apply to each separate offense in accordance with the Food Regulation Amendment Act of 2002, effective May 2, 2002 (D.C. Law 14-116; D.C. Official Code §48-101 *et seq.*).

CHAPTER 48 HEARING ADMINISTRATION**4800 ADMINISTRATIVE – NOTICE, REQUEST FOR HEARING, BASIS AND TIME FRAME**

- 4800.1 A person who receives a notice of hearing for an administrative remedy as specified in Chapter 47 and elects to respond to the notice shall file a response to the notice within seven (7) calendar days after service.
- 4800.2 In response to an adverse administrative action, a licensee shall submit a written request for a hearing to the Department within fifteen (15) calendar days of the receipt of notice of adverse action.
- 4800.3 A hearing request does not stay the Department's restriction or exclusion of employees specified in sections 4501 to 4503, an embargo order as specified in section 4703, a condemnation order as specified in section 4710, or the imposition of a summary suspension as specified in section 4715.

4801 ADMINISTRATIVE – HEARINGS ADMINISTRATION – CONTENTS OF RESPONSE TO HEARING NOTICE , OR HEARING REQUEST

- 4801.1 A response to a hearing notice shall be in writing and contain the following:
- (a) An admission or denial of each allegation of fact;
 - (b) A statement as to whether the respondent waives the right to a hearing;
 - (c) A statement of defense, mitigation, or explanation concerning any allegation of fact if any;
 - (d) A request to the Department for a settlement of the proceeding by consent agreement, (if the Department provides this opportunity); and
 - (e) The name and address of the respondent's or requester's legal counsel, if any.
- 4801.2 A request for hearing shall be in writing and contain the following:
- (a) An admission statement or denial of each allegation of fact;
 - (b) A statement of defense, mitigation, denial, or explanation concerning each allegation of fact; and

- (c) The name and address of the respondent's or requester's legal counsel, if any.

4802 ADMINISTRATIVE - HEARINGS ADMINISTRATION, TIMELINESS

4802.1 The Department shall afford a hearing within ^{seventy-two} (72) hours after receiving a written request for a hearing from:

- (a) A person who is excluded by the Department from working in a food establishment as specified in sections 4501 to 4503;
- (b) A licensee or person whose food is subject to an embargo order as specified in sections 4702 to 4708; or a condemnation order as specified in sections 4709 - 4713;
- (c) A licensee whose license is summarily suspended as specified in sections 4714 to 4718; or
- (d) A licensee whose license is suspended or revoked as specified in section 4719.

4802.2 A licensee or person who submits a request for a hearing as specified in section 4801.2 may waive the expedited hearing in a written request to the Department.

CHAPTER 49 JUDICIAL REVIEW

4900 JUDICIAL REVIEW - APPEALS

4900.1 Any person aggrieved by a final order or decision of the Department may seek judicial review in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §2-501 et seq.).

CHAPTER 99 DEFINITIONS

9900 GENERAL PROVISIONS

9900.1 The terms and phrases used in this title shall have the meanings set forth in this Chapter, unless the text or context of the particular chapter, section, subsection, or paragraph provides otherwise.

9901 DEFINITIONS

Accredited program – consist of the following:

- (a) A food protection manager certification program that has been evaluated and listed by the Interjurisdictional Food Service Manager Program as conforming to national standards for organizations that certify individuals;
- (b) 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, recertification, discipline and grievance procedures; and test development and administration; and
- (c) Does not refer to training functions or educational programs.

Additive (Color) – has the meaning stated in §201(t) of the Federal Food Act, and 21 CFR 70.

Additive (Food) – has the meaning stated in §201(s) of the Federal Food Act, and 21 CFR 170.

Adulterated food – consist of any of the following food that:

- (a) Bears or contains any poisonous or deleterious substance which may render it injurious to health; except that if the poisonous or deleterious substance is not an added substance and the quantity of the poisonous or deleterious substance in the food does not ordinarily render it injurious to health the food is not adulterated for the purpose of this title;
- (b) Bears or contains any added poisonous or added deleterious substance (other than a substance that is a pesticide chemical residue in or on a raw agricultural commodity or processed food, a food additive, a color additive, or a new animal drug) that is unsafe within the meaning of section 406 of the Federal Food Act;

- (c) Bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408 of the Federal Food Act;
- (d) Bears or contains any food additive that is unsafe within the meaning of section 409 of the Federal Food Act, or a new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512 of the Federal Food Act;
- (e) Consists, in whole or in part, of any filthy, putrid, or decomposed substance, or is otherwise unfit for food;
- (f) Has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
- (g) In whole or in part, is the product of a diseased animal or of an animal which has died otherwise than by slaughter;
- (h) Is in a container that is composed, in whole or in part, of any poisonous or deleterious substance, which may render the contents injurious to health;
- (i) Intentionally has been subjected to radiation, unless the radiation was used in conformity with a rule or exemption in effect pursuant to section 409 of the Federal Food Act;
- (j) To or from which any valuable constituent has been omitted or abstracted, in whole or in part;
- (k) To which any substance has been substituted, in whole or in part;
- (l) Whose damage or inferiority has been concealed in any manner;
- (m) To which any substance has been added, mixed or packed to increase the food's bulk or weight, reduce the food's quality or strength, or make the food appear better or of greater value;
- (n) Bears or contains a color additive that is unsafe within the meaning of section 721 of the Federal Food Act;
- (o) Is a confectionery:
 - (1) Within which any nonnutritive object is partially or completely imbedded, except that the confectionery shall not be adulterated for purposes of this title if the Secretary of the US Department of Health and Human Services determines, by rule, that the nonnutritive object that is partially or completely imbedded in the confectionery has a practical, functional value to the confectionery that does not render the confectionery injurious or hazardous to health;

- (2) That bears or contains more than one-half of one percent (0.5%) of alcohol by volume, which is derived solely from flavoring extracts, except that the confectionery shall not be adulterated for purposes of this title if the confectionery is introduced, delivered for introduction, received, or held for sale; or
 - (3) That bears or contains any nonnutritive substance, except that the confectionery shall not be adulterated for purposes of this title if the nonnutritive substance is a safe substance that is in or on a confectionery product because the nonnutritive substance serves a practical, functional purpose in the manufacture, packaging, or storage of the confectionery product and use of the nonnutritive substance does not promote deception of the consumer or violate any other provision of this act;
- (p) Is oleomargarine, margarine, butter, or any of the raw material in oleomargarine, margarine, or butter, which contains or consists, in whole or in part, of any filthy, putrid, or decomposed substance, or the oleomargarine, margarine, or butter is otherwise unfit for food; or
- (q) Is a dietary supplement or contains a dietary ingredient:
- (1) That presents a significant or unreasonable risk of illness or injury under conditions of use recommended or suggested in labeling or, if no conditions of use are suggested or recommended in the labeling, under ordinary conditions of use;
 - (2) That is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that the ingredient does not present a significant or unreasonable risk of illness or injury;
 - (3) That is or contains a dietary ingredient that renders the food adulterated under paragraph (a) of this subsection under the conditions of use recommended or suggested in the labeling of the dietary supplement; or
 - (4) That has been prepared, packed, or held under conditions that do not comply with current, good manufacturing practice rules, including rules that require expiration date labeling.

Approved – acceptable to the Department of Health or other regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

a_w – 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 .

Bainmaries – a hot water-heated, food holding table.

Bed and breakfast operation – a facility where breakfast is included in the rent and is the only meal offered.

Beverage – a liquid for drinking, including water.

Bottled drinking water – water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

Calrod unit – an electric heating element.

Catered establishment – a facility that receives food from an approved caterer or other food establishment including but not limited to a child development center, adult day care establishment, nursing home, school, community residential establishment, or other institution.

Caterer – any person who prepares food intended for individual portion service, transports and serves it at another location, or who prepares and serves food at a food establishment, other than one for which he holds a license, for service at a single meal, party or similar gathering.

Certificate – a document issued by the Director, or another jurisdiction or private vendor that is accepted by the Director, which demonstrates that the person identified on the certificate has been determined to be a “certified food protection manager” or a “certified limited food protection manager”.

Certification number – 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.

Certified Food Protection Manager – food professional, trained and certified by an accredited program approved or provided by the Department, who meets specific food safety knowledge standards as to handling raw ingredients and the cooking, cooling or reheating of potentially hazardous foods in food establishments.

Certified Limited Food Protection Manager – food professional, trained and certified by an accredited program approved or provided by the Department, who meets specific food safety knowledge standards as to the operations of food establishments, which serve primarily prepackaged not potentially hazardous foods, and hot dogs and frankfurters or which are mobile ice cream operations.

CFR – the Code of Federal Regulations. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.

Child development center – a child development facility for more than five (5) children or infants, which provides a full-day (more than four (4) but less than twenty-four (24) hours per day), part-day (up to four (4) hours per day), or before and after school child development program, including programs provided during school vacations as defined in Chapter 3 of Title 29 DCMR (Public Welfare).

Child development home – a child development program provided in a private residence for up to a total of five (5) children and infants, with no more than two (2) infants in the group as defined in Chapter 3 of Title 29 DCMR (Public Welfare).

CIP – 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; but 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.

Code of Federal Regulations – the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which is published annually by the U.S. Government Printing Office; and contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and Wildlife and Fisheries rules in 50 CFR.

Comminuted – reduced in size by methods including chopping, flaking, grinding, or mincing, and 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 (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

Community residential establishment – a facility providing sheltered living arrangement for more than ten (10) individuals, not including the resident director or his/her family as further defined in Title 22 of the DCMR (Public Health and Medicine).

Community residential home – a facility providing sheltered living arrangement for no more than ten (10) individuals, not including the resident director or his/her family as further defined in Title 22 of the DCMR (Public Health and Medicine).

Condemnation order – an administrative restriction or exclusion on the use of specific equipment, utensils or linens.

Confirmed disease outbreak – 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.

Consumer – a person, who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

Corrosion-resistant material – 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.

Crazing – a mesh of fine cracks in a surface or coating made of glaze or enamel.

Critical control point – a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Critical limit – 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.

Department – Department of Health.

Depurates – artificial means of decontaminating shellfish.

Director – the Director of the Department of Health or his or her designee.

Drinking water – water that meets 40 CFR Part 141 – National Primary Drinking Water Regulations and is traditionally known as potable water, including 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.

Dry storage area – a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.

Easily cleanable – 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; 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; and includes a tiered application of these criteria to different situations in which varying degrees of cleanability are required such as the appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining or the need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

Easily movable – portable; mounted on casters, gliders or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and having no utility connection, a utility connection that connects 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.

Embargo order – an administrative restriction or exclusion on the distribution of food or food products.

Employee – the license holder, person in charge, 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 establishment.

EPA – the United States Environmental Protection Agency.

Equipment – an article that is used in the operation of a food 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, vending machine, or warewashing machine but does not include items 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.

FDA – the United States Food & Drug Administration.

Federal Food Act – the Federal Food, Drug and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. 301 et seq.).

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

Food – 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.

Foodborne disease outbreak – the occurrence of two (2) or more cases of a similar illness resulting from the ingestion of a common food.

Food-contact surface – 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.

Food employee – an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. This could include the owner, individual having supervisory or management duties, person on payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food establishment. In health care facilities, this includes those who set up trays for patients to eat, feed or assist patients in eating, give oral medications or give mouth/denture care. In child development facilities, schools and long term care facilities, which are licensed food establishments, this includes those who prepare food for clients to eat, feed or assist clients in eating or give oral medications.

Food establishment -

- (a) An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to the following:
- (1) An operation that relinquishes possession of food directly to a consumer. Such operations include a restaurant, a grocery store, a convenience store, a bakery, a delicatessen, a caterer, a hotel or a bed & breakfast operation where food is provided, with the exceptions listed below;
 - (2) A satellite or catered feeding location;
 - (3) A catering operation where, the operation provides food directly to a conveyance used to transport people such as trains or airplanes;
 - (4) A market; a vending location; a conveyance used to transport people; or a food bank or an institution;
 - (5) An operation that relinquishes possession of food to a consumer, indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders or delivery service that is provided by common carriers;
 - (6) An element of the operation of an establishment, such as a motorized vehicle or cart or a central preparation facility that supplies vending locations or satellite feeding locations, unless the vending locations are authorized by the Council pursuant to An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, approved January 26, 1887 (27 Stat. 368; D.C. Official Code § 1-303.01), or the feeding locations are licensed by the Mayor;
 - (7) A food operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption of the food is on or off the premises, regardless of whether there is a charge for the food;
 - (8) All employer-sponsored cafeterias or restaurants, schools, churches, community residential establishments, and similar facilities, and private clubs with the exceptions listed below; or
 - (9) An eating and drinking establishment operated on premises owned or held under lease by the government of the United States or the District of Columbia, or any federal or District of Columbia department or agency, irrespective of whether such establishments are operated by the United States or any federal or District of Columbia department or agency or by any other person, firm, association, or corporation, and also irrespective of whether such establishments are operated for profit or otherwise pursuant to An Act To Extend the health regulations of the District of Columbia to Government restaurants

within the District of Columbia, approved December 20, 1944 (58 Stat. 826; D.C. Official Code § 7-2701).

- (b) But does not include:
- (1) A food processing plant;
 - (2) An establishment that offers only prepackaged foods that are not potentially hazardous;
 - (3) A produce stand that only offers whole, uncut, fresh fruits and vegetables;
 - (4) An ordinary kitchen in a private home that prepares food for sale or service at a function such as a religious or charitable organization's bake sale where the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Department;
 - (5) An area where food that is prepared as specified in subparagraph (4) above is sold or offered for human consumption;
 - (6) A kitchen in a private home, including a child development home; a community residential home; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner-occupied, the number of available guest bedrooms do not exceed three (3), breakfast is the only meal offered, the number of guests served does not exceed nine (9), and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department;
 - (7) A private home or other location that receives catered or home-delivered food;
 - (8) A private club, or a church, which serves occasional meals at not more than twenty-four (24) events during a twelve (12) month period; and
 - (9) United States Senate and House of Representative's restaurants pursuant to An Act To Extend the health regulations of the District of Columbia to Government restaurants within the District of Columbia, approved December 20, 1944 (58 Stat. 826; D.C. Official Code § 7-2701).

Food processing plant – commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer, but does not include a food establishment.

Food operation – the premises, practices, and procedures associated with a specific type of activity within a food establishment.

Game animal – an animal, the products of which are food, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine in 9 CFR Subchapter A – Mandatory Meat Inspection, Part 301, as Poultry in 9 CFR Subchapter C – Mandatory Poultry Products Inspection, Part 381, or as fish as defined, and includes, but is not limited to, 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 such as ostrich, emu, and rhea.

General use pesticide – a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.

Grade A standards – the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.

Group residence – a private or public housing corporation or institutional facility that provides living quarters and meals, including, but not limited to, a domicile for unrelated persons such as a retirement home or a long-term health care facility.

HACCP Plan – a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Hazard – a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

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

Highly susceptible population – a group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a child development facility.

Imminent health hazard – a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operations to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury.

Injected – manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as with juices which may be referred to as "injecting," "pinning," or "stitch pumping."

Kitchenware – food preparation and storage utensils.

License – a permit to authorize a person to operate a food establishment.

Licensee – a person who is legally responsible for the operation of the food establishment, such as the owner, the owner's agent, or other person, and who possesses a valid license issued by the Department of Consumer and Regulatory Affairs to operate a food establishment.

Linens – fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

Mass gathering – an actual or reasonably anticipated assembly of more than fifteen hundred (1,500) persons that will continue, or may reasonably be expected to continue, for more than eight (8) consecutive hours and that is held in an open space or temporary structure especially constructed, erected, or assembled for the gathering.

Meat – the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game that is offered for human consumption.

mg/L – milligrams per liter, which is the metric equivalent of parts per million (ppm).

Molluscan shellfish – any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, but does not mean any scallop product that consists only of the shucked adductor muscle.

Packaged – bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant, but does not mean a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

Person – an association, a corporation, individual, partnership, trustee, government, or governmental subdivision or agency, or other legal entity.

Personal care items – 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, including medicines, first aid supplies, cosmetics, and toiletries, including toothpaste and mouthwash.

Person in charge – the individual present at a food establishment who is responsible for the food service operation.

pH – 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 (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

Physical facilities – the structure and interior surfaces of a food establishment, including soap and towel dispensers and other accessories, light fixtures and heating or air conditioning system vents, and other attachments.

Plumbing fixture – 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.

Plumbing system – 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.

Poisonous or toxic materials – any of the following substances that are not intended for ingestion:

- (a) Cleaners and sanitizers, including cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (b) Pesticides except sanitizers, including insecticides and rodenticides;
- (c) Substances necessary for the operation and maintenance of the establishment including nonfood grade lubricants and personal care items that may be deleterious to health; or
- (d) Substances that are not necessary for the operation and maintenance of the establishment, including but not limited to substances on the premises for retail sale, including petroleum products and paints.

Potentially hazardous food – any of the following:

- (a) A food that is:
 - (1) Natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms;
 - (2) Natural or synthetic and that requires temperature control because it is in a form capable of supporting the growth and toxin production of *Clostridium botulinum*;
 - (3) Natural or synthetic and that requires temperature control because it is in a form capable of supporting in raw shell eggs, the growth of *Salmonella enteritidis*;
 - (4) Of animal origin that is raw or heat-treated;
 - (5) Of plant origin that is heat-treated or consists of raw seed sprouts;

- (6) Cut melons; or
 - (7) Garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified in section (a) of this definition.
- (b) Provided that the food is not:
- (1) An air-cooled hard-boiled egg with shell intact;
 - (2) A food with an a_w value of eighty-five hundredths (0.85) or less;
 - (3) A food with a pH level of four and sixth tenths (4.6) or below when measured at twenty-four degrees Celsius (24°C) or seventy-five degree Fahrenheit (75°F);
 - (4) A food, in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
 - (5) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. enteritidis* in eggs or *C. botulinum* cannot occur, such as a food that has an a_w and a pH that are above the levels specified in sections (f)(2) - (f)(3) of this definition, and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
 - (6) A food that does not support the growth of microorganisms as specified under section (a) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

Poultry – any dressed domesticated bird such as chickens, turkeys, ducks, geese, or guineas, as defined in 9 CFR 381 – Poultry Products Inspection Regulations, any dressed migratory waterfowl, game bird, or squab such as pheasant, partridge, quail, grouse, or guineas, as defined in 9 CFR 362 – Voluntary Poultry Inspection Program, but does not include ratites.

Premises – the physical facility, its contents, and the contiguous land or property under the control of the licensee, or the physical facility, its contents, and the land or property if the facilities and contents are under the control of the licensee and may impact food establishment personnel, facilities, or operations, if the food establishment is only a component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

Primal cut – a basic, major cut into which carcasses and sides of meat are separated, including, but not limited to, beef round, pork loin, lamb flank, or veal breast.

Public water system – means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year including any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Ready-to-eat food – food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form including, but not limited to, potentially hazardous food that is unpackaged and cooked to the temperature and time required for the specific food; raw, washed, cut fruits and vegetables; whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

Reduced oxygen packaging – the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, twenty-one percent (21%) oxygen, and a process as specified in this definition that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in any of the following final packaged form and includes any of the following:

- (a) Vacuum packaging, in which air is removed from packaged food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide;
- (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, and an increase in the proportion of other gases such as carbon dioxide or nitrogen; and
- (c) Controlled atmosphere packaging, in which the atmosphere of a packaged 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.

Refuse – solid waste not carried by water through the sewage system.

Residential kitchen – a kitchen in an owner-occupied home.

Restricted egg – has the meaning stated in 7 CFR 57.

Restricted use pesticide – 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.

Risk factors – improper practices or procedures, which have been identified by the Centers for Disease Control and Prevention (CDC), through epidemiological data as the most prevalent contributing factors of foodborne illness or injury. Risk factors include any of the following:

- (a) Poor personal hygiene;
- (b) Food from unsafe source;
- (c) Inadequate cooking;
- (d) Improper holding temperatures; and
- (e) Contaminated equipment.

Safe material – any of the following:

- (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 §409, Unsafe Food Additives or §706, When Color Additives Deemed Unsafe of the Federal Food Act; or
- (c) Any other material that is not an additive and that is used in conformity with applicable regulations of the United States Food and Drug Administration.

Sanitization – the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred - ninety-nine thousandths of a percent (99.999%) reduction of representative disease microorganisms of public health importance.

Scupper – an opening in the wall of a building through which water can drain from a floor or a flat roof.

Sealed – free of cracks or other openings that allow the entry or passage of moisture.

Service animal – an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

Servicing area – an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and where food, food equipment, and supplies for the business are stored.

Sewage – liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Shellfish control authority – 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.

Shellstock – raw, in-shell molluscan shellfish.

Shucked shellfish – molluscan shellfish that have one or both shells removed.

Single-service articles – tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one-time, one-person use after which they are intended for discard.

Single-use articles – utensils and bulk food containers designed and constructed to be used once and discarded, including, but not limited to, wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number ten (10) cans that do not meet the materials, durability, strength, and cleanability specifications for multiuse utensils.

Slacking – 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 spinach.

Smooth – any of the following:

- (a) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (one hundred (100) grit) number three (3) stainless steel;
- (b) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; or
- (c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

Snack – any non-potentially hazardous foods and pre-packaged foods that do not require preparation.

Table-mounted equipment – equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

Tableware – 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.

Temperature measuring device – a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

USDA – the United States Department of Agriculture.

Utensil – a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food including kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; food temperature measuring devices; and probe-type price or identification tags used in contact with food.

Vending machine – a self-service device, that upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

Vending machine location – the room, enclosure, space, or area where one (1) 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.

“V” type threads – a non-sanitary, non-cleanable industrial thread.

Warewashing – the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

Whole-muscle, intact beef – whole-muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Environmental Health Administration, Office of Enforcement, 51 N Street, N.E., Room 6036, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address.