

- (2) Hot water mechanical operations by being cycled through EQUIPMENT that is set up as specified under 04520, 04555, and 04560 and achieving a UTENSIL surface temperature of 160°F (71°C) as measured by an irreversible registering temperature indicator; or
- (3) Chemical manual or mechanical operations, including the application of SANITIZING chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under 04565. Contact times must be consistent with those on EPA-registered label use instructions by providing:
 - (a) Except as specified under (b) of this subsection, a contact time of at least ten seconds for a chlorine solution specified under 04565(1);
 - (b) A contact time of at least seven seconds for a chlorine solution of 50 MG/L that has a PH of ten or less and a temperature of at least 100°F (38°C) or a PH of eight or less and a temperature of at least 75°F (24°C);
 - (c) A contact time of at least thirty seconds for other chemical SANITIZING solutions; or
 - (d) A contact time used in relationship with a combination of temperature, concentration, and PH that, when evaluated for efficacy, yields SANITIZATION as defined in 01115.

Subpart H - Laundering

04800 Objective--Clean linens (FDA Food Code 4-801.11).

Clean LINENS must be free from FOOD residues and other soiling matter.

04805 Frequency--Specifications (FDA Food Code 4-802.11).

- (1) LINENS that do not come in direct contact with FOOD must be laundered between operations if they become wet, sticky, or visibly soiled.
- (2) Cloth gloves used as specified under 03342(4) must be laundered before being used with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY.
- (3) LINENS and napkins that are used as specified under 03336 and cloth napkins must be laundered between each use.
- (4) Wet wiping cloths must be laundered daily.
- (5) Dry wiping cloths must be laundered as necessary to prevent contamination of FOOD and clean serving UTENSILS.

04810 Methods--Storage of soiled linens (FDA Food Code 4-803.11).

Soiled LINENS must 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.

04815 Methods--Mechanical washing (FDA Food Code 4-803.12).

- (1) Except as specified in subsection (2) of this section, LINENS must be mechanically washed.
- (2) In FOOD ESTABLISHMENTS in which only wiping cloths are laundered as specified under 04320(2), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a WAREWASHING sink that is cleaned as specified under 04515.

04820 Methods--Use of laundry facilities (FDA Food Code 4-803.13).

- (1) Except as specified in subsection (2) of this section, laundry facilities on the PREMISES of a FOOD ESTABLISHMENT must be used only for the washing and drying of items used in the operation of the establishment.

- (2) Separate laundry facilities located on the PREMISES for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering FOOD ESTABLISHMENT items.

Subpart I - Protection of Clean Items

04900 Drying--Equipment and utensils, air-drying required (FDA Food Code 4-901.11).

After cleaning and SANITIZING, EQUIPMENT and UTENSILS:

- (1) Must be air-dried or used after adequate draining as specified in the first paragraph of 40 C.F.R. 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (FOOD-CONTACT SURFACE SANITIZING solutions), before contact with FOOD; and
- (2) May not be cloth-dried except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry.

04905 Drying--Wiping cloths, air drying locations (FDA Food Code 4-901.12).

Wiping cloths laundered in a FOOD ESTABLISHMENT that does not have a mechanical clothes dryer as specified under 04320(2) must 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 under 04565.

04910 Lubricating and reassembling--Food-contact surfaces (FDA Food Code 4-902.11).

Lubricants as specified under 07240 must be applied to FOOD-CONTACT SURFACES that require lubrication in a manner that does not contaminate FOOD-CONTACT SURFACES.

04915 Lubricating and reassembling--Equipment (FDA Food Code 4-902.12).

EQUIPMENT must be reassembled so that FOOD-CONTACT SURFACES are not contaminated.

04920 Storing--Equipment, utensils, linens, and single-service and single-use articles (FDA Food Code 4-903.11).

- (1) Except as specified in subsection (4) of this section, cleaned EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES must be stored:
 - (a) In a clean, dry location;
 - (b) Where they are not exposed to splash, dust, or other contamination; and
 - (c) At least six inches (15 cm) above the floor.
- (2) Clean EQUIPMENT and UTENSILS must be stored as specified under subsection (1) of this section and must be stored:
 - (a) In a self-draining position that allows air drying; and
 - (b) Covered or inverted.
- (3) SINGLE-SERVICE and SINGLE-USE ARTICLES must be stored as specified under subsection (1) of this section and must be kept in the original protective package or stored by using other means that afford protection from contamination until used.
- (4) Items that are kept in closed packages may be stored less than six inches (15 cm) above the floor on dollies, pallets, racks, and skids that are designed as specified under 04268.

04925 Storing--Prohibitions (FDA Food Code 4-903.12).

- (1) Except as specified in subsection (2) of this section, cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may 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.
- (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.

04930 Preventing contamination--Kitchenware and tableware (FDA Food Code 4-904.11).

- (1) SINGLE-SERVICE and SINGLE-USE ARTICLES and cleaned and SANITIZED UTENSILS must be handled, displayed, and dispensed so that contamination of FOOD-and lip-contact surfaces is prevented.
- (2) Knives, forks and spoons that are not prewrapped must be presented so that only the handles are touched by EMPLOYEES and by CONSUMERS if CONSUMER self-service is provided.
- (3) Except as specified under subsection (2) of this section, SINGLE-SERVICE ARTICLES that are intended for FOOD- or lip-contact must be furnished for CONSUMER self-service with the original individual wrapper intact or from an APPROVED dispenser.

04935 Preventing contamination--Soiled and clean tableware (FDA Food Code 4-904.12).

Soiled TABLEWARE must be removed from CONSUMER eating and drinking areas and handled so that clean TABLEWARE is not contaminated.

04940 Preventing contamination--Preset tableware (FDA Food Code 4-904.13).

- (1) Except as specified in subsection (2) of this section, TABLEWARE that is preset must be protected from contamination by being wrapped, covered, or inverted;
- (2) Preset TABLEWARE may be exposed if:
 - (a) Unused settings are removed when a CONSUMER is seated; or
 - (b) Settings not removed when a CONSUMER is seated are cleaned and SANITIZED before further use.

04945 Preventing contamination--Rinsing equipment and utensils after cleaning and sanitizing (FDA Food Code 4-904.14).

After being cleaned and SANITIZED, EQUIPMENT and UTENSILS may not be rinsed before air drying or use unless:

- (1) The rinse is applied directly from a potable water supply by a WAREWASHING machine that is maintained and operated as specified under 04226 through 04270 and 04500 through 04575; and
- (2) The rinse is applied only after the EQUIPMENT and UTENSILS have been SANITIZED by the application of hot water or by the application of a chemical SANITIZER solution whose EPA-registered label use instructions call for rinsing off the SANITIZER after it is applied in a commercial WAREWASHING machine.

PART 5: WATER, PLUMBING AND WASTE

Subpart A - Water

05100 Source--Approved system (FDA Food Code 5-101.11).

DRINKING WATER must be obtained from an APPROVED source that is a PUBLIC WATER SYSTEM.

05105 Source--System flushing and disinfection (FDA Food Code 5-101.12).

A DRINKING WATER system must be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that might introduce contaminants into the system.

05110 Quality--Bottled drinking water (FDA Food Code 5-101.13).

BOTTLED DRINKING WATER used or sold for FOOD service must be obtained from APPROVED sources in accordance with 21 C.F.R. 129 - Processing and Bottling of Bottled Drinking Water and chapters 246-290 and 246-291 WAC.

05115 Quality--Standards (FDA Food Code 5-102.11).

Water used in FOOD ESTABLISHMENTS must meet DRINKING WATER quality standards in accordance with chapters 246-290 and 246-291 WAC, except as specified under 05120.

05120 Quality--Nondrinking water (FDA Food Code 5-102.12).

- (1) A nonDRINKING WATER supply must be used only if its use is APPROVED.
- (2) NonDRINKING WATER must be used only for nonculinary purposes such as air conditioning, nonFOOD EQUIPMENT cooling, fire protection and irrigation of nonFOOD landscape foliage.

05125 Quality--Sampling (FDA Food Code 5-102.13).

Except when used as specified under 05120, water from a nonPUBLIC WATER SYSTEM must be sampled and tested at least annually and as required by state water quality regulations.

05130 Quantity and availability--Sample report (FDA Food Code 5-102.14).

The most recent sample report for the nonPUBLIC WATER SYSTEM must be retained on file in the FOOD ESTABLISHMENT or the report must be maintained as specified by state water quality regulations.

05135 Quantity and availability--Capacity (FDA Food Code 5-103.11).

- (1) The water source and system must be of sufficient capacity to meet the peak water demands of the FOOD ESTABLISHMENT.
- (2) Hot water generation and distribution systems must be sufficient to meet the peak hot water demands throughout the FOOD ESTABLISHMENT.

05140 Distribution, delivery and retention--Pressure (FDA Food Code 5-103.12).

Water under pressure must be provided to all fixtures, EQUIPMENT, and nonFOOD EQUIPMENT that are required to use water except that water supplied as specified under 05150 (1) and (2) to a TEMPORARY FOOD ESTABLISHMENT or in response to a temporary interruption of a water supply need not be under pressure.

05145 Distribution, delivery and retention--System (FDA Food Code 5-104.11).

Water must be received from the source through the use of:

- (1) An APPROVED public water main; or

- (2) One or more of the following that must be constructed, maintained, and operated according to LAW:
 - (a) Nonpublic water main, water pumps, pipes, hoses, connections and other appurtenances;
 - (b) Water transport vehicles; and
 - (c) Water containers.

05150 Distribution, delivery and retention--Alternate water supply (FDA Food Code 5-104.12).
Water meeting the requirements specified under Part 5, Subpart A must 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:

- (1) A supply of containers of commercially BOTTLED DRINKING WATER;
- (2) One or more closed portable water containers;
- (3) An enclosed vehicular water tank;
- (4) An on-PREMISES water storage tank; or
- (5) Piping, tubing, or hoses connected to an adjacent APPROVED source.

Subpart B - Plumbing System

05200 Materials--Approved (FDA Food Code 5-201.11).

- (1) A PLUMBING SYSTEM and hoses conveying water must be constructed and repaired with APPROVED materials according to LAW.
- (2) A water filter must be made of SAFE MATERIALS.

05205 Design, construction and installation--Approved system and cleanable fixtures (FDA Food Code 5-202.11).

- (1) A PLUMBING SYSTEM must be designed, constructed, and installed according to LAW.
- (2) A PLUMBING FIXTURE such as a handwash sink, toilet or urinal must be EASILY CLEANABLE.

05210 Design, construction and installation--Handwashing facility, installation (FDA Food Code 5-202.12).

- (1) A HANDWASHING SINK must be equipped to provide water at a temperature of at least 100°F (38°C) through a mixing valve or combination faucet.
- (2) A steam mixing valve may not be used at a handwash sink.
- (3) A self-closing, slow closing or metering faucet must provide a flow of water for at least fifteen seconds without the need to reactivate the faucet.
- (4) An automatic handwashing facility must be installed in accordance with manufacturer's instructions.
- (5) HANDWASHING SINKS in FOOD ESTABLISHMENTS must be adequately sized to allow a FOOD EMPLOYEE to wash both hands simultaneously.
- (6) FOOD EMPLOYEES offering FOOD samples, such as FOOD demonstrators , may have HANDWASHING SINKS that meet the TEMPORARY FOOD ESTABLISHMENT requirements in 09225 if not handling raw MEAT, FISH or POULTRY.

05215 Design, construction and installation--Backflow prevention, air gap (FDA Food Code 5-202.13).

An air gap between the DRINKING WATER supply inlet and the flood level rim of the PLUMBING FIXTURES or EQUIPMENT must meet the definition of an APPROVED air gap in WAC 246-290-010.

- 05220 Design, construction and installation--Backflow prevention device, design standard (FDA Food Code 5-202.14).**
A backflow or backsiphonage prevention device installed on a water supply system must meet standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device in accordance with WAC 246-290-490 and 51-56-0600.
- 05225 Design, construction and installation--Conditioning device, design (FDA Food Code 5-202.15).**
A water filter, screen and other water conditioning device installed on water lines must be designed to facilitate disassembly for periodic service and cleaning. A water filter element must be of the replaceable type.
- 05230 Numbers and capacities--Handwashing sinks (FDA Food Code 5-203.11).**
- (1) Except as specified in subsection (2) of this section, at least one HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under 05255, and not fewer than the number of HANDWASHING SINKS required by LAW must be provided.
 - (2) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic handwashing facilities may be substituted for HANDWASHING SINKS in a FOOD ESTABLISHMENT that has at least one HANDWASHING SINK.
- 05235 Numbers and capacities--Toilets and urinals (FDA Food Code 5-203.12).**
- (1) At least one toilet and not fewer than the toilets required by LAW must be provided. If authorized by LAW and urinals are substituted for toilets, the substitution must be done as specified by LAW.
 - (2) Except as specified under 09150, the FOOD ESTABLISHMENT PERMIT HOLDER shall ensure that toilet rooms are conveniently located within 200 feet of the FOOD ESTABLISHMENT and accessible to EMPLOYEES during all hours of operation.
 - (3) The FOOD ESTABLISHMENT PERMIT HOLDER shall ensure that toilet rooms are conveniently located and accessible to patrons during all hours of operation if:
 - (a) The establishment has customer seating for on-PREMISES consumption; and
 - (b) The establishment was constructed or extensively remodeled after May 1, 1992.
 - (4) Toilet rooms in FOOD ESTABLISHMENTS may be used jointly by patrons and EMPLOYEES, provided patrons accessing the toilet rooms are excluded from FOOD preparation areas and FOOD storage areas with FOOD that is not PACKAGED.
- 05240 Numbers and capacities--Service sink (FDA Food Code 5-203.13).**
- (1) At least one service sink or one curbed cleaning facility equipped with a floor drain must 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.
 - (2) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.
- 05245 Numbers and capacities--Backflow prevention device, when required (FDA Food Code 5-203.14).**
A PLUMBING SYSTEM must 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 LAW, by:
- (1) Providing an air gap as specified under 05215; or
 - (2) Installing an APPROVED backflow prevention device as specified under 05220.

- 05250 Numbers and capacities--Backflow prevention, carbonator.**
Backflow prevention systems for carbonators must be installed as specified under WAC 51-56-0600, Chapter 6 – water supply and distribution.
- 05255 Location and placement--Handwashing sinks (FDA Food Code 5-204.11).**
A HANDWASHING SINK must be located:
- (1) To allow convenient use by EMPLOYEES;
 - (2) Within twenty-five feet, or as APPROVED, of FOOD preparation, FOOD dispensing, and WAREWASHING areas; and
 - (3) In, or immediately adjacent to, toilet rooms.
- 05260 Location and placement--Backflow prevention device (FDA Food Code 5-204.12).**
A backflow prevention device must be located so that it can be serviced and maintained.
- 05265 Location and placement--Conditioning device (FDA Food Code 5-204.13).**
A water filter, screen, and other water conditioning device installed on water lines must be located to facilitate disassembly for periodic servicing and cleaning.
- 05270 Operation and maintenance--Using a handwashing sink (FDA Food Code 5-205.11).**
- (1) A HANDWASHING SINK must be maintained so that it is accessible at all times for EMPLOYEE use.
 - (2) A HANDWASHING SINK may not be used for purposes other than handwashing.
 - (3) An automatic handwashing facility must be used in accordance with manufacturer's instructions.
- 05275 Operation and maintenance--Prohibiting a cross connection (FDA Food Code 5-205.12).**
- (1) A PERSON may not create a cross connection by connecting a pipe or conduit between the DRINKING WATER system and a nonDRINKING WATER system or a water system of unknown quality.
 - (2) The piping of a nonDRINKING WATER system must be durably identified so that it is readily distinguishable from piping that carries DRINKING WATER.
- 05280 Operation and maintenance--Scheduling inspection, testing, and service for water system device (FDA Food Code 5-205.13).**
A device such as a water treatment device or backflow preventer must be scheduled for inspection, testing, and service, in accordance with manufacturer's instructions and WAC 51-56-0600 and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection, testing, and service must be maintained by the PERSON IN CHARGE.
- 05285 Operation and maintenance--Water reservoir of fogging devices, cleaning (FDA Food Code 5-205.14).**
- (1) A reservoir that is used to supply water to a device such as a produce fogger must be:
 - (a) Maintained in accordance with manufacturer's specifications; and
 - (b) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under subsection (2) of this section, whichever is more stringent.
 - (2) Cleaning procedures must include at least the following steps and must 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 50 MG/L hypochlorite solution.

05290 Operation and maintenance--System maintained in good repair (FDA Food Code 5-205.15).

A PLUMBING SYSTEM must be:

- (1) Repaired according to LAW; and
- (2) Maintained in good repair.

Subpart C - Mobile Water Tank and Mobile Food Establishment Water Tank

05300 Materials--Approved (FDA Food Code 5-301.11).

Materials that are used in the construction of a mobile water tank, MOBILE FOOD UNIT water tank, and appurtenances must be:

- (1) Safe;
- (2) Durable, CORROSION-RESISTANT and nonabsorbent; and
- (3) Finished to have a SMOOTH, EASILY CLEANABLE surface.

05305 Design and construction--Enclosed system, sloped to drain (FDA Food Code 5-302.11).

A mobile water tank must be:

- (1) Enclosed from the filling inlet to the discharge outlet; and
- (2) Sloped to an outlet that allows complete drainage of the tank.

05310 Design and construction--Inspection and cleaning port, protected and secured (FDA Food Code 5-302.12).

If a water tank is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and:

- (1) Flanged upward at least one-half inch (13 mm); and
- (2) Equipped with a port cover assembly that is:
 - (a) Provided with a gasket and a device for securing the cover in place; and
 - (b) Flanged to overlap the opening and sloped to drain.

05315 Design and construction--"V" type threads, use limitation (FDA Food Code 5-302.13).

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

05320 Design and construction--Tank vent, protected (FDA Food Code 5-302.14).

If provided, a water tank vent must terminate in a downward direction and must be covered with:

- (1) 16 mesh to one inch (16 mesh to 25.4 mm) screen or equivalent when the vent is in a protected area; or
- (2) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

05325 Design and construction--Inlet and outlet, sloped to drain (FDA Food Code 5-302.15).

- (1) A water tank and its inlet and outlet must be sloped to drain.
- (2) A water tank inlet must be positioned so that it is protected from contaminants such as waste discharge, road dust, oil or grease.

- 05330 Design and construction--Hose, construction and identification (FDA Food Code 5-302.16).**
A hose used for conveying DRINKING WATER from a water tank must be:
- (1) Safe;
 - (2) Durable, CORROSION-RESISTANT, and nonabsorbent;
 - (3) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
 - (4) Finished with a SMOOTH interior surface; and
 - (5) Clearly and durably identified as to its use if not permanently attached.
- 05335 Numbers and capacities--Filter, compressed air (FDA Food Code 5-303.11).**
A filter that does not pass oil or oil vapors must 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.
- 05340 Numbers and capacities--Protective cover or device (FDA Food Code 5-303.12).**
A cap and keeper chain, closed cabinet, closed storage tube, or other APPROVED protective cover or device must be provided for a water inlet, outlet and hose.
- 05345 Numbers and capacities--Mobile food unit tank inlet (FDA Food Code 5-303.13).**
A mobile FOOD UNIT water tank inlet must be:
- (1) Three-fourths inch (19.1 mm) in inner diameter or less; and
 - (2) Provided with a hose connection of a size or type that prevents its use for any other service.
- 05350 Operation and maintenance--System flushing and sanitation (FDA Food Code 5-304.11).**
A water tank, pump, and hoses must be flushed and SANITIZED before being placed in service after construction, repair, modification, and periods of nonuse.
- 05355 Operation and maintenance--Using a pump and hoses, backflow prevention (FDA Food Code 5-304.12).**
A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.
- 05360 Operation and maintenance--Protecting inlet, outlet, and hose fitting (FDA Food Code 5-304.13).**
If not in use, a water tank and hose inlet and outlet fitting must be protected using a cover or device as specified under 05340.
- 05365 Operation and maintenance--Tank, pump, and hoses, dedication (FDA Food Code 5-304.14).**
- (1) Except as specified in subsection (2) of this section, a water tank, pump, and hoses used for conveying DRINKING WATER must be used for no other purpose.
 - (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.

Subpart D - Sewage, Other Liquid Waste, and Rainwater

05400 Mobile holding tank--Capacity and drainage (FDA Food Code 5-401.11).

A SEWAGE holding tank in a MOBILE FOOD UNIT must be:

- (1) Sized fifteen percent larger in capacity than the water supply tank; and
- (2) Sloped to a drain that is one inch (25 mm) in inner diameter or greater, equipped with a shutoff valve.

05405 Retention, drainage, and delivery design, construction, and installation--Establishment drainage system (200 FDA Food Code 5-402.10).

FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE must be designed and installed as specified under 05205(1).

05410 Retention, drainage, and delivery design, construction, and installation--Backflow prevention (FDA Food Code 5-402.11).

- (1) Except as specified in subsections (2), (3), and (4) of this section, a direct connection may not exist between the SEWAGE system and a drain originating from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed.
- (2) Subsection (1) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.
- (3) If allowed by LAW, a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within five feet (1.5 mm) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.
- (4) If allowed by LAW, a WAREWASHING sink may have a direct connection.

05415 Retention, drainage, and delivery location and placement--Grease trap (FDA Food Code 5-402.12).

If used, a grease trap must be located to be easily accessible for cleaning.

05420 Retention, drainage, and delivery operation and maintenance--Conveying sewage (FDA Food Code 5-402.13).

SEWAGE must be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system, on-site SEWAGE system, or other system, including use of SEWAGE transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, installed, maintained, and operated according to LAW.

05425 Retention, drainage, and delivery operation and maintenance--Removing mobile food unit wastes (FDA Food Code 5-402.14).

SEWAGE and other liquid wastes must be removed from a MOBILE FOOD UNIT 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.

05430 Retention, drainage, and delivery operation and maintenance--Flushing a waste retention tank (FDA Food Code 5-402.15).

A tank for liquid waste retention must be thoroughly flushed and drained in a sanitary manner during the servicing operation.

05435 Disposal facility design and construction--Approved sewage disposal system (FDA Food Code 5-403.11).

SEWAGE must be disposed through an APPROVED facility or system that is:

- (1) A public SEWAGE treatment plant; or
- (2) A SEWAGE disposal system that is sized, constructed, maintained and operated according to LAW.

05440 Disposal facility design and construction--Other liquid wastes and rainwater (FDA Food Code 5-403.12).

Condensate drainage and other liquids and rainwater that are not SEWAGE must be drained from point of discharge to disposal according to LAW.

Subpart E - Refuse, Recyclables, and Returnables

05500 Facilities on the premises, materials, design, construction and installation--Indoor storage area (FDA Food Code 5-501.10).

If located within the FOOD ESTABLISHMENT, a storage area for REFUSE, recyclables and returnables must meet the requirements specified under 06100, 06200, 06235, 06260, and 06265.

05505 Facilities on the premises, materials, design, construction and installation--Outdoor storage surface (FDA Food Code 5-501.11).

An outdoor storage surface for REFUSE, recyclables, and returnables must be constructed of nonabsorbent material such as concrete or asphalt and must be SMOOTH, durable and sloped to drain.

05510 Facilities on the premises, materials, design, construction and installation--Outdoor enclosure (FDA Food Code 5-501.12).

If used, an outdoor enclosure for REFUSE, recyclables, and returnables must be constructed of durable and cleanable materials.

05515 Facilities on the premises, materials, design, construction and installation--Receptacles (FDA Food Code 5-501.13).

- (1) Except as specified in subsection (2) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing FOOD residue must be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.
- (2) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the FOOD ESTABLISHMENT, or within closed outside receptacles.

05520 Facilities on the premises, materials, design, construction and installation--Receptacles in vending machines (FDA Food Code 5-501.14).

A REFUSE receptacle may not be located within a VENDING MACHINE, except that a receptacle for BEVERAGE bottle crown closures may be located within a VENDING MACHINE.

05525 Facilities on the premises, materials, design, construction and installation--Outside receptacles (FDA Food Code 5-501.15).

- (1) Receptacles and waste handling units for REFUSE, recyclables, and returnables used with materials containing FOOD residue and used outside the FOOD ESTABLISHMENT must be designed and constructed to have tight fitting lids, doors, or covers.
- (2) Receptacles and waste handling units for REFUSE and recyclables such as an on-site compactor must be installed so that accumulation of debris and insect and other 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.

05530 Facilities on the premises, numbers and capacities--Storage areas, rooms, and receptacles, capacity and availability (FDA Food Code 5-501.16).

- (1) An inside storage room and area and outside storage area and enclosure, and receptacles must be of sufficient capacity to hold REFUSE, recyclables, and returnables that accumulate.
- (2) A receptacle must 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.

- (3) If disposable towels are used at HANDWASHING SINKS, a waste receptacle must be located at each HANDWASHING SINK or group of adjacent HANDWASHING SINKS.

05535 Facilities on the premises, numbers and capacities--Toilet room receptacle, covered (FDA Food Code 5-501.17).

A toilet room used by females must be provided with a covered receptacle for sanitary napkins.

05540 Facilities on the premises, numbers and capacities--Cleaning implements and supplies (FDA Food Code 5-501.18).

- (1) Except as specified in subsection (2) of this section, suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent must be provided as necessary for effective cleaning of receptacles and waste handling units for REFUSE, recyclables, and returnables.
- (2) If APPROVED, off-PREMISES-based cleaning services may be used if on-PREMISES cleaning implements and supplies are not provided.

05545 Facilities on the premises, location and placement--Storage areas, redeeming machines, receptacles and waste handling units, location (FDA Food Code 5-501.19).

- (1) An area designated for REFUSE, recyclables, returnables, and, except as specified in subsection (2) of this section, a redeeming machine for recyclables or returnables must be located so that it is separate from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and a public health HAZARD or nuisance is not created.
- (2) A redeeming machine may be located in the PACKAGED FOOD storage area or CONSUMER area of a FOOD ESTABLISHMENT if FOOD, EQUIPMENT, UTENSILS, LINENS and SINGLE-SERVICE and SINGLE-USE ARTICLES are not subject to contamination from the machines and a public health HAZARD or nuisance is not created.
- (3) The location of receptacles and waste handling units for REFUSE, recyclables, and returnables may not create a public health HAZARD or nuisance or interfere with the cleaning of adjacent space.

05550 Facilities on the premises, operation and maintenance--Storing refuse, recyclables, and returnables (FDA Food Code 5-501.110).

REFUSE, recyclables and returnables must be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

05555 Facilities on the premises, operation and maintenance--Areas, enclosures, and receptacles, good repair (FDA Food Code 5-501.111).

Storage areas, enclosures, and receptacles for REFUSE, recyclables, and returnables must be maintained in good repair.

05560 Facilities on the premises, operation and maintenance--Outside storage prohibitions (FDA Food Code 5-501.112).

- (1) Except as specified in subsection (2) of this section, REFUSE receptacles not meeting the requirements specified under 05515(1) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with FOOD residue may not be stored outside.
- (2) Cardboard or other packaging material that does not contain FOOD residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

- 05565 Facilities on the premises, operation and maintenance--Covering receptacles (FDA Food Code 5-501.113).**
Receptacles and waste handling units for REFUSE, recyclables, and returnables must be kept covered:
- (1) Inside the FOOD ESTABLISHMENT if the receptacles and units:
 - (a) Contain FOOD residue and are not in continuous use; or
 - (b) After they are filled; and
 - (2) With tight fitting lids or doors if kept outside the FOOD ESTABLISHMENT.
- 05570 Facilities on the premises, operation and maintenance--Using drain plugs (FDA Food Code 5-501.114).**
Drains in receptacles and waste handling units for REFUSE, recyclables, and returnables must have drain plugs in place.
- 05575 Facilities on the premises, operation and maintenance--Maintaining refuse areas and enclosures (FDA Food Code 5-501.115).**
A storage area and enclosure for REFUSE, recyclables, and returnables must be maintained free of unnecessary items, as specified under 06565, and clean.
- 05580 Facilities on the premises, operation and maintenance--Cleaning receptacles (FDA Food Code 5-501.116).**
- (1) Receptacles and waste handling units for REFUSE, recyclables, and returnables must be thoroughly cleaned in a way that does not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, or SINGLE-SERVICE and SINGLE-USE ARTICLES, and waste water must be disposed of as specified under 05420.
 - (2) Soiled receptacles and waste handling units for REFUSE, recyclables, and returnables must be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.
- 05585 Removal--Frequency (FDA Food Code 5-502.11).**
REFUSE, recyclables, and returnables must be removed from the PREMISES at a frequency that minimizes the development of objectionable odors and other conditions that attract or harbor insects and rodents.
- 05590 Removal--Receptacles or vehicles (FDA Food Code 5-502.12).**
REFUSE, recyclables, and returnables must be removed from the PREMISES by way of:
- (1) Portable receptacles that are constructed and maintained according to LAW; or
 - (2) A transport vehicle that is constructed, maintained, and operated according to LAW.
- 05595 Facilities for disposal and recycling--Community or individual facility (FDA Food Code 5-503.11).**
Solid waste not disposed of through the SEWAGE system such as through grinders and pulpers must be recycled or disposed of in an APPROVED public or private community recycling or REFUSE facility; or solid waste must be disposed of in an individual REFUSE facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to LAW.

PART 6: PHYSICAL FACILITIES

Subpart A - Materials for Construction and Repair

06100 Indoor areas--Surface characteristics (FDA Food Code 6-101.11).

- (1) Except as specified in subsection (2) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use must 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 UNIT SERVICING AREAS, and areas subject to flushing or spray cleaning methods.
- (2) In a TEMPORARY FOOD ESTABLISHMENT:
 - (a) If graded to drain, a floor may be concrete, machine laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other APPROVED methods to effectively control dust and mud.
 - (b) Walls and ceilings must be constructed from a material that protects the interior from the weather and windblown dust and debris.

06105 Outdoor areas--Surface characteristics (FDA Food Code 6-102.11).

- (1) The outdoor walking and driving areas must be surfaced with concrete, asphalt or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (2) Exterior surfaces of buildings and MOBILE FOOD UNITS must be of weather-resistant materials and must comply with LAW.
- (3) Outdoor storage areas for REFUSE, recyclables, or returnables must be of materials specified under 05505 and 05510.

Subpart B - Design, Construction and Installation

06200 Cleanability--Floors, walls and ceilings (FDA Food Code 6-201.11).

Except as specified under 06215 and except for antislip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings and ceilings must be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE.

06205 Cleanability--Floors, walls, and ceilings, utility lines (FDA Food Code 6-201.12).

- (1) Utility service lines and pipes may not be unnecessarily exposed.
- (2) Exposed utility service lines and pipes must be installed so they do not obstruct or prevent cleaning of the floors, walls or ceilings.
- (3) Exposed horizontal utility service lines and pipes may not be installed on the floor.

06210 Cleanability--Floor and wall junctures, covered and enclosed or sealed (FDA Food Code 6-201.13).

- (1) In FOOD ESTABLISHMENTS in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures must be coved and closed to no larger than one thirty-second inch (1 mm).
- (2) The floors in FOOD ESTABLISHMENTS in which water flush cleaning methods are used must be provided with drains and be graded to drain, and the floor and wall junctures must be coved and SEALED.

06215 Cleanability--Floor carpeting, restriction and installation (FDA Food Code 6-201.14).

- (1) A floor covering such as carpeting or similar material may not be installed as a floor covering in FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet room areas where HANDWASHING SINKS, toilets and urinals are located, REFUSE storage rooms, or other areas where the floor is subject to moisture, flushing or spray cleaning methods.
- (2) If carpeting is installed as a floor covering in areas other than those specified under subsection (1) of this section, it must be:
 - (a) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another 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.

06220 Cleanability--Floor covering, mats and duckboards (FDA Food Code 6-201.15).

Mats and duckboards must be designed to be removable and EASILY CLEANABLE.

06225 Cleanability--Wall and ceiling coverings and coatings (FDA Food Code 6-201.16).

- (1) Wall and ceiling covering materials must be attached so that they are EASILY CLEANABLE.
- (2) Except in areas used only for DRY STORAGE, concrete, porous blocks, or bricks used for indoor wall construction must be finished and SEALED to provide a SMOOTH, nonabsorbent, EASILY CLEANABLE surface.

06230 Cleanability--Walls and ceilings, attachments (FDA Food Code 6-201.17).

- (1) Except as specified in subsection (2) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments must be EASILY CLEANABLE.
- (2) In a CONSUMER area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

06235 Cleanability--Walls and ceilings, studs, joists, and rafters (FDA Food Code 6-201.18).

Except for TEMPORARY FOOD ESTABLISHMENTS, studs, joists, and rafters may not be exposed in areas subject to moisture.

06240 Functionality--Light bulbs, protective shielding (FDA Food Code 6-202.11).

- (1) Except as specified in subsection (2) of this section, light bulbs must be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD, clean EQUIPMENT, UTENSILS, and LINENS, or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.
- (2) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened packages if:
 - (a) The integrity of the packages cannot be affected by broken glass falling into them; and
 - (b) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- (3) An infrared or other heat lamp must be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

- 06245 Functionality--Heating, ventilating, air conditioning system vents (FDA Food Code 6-202.12).**
Heating, ventilating, and air conditioning systems must 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.
- 06250 Functionality--Insect control devices, design and installation (FDA Food Code 6-202.13).**
- (1) Insect control devices that are used to electrocute or stun flying insects must be designed to retain the insect within the device.
 - (2) Insect control devices must 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, and LINENS, and unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.
- 06255 Functionality--Toilet rooms, enclosed (FDA Food Code 6-202.14).**
Except where a toilet room 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, a toilet room located on the PREMISES must be completely enclosed and provided with a tight-fitting and self-closing door.
- 06260 Functionality--Outer openings, protected (FDA Food Code 6-202.15).**
- (1) Except as specified in subsections (2) through (5) of this section, outer openings of a FOOD ESTABLISHMENT must 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.
 - (2) Subsection (1) of this section 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.
 - (3) Exterior doors used as exits need not be self-closing if they are:
 - (a) Solid and tight-fitting;
 - (b) Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the FOOD ESTABLISHMENT; and
 - (c) Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.
 - (4) Except as specified in subsections (2) and (5) of this section, 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 under subsection (1) of this section, the openings must be protected against entry of insects and rodents by:
 - (a) 16 mesh to one inch (16 mesh to 25.4 mm) screens;
 - (b) Properly designed and installed air curtains to control flying insects; or
 - (c) Other effective means.
 - (5) Subsection (4) of this section does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

- 06265 Functionality--Exterior walls and roofs, protective barrier (FDA Food Code 6-202.16).**
Perimeter walls and roofs of a FOOD ESTABLISHMENT must effectively protect the establishment from the weather and entry of insects, rodents, and other animals.
- 06270 Functionality--Outdoor food vending areas, overhead protection (FDA Food Code 6-202.17).**
Except for machines that vend canned BEVERAGES, if located outside, a machine used to vend FOOD must be provided with overhead protection.
- 06275 Functionality--Outdoor servicing areas, overhead protection (FDA Food Code 6-202.18).**
Except for areas used only for the loading of water or the discharge of SEWAGE and other liquid waste, through the use of a closed system of hoses, SERVICING AREAS must be provided with overhead protection.
- 06280 Functionality--Outdoor walking and driving surfaces, graded to drain (FDA Food Code 6-202.19).**
Exterior walking and driving surfaces must be graded to drain.
- 06285 Functionality--Outdoor refuse areas (FDA Food Code 6-202.110).**
Outdoor REFUSE areas must be constructed in accordance with LAW.
- 06290 Functionality--Private homes and living or sleeping quarters, use prohibition (FDA Food Code 6-202.111).**
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 may not be used for conducting FOOD ESTABLISHMENT operations.
- 06295 Functionality--Living or sleeping quarters, separation (FDA Food Code 6-202.112).**
Living or sleeping quarters located on the PREMISES of a FOOD ESTABLISHMENT such as those provided for lodging registration clerks or resident managers must be separated from rooms and areas used for FOOD ESTABLISHMENT operations by complete partitioning and solid self-closing doors.

Subpart C - Numbers and Capacities

- 06300 Handwashing sinks--Minimum number (FDA Food Code 6-301.10).**
HANDWASHING SINKS must be provided as specified under 05230.
- 06305 Handwashing sinks--Handwashing cleanser, availability (FDA Food Code 6-301.11).**
Each HANDWASHING SINK or group of two adjacent HANDWASHING SINKS must be provided with a supply of hand cleaning liquid, powder, or bar soap.
- 06310 Handwashing sinks--Hand-drying provision (FDA Food Code 6-301.12).**
Each HANDWASHING SINK or group of adjacent HANDWASHING SINKS must be provided with:
- (1) Individual, disposable towels;
 - (2) A continuous towel system that supplies the user with a clean towel;
 - (3) A heated-air hand-drying device; or
 - (4) A hand-drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.
- 06315 Handwashing sinks--Handwashing aids and devices, use restriction (FDA Food Code 6-301.13).**
A sink used for FOOD preparation or UTENSIL washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a HANDWASHING SINK as specified under 06305, 06310, and 05530(3).

- 06320 Handwashing sinks--Handwashing signage (FDA Food Code 6-301.14).**
A sign or poster that notifies FOOD EMPLOYEES to wash their hands must be provided at all HANDWASHING SINKS used by FOOD EMPLOYEES and must be clearly visible to FOOD EMPLOYEES.
- 06325 Handwashing sinks--Disposable towels, waste receptacle (FDA Food Code 6-301.20).**
A HANDWASHING SINK or group of adjacent HANDWASHING SINKS that is provided with disposable towels must be provided with a waste receptacle as specified under 05530(3).
- 06330 Toilets and urinals--Minimum number (FDA Food Code 6-302.10).**
Toilets and urinals must be provided as specified under 05235.
- 06335 Toilets and urinals--Toilet tissue, availability (FDA Food Code 6-302.11).**
A supply of toilet tissue must be available at each toilet.
- 06340 Lighting--Intensity (FDA Food Code 6-303.11).**
The light intensity must be:
- (1) At least 10 foot candles (108 lux) at a distance of 30 inches (75 cm) above the floor, in walk-in refrigeration units and dry FOOD storage areas and in other areas and rooms during periods of cleaning;
 - (2) At least 20 foot candles (215 lux):
 - (a) 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;
 - (b) Inside EQUIPMENT such as reach-in and under-counter refrigerators;
 - (c) At a distance of 30 inches (75 cm) above the floor in areas used for handwashing, WAREWASHING, and EQUIPMENT and UTENSIL storage, and in toilet rooms; and
 - (3) At least 50 foot candles (540 lux) at a surface where a FOOD EMPLOYEE is working with FOOD or working with UTENSILS or EQUIPMENT such as knives, slicers, grinders, or saws where EMPLOYEE safety is a factor.
- 06345 Ventilation--Mechanical (FDA Food Code 6-304.11).**
If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes, mechanical ventilation of sufficient capacity must be provided.
- 06350 Dressing areas and lockers--Designation (FDA Food Code 6-305.11).**
- (1) Dressing rooms or dressing areas must be designated if EMPLOYEES routinely change their clothes in the establishment.
 - (2) Lockers or other suitable facilities must be provided for the orderly storage of EMPLOYEES' clothing and other possessions.
- 06355 Service sinks--Availability (FDA Food Code 6-306.10).**
A service sink or curbed cleaning facility must be provided as specified under 05240.

Subpart D - Location and Placement

- 06400 Handwashing sinks--Conveniently located (FDA Food Code 6-401.10).**
HANDWASHING SINKS must be conveniently located as specified under 05255.
- 06405 Toilet rooms--Convenience and accessibility (FDA Food Code 6-402.11).**
Toilet rooms must be conveniently located and accessible to EMPLOYEES during all hours of operation.

06410 Employee accommodations--Designated areas (FDA Food Code 6-403.11).

- (1) Areas designated for EMPLOYEES to eat, drink, and use tobacco must be located so that FOOD, EQUIPMENT, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination.
- (2) Lockers or other suitable facilities must be located in a designated room or area where contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES cannot occur.

06415 Distressed merchandise--Segregation and location (FDA Food Code 6-404.11).

Products that are held by the PERMIT HOLDER for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, must be segregated and held in designated areas that are separated from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

06420 Refuse, recyclables, and returnables--Receptacles, waste handling units, and designated storage areas (FDA Food Code 6-405.10).

Units, receptacles, and areas designated for storage of REFUSE and recyclable and returnable containers must be located as specified under 05545.

Subpart E - Maintenance and Operation: Premises, Structures, Attachments, and Fixtures

06500 Methods--Repairing (FDA Food Code 6-501.11).

PHYSICAL FACILITIES must be maintained in good repair.

06505 Methods--Cleaning, frequency and restrictions (FDA Food Code 6-501.12).

- (1) PHYSICAL FACILITIES must be cleaned as often as necessary to keep them clean.
- (2) Except for cleaning that is necessary due to a spill or other accident, cleaning must be done during periods when the least amount of FOOD is exposed such as after closing.

06510 Methods--Cleaning floors, dustless methods (FDA Food Code 6-501.13).

- (1) Except as specified in subsection (2) of this section, only dustless methods of cleaning must be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.
- (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 absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

06515 Methods--Cleaning ventilation systems, nuisance and discharge prohibition (FDA Food Code 6-501.14).

- (1) Intake and exhaust air ducts must be cleaned and filters changed so that they are not a source of contamination by dust, dirt, and other materials.
- (2) If vented to the outside, ventilation systems may not create a public health HAZARD or nuisance or unlawful discharge.

06520 Methods--Cleaning maintenance tools, preventing contamination (FDA Food Code 6-501.15).

FOOD preparation sinks, HANDWASHING SINKS, and WAREWASHING EQUIPMENT may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

- 06525 Methods--Drying mops (FDA Food Code 6-501.16).**
After use, mops must be placed in a position that allows them to air dry without soiling walls, EQUIPMENT, or supplies.
- 06530 Methods--Absorbent materials on floors, use limitations (FDA Food Code 6-501.17).**
Except as specified under 06510(2), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.
- 06535 Methods--Cleaning of plumbing fixtures (FDA Food Code 6-501.18).**
PLUMBING FIXTURES such as HANDWASHING SINKS, toilets, and urinals must be cleaned as often as necessary to keep them clean.
- 06540 Methods--Closing toilet room doors (FDA Food Code 6-501.19).**
Except during cleaning and maintenance operations, toilet room doors as specified under 06255 must be kept closed.
- 06545 Methods--Using dressing rooms and lockers (FDA Food Code 6-501.110).**
- (1) Dressing rooms must be used by EMPLOYEES if the EMPLOYEES regularly change their clothes in the establishment.
 - (2) Lockers or other suitable facilities must be used for the orderly storage of EMPLOYEE clothing and other possessions.
- 06550 Methods--Controlling pests (FDA Food Code 6-501.111).**
The PREMISES must be maintained free of infestations of insects, rodents, and other pests such that there is not a breeding population of pests in the facility. The presence of insects, rodents, and other pests must be controlled to minimize their presence on the PREMISES by:
- (1) Routinely inspecting incoming shipments of FOOD and supplies;
 - (2) Routinely inspecting the PREMISES for evidence of pests;
 - (3) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under 07210, 07250, and 07255; and
 - (4) Eliminating harborage conditions.
- 06555 Methods--Removing dead or trapped birds, insects, rodents, and other pests (FDA Food Code 6-501.112).**
Dead or trapped birds, insects, rodents, and other pests must be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests.
- 06560 Methods--Storing maintenance tools (FDA Food Code 6-501.113).**
Maintenance tools such as brooms, mops, vacuum cleaners, and similar items must be:
- (1) Stored so they do not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES; and
 - (2) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.
- 06565 Methods--Maintaining premises, unnecessary items and litter (FDA Food Code 6-501.114).**
The PREMISES must be free of:
- (1) Items that are unnecessary to the operation or maintenance of the establishment such as EQUIPMENT that is nonfunctional or no longer used; and
 - (2) Litter.

Methods--Prohibiting animals (FDA Food Code 6-501.115).

- (1) Except as specified in subsections (2) through (5) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT.
- (2) Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, LINENS; and 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, and 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) SERVICE ANIMALS that are controlled by an employee or individual with a disability in areas not used for FOOD preparation and usually open for customers, such as dining and sales areas, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL;
 - (d) Pets in the common areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
 - (i) Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD preparation areas;
 - (ii) Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
 - (iii) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and
 - (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 confined, such as in a variety store that sells pets or a tourist park that displays animals.
- (3) Live or dead FISH bait may be stored if contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result.
- (4) Effective March 1, 2022, dogs, under the control of the dog owner, may be allowed in an outdoor area on the PREMISES if all of the following conditions are satisfied:
 - (a) The PERMIT HOLDER has an APPROVED plan to allow dogs in its outdoor PREMISES.
 - (b) Dogs are on a leash and under the control of the dog owner or confined in a pet carrier.
 - (c) Dogs do not go through the FOOD ESTABLISHMENT to reach the outdoor area.
 - (d) Dogs are not allowed on tables, chairs, benches, seats, or other fixtures in the FOOD ESTABLISHMENT.
 - (e) The outdoor area is not used for food or drink preparation or the storage of UTENSILS.
 - (f) If the FOOD ESTABLISHMENT provides FOOD and water containers for dogs, EMPLOYEES shall not wash containers in the FOOD ESTABLISHMENT.
 - (g) FOOD EMPLOYEES do not have direct contact with dogs.
 - (h) The outdoor area is maintained clean of animal waste.
 - (i) The PERMIT HOLDER ensures compliance with local ordinances related to sidewalks, public nuisance, and sanitation.
- (5) Dogs, under the control of the dog owner, may be allowed in an indoor area on the premises if all of the following conditions are satisfied:
 - (a) The PERMIT HOLDER has notified the REGULATORY AUTHORITY in advance.

- (b) The FOOD ESTABLISHMENT only pours BEVERAGES produced by a FOOD PROCESSING PLANT and is limited to only nonTIME/TEMPERATURE CONTROL FOR SAFETY FOOD, READY-TO-EAT FOOD produced in a licensed FOOD ESTABLISHMENT or FOOD PROCESSING PLANT (such as premixed soda pop, powdered creamer, pretzels, cookies, doughnuts, cake, or MEAT jerky) that are served from the original package without direct hand contact directly onto or into a container.
- (c) Dogs are not allowed on tables, chairs, benches, seats, or other fixtures in the FOOD ESTABLISHMENT.
- (d) If the FOOD ESTABLISHMENT provides FOOD and water containers for dogs, EMPLOYEES shall not wash containers in the FOOD ESTABLISHMENT.
- (e) FOOD EMPLOYEES do not have direct contact with dogs.
- (f) The PREMISES is maintained clean of animal waste.
- (g) The PERMIT HOLDER ensures compliance with local ordinances related to sidewalks, public nuisance, and sanitation.
- (h) The PERMIT HOLDER provides signage to notify customers that the facility allows dogs in its indoor PREMISES.

PART 7: POISONOUS OR TOXIC MATERIALS

Subpart A - Labeling and Identification

- 07100 Original containers--Identifying information, prominence (FDA Food Code 7-101.11).**
Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS must bear a legible manufacturer's label.
- 07105 Working containers--Common name (FDA Food Code 7-102.11).**
Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies must be clearly and individually identified with the common name of the material.

Subpart B - Operational Supplies and Applications

- 07200 Storage--Separation (FDA Food Code 7-201.11).**
POISONOUS OR TOXIC MATERIALS must be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:
- (1) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning; and
 - (2) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. This subsection 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.
- 07205 Presence and use--Restriction (FDA Food Code 7-202.11).**
- (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, may be allowed in a FOOD ESTABLISHMENT.
 - (2) Subsection (1) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.
- 07210 Presence and use--Conditions of use (FDA Food Code 7-202.12).**
POISONOUS OR TOXIC MATERIALS must be:
- (1) Used according to:
 - (a) LAW and this chapter;
 - (b) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT;
 - (c) The conditions of certification, if certification is required, for use of the pest control materials; and
 - (d) Additional conditions that may be established by the REGULATORY AUTHORITY; and
 - (2) Applied so that:
 - (a) A HAZARD to EMPLOYEES or other PERSONS is not constituted; and
 - (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 for a RESTRICTED USE PESTICIDE, this is achieved by:
 - (i) Removing the items;
 - (ii) Covering the items with impermeable covers; or
 - (iii) Taking other appropriate preventative actions; and
 - (iv) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.

- (3) A RESTRICTED USE PESTICIDE must be applied only by an applicator certified as defined in 7 U.S.C. 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator.

07215 Container prohibitions--Poisonous or toxic material containers (FDA Food Code 7-203.11).

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD.

07220 Chemicals--Sanitizers, criteria (FDA Food Code 7-204.11).

Chemical SANITIZERS, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to FOOD-CONTACT SURFACES must:

- (1) Meet the requirements specified in 40 C.F.R. 180.940 Tolerance exemptions for active and inert ingredients for Use in Antimicrobial Formulations (food contact surface sanitizing food contact surface sanitizing solutions); or
- (2) Meet the requirements as specified in 40 C.F.R. 180.2020 Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance Non-food Determinations.

07225 Chemicals--Chemicals for washing, treatment, storage, and processing fruits and vegetables, criteria (FDA Food Code 7-204.12).

Chemicals, including those generated onsite, used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, and processing of fruits and vegetables must:

- (1) Be an APPROVED FOOD ADDITIVE listed for this intended use in 21 C.F.R. 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption; or
- (2) Be generally recognized as safe (GRAS) for this intended use; or
- (3) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification); and
- (4) Meet the requirements in 40 C.F.R. 156 Labeling Requirements for Pesticide and Devices.

07230 Chemicals--Boiler water additives, criteria (FDA Food Code 7-204.13).

Chemicals used as boiler water ADDITIVES must meet the requirements specified in 21 C.F.R. 173.310 Boiler Water ADDITIVES.

07235 Chemicals--Drying agents, criteria (FDA Food Code 7-204.14).

Drying agents used in conjunction with SANITIZATION must:

- (1) Contain only components that are listed as one of the following:
 - (a) Generally recognized as safe for use in FOOD as specified in 21 C.F.R. 182 - Substances Generally Recognized as Safe (GRAS), or 21 C.F.R. 184 - Direct Food Substances Affirmed as Generally Recognized as Safe;
 - (b) Generally recognized as safe (GRAS) for the intended use as specified in 21 C.F.R. 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe;
 - (c) Generally recognized as safe (GRAS) for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to FOOD as described in 21 C.F.R. 170.30 - Eligibility for Classification as Generally Recognized as Safe (GRAS);
 - (d) Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 409(h);
 - (e) APPROVED for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) § 201(s)(4);
 - (f) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 C.F.R. Parts 174-178; or

(g) APPROVED for use as a drying agent under the threshold of regulation process established by 21 C.F.R. 170.39 Threshold of Regulation For Substances Used In Food-Contact Articles; and

- (2) When SANITIZATION is with chemicals, the approval required under subsection (1)(e) or (g) of this section or the regulation as an indirect FOOD ADDITIVE required under subsection (1)(f) of this section, must be specifically for use with chemical SANITIZING solutions.

07240 Lubricants--Incidental food contact, criteria (FDA Food Code 7-205.11).

Lubricants must meet the requirements specified in 21 C.F.R. 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.

07245 Pesticides--Restricted use pesticides, criteria (FDA Food Code 7-206.11).

RESTRICTED USE PESTICIDES specified under 07210(3) must meet the requirements specified in 40 C.F.R. 152 Subpart I - Classification of Pesticides.

07250 Pesticides--Rodent bait stations (FDA Food Code 7-206.12).

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

07255 Pesticides--Tracking powders, pest control and monitoring (FDA Food Code 7-206.13).

- (1) Except as specified in subsection (2) of this section, a tracking powder pesticide may not be used in a FOOD ESTABLISHMENT.
- (2) If used, a nontoxic tracking powder such as talcum or flour may not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE AND SINGLE-USE ARTICLES.

07260 Medicines--Restriction and storage (FDA Food Code 7-207.11).

- (1) Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of EMPLOYEES may be allowed in a FOOD ESTABLISHMENT.
- (2) Medicines that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use must be labeled as specified under 07100 and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE AND SINGLE-USE ARTICLES.

07265 Medicines--Refrigerated medicines, storage (FDA Food Code 7-207.12).

Medicines belonging to EMPLOYEES or to children in a day care center that require refrigeration and are stored in a FOOD refrigerator must be:

- (1) 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
- (2) Located so they are inaccessible to children.

07270 First-aid supplies--Storage (FDA Food Code 7-208.11).

First-aid supplies that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use must be:

- (1) Labeled as specified under 07100; and
- (2) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and SINGLE-SERVICE AND SINGLE-USE ARTICLES.

07275 Other personal care items--Storage (FDA Food Code 7-209.11).

Except as specified under 07265 and 07270, EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under 06350(2).

Subpart C - Stock and Retail Sale

07300 Storage and display--Separation (FDA Food Code 7-301.11).

POISONOUS OR TOXIC MATERIALS must be stored and displayed for retail sale so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE AND SINGLE-USE ARTICLES by:

- (1) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning; and
- (2) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES.

PART 8: COMPLIANCE AND ENFORCEMENT

Subpart A - Applicability

08100 Use for intended purpose--Public health protection (FDA Food Code 8-101.10).

- (1) The REGULATORY AUTHORITY shall apply this chapter to promote its underlying purpose, as specified under 01105, of safeguarding public health and ensuring that FOOD is safe, not ADULTERATED, and honestly presented when offered to the CONSUMER.
- (2) In enforcing the provision of this chapter, the REGULATORY AUTHORITY shall assess existing facilities or EQUIPMENT that were in use before the effective date of this chapter 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 Part 4, Subpart A;
 - (c) Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with 04300; and
 - (d) The existence of a documented agreement with the PERMIT HOLDER that the facilities or EQUIPMENT will be replaced as specified under 08350(7).

08105 Additional requirements--Preventing health hazards, provision for conditions not addressed (FDA Food Code 8-102.10).

- (1) If necessary to protect against public health hazards or nuisances, the REGULATORY AUTHORITY may impose specific requirements in addition to the requirements contained in this chapter that are authorized by LAW.
- (2) The REGULATORY AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation must be provided to the PERMIT applicant or PERMIT HOLDER and a copy must be maintained in the REGULATORY AUTHORITY'S file for the FOOD ESTABLISHMENT.

08110 Variances--Modifications and waivers (FDA Food Code 8-103.10).

The REGULATORY AUTHORITY may grant a VARIANCE by modifying or waiving the requirements of this chapter if in the opinion of the REGULATORY AUTHORITY a health HAZARD or nuisance will not result from the VARIANCE. If a VARIANCE is granted, the REGULATORY AUTHORITY shall retain the information specified under 08115 in its records for the FOOD ESTABLISHMENT.

08115 Variances--Documentation of proposed VARIANCE and justification (FDA Food Code 8-103.11).

Before a VARIANCE from a requirement of this chapter is APPROVED, the information that must be provided by the PERSON requesting the VARIANCE and retained in the REGULATORY AUTHORITY'S file on the FOOD ESTABLISHMENT includes:

- (1) A statement of the proposed VARIANCE of this chapter requirement citing the relevant section;
- (2) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant section will be alternatively addressed by the proposal; and
- (3) A HACCP PLAN if required as specified under 08210(1) that includes the information specified under 08215 as it is relevant to the VARIANCE requested.

08120 Variances--Conformance with approved procedures (FDA Food Code 8-103.12).

If the REGULATORY AUTHORITY grants a VARIANCE as specified under 08110, or a HACCP PLAN is otherwise required as specified under 08210, the PERMIT HOLDER shall:

- (1) Maintain the APPROVED VARIANCE at the FOOD ESTABLISHMENT; and
- (2) Comply with the HACCP PLANS and procedures that are submitted as specified under 08215 and APPROVED as a basis for the modification or waiver; and

- (3) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under 08215 (4) and (5) 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 the operation or process; and
 - (d) Necessary corrective actions if there is a failure at a CRITICAL CONTROL POINT.

Subpart B - Plan Submission and Approval

08200 Facility and operating plans--When plans are required (FDA Food Code 8-201.11).

A PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY properly prepared plans and specifications for review and approval before:

- (1) The construction of a FOOD ESTABLISHMENT;
- (2) The conversion of an existing structure for use as a FOOD ESTABLISHMENT; or
- (3) The remodeling of a FOOD ESTABLISHMENT, a change of type of FOOD ESTABLISHMENT, or significant changes to the methods of FOOD preparation or style of service as specified under 08325(3) if the REGULATORY AUTHORITY determines that plans and specifications are necessary to ensure compliance with this chapter.

08205 Facility and operating plans--Contents of the plans and specifications (FDA Food Code 8-201.12).

The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under 08210, must include, as required by the REGULATORY AUTHORITY based on the type of operation, type of FOOD preparation, and FOODS prepared, the following information to demonstrate conformance with chapter provisions:

- (1) Intended menu;
- (2) Anticipated volume of FOOD to be stored, prepared, and sold or served;
- (3) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (4) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (5) Evidence that standard procedures that ensure compliance with the requirements of this chapter are developed or are being developed; and
- (6) Other information that may be required by the REGULATORY AUTHORITY for the proper review of the proposed construction, conversion or modification, and procedures for operating a FOOD ESTABLISHMENT.

08210 Facility and operating plans--When a HACCP plan is required (FDA Food Code 8-201.13).

- (1) Before engaging in an activity that requires a HACCP PLAN, a PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY for approval a properly prepared HACCP PLAN as specified under 08215 and the relevant provisions of this chapter if:
 - (a) Submission of a HACCP PLAN is required according to LAW;
 - (b) A VARIANCE is required as specified under 03400 (4)(d), 03535, and 04244(2);
 - (c) The REGULATORY AUTHORITY determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under 08205, an inspectional finding, or a VARIANCE request.
- (2) A PERMIT applicant or PERMIT HOLDER shall have a properly prepared HACCP PLAN as specified under 03540.

08215 Facility and operating plans--Contents of a HACCP plan (FDA Food Code 8-201.14).

For a FOOD ESTABLISHMENT required under 08210 to have a HACCP PLAN, the PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY a properly prepared HACCP PLAN that includes:

- (1) General information such as the name of the PERMIT applicant or PERMIT HOLDER, the FOOD ESTABLISHMENT address, and contact information;
- (2) A categorization of the types of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are to be controlled under the HACCP PLAN;
- (3) A flow diagram or chart for each specific FOOD or category type that identifies:
 - (a) Each step in the process;
 - (b) The hazards and controls for each step in the flow diagram or chart;
 - (c) The steps that are CRITICAL CONTROL POINTS;
 - (d) The ingredients, materials, and EQUIPMENT used in the preparation of that FOOD; and
 - (e) Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved.
- (4) A CRITICAL CONTROL POINT summary for each specific FOOD or category type that clearly identifies:
 - (a) Each CRITICAL CONTROL POINT;
 - (b) The CRITICAL LIMITS for each CRITICAL CONTROL POINT;
 - (c) The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the designated FOOD EMPLOYEE or the PERSON IN CHARGE;
 - (d) 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;
 - (e) Action to be taken by the designated FOOD EMPLOYEE or PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met; and
 - (f) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed; and
- (5) Supporting documents such as:
 - (a) FOOD EMPLOYEE and supervisory training plan that addresses the food safety issues of concern;
 - (b) Copies of blank records forms that are necessary to implement the HACCP PLAN; and
 - (c) Additional scientific data or other information, as required by the REGULATORY AUTHORITY, supporting the determination that FOOD safety is not compromised by the proposal.
- (6) Any other information required by the REGULATORY AUTHORITY.

08220 Trade secrets (FDA Food Code 8-202.10).

The REGULATORY AUTHORITY shall treat as confidential in accordance with LAW, information that meets the requirements specified in LAW for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under 08205 and 08215.

08225 Construction inspection and approval--Preoperational inspections (FDA Food Code 8-203.10).

The REGULATORY AUTHORITY shall conduct one 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 under 08205(5), and is in compliance with the LAW and this chapter.

Subpart C - Permit to Operate

08300 Requirement--Prerequisite for operation (FDA Food Code 8-301.11).

A PERSON may not operate a FOOD ESTABLISHMENT without a valid PERMIT to operate issued by the REGULATORY AUTHORITY.

08305 Exempt from permit with approval.

- (1) The REGULATORY AUTHORITY may exempt a PERSON from the provisions of 08600(1) and 08300 of this chapter in order to operate without a FOOD ESTABLISHMENT PERMIT, if the PERSON meets the other provisions of this chapter, including not using any FOOD prepared in a residential kitchen or other facility that is not APPROVED, and the types of FOOD served are limited to those specified in subsection (4) of this section.
- (2) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit a written application for an exemption on a form provided by the REGULATORY AUTHORITY at least 14 calendar days before providing FOOD service, or as otherwise required by the REGULATORY AUTHORITY.
- (3) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit properly prepared plans and specifications of the FOOD service facilities and EQUIPMENT if the REGULATORY AUTHORITY requires it, based on a review of the application for an exemption submitted under subsection (2) of this section.
- (4) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall limit FOOD handling to one or more of the following FOODS:
 - (a) Individual samples of nonTIME/TEMPERATURE CONTROL FOR SAFETY FOOD sliced fruits and vegetables;
 - (b) Popcorn and flavored popcorn prepared from commercially PACKAGED ingredients that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
 - (c) Dried herbs and spices processed in an APPROVED facility;
 - (d) Crushed ice drinks containing only ingredients that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOODS and dispensed from a self-contained machine that makes its own ice. Drinks with TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, snow cones, and shaved ice are not included;
 - (e) Corn on the cob;
 - (f) Whole roasted peppers;
 - (g) Roasted nuts, roasted peanuts, and roasted candy-coated nuts;
 - (h) Chocolate-dipped ice cream bars prepared from pre-PACKAGED ice cream bars produced in a FOOD PROCESSING PLANT;
 - (i) Chocolate-dipped bananas prepared from bananas peeled and frozen in an APPROVED facility; and
 - (j) Cotton candy.

08310 Application procedure--Submission thirty calendar days before proposed opening (FDA Food Code 8-302.11).

An applicant shall submit an application for a PERMIT at least thirty calendar days before the date planned for opening a FOOD ESTABLISHMENT or the expiration of the current PERMIT for an existing facility.

08315 Application procedure--Form of submission (FDA Food Code 8-302.12).

A PERSON desiring to operate a FOOD ESTABLISHMENT shall submit to the REGULATORY AUTHORITY a written application for a PERMIT on a form provided by the REGULATORY AUTHORITY.

08320 Application procedure--Qualifications and responsibilities of applicants (FDA Food Code 8-302.13).

To qualify for a PERMIT, an applicant shall:

- (1) Be an owner of the FOOD ESTABLISHMENT or an officer of the legal ownership;
- (2) Comply with the requirements of this chapter;
- (3) As specified under 08415, agree to allow access to the FOOD ESTABLISHMENT and to provide required information; and
- (4) Pay the applicable PERMIT fees at the time the application is submitted.

08325 Application procedure--Contents of the application (FDA Food Code 8-302.14).

The application must include:

- (1) The name, birth date or Unified Business Identifier, mailing address, telephone number, and signature of the PERSON applying for the PERMIT and the name, mailing address, and location of the FOOD ESTABLISHMENT;
- (2) Information specifying whether the FOOD ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity;
- (3) A statement specifying whether the FOOD ESTABLISHMENT:
 - (a) Is mobile or stationary and temporary or permanent; and
 - (b) Is an operation that includes one or more of the following:
 - (i) Prepares, offers for sale, or serves TIME/TEMPERATURE CONTROL FOR SAFETY FOOD:
 - (A) Only to order upon a CONSUMER'S request;
 - (B) In advance quantities based on projected CONSUMER demand and discards FOOD that is not sold or served at an APPROVED frequency; or
 - (C) Using time as a public health control under 03530;
 - (ii) Prepares TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in advance using a FOOD preparation method that involves two or more steps which may include combining TIME/TEMPERATURE CONTROL FOR SAFETY FOOD ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing;
 - (iii) Prepares FOOD as specified under (b)(ii) of this subsection for delivery to and consumption at a location off the PREMISES of the FOOD ESTABLISHMENT where it is prepared;
 - (iv) Prepares FOOD as specified under (b)(ii) of this subsection for service to a HIGHLY SUSCEPTIBLE POPULATION;
 - (v) Prepares only FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; or
 - (vi) Does not prepare, but offers for sale only pre-PACKAGED FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD.
- (4) The name, title, address, and telephone number of the PERSON directly responsible for the FOOD ESTABLISHMENT;
- (5) The name, title, address, and telephone number of the PERSON who functions as the immediate supervisor of the PERSON specified under subsection (4) of this section such as the zone, district, or regional supervisor;
- (6) The names, titles, and addresses of:
 - (a) The PERSONS comprising the legal ownership as specified under subsection (2) of this section including the owners and officers; and
 - (b) The local resident agent if one is required based on the type of legal ownership.

- (7) A statement signed by the applicant that:
 - (a) Attests to the accuracy of the information provided in the application; and
 - (b) Affirms that the applicant will:
 - (i) Comply with this chapter; and
 - (ii) Allow the REGULATORY AUTHORITY access to the establishment as specified under 08415 and to the records specified under 03290, 05280 and 08215 (4)(f); and
- (8) Other information required by the REGULATORY AUTHORITY.

08330 Issuance--New, converted, or remodeled establishments (FDA Food Code 8-303.10).

For FOOD ESTABLISHMENTS that are required to submit plans as specified under 08200 the REGULATORY AUTHORITY shall issue a PERMIT to the applicant after:

- (1) A properly completed application is submitted;
- (2) The required fee is submitted;
- (3) The required plans, specifications, and information are reviewed and APPROVED; and
- (4) A preoperational inspection as specified under 08225 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 chapter.

08335 Issuance--Existing establishments, permit renewal, and change of ownership (FDA Food Code 8-303.20).

The REGULATORY AUTHORITY may renew a PERMIT for an existing FOOD ESTABLISHMENT or may issue a PERMIT to a new owner of an existing 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 chapter.

08340 Issuance--Denial of application for permit, notice (FDA Food Code 8-303.30).

If an application for a PERMIT to operate is denied, the REGULATORY AUTHORITY shall provide the applicant with a notice that includes:

- (1) The specific reasons and chapter citations for the PERMIT denial;
- (2) The actions, if any, that the applicant must take to qualify for a PERMIT; and
- (3) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in LAW.

08345 Conditions of retention--Responsibilities of the regulatory authority (FDA Food Code 8-304.10).

- (1) At the time a PERMIT is first issued, the REGULATORY AUTHORITY shall provide to the PERMIT HOLDER a copy of this chapter so that the PERMIT HOLDER is notified of the compliance requirements and the conditions of retention, as specified under 08350, that are applicable to the PERMIT.
- (2) Failure to provide the information specified in subsection (1) of this section does not prevent the REGULATORY AUTHORITY from taking authorized action or seeking remedies if the PERMIT HOLDER fails to comply with this chapter or an order, warning, or directive of the REGULATORY AUTHORITY.

08350 Conditions of retention--Responsibilities of the permit holder (FDA Food Code 8-304.11).

Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

- (1) Post the PERMIT in a location in the FOOD ESTABLISHMENT that is conspicuous to CONSUMERS;

- (2) Comply with the provisions of this chapter including the conditions of a granted VARIANCE as specified under 08120, and APPROVED plans as specified under 08205;
- (3) If a FOOD ESTABLISHMENT is required under 08210 to operate under a HACCP PLAN, comply with the plan as specified under 08120;
- (4) Immediately contact the REGULATORY AUTHORITY to report an illness of a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE as specified under 02215;
- (5) Immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD might exist as specified under 08455;
- (6) Allow representatives of the REGULATORY AUTHORITY access to the FOOD ESTABLISHMENT as specified under 08415;
- (7) Replace existing facilities and EQUIPMENT specified under 08100 with facilities and EQUIPMENT that comply with this chapter if:
 - (a) The REGULATORY AUTHORITY directs the replacement because the facilities and EQUIPMENT constitute a public health HAZARD or nuisance or no longer comply with the requirements upon which the facilities and EQUIPMENT were accepted; or
 - (b) The facilities and EQUIPMENT are replaced in the normal course of operation.
- (8) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S FOOD ESTABLISHMENT or in response to community emergencies;
- (9) Accept notices issued and served by the REGULATORY AUTHORITY according to LAW;
- (10) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in LAW for failure to comply with this chapter or a directive of the REGULATORY AUTHORITY, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives; and
- (11) Notify customers that the most recent establishment inspection report or summary provided by the REGULATORY AUTHORITY is available for review by posting a sign or placard, or a modified operating permit provided by a REGULATORY AUTHORITY, in a location in the FOOD ESTABLISHMENT that is conspicuous to customers or by another method acceptable to the REGULATORY AUTHORITY.

08355 Conditions of retention--Permits not transferable (FDA Food Code 8-304.20).

A PERMIT may 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 specified in the application as specified under 08325(3) and the change in operation is not APPROVED.

Subpart D - Inspection and Correction of Violations

08400 Frequency--Establishing inspection interval (FDA Food Code 8-401.10).

- (1) Except as specified in subsections (2) and (3) of this section, the REGULATORY AUTHORITY shall inspect a FOOD ESTABLISHMENT at least once every six months.
- (2) The REGULATORY AUTHORITY may increase the interval between inspections beyond six months if:
 - (a) The FOOD ESTABLISHMENT is fully operating under an APPROVED and validated HACCP PLAN as specified under 08215 and 08120 (1) and (2);
 - (b) The FOOD ESTABLISHMENT is assigned a less frequent inspection frequency based on a written RISK-based inspection schedule developed by the REGULATORY AUTHORITY, or set by state or federal LAW, and uniformly applied throughout the jurisdiction; or

- (c) The establishment's operation involves only coffee service and other FOOD that is not PACKAGED or pre-PACKAGED FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD such as carbonated BEVERAGES and snack FOOD such as chips, nuts, popcorn and pretzels.
- (3) The REGULATORY AUTHORITY shall inspect a TEMPORARY FOOD ESTABLISHMENT during its PERMIT period, unless the REGULATORY AUTHORITY develops a written RISK-based plan for exempting certain categories of TEMPORARY FOOD ESTABLISHMENTS from inspection that is uniformly applied throughout the jurisdiction.

08405 Frequency--Performance- and risk-based (FDA Food Code 8-401.20).

Within the parameters specified under 08400, the REGULATORY AUTHORITY shall prioritize, and conduct more frequent inspections based upon its assessment of a FOOD ESTABLISHMENT'S history of compliance with this chapter and the establishment's potential as a vector of foodborne illness by evaluating:

- (1) Past performance, for nonconformance with this chapter or HACCP PLAN requirements;
- (2) Past performance, for numerous repeat violations of this chapter or HACCP PLAN requirements;
- (3) Past performance, for complaints investigated and found to be valid;
- (4) The hazards associated with the particular FOODS that are prepared, stored or served;
- (5) The type of operation including the methods and extent of FOOD storage, preparation, and service;
- (6) The number of people served;
- (7) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION; and
- (8) Whether the establishment is properly implementing an APPROVED self-inspection program.

08410 Frequency--Competency of inspectors (FDA Food Code 8-402.10).

- (1) An authorized representative of the REGULATORY AUTHORITY who inspects a FOOD ESTABLISHMENT or conducts plan review for compliance with this chapter shall have the knowledge, skills, and ability to adequately perform the required duties.
- (2) The REGULATORY AUTHORITY shall ensure that authorized representatives who inspect a FOOD ESTABLISHMENT or conduct plan review for compliance with this chapter have access to training and continuing education as needed to properly identify violations and apply the chapter.

08415 Access--Allowed at reasonable times after due notice (FDA Food Code 8-402.11).

After the REGULATORY AUTHORITY presents official credentials and provides notice of the purpose of, and intent to conduct, an inspection, the PERSON IN CHARGE shall allow the REGULATORY AUTHORITY to determine if the FOOD ESTABLISHMENT is in compliance with this chapter by allowing access to the establishment, allowing inspection, and providing information and records specified in this chapter and to which the REGULATORY AUTHORITY is entitled according to LAW, during the FOOD ESTABLISHMENT'S hours of operation and other reasonable times.

08420 Access--Refusal, notification of right to access, and final request for access (FDA Food Code 8-402.20).

If a PERSON denies access to the REGULATORY AUTHORITY, the REGULATORY AUTHORITY shall:

- (1) Inform the PERSON that:
 - (a) The PERMIT HOLDER is required to allow access to the REGULATORY AUTHORITY as specified under 08415 of this chapter; and
 - (b) Access is a condition of the acceptance and retention of a FOOD ESTABLISHMENT PERMIT to operate as specified under 08350(6).

- (2) Make a final request for access.

08425 Access--Refusal, reporting (FDA Food Code 8-402.30).

If after the REGULATORY AUTHORITY presents credentials and provides notice as specified under 08415, explains the authority upon which access is requested, and makes a final request for access as specified under 08420, the PERSON IN CHARGE continues to refuse access, the REGULATORY AUTHORITY shall provide details of the denial of access on an inspection report form.

08430 Report of findings--Documenting information and observations (FDA Food Code 8-403.10).

The REGULATORY AUTHORITY shall document on an inspection report form APPROVED by the Washington State Department of Health:

- (1) Administrative information about the FOOD ESTABLISHMENT'S legal identity, street and mailing addresses, type of establishment and operation as specified under 08325(3), inspection date, and other information such as type of water supply and SEWAGE disposal, status of the PERMIT, and personnel certificates that may be required; and
- (2) Specific factual observations of violative conditions or other deviations from this chapter that require correction by the PERMIT HOLDER including:
 - (a) Failure of the PERSON IN CHARGE to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of this chapter specified under 02105;
 - (b) Failure of FOOD EMPLOYEES, CONDITIONAL EMPLOYEES, and the PERSON IN CHARGE to demonstrate knowledge of their responsibility to report a disease or medical condition;
 - (c) Nonconformance with this chapter;
 - (d) 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 REGULATORY AUTHORITY as specified under 08120;
 - (e) Failure of the PERSON IN CHARGE to provide records required by the REGULATORY AUTHORITY for determining conformance with a HACCP PLAN as specified under 08215 (4)(f); and
 - (f) Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

08435 Report of findings--Specifying time frame for corrections (FDA Food Code 8-403.20).

The REGULATORY AUTHORITY shall specify on the inspection report form the time frame for correction of any violations.

08440 Report of findings--Issuing report and obtaining acknowledgment of receipt (FDA Food Code 8-403.30).

At the conclusion of the inspection and according to LAW, the REGULATORY AUTHORITY shall provide a copy of the completed inspection report and the notice to correct violations to the PERMIT HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

08445 Report of findings--Refusal to sign acknowledgment (FDA Food Code 8-403.40).

The REGULATORY AUTHORITY shall:

- (1) Inform the PERSON who declines to sign an acknowledgment of receipt of inspectional findings as specified under 08440 that:
 - (a) An acknowledgment of receipt is not an agreement with the findings;
 - (b) Refusal to sign an acknowledgment of receipt does not affect the PERMIT HOLDER'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 REGULATORY AUTHORITY'S historical record for the FOOD ESTABLISHMENT; and
- (2) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspectional findings.

08450 Report of findings--Public information (FDA Food Code 8-403.50).

Except as specified under 08220, the REGULATORY AUTHORITY 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 LAW.

08455 Imminent health hazard--Ceasing operations and reporting (FDA Food Code 8-404.11).

- (1) Except as specified in subsections (2) and (3) of this section, a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD might exist.
- (2) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.
- (3) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to continuing operations in the event of an extended interruption of electrical or water service if:
 - (a) A written emergency operating plan has been APPROVED;
 - (b) Immediate corrective action is taken to eliminate, prevent, or control any FOOD safety risk and IMMINENT HEALTH HAZARD associated with the electrical or water service interruption; and
 - (c) The REGULATORY AUTHORITY is informed upon implementation of the written emergency operating plan.

08460 Imminent health hazard--Resumption of operations (FDA Food Code 8-404.12).

If operations are discontinued as specified under 08455 or otherwise according to LAW, the PERMIT HOLDER shall obtain approval from the REGULATORY AUTHORITY before resuming operations.

Subpart E - Prevention of Foodborne Disease Transmission by Employees

08500 Investigation and control--Obtaining information--Personal history of illness, medical examination, and specimen analysis (FDA Food Code 8-501.10).

The REGULATORY AUTHORITY shall act when it has reasonable cause to believe that a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE has possibly transmitted disease; might be infected with a disease in a communicable form that is transmissible through FOOD; might be a carrier of infectious agents that cause a disease that is transmissible through FOOD; or is affected with a boil, an infected wound, or acute respiratory infection, by:

- (1) Securing a confidential medical history of the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE suspected of transmitting disease or making other investigations as deemed appropriate; and
- (2) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected FOOD EMPLOYEE or CONDITIONAL EMPLOYEE.

08505 Investigation and control--Restriction or exclusion of food employee, or summary suspension of permit (FDA Food Code 8-501.20).

Based on the findings of an investigation related to a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE who is suspected of being infected or diseased, the REGULATORY AUTHORITY may issue an order to the suspected FOOD EMPLOYEE, CONDITIONAL EMPLOYEE, or PERMIT HOLDER instituting one or more of the following control measures:

- (1) RESTRICTING the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE;

- (2) EXCLUDING the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE; or
- (3) Closing the FOOD ESTABLISHMENT by summarily suspending a PERMIT to operate in accordance with LAW.

08510 Investigation and control--Restriction or exclusion order: Warning or hearing not required, information required in order (FDA Food Code 8-501.30).

Based on the findings of the investigation as specified under 08500 and to control disease transmission, the REGULATORY AUTHORITY may issue an order of RESTRICTION or EXCLUSION to a suspected FOOD EMPLOYEE or the PERMIT HOLDER without prior warning, notice of a hearing, or a hearing if the order:

- (1) States the reasons for the RESTRICTION or EXCLUSION that is ordered;
- (2) States the evidence that the FOOD EMPLOYEE or PERMIT HOLDER shall provide in order to demonstrate that the reasons for the RESTRICTION or EXCLUSIONS are eliminated;
- (3) States that the suspected FOOD EMPLOYEE or PERMIT HOLDER may request an appeal hearing by submitting a timely request as provided in LAW; and
- (4) Provides the name and address of the REGULATORY AUTHORITY representative to whom a request for an appeal hearing can be made.

08515 Investigation and control--Removal of exclusion or restriction (FDA Food Code 8-501.40).

The REGULATORY AUTHORITY or PERSON IN CHARGE shall release a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE from RESTRICTION or EXCLUSION according to LAW and the conditions specified under 02245, 02250, and 02255.

08520 Investigation and control--Procedure when disease transmission is suspected.

- (1) When a possible foodborne illness incident is reported to any FOOD EMPLOYEE, the PERSON IN charge of the FOOD ESTABLISHMENT shall:
 - (a) Immediately report the incident to the REGULATORY AUTHORITY; and
 - (b) Remove from sale and refrigerate any suspect FOODS until released by the REGULATORY AUTHORITY.
- (2) When the REGULATORY AUTHORITY suspects that a FOOD ESTABLISHMENT, or its EMPLOYEES, might be the source of a foodborne illness, the REGULATORY AUTHORITY shall take appropriate action to control the transmission of disease. This action may include any or all of the following:
 - (a) Secure records that might enable identification of PERSONS potentially exposed to the disease, or require additional assistance in locating such PERSONS;
 - (b) Secure the illness history of each suspected EMPLOYEE;
 - (c) EXCLUDE any suspected EMPLOYEE from working in the FOOD ESTABLISHMENT until, in the opinion of the REGULATORY AUTHORITY, there is no further RISK of disease transmission;
 - (d) Suspend the PERMIT of the FOOD ESTABLISHMENT until, in the opinion of the REGULATORY AUTHORITY, there is no further RISK of disease transmission;
 - (e) RESTRICT the work activities of any suspected EMPLOYEE;
 - (f) Require medical and laboratory examinations of any FOOD EMPLOYEE and of his/her body discharges;
 - (g) Obtain any suspect FOOD for laboratory examination;
 - (h) Require the destruction of, or placement of a hold order on, all suspected FOOD; and
 - (i) Limit, substitute, or restrict menu items or FOOD handling practices that might be associated with causing illness.
- (3) The provisions of chapter 246-100 WAC, Communicable and Certain Other Diseases, apply.

Subpart F - Enforcement

08600 Permits required, suspension, revocation, enforcement.

- (1) Any PERSON operating a FOOD ESTABLISHMENT without a valid PERMIT issued by the REGULATORY AUTHORITY may be guilty of a misdemeanor under RCW 70.05.120 and local regulations.
- (2) The REGULATORY AUTHORITY may suspend any PERMIT to operate a FOOD ESTABLISHMENT if:
 - (a) Continued operation of the FOOD ESTABLISHMENT constitutes an imminent or actual health hazard;
 - (b) Operations, facilities, or EQUIPMENT in the FOOD ESTABLISHMENT fail to comply with these regulations;
 - (c) The PERMIT HOLDER does not comply with these regulations; or
 - (d) Interference with the REGULATORY AUTHORITY in the performance of its duties has occurred.
- (3) When the REGULATORY AUTHORITY has suspended a FOOD ESTABLISHMENT PERMIT, the PERMIT holder or PERSON IN CHARGE:
 - (a) Shall be notified in writing by the REGULATORY AUTHORITY that the FOOD ESTABLISHMENT PERMIT is immediately suspended upon service of the notice;
 - (b) Shall immediately cease all FOOD service operations until a hearing with the REGULATORY AUTHORITY finds the operation to be in compliance with the requirements and regulations;
 - (c) May request a hearing by filing a written request for a hearing with the REGULATORY AUTHORITY within ten days of receipt of the notice of suspension; and
 - (d) Shall be notified, if a written request for a hearing is not filed within ten days, that the suspension is sustained.
- (4) Any PERSON whose FOOD ESTABLISHMENT PERMIT has been suspended may at any time make written application for a reinspection for the purpose of reinstatement of the PERMIT. The application must include a signed statement explaining how the conditions causing the suspension of the PERMIT have been corrected.
- (5) Within two working days following receipt of a written request for reinspection, the REGULATORY AUTHORITY shall make a reinspection, and reinstate the PERMIT if the PERSON is in compliance with these regulations.
- (6) The REGULATORY AUTHORITY may adopt and use a PERMIT suspension process different than specified under subsection (2), (3), (4), or (5) of this section.
- (7) The REGULATORY AUTHORITY may revoke a FOOD ESTABLISHMENT PERMIT after providing the PERMIT HOLDER an opportunity for hearing if:
 - (a) Serious and repeated violation(s) of any requirements of these regulations have occurred; or
 - (b) Repeated interference with, or assault upon a representative of the REGULATORY AUTHORITY in the performance of his/her duty, has occurred.
- (8) Before revocation, the REGULATORY AUTHORITY shall notify, in writing, the PERMIT HOLDER of the specific reason(s) why the PERMIT is to be revoked. The notice must state:
 - (a) That the PERMIT will be revoked at the end of the ten days following the notice unless a written request for a hearing is filed with the REGULATORY AUTHORITY by the PERMIT HOLDER within such ten-day period; and
 - (b) If a request for a hearing is not filed by the PERMIT HOLDER within the ten-day period, the revocation of the PERMIT becomes final.

- (9) Any PERSON whose FOOD ESTABLISHMENT PERMIT has been revoked by the REGULATORY AUTHORITY, after a period of six months, may:
 - (a) Make written application for a new PERMIT; and
 - (b) Request a hearing with the REGULATORY AUTHORITY to determine whether a new PERMIT will be issued.
- (10) The REGULATORY AUTHORITY may use a PERMIT revocation process different than specified under subsections (7), (8), and (9) of this section.
- (11) The REGULATORY AUTHORITY may initiate any one, or a combination of, compliance methods that include, but are not limited to:
 - (a) Holding an administrative conference with the FOOD ESTABLISHMENT PERMIT HOLDER or PERSON IN CHARGE;
 - (b) Placing the FOOD ESTABLISHMENT on probation;
 - (c) Setting conditions for continued operation of the FOOD ESTABLISHMENT, by the PERMIT HOLDER, during the probation period;
 - (d) Requiring additional education or training of EMPLOYEES, management, and owners of the FOOD ESTABLISHMENT; and
 - (e) Completing a HAZARD evaluation and requiring monitoring procedures be implemented for CRITICAL CONTROL POINTS identified.

08605 Service of notice.

- (1) A notice provided for in these regulations is properly served when it is:
 - (a) Delivered to the PERMIT HOLDER;
 - (b) Delivered to the PERSON IN CHARGE of the FOOD ESTABLISHMENT; or
 - (c) Sent by registered or certified mail, return receipt requested, to the last known address of the PERMIT HOLDER.
- (2) A copy of the notice must be filed in the records of the REGULATORY AUTHORITY.

08610 Hearings.

- (1) The hearings provided for in Part 8 must be:
 - (a) Conducted by the REGULATORY AUTHORITY or its designee, and
 - (b) Conducted at a time and place designated by the REGULATORY AUTHORITY.
- (2) The REGULATORY AUTHORITY or designee shall:
 - (a) Make a final finding based upon the complete hearing record;
 - (b) Sustain, modify, or rescind any notice or order considered in the hearing; and
 - (c) Furnish a written report of the hearing decision to the PERMIT HOLDER.
- (3) The REGULATORY AUTHORITY may adopt and use an alternate hearing process.

PART 9: ALTERNATIVE FOOD FACILITIES

Subpart A - Mobile Food Units

09100 Requirements and restrictions--Requirements.

- (1) The PERMIT HOLDER and PERSON IN CHARGE of a MOBILE FOOD UNIT shall comply with the requirements of this chapter, except as otherwise provided in this section.
- (2) The PERMIT HOLDER shall obtain approval from other applicable regulating agencies prior to operating a MOBILE FOOD UNIT, including the Washington State Department of Labor and Industries.
- (3) The PERSON IN CHARGE of a MOBILE FOOD UNIT shall operate the MOBILE FOOD UNIT from an APPROVED COMMISSARY or SERVICING AREA unless they meet the exemption criteria in RCW 43.20.148 and shall return to such location for supplies, thorough cleaning, and other servicing activities, as APPROVED in a plan of operation.
- (4) When not in operation, a MOBILE FOOD UNIT must be stored at an APPROVED SERVICING AREA or other APPROVED location.
- (5) If a REGULATORY AUTHORITY suspends a MOBILE FOOD UNIT'S MOBILE PRIMARY PERMIT or MOBILE SECONDARY PERMIT, the PERMIT HOLDER shall immediately notify each REGULATORY AUTHORITY that issued the MOBILE FOOD UNIT a permit about the suspension.

09105 Requirements and restrictions--Restrictions.

The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of a MOBILE FOOD UNIT and may:

- (1) Limit the FOOD preparation steps;
- (2) Prohibit some menu items; and
- (3) Restrict the mode of operation when facilities or EQUIPMENT are inadequate to protect public health.

09110 Plan approval--Plan review.

The owner of a MOBILE FOOD UNIT shall submit a properly prepared plan of operation with specifications of the MOBILE FOOD UNIT, COMMISSARY, and SERVICING AREA to the REGULATORY AUTHORITY for approval before:

- (1) Beginning a construction or remodeling project;
- (2) Changing the menu, processes, or preparation procedures of the MOBILE FOOD UNIT;
- (3) Changing the vehicle; or
- (4) Changing the COMMISSARY.

09115 Plan approval--Plan contents.

- (1) To apply for a PRIMARY MOBILE PERMIT, the owner of a MOBILE FOOD UNIT shall include in the plan required by 09110:
 - (a) Menu and food preparation steps;
 - (b) Floor plan;
 - (c) EQUIPMENT specifications and location;
 - (d) Finish schedule;
 - (e) Source of water and specifications of the on-board plumbing;
 - (f) Site used for SEWAGE disposal;
 - (g) Availability of restrooms for EMPLOYEES;
 - (h) Operating procedures; and

- (i) Cleaning schedule.
- (2) To apply for a MOBILE SECONDARY PERMIT, the owner of a MOBILE FOOD UNIT shall provide the following information to the REGULATORY AUTHORITY issuing the secondary permit:
 - (a) A copy of the current MOBILE PRIMARY PERMIT from the original REGULATORY AUTHORITY;
 - (b) A copy of the complete APPROVED plan review from the original REGULATORY AUTHORITY;
 - (c) The most recent inspection report of the MOBILE FOOD UNIT from the original REGULATORY AUTHORITY that demonstrates compliance with food safety standards; and
 - (d) Any COMMISSARY agreements that the applicant is required to maintain under the permit from the original REGULATORY AUTHORITY.
- (3) Except as provided in (a) and (b) of this subsection, the REGULATORY AUTHORITY may not require an applicant to submit additional documents or inspections to obtain a MOBILE SECONDARY PERMIT to operate the MOBILE FOOD UNIT.
 - (a) The REGULATORY AUTHORITY may require an applicant to submit any restroom agreements the REGULATORY AUTHORITY determines are necessary to comply with this chapter;
 - (b) The REGULATORY AUTHORITY may require an applicant to submit additional COMMISSARY agreements as required by this chapter unless:
 - (i) A MOBILE FOOD UNIT is exempt from the use of a COMMISSARY under RCW 43.20.148; or
 - (ii) A MOBILE FOOD UNIT returns to its APPROVED COMMISSARY after each day of service as described in the APPROVED plan.
- (4) A REGULATORY AUTHORITY granting a MOBILE SECONDARY PERMIT may charge the applicant an annual PERMIT fee, but may not charge a plan review or inspection fee.

09120 Additional requirements--Standard operating procedures.

The PERSON IN CHARGE of a MOBILE FOOD UNIT shall ensure:

- (1) Only EMPLOYEES and other PERSONS authorized by the REGULATORY AUTHORITY are present in the MOBILE FOOD UNIT;
- (2) All EMPLOYEES are in compliance with the provisions of chapter 69.06 RCW and chapter 246-217 WAC for obtaining and renewing valid FOOD WORKER CARDS, unless all FOODS are pre-PACKAGED and are nonTIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
- (3) All FOODS, including ice, are from an APPROVED source or COMMISSARY;
- (4) TIME/TEMPERATURE CONTROL FOR SAFETY FOODS prepared on the MOBILE FOOD UNIT are served the same day they are prepared;
- (5) Pre-PACKAGED FOODS are properly labeled;
- (6) Only SINGLE-SERVICE ARTICLES are provided for use by the customer; and
- (7) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

09125 Time/temperature control for safety food--Temperature control.

The PERSON IN CHARGE of a MOBILE FOOD UNIT shall ensure that TIME/TEMPERATURE CONTROL FOR SAFETY FOODS are:

- (1) Not cooled on the MOBILE FOOD UNIT unless APPROVED;
- (2) Properly temperature-controlled during transport to the place of service;
- (3) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper FOOD temperatures; and

- (4) Held in preheated mechanical hot holding EQUIPMENT or prechilled mechanical cold holding EQUIPMENT, or otherwise temperature controlled by an APPROVED method.

09126 Commissary usage.

- (1) The PERSON IN CHARGE of a MOBILE FOOD UNIT shall use a COMMISSARY APPROVED by the REGULATORY AUTHORITY issuing the primary permit unless exempted under RCW 43.20.148.
- (2) The PERMIT HOLDER shall obtain a written, signed COMMISSARY agreement from the COMMISSARY operator that must be renewed annually. Any changes to the agreement shall be submitted to the REGULATORY AUTHORITY issuing the MOBILE PRIMARY PERMIT before implementing the changes.
- (3) The PERSON IN CHARGE shall return the MOBILE FOOD UNIT to the COMMISSARY at a regular frequency, as determined and APPROVED by the REGULATORY AUTHORITY issuing the primary permit.
- (4) The PERSON IN CHARGE shall document presence at the COMMISSARY on a log, maintain records for one year, and shall make the records available for inspection by the REGULATORY AUTHORITY upon request.
- (5) Depending on the menu and plan of operation, the MOBILE FOOD UNIT operator must have access at the COMMISSARY to:
 - (a) A three-compartment sink and other APPROVED WAREWASHING equipment;
 - (b) Adequate hot and cold holding equipment as necessary for proper food storage;
 - (c) A service sink with hot and cold water under pressure;
 - (d) At least one HANDWASHING SINK with pressurized hot and cold water that is conveniently located and used exclusively for handwashing;
 - (e) A conveniently located toilet room;
 - (f) APPROVED methods and equipment to clean and sanitize FOOD and nonfood contact surfaces within the MOBILE FOOD UNIT; and
 - (g) Adequate space for the sanitary storage of FOOD, EQUIPMENT, UTENSILS, LINENS, and single-service, or single-use articles.

09127 Commissary exemption.

- (1) The PERSON IN CHARGE of a MOBILE FOOD UNIT shall use a COMMISSARY APPROVED by the REGULATORY AUTHORITY issuing the primary permit unless exempted under RCW 43.20.148.
- (2) The REGULATORY AUTHORITY must approve a request for a MOBILE FOOD UNIT to be exempt from this chapter or REGULATORY AUTHORITY requirements to operate from an APPROVED COMMISSARY or SERVICING AREA if:
 - (a) The MOBILE FOOD UNIT contains all EQUIPMENT and UTENSILS needed for complete onboard preparation of an APPROVED menu;
 - (b) The MOBILE FOOD UNIT is protected from environmental contamination when not in use;
 - (c) The MOBILE FOOD UNIT can maintain required food storage temperatures during storage, preparation, service, and transit;
 - (d) The MOBILE FOOD UNIT has a dedicated HANDWASHING SINK to allow frequent handwashing at all times;
 - (e) The MOBILE FOOD UNIT has adequate water capacity and WAREWASHING facilities to clean all multiuse utensils used on the MOBILE FOOD UNIT at a frequency specified in this chapter;
 - (f) The MOBILE FOOD UNIT is able to store tools onboard needed for cleaning and SANITIZING;
 - (g) All FOOD, water, and ice used on the MOBILE FOOD UNIT are prepared onboard or otherwise obtained from APPROVED sources;
 - (h) Wastewater and garbage will be sanitarily removed from the MOBILE FOOD UNIT following an APPROVED written plan or by a licensed service provider; and
 - (i) The LOCAL HEALTH OFFICER approves the menu and plan of operations for the MOBILE FOOD UNIT.

09135 Water and wastewater--Water system.

The PERSON IN CHARGE shall ensure that the water system on the MOBILE FOOD UNIT:

- (1) Is supplied from an APPROVED source of water;
- (2) Is designed and constructed in an APPROVED manner;
- (3) Is filled from the APPROVED water source through a FOOD-grade hose;
- (4) Is refilled as frequently as necessary to furnish enough hot and cold water for handwashing, FOOD preparation, UTENSIL cleaning, SANITIZING, and facility cleaning, on the MOBILE FOOD UNIT;
- (5) Has a water supply tank with a minimum capacity of five gallons for handwashing;
- (6) Stores liquid waste in a wastewater retention tank with at least fifteen percent more capacity than the water supply tank; and
- (7) Retains wastewater on the MOBILE FOOD UNIT until disposed of by an APPROVED method.

09140 Handwashing--Handwashing facilities.

The PERSON IN CHARGE of a MOBILE FOOD UNIT shall ensure that a separate HANDWASHING SINK for EMPLOYEES is accessible at all times of operation; allows convenient use by EMPLOYEES; is located within 25 feet of FOOD preparation, FOOD dispensing, and WAREWASHING areas; is installed as specified under 05210; and includes soap and paper towels.

09145 Handwashing--Handwashing waiver.

When only pre-PACKAGED FOOD items are served, the REGULATORY AUTHORITY may waive or modify requirements for handwashing on the MOBILE FOOD UNIT.

09150 Employee restrooms--Toilet facilities.

The PERMIT HOLDER shall ensure APPROVED toilet facilities are available for EMPLOYEES:

- (1) Readily accessible within 500 feet of the MOBILE FOOD UNIT during times of operation, if at any one location for more than one hour; and
- (2) Provided with handwashing facilities that meet the requirements specified under 05210.

09155 Sink compartment requirements--Warewashing facilities.

The PERMIT HOLDER shall ensure:

- (1) A three-compartment sink is available on the MOBILE FOOD UNIT with potable hot and cold running water to wash, rinse, and SANITIZE UTENSILS when UTENSILS are reused on the MOBILE FOOD UNIT.
- (2) The REGULATORY AUTHORITY may waive or modify this requirement in subsection (1) of this section when a MOBILE FOOD UNIT demonstrates the operation:
 - (a) Includes limited FOOD preparation; and
 - (b) Has additional clean UTENSILS available and UTENSIL washing takes place at an APPROVED COMMISSARY or SERVICING AREA.

09160 Required postings--Business name and operating locations.

The PERMIT HOLDER shall:

- (1) Provide the REGULATORY AUTHORITY a designated business name and permanently display the business name on the exterior of the MOBILE FOOD UNIT in printed letters at least four inches in height in a manner easily visible during operation; and
- (2) Inform the REGULATORY AUTHORITY of the days, hours and locations intended to vend in a manner acceptable to the REGULATORY AUTHORITY, such as by telephone, electronic mail, written correspondence or social media link.

09165 Required postings--Permit.

The PERMIT HOLDER shall ensure the original or a copy of the currently valid FOOD ESTABLISHMENT PERMIT is posted on the MOBILE FOOD UNIT in a manner easily visible to customers during operation.

09170 Food and equipment protection--Overhead protection.

The PERMIT HOLDER and PERSON IN CHARGE shall ensure overhead protection is provided at the site of operation of the MOBILE FOOD UNIT for all FOOD handling activities.

09175 Food and equipment protection--Food and food service supplies.

The PERMIT HOLDER and PERSON IN CHARGE shall ensure that all FOOD, EQUIPMENT, UTENSILS, and other FOOD service supplies are contained on the MOBILE FOOD UNIT, at the APPROVED COMMISSARY, at the APPROVED SERVICING AREA, or as otherwise APPROVED in the plan of operation.

Subpart B - Temporary Food Establishments

09200 Requirements and restrictions.

- (1) The PERMIT HOLDER and PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall comply with the requirements of this chapter, except as otherwise provided in this subpart.
- (2) The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of the TEMPORARY FOOD ESTABLISHMENT and may:

- (a) Limit the FOOD preparation steps;
 - (b) Prohibit some menu items; and
 - (c) Restrict the mode of operation when facilities or EQUIPMENT are inadequate to protect public health.
- (3) The owner of a TEMPORARY FOOD ESTABLISHMENT shall:
- (a) Apply to the REGULATORY AUTHORITY for a PERMIT to operate the TEMPORARY FOOD ESTABLISHMENT at least fourteen calendar days before intending to provide FOOD service, or as otherwise required by the REGULATORY AUTHORITY;
 - (b) Allow only EMPLOYEES and other PERSONS authorized by the REGULATORY AUTHORITY to be present in the TEMPORARY FOOD ESTABLISHMENT; and
 - (c) Require the PERSON IN CHARGE of the TEMPORARY FOOD ESTABLISHMENT to obtain a valid FOOD WORKER CARD before beginning work.

09205 Food and equipment protection--Standard operating procedures.

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure:

- (1) Adequate facilities are provided at the TEMPORARY FOOD ESTABLISHMENTS for all necessary FOOD preparation steps;
- (2) All FOODS, including ice, are from an APPROVED source;
- (3) All off-site FOOD preparation is done in an APPROVED FOOD ESTABLISHMENT;
- (4) All storage of FOOD and EQUIPMENT is done at APPROVED locations;
- (5) FOOD is transported and stored in properly designed FOOD-grade containers;
- (6) FOOD is protected from potential contamination during transport;
- (7) Only SINGLE-SERVICE ARTICLES are provided for use by CONSUMERS, unless otherwise APPROVED by the REGULATORY AUTHORITY; and
- (8) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

09210 Time/temperature control for safety food--Temperature control.

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure that TIME/TEMPERATURE CONTROL FOR SAFETY FOODS are:

- (1) Not cooled in a TEMPORARY FOOD ESTABLISHMENT;
- (2) Properly temperature-controlled during transport to the temporary event location;
- (3) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper food temperatures;
- (4) Reheated, for hot holding, from 41°F (5°C) to 165°F (74°C) or above within one hour when cooked and cooled in an APPROVED FOOD ESTABLISHMENT;
- (5) Reheated, for hot holding, from 41°F (5°C) to 135°F (60°C) or above within one hour when produced in a food processing plant;
- (6) Reheated no more than one time; and
- (7) Held in preheated mechanical hot holding EQUIPMENT or prechilled mechanical cold holding EQUIPMENT, or otherwise temperature controlled by an APPROVED method.

09215 Thawing thickness--Thawing time/temperature control for safety foods.

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are thawed as part of a continuous cooking process are not greater than four inches thick.

09220 Public access--Separation barrier.

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT shall ensure a separation barrier or other effective method is used to protect FOOD preparation area and cooking areas from public access.

09225 Handwashing and wastewater--Facilities.

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT shall ensure APPROVED handwashing facilities allow convenient use by EMPLOYEES; are located within 25 feet of FOOD preparation, FOOD dispensing, and WAREWASHING areas; and include:

- (1) Potable, warm, running water;
- (2) Soap and paper towels;
- (3) A five-gallon or larger insulated container kept supplied with warm water for handwashing delivered through a continuous-flow spigot, if permanent plumbing is not available; and
- (4) A wastewater retention tank sufficient in size to hold all wastewater generated by the TEMPORARY FOOD ESTABLISHMENT until emptied in an APPROVED manner, if a public SEWAGE system hookup is not available.

09230 Employee restrooms--Toilet facilities.

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT shall ensure APPROVED toilet facilities are available for EMPLOYEES and are:

- (1) Readily accessible during all times of operation; and
- (2) Provided with handwashing facilities with potable, warm, running water.

09235 Sink compartment requirements--Warewashing facilities.

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT shall ensure access within 200 feet to a three-compartment sink with APPROVED drain boards and an adequate supply of hot and cold running water to wash, rinse, and SANITIZE UTENSILS when:

- (1) EQUIPMENT or UTENSILS are reused on-site; or
- (2) The TEMPORARY FOOD ESTABLISHMENT operates for two or more consecutive days; except
- (3) The REGULATORY AUTHORITY may approve an alternative UTENSIL cleaning method when three-compartment sinks with drain boards are not available and a health HAZARD cannot result.

09240 Sink compartment requirements--Food preparation sink.

The PERMIT HOLDER and PERSON IN CHARGE shall ensure a separate FOOD preparation sink is available at the TEMPORARY FOOD ESTABLISHMENT that is supplied with potable running water, drained to an APPROVED wastewater system through an indirect connection, if produce needs to be washed on-site. Alternative produce washing facilities may be used if APPROVED.

Subpart C - Bed and Breakfast Operations

09300 Residential kitchen--Requirements and restrictions.

- (1) The PERMIT HOLDER and PERSON IN CHARGE of a BED AND BREAKFAST OPERATION shall comply with the requirements of this chapter, except as otherwise provided in this subpart.
- (2) The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the FOOD service portion of a BED AND BREAKFAST OPERATION.

- (3) FOOD may be handled in the residential kitchen of a BED AND BREAKFAST OPERATION without meeting the provisions of 246-215-02315, 246-215-04212, 246-215-04214, 246-215-04216, 246-215-04224, 246-215-04228, 246-215-04236, 246-215-04250, 246-215-04254, 246-215-04260, 246-215-04264, 246-215-04315, 246-215-04340, 246-215-04345, 246-215-04405, 246-215-04410, 246-215-04500(1), 246-215-04510, 246-215-04525, 246-215-04545, 246-215-04555, 246-215-04560, 246-215-04575, 246-215-04610, 246-215-04710, 246-215-04940, and 246-215-05240; Part 4, Subpart H; Part 5, Subpart E; Part 6 and Part 7, if:
 - (a) The number of guest bedrooms does not exceed eight;
 - (b) FOOD service is limited to overnight guests;
 - (c) Breakfast is the only meal prepared; however, baked goods that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may be prepared and served at any time of day;
 - (d) TIME/TEMPERATURE CONTROL FOR SAFETY FOODS are prepared for IMMEDIATE SERVICE only; and
 - (e) TIME/TEMPERATURE CONTROL FOR SAFETY FOODS are not cooled for later reheating.
- (4) If FOOD service is provided in a BED AND BREAKFAST OPERATION other than under the conditions of subsection (3) of this section, all FOODS must be prepared in an APPROVED nonresidential kitchen meeting the requirements of this chapter.

09305 Food protection--Standard operating procedures.

The PERSON IN CHARGE of a BED AND BREAKFAST OPERATION shall ensure:

- (1) FOOD supplies for personal use are separated from FOOD supplies intended for guest use;
- (2) FOOD-CONTACT SURFACES are thoroughly cleaned before each use;
- (3) A HANDWASHING SINK is available for use by EMPLOYEES during all times FOOD is prepared for BED AND BREAKFAST OPERATION guests and is located within 25 feet of FOOD preparation, FOOD dispensing, and WAREWASHING areas;
- (4) Each HANDWASHING SINK is provided with a supply of hand soap and SINGLE-USE towels or other APPROVED hand-drying device;
- (5) REFUSE, recyclables, and returnables are stored in a manner that does not create a public health HAZARD or nuisance;
- (6) The PREMISES are maintained to control insects, rodents, and other pests;
- (7) Children under age ten and animals are kept out of FOOD preparation areas during all times FOOD is prepared for BED AND BREAKFAST guests; and
- (8) Toxic chemicals are stored in accurately labeled containers away from all FOODS and FOOD service supplies.

09310 Sinks--Sink compartment requirements.

The kitchen of a BED AND BREAKFAST OPERATION must have at least the following facilities for cleaning and SANITIZING FOOD contact UTENSILS and EQUIPMENT and to allow handwashing in a separate sink basin from one used for FOOD preparation:

- (1) A three-compartment sink; or
- (2) Two-sink basins plus a home-style dishwasher with a SANITIZING cycle providing 155°F (68°C) or hotter water.

Subpart D - Donated Food Distributing Organizations

09400 Requirements and exemptions.

- (1) The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall comply with the requirements of this chapter, except as otherwise provided in this section.

- (2) A DONATED FOOD DISTRIBUTING ORGANIZATION is exempt from the provisions of 08600 and Part 8, Subpart C of this chapter, regarding operating with a valid FOOD ESTABLISHMENT PERMIT.
- (3) The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall notify the REGULATORY AUTHORITY in writing or by another APPROVED manner:
 - (a) Initially regarding the nature of its FOOD service activities, including information specified in 08325; and
 - (i) A valid 501(c) IRS determination letter; or
 - (ii) A letter of sponsorship from a 501(c) organization with a copy of its current 501(c) IRS determination letter.
 - (b) Annually of the nature of its FOOD service activities, including types of FOOD served and distributed; and
 - (c) Whenever the IRS determination letter is revoked or there is a significant change in its FOOD service activities.
- (4) A DONATED FOOD DISTRIBUTING ORGANIZATION is exempt from meeting the provisions of 246-215-02315, 246-215-03610, 246-215-04212, 246-215-04214, 246-215-04216, 246-215-04224, 246-215-04228, 246-215-04236, 246-215-04250, 246-215-04254, 246-215-04260, 246-215-04264, 246-215-04315, 246-215-04340, 246-215-04345, 246-215-04405, 246-215-04410, 246-215-04500(1), 246-215-04510, 246-215-04525, 246-215-04545, 246-215-04555, 246-215-04560, 246-215-04575, 246-215-04610, 246-215-04710, 246-215-04940, and 246-215-05240, Part 4, Subpart H; Part 5, Subpart E; and Part 6, of this chapter, except as otherwise provided in this subpart.
- (5) The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of a DONATED FOOD DISTRIBUTING ORGANIZATION and may:
 - (a) Limit the FOOD preparation steps;
 - (b) Prohibit some menu items; and
 - (c) Restrict the mode of operations when the facilities or EQUIPMENT are inadequate to protect public health.

09405 Standard operating procedures--Food protection.

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall ensure:

- (1) REFUSE, recyclables, and returnables are stored in a manner that does not create a public health HAZARD or nuisance;
- (2) The PREMISES are maintained to control insects, rodents, and other pests;
- (3) Children under age ten and animals are kept out of FOOD preparation areas during the preparation of FOODS;
- (4) Toxic chemicals are stored in accurately labeled containers away from all FOODS and FOOD service supplies; and
- (5) EQUIPMENT and FOOD CONTACT SURFACES are maintained in good repair and condition.

09406 Standard operating procedures--Food handling.

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall ensure:

- (1) Compliance with the food safety requirements outlined in Part 3 of this chapter;
- (2) FOOD CONTACT SURFACES are thoroughly cleaned and SANITIZED before each use;
- (3) Cooled TIME/TEMPERATURE CONTROL FOR SAFETY FOOD received from a DONOR KITCHEN is reheated to at least 165°F (74°C) within two hours;
- (4) Cooled TIME/TEMPERATURE CONTROL FOR SAFETY FOOD rescued from a FOOD ESTABLISHMENT is reheated to at least 165°F (74°C) within two hours; and
- (5) MEAT received from licensed hunters is cooked to at least 165°F (74°C).

09407 Standard operating procedures—Transportation.

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall ensure:

- (1) Vehicles owned and operated by the DONATED FOOD DISTRIBUTING ORGANIZATION for transporting FOOD are cleaned at a frequency necessary to prevent accumulation of soil residues. The interior of the vehicle where food containers are stored must be clean and free of insects, dirt, animals, leakage, and other potential contaminants;
- (2) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is maintained hot or cold during transport using EQUIPMENT that is not packed beyond capacity to maintain cold FOODS at 41°F (5°C) or below and hot FOODS at 135°F (57°C) or above; and
- (3) FOOD is handled and transported in separate containers as needed to prevent potential cross contamination.

09410 Sinks--Sink compartment requirements.

The DONATED FOOD DISTRIBUTING ORGANIZATION shall have at least the following facilities:

- (1) A HANDWASHING SINK accessible and convenient for use by EMPLOYEES during all times of FOOD preparation and service of unwrapped FOODS.
- (2) Each sink used for handwashing is provided with a supply of hand soap and SINGLE-USE towels or other APPROVED hand-drying device.
- (3) A HANDWASHING SINK must be provided in the restroom and food preparation areas. A HANDWASHING SINK in a toilet room is not a replacement for HANDWASHING SINKS in food preparation areas.
- (4) If unPACKAGED FOOD is handled on-site, the DONATED FOOD DISTRIBUTING ORGANIZATION shall have at least the following facilities available for cleaning of FOOD-contact UTENSILS and EQUIPMENT:
 - (a) A three-compartment sink;
 - (b) A two-compartment sink as specified in 04305 (4) and (5);
 - (c) A two-compartment sink plus a home-style dishwasher with a SANITIZING cycle providing 155°F (68°C) or hotter water; or
 - (d) As otherwise APPROVED.
- (5) If produce is washed on-site, the DONATED FOOD DISTRIBUTING ORGANIZATION must either have:
 - (a) A separate FOOD preparation sink as specified in 04325; or
 - (b) An APPROVED alternative produce washing procedure (e.g., the use of a colander) that ensures produce is not directly placed in WAREWASHING or HANDWASHING SINKS.

09415 Food sources--Donated foods.

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION may receive FOODS for charitable purposes that include:

- (1) APPROVED SOURCES as listed in Part 3, Subpart B of this chapter;
- (2) FOOD from a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT;
- (3) Previously served FOODS from a FOOD ESTABLISHMENT operating under a plan APPROVED by the REGULATORY AUTHORITY;
- (4) FOOD from a DONOR KITCHEN that is:
 - (a) Properly stored and handled to prevent contamination;
 - (b) Prepared on-site at the DONOR KITCHEN and not in a residential kitchen in a private home; and
 - (c) Maintained at proper temperatures during storage, preparation and transport.
- (5) FOOD from a residential kitchen in a private home that is properly stored and handled to prevent contamination:

- (a) Nontime/temperature control for safety food, nonready-to-eat food;
 - (b) Nontime/temperature control for safety food and ready-to-eat foods in an intact commercial package; or
 - (c) Commercially packaged frozen food.
- (6) Nontime/temperature control for safety food baked goods from a residential kitchen in a private home that is properly prepared to prevent contamination.
- (7) Muscle meat of a wild game animal:
 - (a) Received from a law enforcement officer certified by a jurisdiction in the state of Washington or from a hunter licensed by the Washington State Department of Fish and Wildlife;
 - (b) Field dressed to remove the viscera with or without skin present;
 - (c) Accompanied by a written statement identifying:
 - (i) The name and address of the person who harvested the game;
 - (ii) The license, permit or tag number and kind of animal provided;
 - (iii) The date killed, the county and area where the animal was taken; and
 - (iv) The hunter's signature as required by WAC 220-200-120.
 - (d) Stored and handled to prevent temperature abuse and contamination during transport to the processing facility;
 - (e) Processed by an approved meat cutter; and
 - (f) Labeled **"Uninspected wild game meat, thoroughly cook to 165°F (74°C) internal temperature"**;
- (8) Muscle meat of a domesticated livestock animal;
 - (a) Slaughtered in a USDA-inspected slaughter facility;
 - (b) Stored and handled to prevent temperature abuse and contamination during transport between slaughter and processing facilities;
 - (c) Processed by a food establishment permitted by the regulatory authority; and
 - (d) Labeled **"This product was prepared from inspected and passed meat. Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly"**;
- (9) Fresh fish:
 - (a) Received from a recreational or commercial fisher licensed by the Washington State Department of Fish and Wildlife;
 - (b) Received whole or minimally processed to remove the head, viscera or head and viscera; and
 - (c) Stored and handled to prevent temperature abuse and contamination during transport.
- (10) Nontime/temperature control for safety food, nonready-to-eat foods handled, stored, or prepared in a residential kitchen in a private home.
- (11) Baked goods that are not time/temperature control for safety food handled, stored, or prepared in a residential kitchen in a private home;
- (12) Nontime/temperature control for safety food, ready-to-eat foods in an intact commercial package stored in a residential kitchen in a private home; and
- (13) Commercially packaged frozen food.

09420 Receiving food--Food condition.

The person in charge of a donated food distributing organization shall ensure that foods are inspected upon receipt and information is obtained from donors in order to determine that:

- (1) Foods are safe and not adulterated;

- (2) FOODS rescued from a FOOD ESTABLISHMENT that have not been previously served to a PERSON, unless as specified in 09415;
- (3) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD meets the temperature specifications in 03235;
- (4) FOODS have been protected from contamination during handling and storage by intact original commercial packaging or sanitary FOOD-grade containers;
- (5) FOODS have been handled and transported in separate containers as needed to prevent potential cross contamination between READY-TO-EAT FOODS and FOODS that are not READY-TO-EAT FOODS; and
- (6) FOODS were transported in the interior of a vehicle that is clean and free of insects, dirt, animals, leakage, and other potential contaminants.

09425 Prohibited food--Restrictions.

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION may not accept, serve or distribute:

- (1) Home-canned FOODS;
- (2) FOOD from a residential kitchen in a private home, other than those specified in 09415;
- (3) FOOD from a donor kitchen prepared using specialized processing methods as described in 03535;
- (4) Canned FOODS in containers that are rusty or severely damaged;
- (5) Distressed FOODS (such as from a fire, flood, or prolonged storage) unless the FOODS have been evaluated and APPROVED for charitable distribution;
- (6) Infant formula that is past the original expiration date set by the processor; or
- (7) Raw, unpasteurized milk.

09430 Food labels--Alternative labeling.

FOOD that is REPACKAGED at the DONATED FOOD DISTRIBUTING ORGANIZATION may be distributed without complete label information on each individual container, provided that:

- (1) Each container is labeled with the common name of the FOOD;
- (2) The name and place of business of the manufacturer, packer, or distributor; and
- (3) The complete label information, according to the provisions of chapter 69.04 RCW, including complete ingredient and allergen disclosure information, is on the master carton or is posted in plain view on a card, sign, or other method of notice at the point of distribution to the CONSUMER.

09435 Record keeping--Receiving record.

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION receiving TIME/TEMPERATURE CONTROL FOR SAFETY FOODS or nonTIME/TEMPERATURE CONTROL FOR SAFETY FOODS, READY-TO-EAT FOODS not prePACKAGED in a FOOD PROCESSING PLANT shall keep records for ninety days documenting the source, quantity, type, and receiving date of the FOODS.

Subpart E - Preschools

09500 Requirements and exemptions.

- (1) The PERMIT HOLDER and PERSON IN CHARGE of a PRESCHOOL shall comply with the requirements of this chapter, except as otherwise provided in this section. If the PERMIT HOLDER does not meet the requirements under subsection (2) of this section, the PERMIT HOLDER shall comply with all requirements of this chapter.

- (2) A PRESCHOOL is exempt from meeting the provisions of 246-215-02315, 246-215-03610, 246-215-04212, 246-215-04214, 246-215-04216, 246-215-04224, 246-215-04228, 246-215-04250, 246-215-04254, 246-215-04260, 246-215-04264, 246-215-04410, 246-215-04500(1), 246-215-04525, 246-215-04545, 246-215-04555, 246-215-04560, 246-215-04610(2), 246-215-04710, 246-215-05240, 246-215-06100, 246-215-06200, 246-215-06290, and 246-215-06355 if:
 - (a) FOOD service is limited to enrolled children, staff, and volunteers at the PRESCHOOL;
 - (b) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is prepared for IMMEDIATE SERVICE; and
 - (c) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is cooked, reheated, or hot held and not cooled for future service. TIME/TEMPERATURE CONTROL FOR SAFETY FOOD must be either served hot or discarded each day.
- (3) The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of the PRESCHOOL and may:
 - (a) Limit the FOOD preparation steps;
 - (b) Prohibit some menu items; and
 - (c) Restrict the mode of operations when the facilities or EQUIPMENT are inadequate to protect public health.

09505 Standard operating procedures.

The PERSON IN CHARGE of the PRESCHOOL shall ensure:

- (1) EQUIPMENT for cold holding, heating and hot holding FOODS are sufficient in number and capacity to provide FOOD temperatures specified in Part 3 of this chapter. Residential models of such EQUIPMENT may be used if they are EASILY CLEANABLE and in good repair;
- (2) FOOD-CONTACT SURFACES are thoroughly cleaned and SANITIZED before each use;
- (3) A HANDWASHING SINK is accessible for use by EMPLOYEES during all times of FOOD preparation and service of unwrapped FOODS and is located within 25 feet of FOOD preparation, FOOD dispensing, and WAREWASHING areas;
- (4) Each HANDWASHING SINK is provided with a supply of hand soap and SINGLE-USE towels or other APPROVED hand-drying device;
- (5) REFUSE and recyclables are stored in a manner that does not create a public health HAZARD or nuisance;
- (6) The PREMISES must be maintained free of infestations of insects, rodents, and other pests such that there is not a breeding population of pests in the facility; and
- (7) Toxic chemicals are stored in accurately labeled containers away from all FOODS and FOOD service supplies.

09510 Sink compartment requirements.

- (1) At a minimum, a PRESCHOOL must have manual WAREWASHING sinks as specified under 04305.
- (2) One of the WAREWASHING sinks may also be used as a HANDWASHING SINK, provided food preparation and WAREWASHING occur at separate times.

09515 Food preparation sink.

If produce is washed on-site, the PRESCHOOL must either have:

- (1) A separate FOOD preparation sink as specified under 04325; or
- (2) A pre-APPROVED alternate produce washing procedure (e.g., the use of a colander) that ensures produce is not directly placed in WAREWASHING or HANDWASHING SINKS.

PART 10: SEVERABILITY

10000 Severability.

If any provision of this chapter or its application to any PERSON or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other PERSONS or circumstances is not affected.

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LIST OF ACRONYMS

BHC	Bare hand contact
CIP	Clean in place
DFDO	Donated food distributing organization
HSP	Highly susceptible population
PHF	Potentially hazardous food – see TCS
PIC	Person in charge
ROP	Reduced oxygen packaging
RTE	Ready-to-eat
TCS	Time/Temperature Control for Safety Food