
CITY OF CHICAGO

RULES



Food Code Rules

Draft: 12/1/17



BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC HEALTH
PURSUANT TO SECTIONS 2-112-100(b) and 2-112-160(a)(7) OF THE MUNICIPAL CODE OF
CHICAGO, THE FOLLOWING FOOD CODE RULES ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: _____

Date: _____

Commissioner Julie Morita, M.D.

Published: _____

Effective: _____

Food Code Rules

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Chapter 1 Purpose and Definitions

1-1 TITLE, INTENT, SCOPE, CONFLICT

1-101.10 Title.

These rules shall be known as the Food Code Rules, hereinafter referred to as "this Code."

1-102.10 Intent -- Food Safety, Illness Prevention, and Honest Presentation.

The purpose of this Code is to safeguard public health and provide to CONSUMERS FOOD that is safe, UNADULTERATED, and honestly presented.

1-103.10 Scope.

This Code establishes definitions; sets standards for management and personnel, FOOD operations, and EQUIPMENT and facilities; and provides for RETAIL FOOD ESTABLISHMENT plan review, LICENSE issuance, inspection, EMPLOYEE RESTRICTION, and LICENSE suspension.

1-104.10. Conflict.

If there is a conflict between this Code and the Municipal Code of Chicago, the Municipal Code of Chicago shall prevail.

1-201.10 Definitions.

(A) The following definitions shall apply in the interpretation and application of this Code.

(B) Terms Defined. For purposes of this Code, each of the terms listed in this Rule 1-201.10(B) shall have the meaning stated below.

Accredited Program.

(1) "**Accredited program**" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as

conforming to national standards for organizations that certify individuals.

(2) "**Accredited program**" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(3) "**Accredited program**" *does not refer to training functions or educational programs.*

Additive.

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

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

"**Approved**" means acceptable to the Department of Health based on its determinations to conformance with the appropriate standards and good health practices.

Asymptomatic.

(1) "**Asymptomatic**" means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.

(2) "**Asymptomatic**" includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

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

"**Balut**" means an embryo inside a fertile EGG that has been incubated for a period sufficient for the

embryo to reach a specific stage of development after which it is removed from incubation before hatching.

"Beverage" means a liquid intended for drinking, including water.

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

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

"Category I facility" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

- (1) Time/temperature control for safety foods are cooled, as part of the food handling operation at the facility;
- (2) Time/temperature control for safety foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- (3) Time/temperature control for safety food is cooked, cooled, and reheated;
- (4) Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;
- (5) Vacuum packaging, other forms of reduced oxygen packaging, or other special processes that require a HACCP plan; or
- (6) Immunocompromised individuals such as the elderly, young children under age four (4), and pregnant women are served, where these individuals compose the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

- (1) Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;
- (2) Foods are prepared from raw ingredients, using only minimal assembly; and
- (3) Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where at least one of the following operations occur:

- (1) Only time/temperature control for safety foods commercially pre-packaged in an approved processing plant are available or served;
- (2) Only limited preparation of beverages, such as coffee and carbonated beverages, occurs; and/or
- (3) Only beverages (alcoholic and non-alcoholic) are served.

"Certification number" means a unique combination of letters and numbers assigned by a SHELLFISH CONTROL AUTHORITY to a MOLLUSCAN SHELLFISH DEALER according to the provisions of the National Shellfish Sanitation Program.

"CFR" means CODE OF FEDERAL REGULATIONS. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 40 CFR 180.194 refers to Title 40, Part 180, Section 194.

CIP.

- (1) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through

a piping system of a detergent solution, water rinse, and SANITIZING solution onto or over EQUIPMENT surfaces that require cleaning, such as the method used, in part, to clean and SANITIZE a frozen dessert machine.

(2) "**CIP**" does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

"Commingle" means:

- (1) To combine SHELLSTOCK harvested on different days or from different growing areas as identified on the tag or label, or
- (2) To combine SHUCKED SHELLFISH from containers with different container codes or different shucking dates.

Comminuted.

- (1) "**Comminuted**" means reduced in size by methods including chopping, flaking, grinding, or mincing.
- (2) "**Comminuted**" includes FISH or MEAT products that are reduced in size and restructured or reformulated such as gefilte FISH, gyros, ground beef, and sausage; and a mixture of 2 or more types of MEAT that have been reduced in size and combined, such as sausages made from 2 or more MEATS.

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

"Confirmed disease outbreak" means a FOODBORNE DISEASE OUTBREAK in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the FOOD as the source of the illness.

"Consumer" means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a RETAIL FOOD ESTABLISHMENT or FOOD PROCESSING PLANT, and does not offer the FOOD for resale.

Core Item.

(1) **"Core item"** means a provision in this Code that is not designated as a PRIORITY ITEM or a PRIORITY FOUNDATION ITEM.

(2) **"Core item"** includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

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

"Critical control point" means a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health RISK.

"Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a CRITICAL CONTROL POINT to minimize the RISK that the identified FOOD safety HAZARD may occur.

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

"Dealer" means a PERSON who is authorized by a SHELLFISH CONTROL AUTHORITY for the activities of SHELLSTOCK shipper, shucker-packer, repacker, reshipper, or depuration processor of MOLLUSCAN SHELLFISH according to the provisions of the National Shellfish Sanitation Program.

"Department" means the Department of Health of the City of Chicago.

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

Drinking Water.

(1) **"Drinking water"** means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations.

(2) **"Drinking water"** is traditionally known as "potable water."

(3) **"Drinking water"** includes the term "water" *except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.*

"Dry storage area" means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and dry goods such as SINGLE-SERVICE items.

Easily Cleanable.

(1) **"Easily cleanable"** means a characteristic of a surface that:

(a) Allows effective removal of soil by normal cleaning methods;

(b) Is dependent on the material, design, construction, and installation of the surface;

(c) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD based on the surface's APPROVED placement,

purpose, and use: and

(2) **"Easily cleanable"** includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified in Subparagraph (1) of this definition to different situations in which varying degrees of cleanability are required such as:

(a) The appropriateness of stainless steel for a FOOD preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for CONSUMER dining; or

(b) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

"Easily movable" means:

(1) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of EQUIPMENT for cleaning; and

(2) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and adjacent area.

Egg.

(1) **"Egg"** means the shell EGG of avian species such as chicken, duck, goose, guinea, quail, RATITES or turkey.

(2) **"Egg"** *does not include:*

(a) A BALUT;

(b) *The egg of reptile species such as alligator; or*

(c) *An EGG PRODUCT.*

Egg Product.

(1) **"Egg Product"** means all, or a portion of, the contents found inside EGGS separated from the shell and pasteurized in a FOOD PROCESSING PLANT, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

(2) **"Egg Product"** *does not include FOOD which contains EGGS only in a relatively small proportion such as cake mixes.*

"EPA" means the U.S. Environmental Protection Agency.

"Exclude" means to prevent a PERSON from working as an EMPLOYEE in a RETAIL FOOD ESTABLISHMENT or entering a RETAIL FOOD ESTABLISHMENT as an EMPLOYEE.

"FDA" means the U.S. Food and Drug Administration.

Fish.

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

(2) **"Fish"** includes an edible human FOOD product derived in whole or in part from FISH, including FISH that have been processed in any manner.

"Foodborne disease outbreak" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common FOOD.

"Food Employee" or "Food Handler"

- (1) **"Food Employee" or "Food Handler"** means any individual working with unPACKAGED FOOD, FOOD EQUIPMENT or UTENSILS, or FOOD-CONTACT SURFACES, excluding uncut intact fruits, vegetables, nuts, and legumes.
- (2) **"Food Employee" or "Food Handler"** *does not include individuals working or volunteering at a temporary or special event.*

Game Animal.

- (1) **"Game animal"** means an animal, the products of which are FOOD, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 Definitions, or as Poultry, or FISH.
- (2) **"Game animal"** includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
- (3) **"Game animal"** *does not include RATITES.*

"General use pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 Pesticides classified for restricted use.

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

"HACCP plan" means a written document that delineates the formal procedures for following the HAZARD Analysis and CRITICAL CONTROL POINT principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

Handwashing Sink.

(1) **"Handwashing sink"** means a lavatory, a basin or vessel for washing, a wash basin, or a PLUMBING FIXTURE especially placed for use in personal hygiene and designed for the washing of the hands.

(2) **"Handwashing sink"** includes an automatic handwashing facility.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

"Health practitioner" means a physician licensed to practice medicine, or if allowed by LAW, a nurse practitioner, physician assistant, or similar medical professional.

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

"Highly susceptible population" means PERSONS who are more likely than other people in the general population to experience foodborne disease because they are:

(1) Immunocompromised; preschool age children, or older adults; and

(2) Obtaining FOOD at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

"Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

(1) The number of potential injuries, and

(2) The nature, severity, and duration of the anticipated injury.

"Injected" means manipulating MEAT to which a solution has been introduced into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping."

Juice.

(1) **"Juice"** means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purée.

(2) **"Juice"** *does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as BEVERAGES or ingredients of BEVERAGES.*

"Kitchenware" means FOOD preparation and storage UTENSILS.

"Law" means applicable local, state, and federal statutes, rules, and ordinances.

"License holder" means the entity that:

(1) Is legally responsible for the operation of the RETAIL FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and

(2) Possesses a valid LICENSE to operate a RETAIL FOOD ESTABLISHMENT.

"Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

Major Food Allergen.

(1) **"Major food allergen"** means:

(a) Milk, EGG, FISH (such as bass, flounder, cod, and including crustacean shellfish such

as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or

(b) A FOOD ingredient that contains protein derived from a FOOD, as specified in Subparagraph (1)(a) of this definition.

(2) **"Major food allergen"** does not include:

(a) Any highly refined oil derived from a FOOD specified in Subparagraph (1)(a) of this definition and any ingredient derived from such highly refined oil; or

(b) Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

"Meat" means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except FISH, POULTRY, and wild GAME ANIMALS as specified under Subparagraphs 3-201.17(A)(3) and (4).*

Mechanically Tenderized.

(1) **"Mechanically tenderized"** means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device.

(2) **"Mechanically tenderized"** does not include processes by which solutions are INJECTED into meat.

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

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

Non-Continuous Cooking.

(1) **"Non-continuous cooking"** means the cooking of FOOD in a RETAIL FOOD ESTABLISHMENT using a process in which the initial heating of the FOOD is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(2) **"Non-continuous cooking"** does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

Packaged.

(1) **"Packaged"** means bottled, canned, cartoned, bagged, or wrapped, whether PACKAGED in a RETAIL FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT.

(2) **"Packaged"** *does not include wrapped or placed in a carry-out container to protect the FOOD during service or delivery to the CONSUMER, by a FOOD EMPLOYEE, upon CONSUMER request.*

"Person in charge" (PIC) means the individual present at a RETAIL FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

Personal Care Items.

(1) **"Personal care items"** means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a PERSON'S health, hygiene, or appearance.

(2) **"Personal care items"** include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

"pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a

measure of the degree of acidity or alkalinity of a solution.

Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

"Physical facilities" means the structure and interior surfaces of a RETAIL FOOD ESTABLISHMENT including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

"Plumbing fixture" means a receptacle or device that:

- (1) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system; or
- (2) Discharges used water, waste materials, or SEWAGE directly or indirectly to the drainage system of the PREMISES.

"Plumbing system" means the water supply and distribution pipes; PLUMBING FIXTURES and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the PREMISES; and water-treating EQUIPMENT.

"Poisonous or toxic materials" means substances that are not intended for ingestion and are included in 4 categories:

- (1) Cleaners and SANITIZERS, which include cleaning and SANITIZING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (2) Pesticides, *except* SANITIZERS, which include substances such as insecticides and rodenticides;
- (3) Substances necessary for the operation and maintenance of the establishment such as

nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health;
and

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

"Poultry" means:

(1) Any domesticated bird (chickens, turkeys, ducks, geese, guineas, RATITES, or squabs), whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definitions, Poultry; and

(2) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions.

"Premises" means:

(1) The PHYSICAL FACILITY, its contents, and the contiguous land or property under the control of the LICENSE HOLDER; or

(2) The PHYSICAL FACILITY, its contents, and the land or property not described in Subparagraph (1) of this definition if its facilities and contents are under the control of the LICENSE HOLDER and may impact RETAIL FOOD ESTABLISHMENT personnel, facilities, or operations, and a RETAIL FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

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

Priority Item.

(1) **"Priority item"** means a provision in this Code whose application contributes directly to

the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury, and there is no other provision that more directly controls the hazard.

(2) **"Priority item"** includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and

(3) **"Priority item"** is an item that is denoted in this Code with a superscript P-^P.

Priority Foundation Item.

(1) **"Priority foundation item"** means a provision in this Code whose application supports, facilitates or enables one or more PRIORITY ITEMS.

(2) **"Priority foundation item"** includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; and

(3) **"Priority foundation item"** is an item that is denoted in this Code with a superscript Pf₋.

"Public water system" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

"Ratite" means a flightless bird such as an emu, ostrich, or rhea.

Ready-to-Eat Food.

(1) **"Ready-to-eat food"** means FOOD that:

(a) Is in a form that is edible without additional preparation to achieve FOOD safety, as specified under 3-401.11(A) or (B), Section 3-401.12, or Section 3-402.11, or as specified in 3-401.11(C); or

(b) Is a raw or partially cooked animal FOOD and the consumer is advised as specified in Subparagraphs 3-401.11(D)(1) and (3); or

(c) Is prepared in accordance with a variance that is granted as specified in Subparagraph 3-401.11(D) (4); and

(d) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(2) **"Ready-to-eat food"** includes:

(a) Raw animal FOOD that is cooked as specified under Section 3-401.11 or 3-401.12, or frozen as specified under Section 3-402.11;

(b) Raw fruits and vegetables that are washed as specified under Section 3-302.15;

(c) Fruits and vegetables that are cooked for hot holding, as specified under Section 3-401.13;

(d) All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific FOOD under Subpart 3-401 and cooled as specified under Section 3-501.14;

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

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

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

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

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

Reduced Oxygen Packaging.

(1) **"Reduced oxygen packaging"** means:

(a) The reduction of the amount of oxygen in a PACKAGE by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and

(b) A process as specified in Subparagraph (1)(a) of this definition that involves a FOOD for which the HAZARDS *Clostridium botulinum* or *Listeria monocytogenes* require control in the final PACKAGED form.

(2) **"Reduced oxygen packaging"** includes:

(a) Vacuum PACKAGING, in which air is removed from a PACKAGE of FOOD and the PACKAGE is HERMETICALLY SEALED so that a vacuum remains inside the PACKAGE;

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

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

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

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

"Refuse" means solid waste (garbage and rubbish) not carried by water through the SEWAGE system.

"Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the RETAIL FOOD ESTABLISHMENT.

"Reminder" means a written statement, may also be called a consumer advisory, concerning the health RISK of consuming animal FOODS raw, undercooked, or without otherwise being processed to eliminate pathogens.

"Re-service" means the transfer of FOOD that is unused and returned by a CONSUMER after

being served or sold and in the possession of the CONSUMER, to another PERSON.

"Restrict" means to limit the activities of a FOOD EMPLOYEE so that there is no RISK of transmitting a disease that is transmissible through FOOD and the FOOD EMPLOYEE does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS, or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

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

"Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

"Risk" means the likelihood that an adverse health effect will occur within a population as a result of a HAZARD in a FOOD.

"Safe material" means:

- (1) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD;
- (2) An additive that is used as specified in Section 409 of the Federal Food, Drug, and Cosmetic Act; or
- (3) Other materials that are not ADDITIVES and that are used in conformity with applicable regulations of the Food and Drug Administration.

"Sanitization" means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, as defined in Section 36.104 of the Americans with Disabilities Act Title III Regulations, codified at 28 C.F.R. Section 36.104, and such other animal that meets the criteria set forth in Sections 36.302 and 35.136 of such Regulations, codified at 28 C.F.R. Section 35.136 and 28 C.F.R. Section 36.302.

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

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of MOLLUSCAN SHELLFISH harvesters and DEALERS for interstate commerce.

"Shellstock" means raw, in-shell MOLLUSCAN SHELLFISH.

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

"Shucked shellfish" means MOLLUSCAN SHELLFISH that have one or both shells removed.

"Slacking" means the process of moderating the temperature of a FOOD such as allowing a FOOD to gradually increase from a temperature of -23⁰C (-10⁰F) to -4⁰C (25⁰F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD such as shrimp.

"Smooth" means:

- (1) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;
- (2) A nonFOOD-CONTACT SURFACE of EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
- (3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

"Staff" means all the people employed by the owner, organization, or license holder.

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

"Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

Time/Temperature Control for Safety Food (formerly "potentially hazardous food" (PHF).

(1) **"Time/temperature control for safety food"** means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(2) **"Time/temperature control for safety food"** includes:

(a) An animal FOOD that is raw or heat-treated; a plant FOOD that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and

(b) Except as specified in Subparagraph (3)(d) of this definition, a FOOD that because of the interaction of its A_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and A_w for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently PACKAGED

A_w values	pH: 4.6 or less	pH: > 4.6 - 5.6	pH: > 5.6
≤ 0.92	non-TCS FOOD*	non-TCS FOOD	non-TCS FOOD
> 0.92 - 0.95	non-TCS FOOD	non-TCS FOOD	PA**
> 0.95	non-TCS FOOD	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

Table B. Interaction of pH and A_w for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED

A_w	pH: < 4.2	pH: 4.2 - 4.6	pH: > 4.6 - 5.0	pH: > 5.0
< 0.88	non-TCS food*	Non-TCS food	non-TCS food	non-TCS food
0.88 – 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 – 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

(3) **"Time/temperature control for safety food"** does not include:

- (a) *An air-cooled hard-boiled EGG with shell intact, or an EGG with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable **salmonellae**;*
- (b) *A FOOD in an unopened HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;*
- (c) *A FOOD that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non-TCS FOOD in Table A or B of this definition;*
- (d) *A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD is precluded due to:*
 - (i) *Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants, or nutrients,*
 - (ii) *Extrinsic factors including environmental or operational factors that affect the FOOD such as packaging, modified atmosphere such as REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use, or*
 - (iii) *A combination of intrinsic and extrinsic factors; or*
- (e) *A FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (3)(a) - (3)(d) of this definition even though the FOOD may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.*

"USDA" means the U.S. Department of Agriculture.

"Utensil" means a FOOD-CONTACT implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES; and probe-type price or identification tags used in contact with FOOD.

"Variance" means a written document issued by the REGULATORY AUTHORITY that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of the REGULATORY AUTHORITY, a health HAZARD or nuisance will not result from the modification or waiver.

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

"Vending machine location" means the room, enclosure, space, or area where one or more VENDING MACHINES are installed and operated and includes the storage areas and areas on the PREMISES that are used to service and maintain the VENDING MACHINES.

"Warewashing" means the cleaning and SANITIZING of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT.

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

Chapter 2 Management and Personnel

2-1 SUPERVISION

2-101.11 Responsibility -- Assignment.

(A) The LICENSE HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the RETAIL FOOD ESTABLISHMENT during all hours of operation.^{Pf}

2-102.11 Knowledge -- Demonstration.

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

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

(B) Having a valid City of Chicago Food Service Sanitation Certificate;^{Pf} or

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

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

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

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

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

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

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

(7) Stating the required temperatures and times for the safe

refrigerated storage, hot holding, cooling, and reheating of
TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; ^{Pf}

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

(a) Cross contamination, ^{Pf}

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

(c) Handwashing, ^{Pf} and

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

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

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

(a) Sufficient in number and capacity, ^{Pf} and

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

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

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

(13) Identifying POISONOUS OR TOXIC MATERIALS in the RETAIL FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW;^{Pf}

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

(15) Explaining the details of how the PERSON IN CHARGE and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW, this Code, or an agreement between the REGULATORY AUTHORITY and the RETAIL FOOD ESTABLISHMENT;^{Pf}

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

(a) FOOD EMPLOYEE,^{Pf}

(b) CONDITIONAL EMPLOYEE,^{Pf}

(c) PERSON IN CHARGE,^{Pf}

(d) REGULATORY AUTHORITY;^{Pf} and

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

2-102.12 City of Chicago Food Service Sanitation Certificate.

At least one EMPLOYEE that has supervisory and management responsibility and the authority to direct and control FOOD preparation and service shall have a valid City of Chicago Food Service Sanitation Certificate. ^{Pf}

2-102.13 Food Handler Training.

All FOOD HANDLERS shall complete a food handler's training required by the State of Illinois, in accordance with Public Act 098-0566. However, *FOOD HANDLERS at a temporary or special event are exempt from this requirement.*

2-102.14 Duties-- Person in Charge.

The PERSON IN CHARGE shall ensure that:

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

(B) PERSONS unnecessary to the RETAIL FOOD ESTABLISHMENT operation are not allowed in the FOOD preparation, FOOD storage, or WAREWASHING areas, except that brief visits and tours may be authorized by the PERSON IN CHARGE if steps are taken to ensure that exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from

contamination;^{Pf}

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

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

(E) EMPLOYEES are visibly observing FOODS as they are received to determine that they are from APPROVED sources, delivered at the required temperatures, protected from contamination, UNADULTERED, and accurately presented, by routinely monitoring the EMPLOYEES' observations and periodically evaluating FOODS upon their receipt;^{Pf}

(F) EMPLOYEES are verifying that FOODS delivered to the RETAIL FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unADULTERATED, and accurately presented;^{Pf}

(G) EMPLOYEES are properly cooking TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, being particularly careful in cooking those FOODS known to cause severe foodborne illness and death, such as EGGS and COMMINUTED MEATS, through daily oversight of the EMPLOYEES' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under Section 4-203.11 and 4-502.11(B);^{Pf}

(H) EMPLOYEES are using proper methods to rapidly cool TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are not held

hot or are not for consumption within 4 hours, through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures during cooling;^{Pf}

(I) CONSUMERS who order raw; or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under Section 3-603.11 that the FOOD is not cooked sufficiently to ensure its safety;^{Pf}

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

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

(L) Except when APPROVAL is obtained from the REGULATORYAUTHORITY as specified in 3-301.11(E), EMPLOYEES are preventing cross-contamination of READY-TO-EAT FOOD with bare hands by properly using suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT;^{Pf}

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

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

with the law; ^{Pf} and

(O) Written procedures and plans, where specified by this Code and as developed by the RETAIL FOOD ESTABLISHMENT, are maintained and implemented as required. ^{Pf}

2-102.15 City of Chicago Food Service Sanitation Instructor Certificate.

(A) The course to certify an individual as a City of Chicago Food Service Sanitation Manager shall be taught by an instructor approved by the DEPARTMENT. The DEPARTMENT shall issue each approved instructor a certificate and shall maintain a list of approved instructors. The certificate shall be valid for a period of five years from its issuance.

(B) The minimum qualifications for certification or recertification as a Department-approved instructor are all of the following

- (1) Possession of a high school diploma or its equivalent;
- (2) Possession of a valid Conference for Food Protection (CFP) approved Food Service Sanitation Instructor Certification;
- (3) Minimum experience or education prior to initial application as an approved instructor consisting of one of the following:
 - (a) Two years experience as a manager or educator with a Food Service Sanitation Manager Certification with a written verification from the applicant's employer; or
 - (b) Two years experience as a retail food inspector with a written verification from the applicant's employer; or

(c) An Associate's Degree or higher degree with at least 15 hours of science-related course work in a chemical, physical or biological science or in math verified by the educational institution from which the degree was earned.

2-201.16 City of Chicago Instructor Compliance and Enforcement Process.

(A) The Department will monitor the performance of all instructors. The instructor shall comply with program changes and administrative procedures provided to instructors by the Department. The Department will consider the following in granting and revoking approval of certificates for all instructors:

- (1) Instructor's performance, including student pass rate;
- (2) Ability to effectively communicate information to the course participants; and
- (3) Compliance with the applicable sections of this Code.

(B) Instructor compliance will be addressed by the following enforcement process:

- (1) Notification of violation to the instructor via e-mail;
- (2) Compliance conference with the instructor in person with the Department; and
- (3) Suspension of the instructor certification registration until the compliance issue is resolved.

(C) If an approved instructor is found to have assisted students taking the examination or helping them to cheat in any way, the instructor shall be notified to appear at a compliance conference with the Department. Based

on the outcome of the conference, the instructor's certificate may be suspended indefinitely.

(D) If the Conference for Food Protection (CFP) approved Food Service Sanitation examination provider suspends or revokes an instructor's approval, the Department shall also suspend that instructor's approval.

(E) An individual found to have cheated on the instructor examination shall not be approved as an instructor.

2-2 EMPLOYEE HEALTH

2-201.11 General – Employee Health.

(A) The LICENSE holder shall require EMPLOYEES and conditional employees to report to the PERSON IN CHARGE information about their health and activities as they relate to diseases that are transmissible through food. An employee or conditional employee shall report the information within 24 hours and in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the employee or conditional employee: ^{Pf}

(1) Meets one of the following symptoms: ^P

(a) Vomiting, ^P

(b) Diarrhea, ^P

(c) Jaundice, ^P

(d) Sore throat with a fever, ^P or

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

i. On the hands, wrists or forearms ^P

ii. On other parts of the body, other than hands or forearms, unless the lesion is covered by

a dry, durable, tight-fitting bandage;^P

(2) Has an illness diagnosed by a health care practitioner due to:^P

(a) Norovirus,^P

(b) Hepatitis A Virus,^P

(c) Shigella spp.,^P

(d) Shiga toxin-producing Escherichia coli,^P

(e) Salmonella Typhi;^P or

(f) nontyphoidal Salmonella;^P

(3) Had a previous illness, diagnosed by a health care practitioner, within the past three (3) months due to Salmonella Typhi;^P

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

(a) Norovirus within the past 48 hours of the last exposure,^P

(b) Shiga toxin-producing Escherichia coli, nontyphoidal Salmonella spp. or Shigella spp. within the past three (3) days of the last exposure,^P

(c) Salmonella Typhi within the past 14 days of the last exposure,^P or

(d) Hepatitis A virus within the past 30 days.^P

(5) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual

disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by: ^P

(a) Norovirus within the past 48 hours of the last exposure, ^{Pf}

(b) Shiga toxin-producing Escherichia coli, nontyphoidal Salmonella spp. or Shigella spp. within the past three (3) days of the last exposure, ^P

(c) Salmonella Typhi within the past 14 days of the last exposure, ^P or

(d) Hepatitis A virus within the past 30 days of the last exposure. ^P

(6) The PERSON IN CHARGE shall notify the REGULATORY AUTHORITY within 24 hours (i.e. within eight (8) regularly scheduled business hours after receiving the report) when an employee is: ^P

(a) Jaundiced, ^P or

(b) Diagnosed with an illness due to a pathogen, ^P or

(c) as specified under (a)(2)(A-F). ^P

(7) The person in charge shall ensure that a conditional employee:

(a) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under (a)(1-3), is prohibited from becoming an employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified under (f); ^P
and

(b) Who will work as an employee in a food establishment that serves a highly susceptible population reports a

history of exposure as specified under (a)(4-5), is prohibited from becoming an employee until the conditional employee meets the criteria as specified under (f).^P

(8) The person in charge shall ensure that an employee who exhibits or reports a symptom, or who reports a diagnosed illness is:

- (a) Excluded as per the Control of Communicable Diseases Code;^P or
- (b) Restricted as per the Control of Communicable Diseases Code.^P

(9) An employee or conditional employee shall report to the person in charge the information as specified under (a).^P

(10) An employee shall:

- (a) Comply with an exclusion as per the Control of Communicable Diseases Code and not work in any food establishment while complying.^P
- (b) Comply with a restriction as per the Control of Communicable Diseases Code.^P
- (c) Comply with specimen collection for contact.^P

2-3 PERSONAL CLEANLINESS

2-301.11 Hands and Arms -- Clean Condition.

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

2-301.12 Cleaning Procedure.

(A) Except as specified in Paragraph (D) of this section, FOOD EMPLOYEES shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at

least 20 seconds, using a cleaning compound in a HANDWASHING SINK that is equipped as specified under Section 5-202.12 and Subpart 6-301.^P

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

- (1) Rinse under clean, running warm water;^P
- (2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;^P
- (3) Rub together vigorously for at least 10 to 15 seconds while:
 - (a) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure,^P and
 - (b) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;^P
- (4) Thoroughly rinse under clean, running warm water;^P and
- (5) Immediately follow the cleaning procedure with thorough drying using a method as specified under Section 6-301.12.^P

(C) *TO avoid recontaminating their hands or surrogate prosthetic devices, FOOD EMPLOYEES may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles*

on a HANDWASHING SINK or the handle of a restroom door.

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

2-301.14 When to Wash.

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

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

(B) After using the toilet room;^P

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

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

(E) After handling soiled EQUIPMENT or UTENSILS;^P

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

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

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

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

2-301.15 Where to Wash.

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

2-301.16 Hand Antiseptics.

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

(1) Comply with one of the following:

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

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

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

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

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

(c) A determination of generally recognized as safe (GRAS). Partial listings of substances with FOOD uses that are GRAS may be found in 21 CFR 182 - Substances Generally Recognized as Safe, 21 CFR 184 - Direct FOOD Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 – Indirect FOOD Substances Affirmed as Generally Recognized as Safe for use in contact with FOOD, and in FDA's Inventory of GRAS Notices,^{Pf} or

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

(e) a FOOD Contact Notification that is effective,^{PF} and

(3) Be applied only to hands that are cleaned as specified under Section 2-301.12.^{Pf}

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

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

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

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

2-302.11 Fingernails -- Maintenance.

(A) FOOD EMPLOYEES shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough. ^{Pf}

(B) *Unless wearing intact gloves in good repair*, a FOOD EMPLOYEE may not wear fingernail polish or artificial fingernails when working with exposed FOOD. ^{Pf}

2-303.11 Jewelry -- Prohibition.

Except for *a plain ring such as a wedding band*, while preparing FOOD, FOOD EMPLOYEES may not wear jewelry including medical information jewelry on their arms and hands.

2-304.11 Outer Clothing -- Clean Condition.

FOOD EMPLOYEES shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE- SERVICE and SINGLE-USE ARTICLES.

2-4 HYGIENIC PRACTICES

2-401.11 Eating, Drinking, or Using Tobacco.

(A) Except as specified in Paragraph (B) of this section, an EMPLOYEE

shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection cannot result.

(B) *A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of:*

- (1) The EMPLOYEE'S hands;*
- (2) The container; and*
- (3) Exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

2-401.12 Discharges from the Eyes, Nose, and Mouth.

FOOD EMPLOYEES experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE or SINGLE- USE ARTICLES.

2-402.11 Hair Restraints -- Effectiveness.

(A) Except as provided in Paragraph (B) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(B) *This section does not apply to FOOD EMPLOYEES such as counter staff who only serve BEVERAGES and wrapped or PACKAGED FOODS, hostesses, and wait staff if they present a minimal RISK of contaminating*

exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

2-403.11 Animals -- Handling Prohibition.

(A) Except as specified in Paragraph (B) of this section, FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SERVICE ANIMALS, or pets that are allowed as specified in Subparagraphs 6-501.115(B)(2)-(5).^{Pf}

(B) FOOD EMPLOYEES with SERVICE ANIMALS may handle or care for their personal SERVICE ANIMALS and FOOD EMPLOYEES may handle or care for FISH in aquariums or MOLLUSCAN SHELLFISH or crustacea in display tanks if they wash their hands as specified under Section 2-301.12 and Paragraph (C) of Section 2-301.14.

2-5 RESPONDING TO CONTAMINATION EVENTS

2-501.11 Clean-up of Vomiting and Diarrheal Events.

A RETAIL FOOD ESTABLISHMENT shall have procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the RETAIL FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter.^{Pf}

Chapter 3 Food

3-1 CHARACTERISTICS

3-101.11 Safe, Unadulterated, and Honestly Presented.

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

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

3-201.11 Sources -- Compliance with Food Law.

(A) FOOD shall be obtained from sources that comply with LAW.^P

(B) FOOD prepared in a private home may not be used or offered for human consumption in a RETAIL FOOD ESTABLISHMENT.^P

(C) PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR 101 FOOD Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under Sections 3-202.17 and 3-202.18.^{Pf}

(D) FISH, other than those specified in paragraph 3-402.11(B), that are intended for consumption in raw or undercooked form and allowed as specified in paragraph 3-401.11(D), may be offered for sale or service if they are obtained from a supplier that freezes the FISH as specified under Section 3-402.11; or if they are frozen on the PREMISES as specified under Section 3-402.11 and records are retained as specified under Section 3-402.12.

(E) WHOLE-MUSCLE, INTACT BEEF steaks that are intended for consumption in an undercooked form without a CONSUMER advisory as specified in Paragraph 3-401.11(C) shall be:

(1) Obtained from a FOOD PROCESSING PLANT that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,^{Pf} or

(2) Deemed acceptable by the REGULATORY AUTHORITY based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of WHOLE-MUSCLE, INTACT BEEF,^{Pf} and

(3) If individually cut in a RETAIL FOOD ESTABLISHMENT:

(a) Cut from WHOLE-MUSCLE INTACT BEEF that is labeled by a FOOD PROCESSING PLANT as specified in Subparagraph (E)(1) of this section or identified as specified in Subparagraph (E)(2) of this section,^{Pf}

(b) Prepared so they remain intact,^{Pf} and

(c) If PACKAGED for undercooking in a RETAIL FOOD ESTABLISHMENT, labeled as specified in Subparagraph (E)(1) of this section or identified as specified in (E)(2) of this section.^{Pf}

(F) MEAT and POULTRY that is not a READY-TO-EAT FOOD and is in a PACKAGED form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in LAW, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

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

3-201.12 Food in a Hermetically Sealed Container.

FOOD in a HERMETICALLY SEALED CONTAINER shall be obtained from a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant. ^P

3-201.13 Fluid Milk and Milk Products.

Fluid milk and milk products shall be obtained from sources that comply with GRADE A STANDARDS as specified in LAW. ^P

3-201.14 Fish.

(A) FISH that are received for sale or service shall be:

(1) Commercially and legally caught or harvested; ^P or

(2) APPROVED for sale or service. ^P

(B) MOLLUSCAN SHELLFISH that are recreationally caught may not be received for sale or service. ^P

3-201.15 Molluscan Shellfish.

(A) MOLLUSCAN SHELLFISH shall be obtained from sources according to LAW and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. ^P

(B) MOLLUSCAN SHELLFISH received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List. ^P

3-201.16 Wild Mushrooms.

(A) Except as specified in Paragraph (B) of this section, mushroom species picked in the wild shall not be offered for sale or service by a

RETAIL FOOD ESTABLISHMENT unless the RETAIL FOOD ESTABLISHMENT has been APPROVED to do so.^P

(B) This section does not apply to:

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

(2) Wild mushroom species if they are in packaged form and are the product of a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant.

3-201.17 Game Animals.

(A) If GAME ANIMALS are received for sale or service they shall be:

(1) Commercially raised for FOOD^P and:

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

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

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

(i) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program,^P and

(ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts

the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an

APPROVED veterinarian or veterinarian's designee; ^P

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

(3) As allowed by LAW, for wild GAME ANIMALS that are live-caught:

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

(b) Slaughtered and processed according to:

(i) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, ^P and

(ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an

APPROVED veterinarian or veterinarian's designee; ^P or

(4) As allowed by LAW, for field-dressed wild GAME ANIMALS

under a routine inspection program that ensures the animals:

(a) Receive a postmortem examination by an APPROVED veterinarian or veterinarian's designee,^P or

(b) Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program,^P and

(c) Are processed according to LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
^P

(B) A GAME ANIMAL may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 Endangered and threatened wildlife and plants.

3-202.11 Specification for Receiving -- Temperature.

(A) Except as specified in subsection (B) of this section, refrigerated, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be at a temperature of 5°C (41°F) or below when received.^P

(B) If a temperature other than 5°C (41°F) for a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is specified in LAW governing its distribution, such as LAWS governing milk and MOLLUSCAN SHELLFISH, the FOOD may be received at the specified temperature.

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

(D) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to a temperature and for a time specified under Sections 3-401.11 - 3-401.13 and received hot shall be at a temperature of 57°C (135°F) or above. ^P

(E) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen. ^{Pf}

(F) Upon receipt, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be free of evidence of previous temperature abuse. ^{Pf}

3-202.12 Additives.

FOOD may not contain unAPPROVED FOOD ADDITIVES or ADDITIVES that exceed amounts specified in 21 CFR 170-180 relating to FOOD ADDITIVES, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) Food ingredients and sources of radiation, or pesticide residues that exceed provisions specified in 40 CFR 180 Tolerances for pesticides chemicals in food, and exceptions. ^P

3-202.13 Eggs.

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

3-202.14 Eggs and Milk Products, Pasteurized.

(A) EGG PRODUCTS shall be obtained pasteurized. ^P

(B) Fluid and dry milk and milk products shall:

(1) Be obtained pasteurized;^P and

(2) Comply with GRADE A STANDARDS as specified in the Section 1 of the most current version of the FDA's Pasteurized Milk Ordinance and Section 7-40-350 of the Municipal Code of Chicago.^P

(C) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 - Frozen desserts.^P

(D) Cheese shall be obtained pasteurized *unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 - Cheeses and related cheese products, for curing certain cheese varieties.*^P

3-202.15 Package Integrity.

FOOD packages shall be in good condition and protect the integrity of the contents so that the FOOD is not exposed to ADULTERATION or potential contaminants.^{Pf}

3-202.16 Ice.

Ice for use as a FOOD or a cooling medium shall be made from DRINKING WATER.^P

3-202.17 Shucked Shellfish, Packaging and Identification.

(A) Raw SHUCKED SHELLFISH shall be obtained in nonreturnable packages which bear a legible label that identifies the:^{Pf}

(1) Name, address, and CERTIFICATION NUMBER of the shucker,

packer or repacker of the MOLLUSCAN SHELLFISH; ^{Pf} and

(2) The "sell by" or "best if used by" date for packages with a capacity of less than 1.89 L (one-half gallon) or the date shucked for packages with a capacity of 1.89 L (one-half gallon) or more. ^{Pf}

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

3-202.18 Shellstock Identification.

(A) SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester or DEALER that depurates, ships, or reships the SHELLSTOCK, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list: ^{Pf}

(1) Except as specified under Paragraph (C) of this section, on the harvester's tag or label, the following information in the following order: ^{Pf}

(a) The harvester's identification number that is assigned by the SHELLFISH CONTROL AUTHORITY, ^{Pf}

(b) The date of harvesting, ^{Pf}

(c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the SHELLFISH CONTROL AUTHORITY and including the abbreviation of the name of the state

or country in which the shellfish are harvested,^{Pf}

(d) The type and quantity of shellfish,^{Pf} and

(e) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days";^{Pf} and

(2) Except as specified in Paragraph (D) of this section, on each DEALER'S tag or label, the following information in the following order:
^{Pf}

(a) The DEALER'S name and address, and the
CERTIFICATION NUMBER assigned by the SHELLFISH
CONTROL AUTHORITY,^{Pf}

(b) The original shipper's CERTIFICATION NUMBER including
the abbreviation of the name of the state or country in which the
shellfish are harvested,^{Pf}

(c) The same information as specified for a harvester's tag under
Subparagraphs (A)(1)(b)-(d) of this section,^{Pf} and

(d) The following statement in bold, capitalized type: "This tag
is required to be attached until container is empty and thereafter
kept on file for 90 days."^{Pf}

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

(C) If a place is provided on the harvester's tag or label for a DEALER's
name, address, and CERTIFICATION NUMBER, the DEALER's

information shall be listed first.

(D) If the harvester's tag or label is designed to accommodate each DEALER's identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual DEALER tags or labels need not be provided.

3-202.19 Shellstock, Condition.

When received by a RETAIL FOOD ESTABLISHMENT, SHELLSTOCK shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or SHELLSTOCK with badly broken shells shall be discarded.

3-202.110 Juice Treated.

Pre-PACKAGED JUICE shall:

(A) Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120 Hazard Analysis and Critical Control (HACCP) Systems; ^{Pf} and

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

3-203.11 Molluscan Shellfish, Original Container.

(A) Except as specified in subsections (B) - (D) of this section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale or preparation for service.

(B) For display purposes, SHELLSTOCK may be removed from

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

- (1) The source of the SHELLSTOCK on display is identified as specified under Section 3-202.18 and recorded as specified under Section 3-203.12; and
- (2) The SHELLSTOCK are protected from contamination.

(C) SHUCKED SHELLFISH may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a CONSUMER'S request if:

- (1) The labeling information for the shellfish on display as specified under Section 3-202.17 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
- (2) The shellfish are protected from contamination.

(D) SHUCKED SHELLFISH may be removed from the container in which they were received and repacked in CONSUMER self-service containers where allowed by LAW if:

- (1) The labeling information for the shellfish is on each CONSUMER self-service container as specified under Section 3-202.17 and subsections 3-602.11(A) and (B)(1) - (5);
- (2) The labeling information as specified under Section 3-202.17 is retained and correlated with the date when, or dates during which, the shellfish are sold or served;
- (3) The labeling information and dates specified under Subparagraph (D)(2) of this section are maintained for 90 days; and
- (4) The shellfish are protected from contamination.

3-203.12 Shellstock, Maintaining Identification.

- (A) Except as specified under Subparagraph (C)(2) of this section, SHELLSTOCK tags or labels shall remain attached to the container in which the SHELLSTOCK are received until the container is empty. ^{Pf}
- (B) The date when the last SHELLSTOCK from the container is sold or served shall be recorded on the tag or label. ^{Pf}
- (C) The identity of the source of SHELLSTOCK that are sold or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date that is recorded on the tag or label, as specified under Paragraph (B) of this section, by: ^{Pf}

(1) Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under Paragraph (B) of this section; ^{Pf} and

(2) If SHELLSTOCK are removed from its tagged or labeled container:

(a) Preserving source identification by using a record keeping system as specified under Subparagraph (C)(1) of this section, ^{Pf} and

(b) Ensuring that SHELLSTOCK from one tagged or labeled container are not COMMINGLED with SHELLSTOCK from another container with different CERTIFICATION NUMBERS; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the CONSUMER. ^{Pf}

3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING

3-301.11 Preventing Contamination from Hands.

(A) FOOD EMPLOYEES shall wash their hands as specified under Section 2-301.12.

(B) Except when washing fruits and vegetables as specified under Section 3-302.15 or as specified in subsections (D) and (E) of this section, FOOD EMPLOYEES may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT. ^P

(C) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form. ^{Pf}

(D) Paragraph (B) of this section does not apply to a FOOD EMPLOYEE that contacts exposed, READY-TO-EAT FOOD with bare hands at the time the READY-TO-EAT FOOD is being added as an ingredient to a FOOD that:

(1) contains a raw animal FOOD and is to be cooked in the RETAIL FOOD ESTABLISHMENT to heat all parts of the FOOD to the minimum temperatures specified in subsections 3-401.11(A)-(B) or Section 3- 401.12; or

(2) does not contain a raw animal FOOD but is to be cooked in the RETAIL FOOD ESTABLISHMENT to heat all parts of the FOOD to a temperature of at least 63°C (145°F).

(E) FOOD EMPLOYEES not serving a HIGHLY SUSCEPTIBLE POPULATION may contact exposed, READY-TO-EAT FOOD with their bare hands if:

(1) The LICENSE HOLDER obtains prior APPROVAL from the REGULATORY AUTHORITY;

(2) Written procedures are maintained in the RETAIL FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request that include:

(a) For each bare hand contact procedure, a listing of the specific READY-TO-EAT FOODS that are touched by bare hands,

(b) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under subsections 5-203.11, 5-204.11, 5-205.11, 6-301.11, 6-301.12, and 6-301.14, are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;

(3) A written EMPLOYEE health policy that details how the RETAIL FOOD ESTABLISHMENT complies with sections 2-201.11, 2-201.12, and 2-201.13 including:

(a) Documentation that FOOD EMPLOYEES and CONDITIONAL EMPLOYEES acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through FOOD as specified under subsection 2-201.11(A),

(b) Documentation that FOOD EMPLOYEES and CONDITIONAL EMPLOYEES acknowledge their responsibilities as specified under subsections 2-201.11(E) and (F), and

(c) Documentation that the PERSON IN CHARGE acknowledges the responsibilities as specified under subsections 2-201.11(B), (C) and (D), and sections 2-201.12 and 2-201.13;

(4) Documentation that FOOD EMPLOYEES acknowledge that they

have received training in:

- (a) The RISKS of contacting the specific READY-TO-EAT FOODS with bare hands,
 - (b) Proper handwashing as specified under Section 2-301.12,
 - (c) When to wash their hands as specified under Section 2-301.14,
 - (d) Where to wash their hands as specified under Section 2-301.15,
 - (e) Proper fingernail maintenance as specified under Section 2-302.11,
 - (f) Prohibition of jewelry as specified under Section 2-303.11, and
 - (g) Good hygienic practices as specified under Sections 2-401.11 and 2-401.12;
- (5) Documentation that hands are washed before FOOD preparation and as necessary to prevent cross contamination by FOOD EMPLOYEES as specified under Sections 2-301.11, 2-301.12, 2-301.14, and 2-301.15 during all hours of operation when the specific READY-TO-EAT FOODS are prepared;
- (6) Documentation that FOOD EMPLOYEES contacting READY-TO-EAT FOOD with bare hands use two or more of the following control measures to provide additional safeguards to HAZARDS associated with bare hand contact:
- (a) Double handwashing,

- (b) Nail brushes,
 - (c) A hand antiseptic after handwashing as specified under Section 2-301.16,
 - (d) Incentive programs such as paid sick leave that assist or encourage FOOD EMPLOYEES not to work when they are ill, or
 - (e) Other control measures APPROVED by the REGULATORY AUTHORITY; and
- (7) Documentation that corrective action is taken when Subparagraphs (E)(1) - (6) of this section are not followed.

3-301.12 Preventing Contamination When Tasting.

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

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

- (A) FOOD shall be protected from cross contamination by:
- (1) Except as specified in (1)(c) below, separating raw animal FOODS during storage, preparation, holding, and display from:
 - (a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables, ^P and
 - (b) Cooked READY-TO-EAT FOOD; ^P

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

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

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

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

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

(3) Cleaning EQUIPMENT and UTENSILS as specified under Subsection 4-602.11(A) and SANITIZING as specified under Section 4-703.11;

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

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

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

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

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

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

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

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

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

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

(5) SHELLSTOCK.

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

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

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

Pasteurized EGGS or EGG PRODUCTS shall be substituted for raw EGGS in the preparation of FOODS such as Caesar salad, hollandaise or

Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and EGG-fortified BEVERAGES that are not: ^P

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

(B) Included in Paragraph 3-401.11(D). ^P

3-302.14 Protection from Unapproved Additives.

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

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

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

(B) A FOOD EMPLOYEE may not:

(1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a FOOD considered to be a good source of vitamin B₁; ^P or

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

3-302.15 Washing Fruits and Vegetables.

(A) *Except as specified in Paragraph (B) of this section and except for whole, raw fruits and vegetables that are intended for washing by the*

CONSUMER before consumption, raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO- EAT form.

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

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

3-303.11 Ice Used as Exterior Coolant, Prohibited as Ingredient.

After use as a medium for cooling the exterior surfaces of FOOD such as melons or FISH, PACKAGED FOODS such as canned BEVERAGES, or cooling coils and tubes of EQUIPMENT, ice may not be used as FOOD.^P

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

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

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

(C) Whole, raw fruits or vegetables; cut, raw vegetables such as

celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

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

3-304.11 Food Contact with Equipment and Utensils.

FOOD shall only contact surfaces of:

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

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

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

3-304.12 In-Use Utensils, Between-Use Storage.

During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored:

(A) Except as specified under Paragraph (B) of this section, in the FOOD with their handles above the top of the FOOD and the container;

(B) In FOOD that is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon;

(C) On a clean portion of the FOOD preparation table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD- CONTACT surface of the FOOD preparation table or cooking EQUIPMENT are cleaned and SANITIZED at a frequency specified under Sections 4-602.11 and 4-702.11;

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

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

(F) In a container of water if the water is maintained at a temperature of at least 57°C (135°F) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D)(7).

3-304.13 Linens and Napkins, Use Limitation.

LINENS, such as cloth napkins, may not be used in contact with FOOD *unless they are used to line a container for the service of FOODS and the LINENS and napkins are replaced each time the container is refilled for a new CONSUMER.*

3-304.14 Wiping Cloths, Use Limitation.

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

- (1) Maintained dry; and
- (2) Used for no other purpose.

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

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

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

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

(D) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph (B)(1) of this section in which wet wiping cloths are held between uses shall be free of FOOD debris and visible soil.

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

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

3-304.15 Gloves, Use Limitation.

(A) SINGLE-USE gloves shall be used for only one task such as working with READY-TO-EAT FOOD or with raw animal FOOD, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.^P

(B) Except as specified in Paragraph (C) of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with FOOD that is subsequently cooked as specified under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.

(C) *Slash-resistant gloves may be used with READY-TO-EAT FOOD that will not be subsequently cooked if the slash-resistant gloves have a SMOOTH, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a SMOOTH, durable, nonabsorbent glove, or a SINGLE-USE glove.*

(D) Cloth gloves may not be used in direct contact with FOOD *unless the FOOD is subsequently cooked as required under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.*

3-304.16 Using Clean Tableware for Second Portions and Refills.

(A) Except for refilling a CONSUMER'S drinking cup or container without contact between the pouring UTENSIL and the lip-contact area of the drinking cup or container, FOOD EMPLOYEES may not use TABLEWARE, including SINGLE-SERVICE ARTICLES, soiled by the CONSUMER, to provide second portions or refills.

(B) Except as specified in Paragraph (C) of this section, self-service CONSUMERS may not be allowed to use soiled TABLEWARE, including SINGLE-SERVICE ARTICLES, to obtain additional FOOD from the display and serving EQUIPMENT.

(C) *Drinking cups and containers may be reused by self-service CONSUMERS if refilling is a contamination-free process as specified under Paragraphs 4-204.13(A), (B), and (D).*

3-304.17 Refilling Returnables.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The container is refilled by:

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

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

(D) Consumer-owned, personal take-out BEVERAGE containers, such as thermally insulated bottles, non-spill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified under Paragraphs 4-204.13(A), (B), and (D).

(E) CONSUMER-owned containers that are not FOOD-specific may be

filled at a water-VENDING MACHINE or system.

3-305.11 Food Storage.

(A) Except as specified in Paragraphs (B) and (C) of this section, FOOD shall be protected from contamination by storing the FOOD:

- (1) In a clean, dry location;
- (2) Where it is not exposed to splash, dust, or other contamination;
and
- (3) At least 15 cm (6 inches) above the floor.

(B) *FOOD in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling EQUIPMENT as specified under Section 4-204.122.*

(C) *Pressurized BEVERAGE containers, cased FOOD in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.*

3-305.12 Food Storage, Prohibited Areas.

FOOD may not be stored:

- (A) In locker rooms;
- (B) In toilet rooms;
- (C) In dressing rooms;
- (D) In garbage rooms;

(E) In mechanical rooms;

(F) Under sewer lines that are not shielded to intercept potential drips;

(G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;

(H) Under open stairwells; or

(I) Under other sources of contamination.

3-305.13 Vended Time/Temperature Control for Safety Food, Original Container.

TIME/TEMPERATURE CONTROL FOR SAFETY FOOD dispensed through a VENDING MACHINE shall be in the PACKAGE in which it was placed at the RETAIL FOOD ESTABLISHMENT or FOOD PROCESSING PLANT at which it was prepared.

3-305.14 Food Preparation.

During preparation, unPACKAGED FOOD shall be protected from environmental sources of contamination.

3-306.11 Food Display.

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption, FOOD on display shall be protected from contamination by the use of PACKAGING; counter, service line, or salad bar FOOD guards; display cases; or other effective means. ^P

3-306.12 Condiments, Protection.

(A) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected FOOD displays provided with the proper UTENSILS, original containers designed for dispensing, or individual PACKAGES or portions.

(B) Condiments at a VENDING MACHINE LOCATION shall be in individual PACKAGES or provided in dispensers that are filled at an APPROVED location, such as the RETAIL FOOD ESTABLISHMENT that provides FOOD to the VENDING MACHINE LOCATION, a FOOD PROCESSING PLANT that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the VENDING MACHINE LOCATION.

3-306.13 Consumer Self-Service Operations.

(A) Raw, unPACKAGED animal FOOD, such as beef, lamb, pork, POULTRY, and FISH may not be offered for CONSUMER self-service. ^P This paragraph does not apply to:

- (1) CONSUMER self-service of READY-TO-EAT FOODS at buffets or salad bars that serve FOODS such as sushi or raw shellfish;
- (2) Ready-to-cook individual portions for immediate cooking and consumption on the PREMISES such as CONSUMER-cooked MEATS or CONSUMER-selected ingredients for Mongolian barbecue; or
- (3) Raw, frozen, shell-on shrimp, or lobster.

(B) CONSUMER self-service operations for READY-TO-EAT FOODS shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from contamination.^{Pf}

(C) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures.^{Pf}

3-306.14 Returned Food and Re-Service of Food.

(A) Except as specified in Paragraph (B) of this section, after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for human consumption.^P

(B) Except as specified under Paragraph 3-801.11(G), *a container of FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may be RE-SERVED from one CONSUMER to another if:*

(1) The FOOD is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or

(2) The FOOD, such as crackers, salt, or pepper, is in an unopened original PACKAGE and is maintained in sound condition.

3-307.11 Miscellaneous Sources of Contamination.

FOOD shall be protected from contamination that may result from a factor or source not specified under Subparts 3-301 - 3-306.

3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

3-401.11 Cooking -- Raw Animal Foods.

(A) Except as specified under Paragraph (B) and in Paragraphs (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:

(1) 63°C (145°F) or above for 15 seconds for:^P

(a) Raw EGGS that are broken and prepared in response to a CONSUMER'S order and for immediate service,^P and

(b) Except as specified under Subparagraphs (A)(2) and (A)(3) and Paragraph (B), and in Paragraph (C) of this section, FISH and MEAT including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1) and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2);^P

(2) 68°C (155°F) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for RATITES, MECHANICALLY TENDERIZED, and INJECTED MEATS; the following if they are COMMINUTED: FISH, MEAT, GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1), and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); and raw EGGS that are not prepared as specified under Subparagraph (A)(1)(a) of this section:^P

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

;or

(3) 74⁰C (165⁰F) or above for 15 seconds for POULTRY, BALUTS, wild GAME ANIMALS as specified under Subparagraphs 3-201.17(A)(3) and (4), stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed RATITES, or stuffing containing FISH, MEAT, POULTRY, or RATITES. ^P

(B) Whole MEAT roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked:

(1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature: ^{Pf}

Oven Temperature Based on Roast Weight

Oven Type	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more
High Humidity¹	121°C (250°F) or less	121°C (250°F) or less

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

; and

(2) As specified in the following chart, to heat all parts of the FOOD to a temperature and for the holding time that corresponds to that temperature:^P

Temperature °C (°F)	Time ¹ in Minutes
54.4 (130)	112
55.0 (131)	89
56.1 (133)	56
57.2 (135)	36
57.8 (136)	28
58.9 (138)	18
60.0 (140)	12
61.1 (142)	8
62.2 (144)	5
62.8 (145)	4

Temperature °C (°F)	Time ¹ in Seconds
63.9 (147)	134
65.0 (149)	85
66.1 (151)	54
67.2 (153)	34
68.3 (155)	22
69.4 (157)	14
70.0 (158)	0

¹Holding time may include postoven heat rise.

(C) A raw or undercooked WHOLE-MUSCLE, INTACT BEEF steak may be served or offered for sale in a READY-TO-EAT form if:

(1) *The RETAIL FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION,*

(2) *The steak is labeled to indicate that it meets the definition of "WHOLE-MUSCLE, INTACT BEEF" as specified under Paragraph 3-201.11(E), and*

(3) *The steak is cooked on both the top and bottom to a surface temperature of 63⁰C (145⁰F) or above and a cooked color change is achieved on all external surfaces.*

(D) *A raw animal FOOD such as raw EGG, raw FISH, raw-marinated FISH, raw MOLLUSCAN SHELLFISH, or steak tartare; or a partially cooked FOOD such as lightly cooked FISH, soft cooked EGGS, or rare MEAT other than WHOLE-MUSCLE, INTACT BEEF steaks as specified in Paragraph (C) of this section, may be served or offered for sale upon CONSUMER request or selection in a READY-TO-EAT form if:*

(1) *As specified under Paragraphs 3-801.11(C)(1) and (2), the RETAIL FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION;*

(2) *The FOOD, if served or offered for service by CONSUMER selection from a children's menu, does not contain COMMINUTED MEAT; ^{Pf} and*

(3) *The CONSUMER is informed as specified under Section 3-603.11 that to ensure its safety, the FOOD should be cooked as specified under Paragraph (A) or (B) of this section; or*

(4) *The REGULATORY AUTHORITY grants a VARIANCE from Paragraph (A) or (B) of this section as specified in Section 8-103.10 based on a HACCP PLAN that:*

(a) Is submitted by the LICENSE HOLDER and APPROVED as specified under Section 8-103.11,

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

(c) Verifies that EQUIPMENT and procedures for FOOD preparation and training of FOOD EMPLOYEES at the RETAIL FOOD ESTABLISHMENT meet the conditions of the VARIANCE.

3-401.12 Microwave Cooking.

Raw animal FOODS cooked in a microwave oven shall be:

- (A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (B) Covered to retain surface moisture;
- (C) Heated to a temperature of at least 74°C (165°F) in all parts of the FOOD;^P and
- (D) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

3-401.13 Plant Food Cooking for Hot Holding.

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 57°C (135°F).^{Pf}

3-401.14 Non-Continuous Cooking of Raw Animal Foods.

Raw animal FOODS that are cooked using a NON-CONTINUOUS COOKING process shall be:

(A) Subject to an initial heating process that is no longer than sixty minutes in duration;^P

(B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD under Paragraph 3- 501.14(A);^P

(C) After cooling, held frozen or cold, as specified for TIME/TEMPERATURE CONTROL FOR SAFETY FOOD under Paragraph 3- 501.16(A)(2);^P

(D) Prior to sale or service, cooked using a process that heats all parts of the FOOD to a temperature and for a time as specified under Paragraphs 3-401.11 (A)-(C);^P

(E) Cooled according to the time and temperature parameters specified for cooked TIME /TEMPERATURE CONTROL FOR SAFETY FOOD under Paragraph 3-501.14(A) if not either hot held as specified under Paragraph 3-501.16(A), served immediately, or held using time as a public health control as specified under Section 3-501.19 after complete cooking;^P and

(F) Prepared and stored according to written procedures that:

(1) Have obtained prior APPROVAL from the REGULATORY AUTHORITY;^{Pf}

(2) Are maintained in the RETAIL FOOD ESTABLISHMENT and

are available to the REGULATORY AUTHORITY upon request;^{Pf}

(3) Describe how the requirements specified under Paragraphs (A)-(E) of this Section are to be monitored and documented by the LICENSE HOLDER and the corrective actions to be taken if the requirements are not met;^{Pf}

(4) Describe how the FOODS, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as FOODS that must be cooked as specified under Paragraph (D) of this section prior to being offered for sale or service;^{Pf} and

(5) Describe how the FOODS, after initial heating but prior to cooking as specified under Paragraph (D) of this section, are to be separated from READY-TO-EAT FOODS as specified under Paragraph 3-302.11 (A).^{Pf}

3-402.11 Freezing--Parasite Destruction.

(A) Except as specified in Paragraph (B) of this section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated-partially cooked FISH shall be:

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

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

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

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

(1) *MOLLUSCAN SHELLFISH;*

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

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

(4) *Aquacultured FISH, such as salmon, that:*

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

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

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

(5) FISH eggs that have been removed from the skein and rinsed.

3-402.12 Records, Creation and Retention.

(A) Except as specified in Paragraph 3-402.11(B) and Paragraph (B) of this section, if raw, raw-marinated, partially cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, the PERSON IN CHARGE shall record the freezing temperature and time to which the FISH are subjected and shall retain the records of the RETAIL FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or

sale of the FISH. ^{Pf}

(B) If the FISH are frozen by a supplier, a written agreement or statement from the supplier stipulating that the FISH supplied are frozen to a temperature and for a time specified under Section 3-402.11 may substitute for the records specified under Paragraph (A) of this section.

(C) If raw, raw-marinated, *partially* cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, and the FISH are raised and fed as specified in Subparagraph 3-402.11(B)(3), a written agreement or statement from the supplier or aquaculturist stipulating that the FISH were raised and fed as specified in Subparagraph 3-402.11(B)(4) shall be obtained by the PERSON IN CHARGE and retained in the records of the RETAIL FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH. ^{Pf}

3-403.10 Preparation for Immediate Service.

Cooked and refrigerated FOOD that is prepared for immediate service in response to an individual CONSUMER order, such as a roast beef sandwich au jus, may be served at any temperature.

3-403.11 Reheating for Hot Holding.

(A) Except as specified under Paragraphs (B) and (C) and in Paragraph (E) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74⁰C (165⁰F) for 15 seconds. ^P

(B) Except as specified under Paragraph (C) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD reheated in a

microwave oven for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) and the FOOD is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating. ^P

(C) READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that has been commercially processed and PACKAGED in a FOOD PROCESSING PLANT that is inspected by the REGULATORY AUTHORITY that has jurisdiction over the plant, shall be heated to a temperature of at least 57°C (135°F) when being reheated for hot holding. ^P

(D) Reheating for hot holding as specified under Paragraphs (A) - (C) of this section shall be done rapidly and the time the FOOD is between 5°C (41°F) and the temperatures specified under Paragraphs (A) - (C) of this section may not exceed 2 hours. ^P

(E) Remaining unsliced portions of MEAT roasts that are cooked as specified under Paragraph 3-401.11(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Paragraph 3-401.11(B).

3-404.11 Treating Juice.

JUICE PACKAGED in a RETAIL FOOD ESTABLISHMENT shall be:

(A) Treated under a HACCP PLAN as specified in Paragraphs 8-201.14(B) - (E) to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; ^P or

(B) Labeled, if not treated to yield a 5-log reduction of the most

resistant microorganism of public health significance: ^{Pf}

(1) As specified under Section 3-602.11 ^{Pf}

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

(3) Cooled down as specified under *Paragraph* 3-501.14 prior to putting on display for retail purchase. ^{Pf}

3-5 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH COCERN

3-501.11 Frozen Food.

Stored frozen FOODS shall be maintained frozen.

3-501.12 Time/Temperature Control for Safety Food, Slacking.

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

(A) Under refrigeration that maintains the FOOD temperature at 5⁰C (41⁰F) or less; or

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

3-501.13 Thawing.

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

(A) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; or

(B) Completely submerged under running water:

(1) At a water temperature of 21°C (70°F) or below,

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

(3) For a period of time that does not allow thawed portions of READY-TO-EAT FOOD to rise above 5°C (41°F), or

(4) For a period of time that does not allow thawed portions of a raw animal FOOD requiring cooking as specified under Paragraph 3-401.11(A) or (B) to be above 5°C (41°F), for more than four (4) hours including:

(a) The time the FOOD is exposed to the running water and the time needed for preparation for cooking, or

(b) The time it takes under refrigeration to lower the FOOD temperature to 5°C (41°F);

(C) As part of a cooking process if the FOOD that is frozen is:

(1) Cooked as specified under Paragraphs 3-401.11(A) or (B) or

Section 3-401.12, or

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

(D) Using any procedure if a portion of frozen READY-TO-EAT FOOD is thawed and prepared for immediate service in response to an individual CONSUMER'S order.

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

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

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

3-501.14 Cooling.

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

(1) Within 2 hours from 57°C (135°F) to 21°C (70°F);^P and

(2) Within a total of 6 hours from 57°C (135°F) to 5°C (41°F) or less.^P

(B) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled within four (4) hours to 5°C (41°F) or less if prepared from

ingredients at ambient temperature, such as reconstituted FOODS and canned tuna.^P

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

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

3-501.15 Cooling Methods.

(A) Cooling shall be accomplished in accordance with the time and temperature criteria specified under Section 3-501.14 by using one or more of the following methods based on the type of FOOD being cooled:

(1) Placing the FOOD in shallow pans;^{Pf}

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

(3) Using rapid cooling EQUIPMENT;^{Pf}

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

(5) Using containers that facilitate heat transfer;^{Pf}

(6) Adding ice as an ingredient;^{Pf} or

(7) Other effective methods.^{Pf}

(B) When placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be:

(1) Arranged in the EQUIPMENT to provide maximum heat transfer through the container walls; and

(2) Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 3-305.11(A)(2), during the cooling period to facilitate heat transfer from the surface of the FOOD.

3-501.16 Time/Temperature Control for Safety Food, Hot and Cold Holding.

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

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

(2) *At 5°C (41°F) or less. ^P*

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

(C) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in a homogenous liquid form *may be maintained outside of the temperature*

control requirements, as specified under Paragraph (A) of this section, while contained within specially designed EQUIPMENT that complies with the design and construction requirements as specified under Paragraph 4-204.13(E).

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

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

(B) Except as specified in Paragraphs (E) - (G) of this section, refrigerated, READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared and PACKAGED by a FOOD PROCESSING PLANT shall be clearly marked, at the time the original container is opened in a RETAIL FOOD ESTABLISHMENT and if the FOOD is held for more than 24 hours, to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded, based on the temperature and time combinations specified in Paragraph (A) of this section and: ^{Pf}

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

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

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

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

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

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

(3) Marking the date or day the original container is opened in a RETAIL FOOD ESTABLISHMENT, with a procedure to discard the FOOD on or before the last date or day by which the FOOD must be consumed on the premises, sold, or discarded as specified under Paragraph (B) of this section; or

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

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

upon a consumer's request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-501.19 Time as a Public Health Control.

(A) Except as specified under Paragraph (D) of this section, if time without temperature control is used as the public health control for a working supply of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD before cooking, or for READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is displayed or held for sale or service:

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

(a) Methods of compliance with Subparagraphs (B)(1)-(3) or C)(1)-(5) of this section; ^{Pf} and

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

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

(1) The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control; ^P

(2) The FOOD shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the FOOD is removed from temperature control; ^{Pf}

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

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

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

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

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

(3) The FOOD shall be marked or otherwise identified to indicate: ^{Pf}

(a) The time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control, ^{Pf} and

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

(4) The FOOD shall be:

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

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

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

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

3-502.11 Variance Requirement.

A RETAIL FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified in Section 8-103.10 and under Section 8-103.11 before:^{Pf}

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

(B) Curing FOOD;^{Pf}

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

: Pf

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

(2) To render a FOOD so that it is not TIME/TEMPERATURE CONTROL OF SAFETY FOOD; Pf however, a FOOD that has vinegar as a FOOD ADDITIVE is not required to obtain a variance if:

(i) a product assessment has been completed within the past five (5) years and the Person in Charge has records verifying the pH from a certified lab, and there has been no change in process, Pf or

(ii) The Person in Charge has a pH meter available onsite capable of determining the pH. Pf

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

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

(F) Custom processing animals that are for personal use as FOOD and not for sale or service in a RETAIL FOOD ESTABLISHMENT; Pf

(G) Preparing FOOD by another method that is determined by the REGULATORY AUTHORITY to require a VARIANCE; ^{Pf} or

(H) Sprouting seeds or beans. ^{Pf}

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

(A) Except for a RETAIL FOOD ESTABLISHMENT that obtains a VARIANCE as specified under Section 3-502.11, a RETAIL FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall control the growth and toxin formation of ***Clostridium botulinum*** and the growth of ***Listeria monocytogenes***. ^P

(B) Except as specified under Paragraph (F) of this section, a RETAIL FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall implement a HACCP PLAN that contains the information specified under Paragraphs 8-201.14 (B) and (D) and that: ^{Pf} Identifies the FOOD to be PACKAGED; ^{pf}

(1) Except as specified under Paragraphs (C) - (E) of this section, requires that the PACKAGED FOOD shall be maintained at 5°C (41°F) or less and meet at least one of the following criteria: ^{Pf}

(a) Has an A_w of 0.91 or less, ^{Pf}

(b) Has a pH of 4.6 or less, ^{Pf}

(c) Is a MEAT or POULTRY product cured at a FOOD

PROCESSING PLANT regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact PACKAGE, ^{Pf} or

(d) Is a FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY, or raw vegetables; ^{Pf}

(2) Describes how the PACKAGE shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to: ^{Pf}

(a) Maintain the FOOD at 5°C (41°F) or below, ^{Pf} and

(b) Discard the FOOD if within 30 calendar days of its PACKAGING if it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption; ^{Pf}

(3) Limits the refrigerated shelf life to no more than 30 calendar days from PACKAGING to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first; ^P

(4) Includes operational procedures that:

(a) Prohibit contacting READY-TO-EAT FOOD with bare hands as specified under Paragraph 3-301.11(B), ^{Pf}

(b) Identify a designated work area and the method by which: ^{Pf}

(i) Physical barriers or methods of separation of raw

FOODS and READY-TO-EAT FOODS minimize cross contamination, ^{Pf} and

(ii) Access to the processing EQUIPMENT is limited to responsible trained personnel familiar with the potential HAZARDS of the operation, ^{Pf} and

(c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES; ^{Pf} and

(5) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the: ^{Pf}

(a) Concepts required for a safe operation, ^{Pf}

(b) EQUIPMENT and facilities, ^{Pf} and

(c) Procedures specified under Subparagraph (B)(5) of this section and Paragraphs 8-201.14 (B) and (D). ^{Pf}

(6) Is provided to the REGULATORY AUTHORITY prior to implementation as specified under Paragraph 8-201.13(B).

Fish

(C) *Except for FISH that is frozen before, during, and after PACKAGING*, a RETAIL FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method. Except as specified under Paragraph (C) and Paragraph (F) of this section, a RETAIL FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a cook-chill or sous vide process shall:

(1) Provide to the REGULATORY AUTHORITY prior to implementation, a HACCP PLAN that contains the information

specified under Paragraphs 8-201.14 (B) and (D); ^{Pf} Ensure the FOOD is:

(a) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES but within the same business entity with no distribution or sale of the PACKAGED product to another business entity or the CONSUMER, ^{Pf}

(b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under Paragraphs 3-401.11 (A), (B), and (C), ^P

(c) Protected from contamination before and after cooking as specified under Parts 3-3 and 3-4, ^P

(d) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under Section 3-501.14 and: ^P

(i) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within 30 days after the date of PACKAGING; ^P

(ii) Held at 5°C (41°F) or less for no more than 7 days, at which time the FOOD must be consumed or discarded; ^P or

(iii) Held frozen with no shelf life restriction while frozen until consumed or used. ^P

(e) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily, ^{Pf}

(f) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation, ^{Pf} and

(g) Labeled with the product name and the date
PACKAGED; ^{Pf} and

(2) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP PLAN and:

(a) Make such records available to the REGULATORY
AUTHORITY upon request, ^{Pf} and

(b) Hold such records for at least six (6) months; ^{Pf} and

(3) Implement written operational procedures as specified under Subparagraph (B)(5) of this section and a training program as specified under Subparagraph (B)(6) of this section. ^{Pf}

(E) Except as specified under Paragraph (F) of this section, a RETAIL FOOD ESTABLISHMENT that PACKAGES cheese using a REDUCED OXYGEN PACKAGING method shall:

(1) Limit the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the RETAIL FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses; ^P

(2) Have a HACCP PLAN that contains the information specified under Paragraphs 8-201.14 (B) and (D) and as specified under Paragraphs (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section;^{Pf}

(3) Labels the PACKAGE on the principal display panel with a “use by” date that does not exceed 30 days from its packaging or the original manufacturer’s “sell by” or “use by” date, whichever occurs first;^{Pf} and

(4) Discards the REDUCED OYGEN PACKAGED cheese if it is not sold for off-PREMISES consumption or consumed within 30 calendar days of its PACKAGING.^{Pf}

(F) A HACCP Plan is not required when a RETAIL FOOD ESTABLISHMENT uses a REDUCED OXYGEN PACKAGING method to PACKAGE TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is always:

(1) Labeled with the production time and date,

(2) Held at 5°C (41°F) or less during refrigerated storage, and

(3) Removed from its PACKAGE in the RETAIL FOOD ESTABLISHMENT within 48 hours after PACKAGING.

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

3-601.11 Accurate Representation -- Standards of Identity.

PACKAGED FOOD shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 Definitions and standards of identity or composition, and the general requirements in 21 CFR 130 – Food Standards: General and 9 CFR 319 Subpart A – General.

3-601.12 Honestly Presented.

(A) FOOD shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.

(B) FOOD or COLOR ADDITIVES, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a FOOD.

3-602.11 Food Labels.

(A) FOOD PACKAGED in a RETAIL FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 - Food labeling, and 9 CFR 317 Labeling, marking devices, and containers.

(B) Label information shall include:

(1) The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;

(2) If made from two or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the FOOD;

(3) An accurate declaration of the net quantity of contents;

(4) The name and place of business of the manufacturer, packer, or distributor; and

(5) The name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is

already part of the common or usual name of the respective ingredient.^{Pf}

(6) Except as exempted in the Federal Food, Drug, and Cosmetic Act Section 403(q)(3) - (5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.

(7) For any salmonid FISH containing canthaxanthin or astaxanthin as a COLOR ADDITIVE, the labeling of the bulk FISH container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

(C) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER:

(1) The manufacturer's or processor's label that was provided with the FOOD; or

(2) A card, sign, or other method of notification that includes the information specified under Subparagraphs (B)(1), (2), and (6) of this section.

(D) Bulk, unPACKAGED FOODS such as bakery products and unPACKAGED FOODS that are portioned to CONSUMER specification need not be labeled if:

(1) A health, nutrient content, or other claim is not made;

(2) There are no state or local LAWS requiring labeling; and

(3) The FOOD is manufactured or prepared on the PREMISES of the

RETAIL FOOD ESTABLISHMENT or at another RETAIL FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT that is owned by the same PERSON and is regulated by the FOOD regulatory agency that has jurisdiction.

3-602.12 Other Forms of Information.

(A) If required by LAW, CONSUMER warnings shall be provided.

(B) RETAIL FOOD ESTABLISHMENT or manufacturers' dating information on FOODS may not be concealed or altered.

3-603.11 Consumer Advisory-- Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.

(A) Except as specified in Paragraph 3-401.11(C) and Subparagraph 3-401.11(D)(4) and under Paragraph 3-801.11(C), if an animal FOOD such as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the LICENSE HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in Paragraphs (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.^{Pf}

(B) DISCLOSURE shall include:

(1) A description of the animal-derived FOODS, such as "oysters on the half shell (raw oysters)," "raw-EGG Caesar salad," and "hamburgers (can be cooked to order)";^{Pf} or

(2) Identification of the animal-derived FOODS by asterisking

them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.^{Pf}

(C) REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:

(1) Regarding the safety of these items, written information is available upon request;^{Pf}

(2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness;^{Pf}
or

(3) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne-illness, especially if you have certain medical conditions.^{Pf}

3-7 CONTAMINATED FOOD

3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.

(A) A FOOD that is unsafe, ADULTERATED, or not honestly presented as specified under Section 3-101.11 shall be discarded or reconditioned according to an APPROVED procedure.^P

(B) FOOD that is not from an APPROVED source as specified under Sections 3-201.11 - .17 shall be discarded.^P

(C) READY-TO-EAT FOOD that may have been contaminated by an EMPLOYEE who has been RESTRICTED or EXCLUDED as specified

under Section 2-201.12 shall be discarded.^P

(D) FOOD that is contaminated by FOOD EMPLOYEES, CONSUMERS, or other PERSONS through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.^P

3-8 SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

In a RETAIL FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(A) The following criteria apply to JUICE:

(1) For the purposes of this paragraph only, children who are age nine (9) or less and receive FOOD in a school, day care setting, or similar facility that provides custodial care are included as HIGHLY SUSCEPTIBLE POPULATIONS;

(2) PrePACKAGED JUICE or a prePACKAGED BEVERAGE containing JUICE, that bears a warning label as specified in 21 CFR, 101.17(g) Food labeling, warning, notice, and safe handling statements, Juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a PACKAGED JUICE or BEVERAGE containing JUICE, that bears a warning label as specified under Paragraph 3-404.11(B) may not be served or offered for sale;^P and

(3) UnPACKAGED JUICE that is prepared on the premises for service or sale in a READY-TO-EAT form shall be processed under a HACCP PLAN that contains the information specified

under Paragraphs 8-201.14(B) - (E) and as specified in 21 CFR Part 120 – Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.24 Process controls. ^P

(B) Pasteurized EGGS or EGG PRODUCTS shall be substituted for raw EGGS in the preparation of: ^P

(1) FOODS such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, EGGnog, ice cream, and EGG-fortified BEVERAGES, ^P and

(2) Except as specified in Paragraph (F) of this section, recipes in which more than one EGG is broken and the EGGS are combined; ^P

(C) The following FOODS may not be served or offered for sale in a READY-TO-EAT form: ^P

(1) Raw animal FOODS such as raw FISH, raw- marinated FISH, raw MOLLUSCAN SHELLFISH, and steak tartare, ^P

(2) A partially cooked animal FOOD such as lightly cooked FISH, rare MEAT, soft-cooked EGGS that are made from raw EGGS, and meringue; ^P and

(3) Raw seed sprouts. ^P

(D) FOOD EMPLOYEES may not contact READY-TO-EAT FOOD as specified under Paragraphs 3-301.11(B) and (E). ^P

(E) Time only, as the public health control as specified under Paragraph 3-501.19(D), may not be used for raw EGGS. ^P

(F) *Subparagraph (B)(2) of this section does not apply if:*

(1) The raw EGGS are combined immediately before cooking for one CONSUMER'S serving at a single meal, cooked as specified under Subparagraph 3-401.11(A)(1), and served immediately, such as an omelet, soufflé, or scrambled EGGS;

(2) The raw EGGS are combined as an ingredient immediately before baking and the EGGS are thoroughly cooked to a READY-TO-EAT form, such as a cake, muffin, or bread; or

(3) The preparation of the food is conducted under a HACCP PLAN that:

(a) Identifies the FOOD to be prepared,

(b) Prohibits contacting READY-TO-EAT FOOD with bare hands,

(c) Includes specifications and practices that ensure:

*(i) Salmonella **Enteritidis** growth is controlled before and after cooking, and*

*(ii) Salmonella **Enteritidis** is destroyed by cooking the EGGS according to the temperature and time specified in Subparagraph 3-401.11(A)(2),*

(d) Contains the information specified under Paragraph 8-

201.14(D) including procedures that:

(i) Control cross contamination of READY-TO-EAT FOOD with raw EGGS, and

(ii) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES, and

(e) Describes the training program that ensures that the FOOD EMPLOYEE responsible for the preparation of the FOOD understands the procedures to be used.

(G) Except as specified in paragraph (H) of this section, FOOD may be re-served as specified under Subparagraph 3-306.14(B)(1) and (2).

(H) FOOD may not be re-served under the following conditions:

(1) Any FOOD served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.

(2) Packages of FOOD from any patients, clients, or other CONSUMERS should not be re-served to PERSONS in protective environment isolation.

Chapter 4 Equipment, Utensils, and Linens

4.1 MATERIALS FOR CONSTRUCTION AND REPAIR

4-101.11 Multiuse -- Characteristics.

Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD and under normal use conditions shall be: ^P

- (A) Safe; ^P
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent;
- (C) Sufficient in weight and thickness to withstand repeated WAREWASHING;
- (D) Finished to have a SMOOTH, EASILY CLEANABLE surface; and
- (E) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

4-101.12 Cast Iron, Use Limitation.

- (A) Except as specified in Paragraphs (B) and (C) of this section, cast iron may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT.

(B) Cast iron may be used as a surface for cooking.

(C) Cast iron may be used in UTENSILS for serving FOOD if the UTENSILS are used only as part of an uninterrupted process from cooking through service.

4-101.13 Lead, Use Limitation.

(A) Ceramic, china, and crystal UTENSILS, and decorative UTENSILS such as hand painted ceramic or china that are used in contact with FOOD shall be lead-free or contain levels of lead not exceeding the limits of the following UTENSIL categories:^P

UTENSIL Category	Ceramic Article Description	Maximum Lead mg/L
Beverage Mugs, Cups, Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls \geq 1.1 Liter (1.16 Quart)	1
Small Hollowware (excluding cups & mugs)	Bowls < 1.1 Liter (1.16 Quart)	2.0
Flat TABLEWARE	Plates, Saucers	3.0

(B) Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD-CONTACT SURFACE.^P

(C) Solder and flux containing lead in excess of 0.2% may not be used as a FOOD-CONTACT SURFACE.

4-101.14 Copper, Use Limitation.

(A) Except as specified in Paragraph (B) of this section, copper and copper alloys such as brass may not be used in contact with a FOOD that has a pH below 6 such as vinegar, fruit JUICE, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.^P

(B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

4-101.15 Galvanized Metal, Use Limitation.

Galvanized metal may not be used for UTENSILS or FOOD- CONTACT SURFACES of EQUIPMENT that are used in contact with acidic FOOD.^P

4-101.16 Sponges, Use Limitation.

Sponges may not be used in contact with cleaned and SANITIZED or in-use FOOD-CONTACT SURFACES.

4-101.17 Wood, Use Limitation.

(A) Except as specified in Paragraphs (B), (C), and (D) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.

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

(1) Cutting boards; cutting blocks; bakers' tables; and UTENSILS such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

(2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110⁰C (230⁰F) or above.

(C) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(D) If the nature of the FOOD requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw FOOD may be kept in:

(1) Untreated wood containers; or

(2) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.

4-101.18 Nonstick Coatings, Use Limitation.

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

4-101.19 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES of EQUIPMENT that are exposed to splash, spillage, or other FOOD soiling or that require frequent cleaning

shall be constructed of a CORROSION-RESISTANT, nonabsorbent, and SMOOTH material.

4-102.11 Characteristics.

Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES:

(A) May not:

- (1) Allow the migration of deleterious substances, ^P or
- (2) Impart colors, odors, or tastes to FOOD; and

(B) Shall be:

- (1) Safe, ^P and
- (2) Clean.

4.2 DESIGN AND CONSTRUCTION

4-201.11 Equipment and Utensils.

EQUIPMENT and UTENSILS shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

4-201.12 Food Temperature Measuring Devices.

FOOD TEMPERATURE MEASURING DEVICES may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used. ^P

4-202.11 Food-Contact Surfaces.

(A) Multiuse FOOD-CONTACT SURFACES shall be:

- (1) SMOOTH;^{Pf}
- (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;^{Pf}
- (3) Free of sharp internal angles, corners, and crevices;^{Pf}
- (4) Finished to have SMOOTH welds and joints;^{Pf} and
- (5) Except as specified in Paragraph (B) of this section, accessible for cleaning and inspection by one of the following methods:
 - (a) Without being disassembled;^{Pf}
 - (b) By disassembling without the use of tools,^{Pf} or
 - (c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.^{Pf}

(B) *Subparagraph (A)(5) of this section does not apply to cooking oil storage tanks, distribution lines for cooking oils, or BEVERAGE syrup lines or tubes.*

4-202.12 CIP Equipment.

(A) CIP EQUIPMENT shall meet the characteristics specified

under Section 4-202.11 and shall be designed and constructed so that:

(1) Cleaning and SANITIZING solutions circulate throughout a fixed system and contact all interior FOOD-CONTACT SURFACES, ^{Pf} and

(2) The system is self-draining or capable of being completely drained of cleaning and SANITIZING solutions; and

(B) CIP EQUIPMENT that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior FOOD-CONTACT SURFACES throughout the fixed system are being effectively cleaned.

4-202.13 "V" Threads, Use Limitation.

Except for hot oil cooking or filtering EQUIPMENT, "V" type threads may not be used on FOOD-CONTACT SURFACES.

4-202.14 Hot Oil Filtering Equipment.

Hot oil filtering EQUIPMENT shall meet the characteristics specified under Section 4-202.11 or Section 4-202.12 and shall be readily accessible for filter replacement and cleaning of the filter.

4-202.15 Can Openers.

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

4-202.16 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

4-202.17 Kick Plates, Removable.

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

(A) Removable by one of the methods specified under Subparagraph 4-202.11(A)(5) or capable of being rotated open; and

(B) Removable or capable of being rotated open without unlocking EQUIPMENT doors.

4-202.18 Ventilation Hood Systems, Filters.

Filters or other grease extracting EQUIPMENT shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

4-203.11 Temperature Measuring Devices, Food.

(A) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to $\pm 1^{\circ}\text{C}$ in the intended range of use.^{Pf}

(B) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to $\pm 2^{\circ}\text{F}$ in the intended range of use. ^{Pf}

4-203.12 Temperature Measuring Devices, Ambient Air and Water.

(A) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to $\pm 1.5^{\circ}\text{C}$ in the intended range of use. ^{Pf}

(B) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to $\pm 3^{\circ}\text{F}$ in the intended range of use. ^{Pf}

4-203.13 Pressure Measuring Devices, Mechanical Warewashing Equipment.

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water SANITIZING rinse shall have increments of 7 kilopascals (1 pound per square inch) or smaller and shall be accurate to ± 14 kilopascals (± 2 pounds per square inch) in the range indicated on the manufacturer's data plate.

4-204.11 Ventilation Hood Systems, Drip Prevention.

Exhaust ventilation hood systems in FOOD preparation and WAREWASHING areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto FOOD, EQUIPMENT, UTENSILS, LINENS, and

SINGLE-SERVICE and SINGLE- USE ARTICLES.

4-204.12 Equipment Openings, Closures and Deflectors.

(A) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.

(B) An opening located within the top of a unit of EQUIPMENT that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).

(C) Except as specified under Paragraph (D) of this section, fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall be provided with a watertight joint at the point where the item enters the EQUIPMENT.

(D) If a watertight joint is not provided:

(1) The piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the FOOD; and

(2) The opening shall be flanged as specified under Paragraph (B) of this section.

4-204.13 Dispensing Equipment, Protection of Equipment and Food.

In EQUIPMENT that dispenses or vends liquid FOOD or ice in unPACKAGED form:

(A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the FOOD shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the FOOD;

(B) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(C) The delivery tube or chute and orifice of EQUIPMENT used to vend liquid FOOD or ice in unPACKAGED form to self-service CONSUMERS shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the EQUIPMENT is:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

(2) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE; and

(D) The dispensing EQUIPMENT actuating lever or mechanism and filling device of CONSUMER self-service BEVERAGE dispensing EQUIPMENT shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

(E) Dispensing EQUIPMENT in which TIME/TEMPERATURE

CONTROL FOR SAFETY FOOD in a homogenous liquid form is maintained outside of the temperature control requirements as specified under Section 3-501.16(A) shall:

(1) be specifically designed and equipped to maintain the commercial sterility of aseptically PACKAGED FOOD in a homogenous liquid form for a specified duration from the time of opening the PACKAGING within the EQUIPMENT;^P and

(2) conform to the requirements for this EQUIPMENT as specified in *NSF/ANSI 18-2006- Manual Food and Beverage Dispensing Equipment*.^P

4-204.14 Vending Machine, Vending Stage Closure.

The dispensing compartment of a VENDING MACHINE including a machine that is designed to vend prePACKAGED snack FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:

(A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(B) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE.

4-204.15 Bearings and Gear Boxes, Leakproof.

EQUIPMENT containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into FOOD or onto FOOD- CONTACT SURFACES.

4-204.16 Beverage Tubing, Separation.

Except for cold plates that are constructed integrally with an ice storage bin, BEVERAGE tubing and cold-plate BEVERAGE cooling devices may not be installed in contact with stored ice.

4-204.17 Ice Units, Separation of Drains.

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

4-204.18 Condenser Unit, Separation.

If a condenser unit is an integral component of EQUIPMENT, the condenser unit shall be separated from the FOOD and FOOD storage space by a dustproof barrier.

4-204.19 Can Openers on Vending Machines.

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

4-204.110 Molluscan Shellfish Tanks.

(A) Except as specified under Paragraph (B) of this section, MOLLUSCAN SHELLFISH life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that

it is obvious to the CONSUMER that the shellfish are for display only.^P

(B) MOLLUSCAN SHELLFISH life-support system display tanks that are used to store or display shellfish that are offered for human

consumption shall be operated and maintained in accordance with a VARIANCE granted by the REGULATORY AUTHORITY as specified in Section 8-103.10 and a HACCP PLAN that:^{Pf}

(1) Is submitted by the LICENSE HOLDER and APPROVED as specified under Section 8-103.11;^{Pf} and

(2) Ensures that:

(a) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank,^{Pf}

(b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank,^{Pf} and

(c) The identity of the source of the SHELLSTOCK is retained as specified under Section 3-203.12.^{Pf}

4-204.111 Vending Machines, Automatic Shutoff.

(A) A machine vending TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall have an automatic control that prevents

the machine from vending FOOD:

(1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain FOOD temperatures as specified under Chapter 3; ^P and

(2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with FOOD that has been maintained at temperatures specified under Chapter 3. ^P

(B) When the automatic shutoff within a machine vending TIME/TEMPERATURE CONTROL FOR SAFETY FOOD is activated:

(1) In a refrigerated vending machine, the ambient air temperature may not exceed 5°C (41°F) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; ^P or

(2) In a hot holding vending machine, the ambient air temperature may not be less than 57 °C (135°F) for more than 120 minutes immediately after the machine is filled, serviced, or restocked. ^P

4-204.112 Temperature Measuring Devices.

(A) In a mechanically refrigerated or hot FOOD storage unit, the sensor of a TEMPERATURE MEASURING DEVICE shall be located to measure the air temperature or a simulated

product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot FOOD storage unit.

(B) Except as specified in Paragraph (C) of this section, cold or hot holding EQUIPMENT used for TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display.

(C) Paragraph (B) of this section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design, type, and use of the EQUIPMENT, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated FOOD transport containers, and salad bars.

(D) TEMPERATURE MEASURING DEVICES shall be designed to be easily readable.

(E) FOOD TEMPERATURE MEASURING DEVICES and water TEMPERATURE MEASURING DEVICES on WAREWASHING machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1⁰C or 2⁰F in the intended range of use. ^{Pf}

4-204.113 Warewashing Machine, Data Plate Operating Specifications.

A WAREWASHING machine shall be provided with an easily accessible and readable data plate affixed to the machine by

the manufacturer that indicates the machine's design and operation specifications including the:

(A) Temperatures required for washing, rinsing, and SANITIZING;

(B) Pressure required for the fresh water SANITIZING rinse *unless the machine is designed to use only a pumped SANITIZING rinse*; and

(C) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

4-204.114 Warewashing Machines, Internal Baffles.

WAREWASHING machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

4-204.115 Warewashing Machines, Temperature Measuring Devices.

A WAREWASHING machine shall be equipped with a TEMPERATURE MEASURING DEVICE that indicates the temperature of the water:

(A) In each wash and rinse tank; ^{Pf} and

(B) As the water enters the hot water SANITIZING final rinse manifold or in the chemical SANITIZING solution tank. ^{Pf}

4-204.116 Manual Warewashing Equipment, Heaters and Baskets.

If hot water is used for SANITIZATION in manual

WAREWASHING

operations, the SANITIZING compartment of the sink shall be:

(A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F);
Pf and

(B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water. Pf

4-204.117 Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers.

A WAREWASHING machine that is installed after adoption of this Code by the REGULATORY AUTHORITY, shall be equipped to:

(A) Automatically dispense detergents and SANITIZERS; Pf
and

(B) Incorporate a visual means to verify that detergents and SANITIZERS are delivered or a visual or audible alarm to signal if the detergents and SANITIZERS are not delivered to the respective washing and SANITIZING cycles. Pf

4-204.118 Warewashing Machines, Flow Pressure Device.

(A) WAREWASHING machines that provide a fresh hot water SANITIZING rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the WAREWASHING machine; and

(B) If the flow pressure measuring device is upstream of the fresh hot water SANITIZING rinse control valve, the device shall be mounted in a 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve.

(C) Paragraphs (A) and (B) of this section do not apply to a machine that uses only a pumped or recirculated SANITIZING rinse.

4-204.119 Warewashing Sinks and Drainboards, Self-Draining.

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

4-204.120 Equipment Compartments, Drainage.

EQUIPMENT compartments that are subject to accumulation of moisture due to conditions such as condensation, FOOD or BEVERAGE drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

4-204.121 Vending Machines, Liquid Waste Products.

(A) VENDING MACHINES designed to store BEVERAGES that are PACKAGED in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(B) VENDING MACHINES that dispense liquid FOOD in bulk shall be:

(1) Provided with an internally mounted waste receptacle for

the collection of drip, spillage, overflow, or other internal wastes; and

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(C) Shutoff devices specified under Subparagraph (B)(2) of this section shall prevent water or liquid FOOD from continuously running if there is a failure of a flow control device in the water or liquid FOOD system or waste accumulation that could lead to overflow of the waste receptacle.

4-204.122 Case Lot Handling Apparatuses, Moveability.

Apparatuses, such as dollies, pallets, racks, and skids used to store and transport large quantities of PACKAGED FOODS received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

4-204.123 Vending Machine Doors and Openings.

(A) VENDING MACHINE doors and access opening covers to FOOD and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12

or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;

(2) Being effectively gasketed;

(3) Having interface surfaces that are at least 13 millimeters or one-half inch wide; or

(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(B) VENDING MACHINE service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch.

4-205.10 Food Equipment, Certification and Classification.

FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program is deemed to comply with Parts 4-1 and 4-2 of this chapter.

4.3 NUMBERS AND CAPACITIES

4-301.11 Cooling, Heating, and Holding Capacities.

EQUIPMENT for cooling and heating FOOD, and holding cold and hot FOOD, shall be sufficient in number and capacity to provide

FOOD temperatures as specified under Chapter 3. ^{Pf}

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(A) Except as specified in Paragraph (C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS.^{Pf}

(B) Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS. If EQUIPMENT or UTENSILS are too large for the WAREWASHING sink, a WAREWASHING machine or alternative EQUIPMENT as specified in Paragraph (C) of this section shall be used.^{Pf}

(C) *Alternative manual WAREWASHING EQUIPMENT may be used when there are special cleaning needs or constraints and its use is APPROVED. Alternative manual WAREWASHING EQUIPMENT may include:*

(1) High-pressure detergent sprayers;

(2) Low- or line-pressure spray detergent foamers;

(3) Other task-specific cleaning EQUIPMENT;

(4) Brushes or other implements;

(5) 2-compartment sinks as specified under Paragraphs (D) and (E) of this section; or

(6) Receptacles that substitute for the compartments of a multicompartment sink.

(D) Before a 2-compartment sink is used:

(1) The LICENSE HOLDER shall have its use APPROVED;
and

(2) The LICENSE HOLDER shall limit the number of KITCHENWARE items cleaned and SANITIZED in the 2-compartment sink, and shall limit WAREWASHING to batch operations for cleaning KITCHENWARE such as between cutting one type of raw MEAT and another or cleanup at the end of a shift, and shall:

(a) Make up the cleaning and SANITIZING solutions immediately before use and drain them immediately after use, and

(b) Use a detergent-SANITIZER to SANITIZE and apply the detergent-SANITIZER in accordance with the manufacturer's label instructions and as specified under Section 4-501.115, or

(c) Use a hot water SANITIZATION immersion step as specified under Paragraph 4-603.16(C).

(E) A 2-compartment sink may not be used for WAREWASHING operations where cleaning and SANITIZING solutions are used for a continuous or intermittent flow of KITCHENWARE or TABLEWARE in an ongoing WAREWASHING process.

4-301.13 Drainboards.

Drainboards, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary UTENSIL holding before cleaning and after SANITIZING.

4-301.14 Ventilation Hood Systems, Adequacy.

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

4-301.15 Clothes Washers and Dryers.

(A) Except as specified in Paragraph (B) of this section, if work clothes or LINENS are laundered on the PREMISES, a mechanical clothes washer and dryer shall be provided and used.

(B) If on-PREMISES laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under Section 4-901.12, a mechanical clothes washer and dryer need not be provided.

4-302.11 Utensils, Consumer Self-Service.

A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit such as a buffet or salad bar. Pf

4-302.12 Food Temperature Measuring Devices.

(A) FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment

and maintenance of FOOD temperatures as specified under Chapter 3. ^{Pf}

(B) A TEMPERATURE MEASURING DEVICE with a suitable small- diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin FOODS such as

MEAT patties and FISH filets. ^{Pf}

4-302.13 Temperature Measuring Devices, Manual and Mechanical Warewashing.

(A) In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and SANITIZING temperatures. ^{Pf}

(B) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature. ^{Pf}

4-302.14 Sanitizing Solutions, Testing Devices.

A test kit or other device that accurately measures the concentration in MG/L of SANITIZING solutions shall be provided. ^{Pf}

4-4 LOCATION AND INSTALLATION

4-401.11 Equipment, Clothes Washers and Dryers, and **Storage Cabinets,**

Contamination Prevention.

(A) Except as specified in Paragraph (B) of this section, EQUIPMENT, a cabinet used for the storage of FOOD, or a cabinet that is used to store cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be located:

(1) In locker rooms;

(2) In toilet rooms;

(3) In garbage rooms;

(4) In mechanical rooms;

(5) Under sewer lines that are not shielded to intercept potential drips;

(6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

(7) Under open stairwells; or

(8) Under other sources of contamination.

*(B) A storage cabinet used for LINENS or SINGLE-SERVICE
or
SINGLE-USE ARTICLES may be stored in a locker room.*

(C) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected

from contamination and only where there is no exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE- SERVICE and SINGLE-USE ARTICLES.

4-402.11 Fixed Equipment, Spacing or Sealing.

(A) EQUIPMENT that is fixed because it is not EASILY MOVABLE shall be installed so that it is:

(1) Spaced to allow access for cleaning along the sides, behind, and above the EQUIPMENT;

(2) Spaced from adjoining EQUIPMENT, walls, and ceilings a distance of not more than 1 millimeter or one thirty-second inch; or

(3) SEALED to adjoining EQUIPMENT or walls, if the EQUIPMENT is exposed to spillage or seepage.

(B) COUNTER-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be installed to allow cleaning of the EQUIPMENT and areas underneath and around the EQUIPMENT by being:

(1) SEALED; or

(2) Elevated on legs as specified under Paragraph 4-402.12(D).

4-402.12 Fixed Equipment, Elevation or Sealing.

(A) Except as specified in Paragraphs (B) and (C) of this section, floor- mounted EQUIPMENT that is not EASILY MOVABLE shall be SEALED to the floor or elevated on legs that provide at least a 15 centimeter (6 inch) clearance between the floor and the EQUIPMENT.

(B) If no part of the floor under the floor-mounted EQUIPMENT is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).

(C) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the CONSUMER shopping areas of a retail FOOD store, if the floor under the units is maintained clean.

(D) Except as specified in Paragraph (E) of this section, COUNTER- MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be elevated on legs that provide at least a 10 centimeter (4 inch) clearance between the table and the EQUIPMENT.

(E) *The clearance space between the table and COUNTER- MOUNTED EQUIPMENT may be:*

(1) 7.5 centimeters (3 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 50 centimeters (20 inches) from the point of access for cleaning; or

(2) 5 centimeters (2 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 7.5 centimeters (3 inches) from the point of access for cleaning

4-5 MAINTENANCE AND OPERATION

4-501.11 Good Repair and Proper Adjustment.

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

(B) EQUIPMENT components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

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

4-501.12 Cutting Surfaces.

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

4-501.13 Microwave Ovens.

Microwave ovens shall meet the safety standards specified in

21 CFR 1030.10 Microwave ovens.

4-501.14 Warewashing Equipment, Cleaning Frequency.

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

(A) Before use;

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

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

4-501.15 Warewashing Machines, Manufacturers' Operating Instructions.

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

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

4-501.16 Warewashing Sinks, Use Limitation.

(A) A WAREWASHING sink may not be used for handwashing

as specified under Section 2-301.15.

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

4-501.17 Warewashing Equipment, Cleaning Agents.

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

4-501.18 Warewashing Equipment, Clean Solutions.

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

4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.

The temperature of the wash solution in manual WAREWASHING EQUIPMENT shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning

agent manufacturer's label instructions.^{Pf}

4-501.110 Mechanical Warewashing Equipment, Wash Solution Temperature.

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

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

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

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

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

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

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

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

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

(A) Except as specified in Paragraph (B) of this section, in a mechanical operation, the temperature of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90°C (194°F), or less than: ^{Pf}

(1) For a stationary rack, single temperature machine, 74°C (165°F);^P or

(2) For all other machines, 82°C (180°F).^P

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

4-501.113 Mechanical Warewashing Equipment, Sanitization Pressure.

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

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

A chemical SANITIZER used in a SANITIZING solution for a manual or mechanical operation at contact times specified under

Paragraph 4-703.11(C) shall meet the criteria specified under Section 7-204.11 Sanitizers, Criteria, shall be used in accordance with the EPA- registered label use instructions,^P and shall be used as follows:

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

Concentration Range (MG/L)	Minimum Temperature PH 10 or less °C (°F)	Minimum Temperature PH 8 or less °C (°F)
25 – 49	49 (120)	49 (120)
50 – 99	38 (100)	24 (75)
100	13 (55)	13 (55)

(B) An iodine solution shall have a:

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

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

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

(C) A quaternary ammonium compound solution shall:

(1) Have a minimum temperature of 24°C (75°F),^P

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

(3) Be used only in water with 500 MG/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions;^P

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

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

(F) If a chemical SANITIZER is generated by a device located on-site at the RETAIL FOOD ESTABLISHMENT it shall be used as specified in Paragraphs(A) - (D) of this section and shall be produced by a device that:

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

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

Requirements,^P

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

(4) Is operated and maintained in accordance with manufacturer's instructions^{Pf}.

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

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

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration.

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

4-502.11 Good Repair and Calibration.

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

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

(C) Ambient air temperature, water pressure, and water TEMPERATURE MEASURING DEVICES shall be maintained in good repair and be accurate within the intended range of use.

4-502.12 Single-Service and Single-Use Articles, Required Use.

A RETAIL FOOD ESTABLISHMENT without facilities specified under Parts 4-6 and 4-7 for cleaning and SANITIZING KITCHENWARE and TABLEWARE shall provide only SINGLE-USE KITCHENWARE, SINGLE-SERVICE ARTICLES, and SINGLE-USE ARTICLES for use by FOOD EMPLOYEES AND SINGLE-SERVICE ARTICLES for use by CONSUMERS. ^P

4-502.13 Single-Service and Single-Use Articles, Use Limitation.

(A) SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused.

(B) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

4-502.14 Shells, Use Limitation.

Mollusk and crustacea shells may not be used more than once as serving containers.

4.6 CLEANING OF EQUIPMENT AND UTENSILS

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

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

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

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

4-602.11 Equipment Food-Contact Surfaces and Utensils.

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

(1) Except as specified in Paragraph (B) of this section, before each use with a different type of raw animal FOOD such as beef,

FISH, lamb, pork, or POULTRY;^P

(2) Each time there is a change from working with raw FOODS

to working with READY-TO-EAT FOODS;^P

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

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

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

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

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

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

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

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

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

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

(b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the RETAIL FOOD ESTABLISHMENT.

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

(4) TEMPERATURE MEASURING DEVICES are

maintained in contact with FOOD, such as when left in a container of deli FOOD or in a roast, held at temperatures specified under Chapter 3;

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

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

(a) Characteristics of the EQUIPMENT and its use,

(b) The type of FOOD involved,

(c) The amount of FOOD residue accumulation, and

(d) The temperature at which the FOOD is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or

(7) In-use UTENSILS are intermittently stored in a container of water in which the water is maintained at 57⁰C (135⁰F) or more and the UTENSILS and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

(E) Except when dry cleaning methods are used as specified under Section 4-603.11, surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not

TIME/TEMPERATURE CONTROL FOR SAFETY FOOD
shall be cleaned:

- (1) At any time when contamination may have occurred;
- (2) At least every 24 hours for iced tea dispensers and
CONSUMER self-service UTENSILS such as tongs,
scoops, or ladles;
- (3) Before restocking CONSUMER self-service
EQUIPMENT and UTENSILS such as condiment
dispensers and display containers; and
- (4) In EQUIPMENT such as ice bins and BEVERAGE
dispensing nozzles and enclosed components of
EQUIPMENT such as ice makers, cooking oil storage
tanks and distribution lines, BEVERAGE and syrup
dispensing lines or tubes, coffee bean grinders, and
water-vending EQUIPMENT:
 - (a) At a frequency specified by the manufacturer, or
 - (b) Absent manufacturer specifications, at a
frequency necessary to preclude accumulation of
soil or mold.

4-602.12 Cooking and Baking Equipment.

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

Subparagraph 4-602.11(D)(6).

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

4-602.13 Nonfood-Contact Surfaces.

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

4-603.11 Dry Cleaning.

(A) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only SURFACES that are soiled with dry FOOD residues that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD.

(B) Cleaning EQUIPMENT used in dry cleaning FOOD-CONTACT SURFACES may not be used for any other purpose.

4-603.12 Precleaning.

(A) FOOD debris on EQUIPMENT and UTENSILS shall be scraped over a waste disposal unit or garbage receptacle or shall be removed in a WAREWASHING machine with a prewash cycle.

(B) If necessary for effective cleaning, UTENSILS and EQUIPMENT shall be preflushed, presoaked, or scrubbed with abrasives.

4-603.13 Loading of Soiled Items, Warewashing Machines.

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

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

(B) Allows the items to drain.

4-603.14 Wet Cleaning.

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(B) The washing procedures selected shall be based on the type and purpose of the EQUIPMENT or UTENSIL, and on the type of soil to be removed.

4-603.15 Washing, Procedures for Alternative Manual Warewashing Equipment.

If washing in sink compartments or a WAREWASHING machine is impractical such as when the EQUIPMENT is fixed or the

UTENSILS are too large, washing shall be done by using alternative

manual WAREWASHING EQUIPMENT as specified in Paragraph 4-301.12(C) in accordance with the following procedures:

(A) EQUIPMENT shall be disassembled as necessary to allow access of the detergent solution to all parts;

(B) EQUIPMENT components and UTENSILS shall be scrapped or rough cleaned to remove FOOD particle accumulation; and

(C) EQUIPMENT and UTENSILS shall be washed as specified under Paragraph 4-603.14(A).

4-603.16 Rinsing Procedures.

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

(A) Use of a distinct, separate water rinse after washing and before SANITIZING if using:

(1) A 3-compartment sink,

(2) Alternative manual WAREWASHING EQUIPMENT equivalent to a 3-compartment sink as specified in Paragraph 4-301.12(C), or

(3) A 3-step washing, rinsing, and SANITIZING procedure in a WAREWASHING system for CIP EQUIPMENT;

(B) Use of a detergent-SANITIZER as specified under Section 4-501.115 if using:

(1) Alternative WAREWASHING EQUIPMENT as specified in Paragraph 4-301.12(C) that is APPROVED for use with a detergent- SANITIZER, or

(2) A WAREWASHING system for CIP EQUIPMENT;

(C) Use of a nondistinct water rinse that is integrated in the hot water SANITIZATION immersion step of a 2-compartment sink operation;

(D) If using a WAREWASHING machine that does not recycle the SANITIZING solution as specified under Paragraph (E) of this section, or alternative manual WAREWASHING EQUIPMENT such as sprayers, use of a nondistinct water rinse that is:

(1) Integrated in the application of the SANITIZING solution, and

(2) Wasted immediately after each application; or

(E) If using a WAREWASHING machine that recycles the SANITIZING solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the SANITIZING solution.

4-7 SANITIZATION OF EQUIPMENT AND UTENSILS

4-701.10 Food-Contact Surfaces and Utensils.

EQUIPMENT FOOD-CONTACT SURFACES and
UTENSILS shall be
SANITIZED.

4-702.11 Before Use After Cleaning.

UTENSILS and FOOD-CONTACT SURFACES of
EQUIPMENT shall be SANITIZED before use after
cleaning.^P

4-703.11 Hot Water and Chemical.

After being cleaned, EQUIPMENT FOOD-CONTACT
SURFACES and
UTENSILS shall be SANITIZED in:

(A) Hot water manual operations by immersion for at
least 30 seconds and as specified under Section 4-
501.111;^P

(B) Hot water mechanical operations by being cycled
through
EQUIPMENT that is set up as specified under Sections
4-501.15,
4-501.112, and 4-501.113 and achieving a UTENSIL
surface temperature of 71°C (160°F) as measured by
an irreversible registering temperature indicator;^P or

(C) 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 Section 4-501.114. Contact times shall be consistent with those on EPA-registered label use instructions by providing:

(1) Except as specified under Subparagraph (C)(2) of this section, a contact time of at least 10 seconds for a chlorine solution specified under Paragraph 4-501.114(A),^P

(2) A contact time of at least 7 seconds for a chlorine solution of 50 MG/L that has a pH of 10 or less and a temperature of at least 38⁰C (100⁰F) or a pH of 8 or less and a temperature of at least 24⁰C (75⁰F),^P

(3) A contact time of at least 30 seconds for other chemical SANITIZING solutions,^P or

(4) A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields SANITIZATION as defined in Paragraph 1-201.10(B).^P

4-8 LAUNDERING

4-801.11 Clean Linens.

Clean LINENS shall be free from FOOD residues and other

soiling matter.

4-802.11 Specifications.

(A) LINENS that do not come in direct contact with FOOD shall be laundered between operations if they become wet, sticky, or visibly soiled.

(B) Cloth gloves used as specified in Paragraph 3-304.15(D) shall be laundered before being used with a different type of raw animal FOOD such as beef, FISH, lamb, pork or POULTRY.

(C) LINENS that are used as specified under Section 3-304.13 and cloth napkins shall be laundered between each use.

(D) Wet wiping cloths shall be laundered daily.

(E) Dry wiping cloths shall be laundered as necessary to prevent contamination of FOOD and clean serving UTENSILS.

4-803.11 Storage of Soiled Linens.

Soiled LINENS shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of FOOD, clean EQUIPMENT, clean UTENSILS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

4-803.12 Mechanical Washing.

(A) Except as specified in Paragraph (B) of this section, LINENS shall be mechanically washed.

(B) In RETAIL FOOD ESTABLISHMENTS in which only wiping cloths are laundered as specified in Paragraph 4-301.15(B), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a WAREWASHING or FOOD preparation sink that is cleaned as specified under Section 4-501.14.

4-803.13 Use of Laundry Facilities.

(A) Except as specified in Paragraph (B) of this section, laundry facilities on the PREMISES of a RETAIL FOOD ESTABLISHMENT shall be used only for the washing and drying of items used in the operation of the establishment.

(B) 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 RETAIL FOOD ESTABLISHMENT items.

4-9 PROTECTION OF CLEAN ITEMS

4-901.11 Equipment and Utensils, Air-Drying Required.

After cleaning and SANITIZING, EQUIPMENT and UTENSILS:

(A) Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface SANITIZING solutions), before contact with FOOD; and

(B) May not be cloth dried *except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry.*

4-901.12 Wiping Cloths, Air-Drying Locations.

Wiping cloths laundered in a RETAIL FOOD ESTABLISHMENT that does not have a mechanical clothes dryer as specified in Paragraph 4-301.15(B) shall be air-dried in a location and in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE- SERVICE and SINGLE-USE ARTICLES and the wiping cloths. *This section does not apply if wiping cloths are stored after laundering in a SANITIZING solution as specified under Section 4-501.114.*

4-902.11 Food-Contact Surfaces.

Lubricants as specified under Section 7-205.11 shall be applied to FOOD-CONTACT SURFACES that require lubrication in a manner that does not contaminate FOOD-CONTACT SURFACES.

4-902.12 Equipment.

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

4-903.11 Equipment, Utensils, Linens, and Single- Service and Single-Use Articles.

(A) Except as specified in Paragraph (D) of this section, cleaned

EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE

and SINGLE-USE ARTICLES shall be stored:

(1) In a clean, dry location;

(2) Where they are not exposed to splash, dust, or other contamination; and

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

(B) Clean EQUIPMENT and UTENSILS shall be stored as specified under Paragraph (A) of this section and shall be stored:

(1) In a self-draining position that allows air drying; and

(2) Covered or inverted.

(C) SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored as specified under Paragraph (A) of this section and shall be kept in the original protective PACKAGE or stored by using other means that afford protection from contamination until used.

(D) Items that are kept in closed PACKAGES may be

stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids that are designed as specified under Section 4-204.122.

4-903.12 Prohibitions.

(A) Except as specified in Paragraph (B) of this section, cleaned and

SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-

SERVICE and SINGLE-USE ARTICLES may not be stored:

(1) In locker rooms;

(2) In toilet rooms;

(3) In garbage rooms;

(4) In mechanical rooms;

(5) Under sewer lines that are not shielded to intercept potential drips;

(6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

(7) Under open stairwells; or

(8) Under other sources of contamination.

(B) 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.

4-904.11 Kitchenware and Tableware.

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

4-904.12 Soiled and Clean Tableware.

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

4-904.13 Preset Tableware.

(A) Except as specified in Paragraph (B) of this section, TABLEWARE that is preset shall be protected from contamination by being wrapped, covered, or inverted.

(B) Preset TABLEWARE may be exposed if:

(1) Unused settings are removed when a CONSUMER is seated; or

(2) Settings not removed when a CONSUMER is seated are cleaned and SANITIZED before further use.

4-904.14 Rinsing Equipment and Utensils after Cleaning and Sanitizing.

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

(A) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under Subparts 4-204 and 4-501; and

(B) 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.

Chapter 5 Water, Plumbing, and Waste

5-1 Water

5-101.11 Approved System.

DRINKING WATER shall be obtained from an APPROVED source that is:

(A) A PUBLIC WATER SYSTEM; ^P or

(B) A nonPUBLIC WATER SYSTEM that is constructed, maintained, and operated according to LAW. ^P

5-101.12 System Flushing and Disinfection.

A DRINKING WATER system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system. ^P

5-101.13 Bottled Drinking Water.

BOTTLED DRINKING WATER used or sold in a RETAIL FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with 21 CFR 129 - Processing and Bottling of Bottled DRINKING WATER. ^P

5-102.11 Standards.

Water from a PUBLIC WATER SYSTEM shall meet 40 CFR 141 -

National Primary Drinking Water Regulations and state
DRINKING WATER quality standards; ^P

5-103.11 Capacity.

(A) The water source and system shall be of sufficient capacity to meet the peak water demands of the RETAIL FOOD ESTABLISHMENT. ^{Pf}

(B) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the RETAIL FOOD ESTABLISHMENT. ^{Pf}

5-103.12 Pressure.

Water under pressure shall be provided to all fixtures, EQUIPMENT, and nonFOOD EQUIPMENT that are required to use water. ^P

5-104.11 System.

Water shall be received from the source through the use of an APPROVED public water main; ^{Pf}

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be provided by the PERSON IN CHARGE or LICESNSE HOLDER for a RETAIL FOOD ESTABLISHMENT issued a boil water order, if approved to operate by the REGULATORY AUTHORITY:

(A) A supply of containers of commercially BOTTLED DRINKING WATER; ^{Pf}

(B) One or more closed portable water containers; ^{Pf}

(C) An enclosed vehicular water tank; ^{Pf}

(D) An on-PREMISES water storage tank; ^{Pf} or

(E) Piping, tubing, or hoses connected to an adjacent APPROVED source. ^{Pf}

5.2 PLUMBING SYSTEM

5-201.11 Approved.

(A) A PLUMBING SYSTEM and hoses conveying water shall be constructed and repaired with APPROVED materials according to LAW. ^P

(B) A water filter shall be made of SAFE MATERIALS. ^P

5-202.11 Approved System and Cleanable Fixtures.

(A) A PLUMBING SYSTEM shall be designed, constructed, and installed according to LAW. ^P

(B) All sinks in which food, utensils, and equipment shall be connected to a catch-basin or be equipped with an approved grease interceptor

(B) A PLUMBING FIXTURE such as a HANDWASHING SINK,

toilet, or urinal shall be EASILY CLEANABLE.

5-202.12 Handwashing Sink, Installation.

(A) A HANDWASHING SINK shall be equipped to provide water at a temperature of at least 38⁰C (100⁰F) through a mixing valve or combination faucet. ^{Pf}

(B) A steam mixing valve may not be used at a HANDWASHING SINK.

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

(D) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

5-202.13 Backflow Prevention, Air Gap.

An air gap between the water supply inlet and the flood level rim of the PLUMBING FIXTURE, EQUIPMENT, or nonFOOD EQUIPMENT shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch). ^P

5-202.14 Backflow Prevention Device, Design Standard.

A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.
^P

5-202.15 Conditioning Device, Design.

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

5-203.11 Handwashing Sinks.

(A) Except as specified in Paragraphs (B) of this section, at least 1 HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under Section 5-204.11, and not fewer than the number of HANDWASHING SINKS required by LAW shall be provided. ^{Pf}

(B) 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 RETAIL FOOD ESTABLISHMENT that has at least 1 HANDWASHING SINK.

5-203.12 Toilets and Urinals.

At least one (1) toilet is required when there are ten (10) or fewer STAFF present during any shift. When there are eleven (11) or more STAFF present during any shift, at least two (2) toilets are required. No fewer than the toilets required by LAW shall be provided. Urinals may be substituted for toilets if authorized by LAW. If authorized by LAW, gender-neutral toilets rooms may be provided. ^{Pf}

5-203.13 Service Sink.

(A) At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop

water and similar liquid waste.

(B) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

5-203.14 Backflow Prevention Device, When Required.

A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the RETAIL 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:

(A) Providing an air gap as specified under Section 5-202.13^P; or

(B) Installing an APPROVED backflow prevention device as specified under Section 5-202.14.^P

5-203.15 Backflow Prevention Device, Carbonator.

(A) If not provided with an air gap as specified under Section 5-202.13, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.^P

(B) *A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under Paragraph (A) of this section.*

5-204.11 Handwashing Sinks.

A HANDWASHING SINK shall be located:

- (A) To allow convenient use by EMPLOYEES in all FOOD preparation, FOOD dispensing, and WAREWASHING areas; ^{Pf} and
- (B) In, or immediately adjacent to, toilet rooms. ^{Pf}
- (C) RETAIL FOOD ESTABLISHMENTS shall install handwashing sinks in locations as specified in this section. ^{Pf}

5-204.12 Backflow Prevention Device, Location.

A backflow prevention device shall be located so that it may be serviced and maintained.

5-204.13 Conditioning Device, Location.

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

5-205.11 Using a Handwashing Sink.

- (A) A HANDWASHING SINK shall be maintained so that it is accessible at all times for EMPLOYEE use. ^{Pf}
- (B) A HANDWASHING SINK may not be used for purposes other than handwashing. ^{Pf}
- (C) An automatic handwashing facility shall be used in accordance with manufacturer's instructions. ^{Pf}

5-205.12 Prohibiting a Cross Connection.

(A) A PERSON may not create a cross connection by connecting a pipe or conduit between the DRINKING WATER system and a non-DRINKING WATER system or a water system of unknown quality.^P

5-205.13 Scheduling Inspection and Service for a Water System Device.

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the PERSON IN CHARGE.^{Pf}

5-205.14 Water Reservoir of Fogging Devices, Cleaning.

(A) A reservoir that is used to supply water to a device such as a produce fogger shall be:

(1) Maintained in accordance with manufacturer's specifications;^P and

(2) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under Paragraph (B) of this section, whichever is more stringent.^P

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

(1) Draining and complete disassembly of the water and aerosol contact parts;^P

(2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;^P

(3) Flushing the complete system with water to remove the detergent solution and particulate accumulation;^P and

(4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 MG/L hypochlorite solution.^P

5-205.15 System Maintained in Good Repair.

A PLUMBING SYSTEM shall be:

(A) Repaired according to LAW;^P

(B) Maintained in good repair; and

(C) Provide an adequate supply of hot and cold water under pressure properly connected to the City of Chicago water supply throughout the RETAIL FOOD ESTABLISHMENT.^P

5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER

5-402.10 Establishment Drainage System.

RETAIL FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE shall be designed and installed as specified under Paragraph 5-202.11(A).

5-402.11 Backflow Prevention.

(A) Except as specified in Paragraphs (B), (C), and (D) 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. ^P

(B) Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.

(C) 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 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

(D) If allowed by LAW, a WAREWASHING or culinary sink may have a direct connection.

5-402.12 Grease Trap.

A grease trap shall be located to be easily accessible for cleaning.

5-402.13 Conveying Sewage.

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

5-403.11 Approved Sewage Disposal System.

SEWAGE shall be disposed through an APPROVED facility that is a public SEWAGE treatment plant.^P

5-403.12 Other Liquid Wastes and Rainwater.

Condensate drainage and other nonSEWAGE liquids and rainwater shall be drained from point of discharge to disposal according to LAW.

5-5 REFUSE, RECYCLABLES, AND RETURNABLES

5-501.10 Indoor Storage Area.

If located within the RETAIL FOOD ESTABLISHMENT, a storage area for REFUSE, recyclables, and returnables shall meet the requirements specified under Sections 6-101.11, 6-201.11 - 6-201.18, 6-202.15, and 6-202.16.

5-501.11 Outdoor Storage Surface.

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

5-501.12 Outdoor Enclosure.

If used, an outdoor enclosure for REFUSE, recyclables, and returnables shall be constructed of durable and

cleanable materials.

5-501.13 Receptacles and Commercial Dumpsters.

(A) Except as specified in Paragraph (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing FOOD residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent. ^{Pf}

(B) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the RETAIL FOOD ESTABLISHMENT, or within closed outside receptacles.

(C) All licensed RETAIL FOOD ESTABLISHMENTS and establishments with a liquor license shall have at least one commercial dumpster with commercial REFUSE removal. ^{Pf}

5-501.14 Receptacles in Vending Machines.

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

5-501.15 Outside Receptacles.

(A) Receptacles and waste handling units for REFUSE, recyclables, and returnables used with materials containing FOOD residue and used outside the RETAIL FOOD ESTABLISHMENT shall be designed and constructed to have tight-fitting lids, doors, or covers. ^{Pf}

(B) Receptacles and waste handling units for REFUSE and recyclables, such as an on-site compactor, shall be installed so that the accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.^{Pf}

5-501.16 Storage Areas, Rooms, and Receptacles, Capacity and Availability.

- (A) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold REFUSE, recyclables, and returnables that accumulate.
- (B) A receptacle shall be provided in each area of the RETAIL FOOD ESTABLISHMENT or PREMISES where REFUSE is generated or commonly discarded, or where recyclables or returnables are placed.
- (C) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent laboratories.

5-501.17 Toilet Room Receptacle, Covered.

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

5-501.18 Cleaning Implements and Supplies.

- (A) Except as specified in Paragraph (B) of this section, suitable cleaning implements and supplies such as high pressure pumps,

hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for REFUSE, recyclables, and returnables.

(B) If APPROVED, off-PREMISES-based cleaning services may be used if on-PREMISES cleaning implements and supplies are not provided.

5-501.19 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.

- (A) An area designated for REFUSE, recyclables, returnables, and, except as specified in Paragraph (B) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and a public health HAZARD or nuisance is not created.
- (B) A redeeming machine may be located in the PACKAGED FOOD storage area or CONSUMER area of a RETAIL 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.
- (C) 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.

5-501.110 Storing Refuse, Recyclables, and Returnables.

REFUSE, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are

inaccessible to insects and rodents. ^{Pf}

5-501.111 Areas, Enclosures, and Receptacles, Good Repair.

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

5-501.112 Outside Storage Prohibitions.

(A) Except as specified in Paragraph (B) of this section, REFUSE receptacles not meeting the requirements specified under Paragraph 5-501.13(A) 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.

(B) 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.

5-501.113 Covering Receptacles.

Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered:

(A) Inside the RETAIL FOOD ESTABLISHMENT if the receptacles and units:

(1) Contain FOOD residue and are not in continuous use;

or

- (2) After they are filled; and
- (B) With tight-fitting lids or doors if kept outside the RETAIL FOOD ESTABLISHMENT.

5-501.114 Using Drain Plugs.

Drains in receptacles and waste handling units for REFUSE, recyclables, and returnables shall have drain plugs in place.

5-501.115 Maintaining Refuse Areas and Enclosures.

A storage area and enclosure for REFUSE, recyclables, or returnables shall be maintained free of unnecessary items, as specified under Section 6-501.114, and clean.

5-501.116 Cleaning Receptacles.

- (A) Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, or SINGLE-SERVICE and SINGLE-USE ARTICLES, and waste water shall be disposed of as specified under Section 5-402.13.
- (B) Soiled receptacles and waste handling units for REFUSE, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

5-502.11 Removal -- Frequency.

REFUSE, recyclables, and returnables shall be removed from the PREMISES at a frequency that will minimize the development of objectionable odors and other conditions

that attract or harbor insects and rodents.

5-502.12 Receptacles or Vehicles.

REFUSE, recyclables, and returnables shall be removed from the PREMISES by way of:

- (A) Portable receptacles that are constructed and maintained according to LAW; or
- (B) A transport vehicle that is constructed, maintained, and operated according to LAW.

5-503.11 Community or Individual Facility.

Solid waste not disposed of through the SEWAGE system such as through grinders and pulpers shall be recycled or disposed of in an APPROVED public or private community recycling or REFUSE facility; or solid waste shall be disposed of in an individual REFUSE facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to LAW.

Chapter 6 Physical Facilities

6-1 MATERIALS FOR CONSTRUCTION AND REPAIR

6-101.11 Indoor Areas Surface Characteristics.

(A) Except as specified in Paragraph (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(1) SMOOTH, durable, and EASILY CLEANABLE for areas where

RETAIL FOOD ESTABLISHMENT operations are conducted;

(2) Closely woven and EASILY CLEANABLE carpet for carpeted areas; and

(3) Nonabsorbent for areas subject to moisture such as FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet rooms, mobile RETAIL FOOD ESTABLISHMENT SERVICING AREAS, and areas subject to flushing or spray cleaning methods.

6-102.11 Outdoor Areas Surface Characteristics.

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

(B) Exterior surfaces of buildings shall be of weather-resistant materials and shall comply with LAW.

(C) Outdoor storage areas for REFUSE, recyclables, or returnables shall be of materials specified under Sections 5-501.11 and 5-501.12.

6-2 DESIGN, CONSTRUCTION, AND INSTALLATION

6-201.11 Cleanability -- Floors, Walls, and Ceilings.

Except as specified under Section 6-201.14 and *except for antislip floor coverings or applications that may be used for safety reasons*, floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE.

6-201.12 Floors, Walls, and Ceilings, Utility Lines.

(A) Utility service lines and pipes may not be unnecessarily exposed.

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

(C) Exposed horizontal utility service lines and pipes may not be installed on the floor.

6-201.13 Floor and Wall Junctures, Coved, and Enclosed or Sealed.

(A) In RETAIL FOOD ESTABLISHMENT in areas where food is being prepared, in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1 mm (one thirty-second inch).

(B) The floors in RETAIL FOOD ESTABLISHMENTS in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and SEALED.

6-201.14 Floor Carpeting, Restrictions and Installation.

(A) 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 lavatories, toilets, and urinals are located, REFUSE storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

(B) If carpeting is installed as a floor covering in areas other than those specified under Paragraph (A) of this section, it shall be:

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

(2) 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.

6-201.15 Floor Covering, Mats and Duckboards.

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

6-201.16 Wall and Ceiling Coverings and Coatings.

(A) Wall and ceiling covering materials shall be attached so that they are EASILY CLEANABLE.

(B) *Except in areas used only for dry storage*, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and SEALED to provide a SMOOTH, nonabsorbent, EASILY CLEANABLE surface.

6-201.17 Walls and Ceilings, Attachments.

(A) Except as specified in Paragraph (B) 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 shall be EASILY CLEANABLE.

(B) *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.*

6-201.18 Walls and Ceilings, Studs, Joists, and Rafters.

Studs, joists, and rafters may not be exposed in areas subject to moisture.

6-202.11 Functionality -- Light Bulbs, Protective Shielding.

(A) Except as specified in Paragraph (B) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(B) *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened packages, if:*

(1) The integrity of the packages cannot be affected by broken glass falling onto them; and

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

(C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

6-202.12 Heating, Ventilating, Air Conditioning System Vents.

Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of FOOD, FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS.

6-202.13 Insect Control Devices, Design and Installation.

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

(B) Insect control devices shall be installed so that:

(1) The devices are not located over a FOOD preparation area; and

(2) 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 and SINGLE-USE ARTICLES.

6-202.14 Toilet Rooms, Enclosed.

Except where a toilet room is located outside a RETAIL FOOD ESTABLISHMENT and does not open directly into the RETAIL FOOD ESTABLISHMENT such as a toilet room that is provided by the management of a shopping mall, unless otherwise approved by the REGULATORY AUTHORITY, a toilet room located on the PREMISES shall be completely enclosed and provided with a tight- fitting and self-closing door.

6-202.15 Outer Openings, Protected.

(A) Except as specified in Paragraphs (B), (C), and (E) and under Paragraph (D) of this section, outer openings of a RETAIL FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by:

- (1) Filling or closing holes and other gaps along floors, walls, and ceilings;
- (2) Closed, tight-fitting windows; and
- (3) Solid, self-closing, tight-fitting doors.

(B) Paragraph (A) of this section does not apply if a RETAIL 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.

(C) Exterior doors used as exits need not be self-closing if they are:

(1) Solid and tight-fitting;

(2) Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the RETAIL FOOD ESTABLISHMENT; and

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

(D) Except as specified in Paragraphs (B) and (E) of this section, if the windows or doors of a RETAIL FOOD ESTABLISHMENT, or of a larger structure within which a RETAIL FOOD ESTABLISHMENT is located, are kept open for ventilation or other purposes is not provided with windows and doors as specified under Paragraph (A) of this section, the openings shall be protected against the entry of insects and rodents by:

(1) 16 mesh to 25.4 mm (16 mesh to 1 inch) screens;

(2) Properly designed and installed air curtains to control flying insects; or

(3) Other effective means.

(E) Paragraph (D) 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.

6-202.16 Exterior Walls and Roofs, Protective Barrier.

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

6-202.17 Outdoor Food Vending Areas, Overhead Protection.

Except for machines that vend canned BEVERAGES, if located outside, a machine used to vend FOOD shall be provided with overhead protection.

6-202.19 Outdoor Walking and Driving Surfaces, Graded to Drain.

Exterior walking and driving surfaces shall be graded to drain.

6-202.110 Outdoor Refuse Areas, Curbed and Graded to Drain.

Outdoor REFUSE areas shall be constructed in accordance with LAW and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the REFUSE and from cleaning the area and waste receptacles.

6-202.111 Private Homes and Living or Sleeping Quarters, Use Prohibition.

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 RETAIL FOOD ESTABLISHMENT operations.^P

6-202.112 Living or Sleeping Quarters, Separation.

Living or sleeping quarters located on the PREMISES of a RETAIL FOOD ESTABLISHMENT such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for RETAIL FOOD ESTABLISHMENT

operations by complete partitioning and solid self-closing doors.

6-3 NUMBERS AND CAPACITIES

6-301.10 Handwashing Sinks -- Minimum Number.

HANDWASHING SINKS shall be provided as specified under Section 5-203.11.

6-301.11 Handwashing Cleanser, Availability.

Each HANDWASHING SINK or group of 2 adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, or powder. Pf

6-301.12 Hand Drying Provision.

Each HANDWASHING SINK or group of adjacent HANDWASHING SINKS shall be provided with:

(A) Individual, disposable towels; ^{Pf}

(B) A continuous towel system that supplies the user with a clean towel; ^{Pf} or

(C) A heated-air hand drying device; ^{Pf} or

(D) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. ^{Pf}

6-301.13 Handwashing Aids and Devices, Use Restrictions.

A sink used for FOOD preparation or UTENSIL washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a HANDWASHING SINK as specified under Sections 6-301.11 and 6-301.12 and Paragraph 5-501.16(C).

6-301.14 Handwashing Signage.

A sign or poster that notifies FOOD EMPLOYEES to wash their hands shall be provided at all HANDWASHING SINKS used by FOOD EMPLOYEES and shall be clearly visible to FOOD EMPLOYEES.

6-301.20 Disposable Towels, Waste Receptacle.

A HANDWASHING SINK or group of adjacent HANDWASHING SINKS that is provided with disposable towels shall be provided with a waste receptacle as specified under Paragraph 5-501.16(C).

6-302.10 Toilets and Urinals -- Minimum Number.

Toilets and urinals shall be provided as specified under Section 5-203.12.

6-302.11 Toilet Tissue, Availability.

A supply of toilet tissue shall be available at each toilet. ^{Pf}

6-303.11 Lighting -- Intensity.

The light intensity shall be:

(A) At least 108 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry FOOD storage areas and in other areas and rooms during periods of cleaning;

(B) At least 215 lux (20 foot candles):

(1) At a surface where FOOD is provided for CONSUMER self-service such as buffets and salad bars or where fresh produce or PACKAGED FOODS are sold or offered for consumption,

(2) Inside EQUIPMENT such as reach-in and under-counter refrigerators; and

(3) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, WAREWASHING, and EQUIPMENT and UTENSIL storage, and in toilet rooms; and

(C) At least 540 lux (50 foot candles) 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.

6-304.11 Ventilation -- Mechanical.

To keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided as required by LAW.

6-305.11 Dressing Areas and Lockers -- Designation.

(A) Dressing rooms or dressing areas shall be designated if EMPLOYEES routinely change their clothes in the establishment.

(B) Lockers or other suitable facilities shall be provided for the orderly storage of EMPLOYEES' clothing and other possessions.

6-306.10 Service Sinks -- Availability.

A service sink or curbed cleaning facility shall be provided as specified under Paragraph 5-203.13(A).

6-4 LOCATION AND PLACEMENT

6-401.10 Handwashing Sinks Conveniently Located.

HANDWASHING SINKS shall be conveniently located as specified under Section 5-204.11.

6-402.11 Toilet Rooms -- Convenience and Accessibility.

Toilet rooms shall be conveniently located within the same building, and not require EMPLOYEES to exit building to access the toilets. Toilets shall be within two floors of the RETAIL FOOD ESTABLISHMENT in a multi-occupant building and accessible to EMPLOYEES during all hours of operation.

6-403.11 Employee Accommodations -- Designated Areas.

(A) Areas designated for EMPLOYEES to eat, drink, or use tobacco shall be located so that FOOD, EQUIPMENT, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from

contamination.

(B) Lockers or other suitable facilities shall be located in a designated room or area where contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE- USE ARTICLES cannot occur.

6-404.11 Distressed Merchandise -- Segregation and Location.

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

6-405.10 Receptacles, Waste Handling Units, and Designated Storage Areas.

Units, receptacles, and areas designated for storage of REFUSE and recyclable and returnable containers shall be located as specified under Section 5-501.19.

6-5 MAINTENANCE AND OPERATION

6-501.11 Repairing.

PHYSICAL FACILITIES shall be maintained in good repair.

6-501.12 Cleaning, Frequency and Restrictions.

(A) PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.

(B) Except for cleaning that is necessary due to a spill or other

accident, cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing.

6-501.13 Cleaning Floors, Dustless Methods.

(A) Except as specified in Paragraph (B) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

(B) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

(1) Without the use of dust-arresting compounds; and

(2) 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.

6-501.14 Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.

(A) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

(B) Ventilation systems may not create a public health HAZARD or nuisance or unLAWful discharge and shall comply with the LAW.

6-501.15 Cleaning Maintenance Tools, Preventing Contamination.

FOOD preparation sinks, HANDWASHING SINKS, and WAREWASHING EQUIPMENT may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance

materials, or the disposal of mop water and similar liquid wastes. ^{Pf}

6-501.16 Drying Mops.

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

6-501.17 Absorbent Materials on Floors, Use Limitation.

Except as specified in Paragraph 6-501.13(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

6-501.18 Cleaning of Plumbing Fixtures.

PLUMBING FIXTURES such as HANDWASHING SINKS, toilets, and urinals shall be cleaned as often as necessary to keep them clean.

6-501.19 Closing Toilet Room Doors.

Except during cleaning and maintenance operations, toilet room doors as specified under Section 6-202.14 shall be kept closed.

6-501.110 Using Dressing Rooms and Lockers.

(A) If provided dressing rooms shall be used by EMPLOYEES if the EMPLOYEES regularly change their clothes in the establishment.

(B) If provided lockers or other suitable facilities shall be used for the orderly storage of EMPLOYEE clothing and other possessions.

6-501.111 Controlling Pests.

The PREMISES shall be maintained free of crawling insects, rodents, and other pests. The presence of flying insects shall be effectively minimized. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the PREMISES by: ^P

(A) Routinely inspecting incoming shipments of FOOD and

supplies;

(B) Routinely inspecting the PREMISES for evidence of pests;

(C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under

Sections 7-202.12, 7-206.12, and 7-206.13; ^{Pf} and

(D) Eliminating harborage conditions. ^{Pf}

(E) Every retail food establishment required to be licensed under chapter 4-8 of the Municipal Code of Chicago shall maintain a Pest Control Log Book on its premises containing the following pest control information:

(1) A record of all visits to the retail food establishment by any pest control company describing all pest control-related activities conducted, including inspections and applications of pesticides or other methods to control pests; ^{Pf}

(a) All retail food establishments shall contract with a licensed exterminator who shall provide insect and vermin services at the establishment at least twice a year. ^{Pf}

(2) The log book record shall include a copy of the service ticket that sets forth the pest control company's Illinois Department of Health license number, and the following: ^{Pf}

(a) Written verification (i.e. signature and certification number) of the certified technician responsible for using pesticides, or overseeing the use of pesticides by non-certified personnel;

(b) Date of application;

(c) Specify the targeted pest; and

(d) Pesticide use recorded in the following manner:

(i) Brand or common name

(ii) USEPA Registration Number

(iii) Percent active ingredient in the finished product

(iv) An estimate of the amount of finished product used

(3) A record of all locations of all applications of pesticides, trap and monitoring stations placed or monitored during the inspection; and

(4) A record of any recommended corrective action needed to eliminate the condition, such as housekeeping deficiencies, pest harborages, or structural deficiencies.

(5) All information in the log book shall be kept for a period of twelve (12) months.

6-501.112 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests.

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

6-501.113 Storing Maintenance Tools.

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

(A) Stored so they do not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES; and

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

6-501.114 Maintaining Premises, Unnecessary Items and Litter.

The PREMISES shall be free of:

(A) Items that are unnecessary to the operation or maintenance of the establishment such as EQUIPMENT that is nonfunctional or no longer used; and

(B) Litter.

6-501.115 Prohibiting Animals.

(A) Except as specified in Paragraphs (B) and (C) of this section, live animals may not be allowed on the PREMISES of a RETAIL FOOD ESTABLISHMENT.^{Pf}

(B) Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result:

(1) Edible FISH or decorative FISH in aquariums, shellfish or

crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(3) In areas that are not used for FOOD preparation and that are usually open for customers, such as dining and sales areas, SERVICE ANIMALS that are controlled by the disabled EMPLOYEE or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL;

(4) Pets in the common dining areas of, group homes, or residential care facilities at times other than during meals if:

(a) Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD preparation areas,

(b) Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present, and

(c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(5) If approved by the REGULATORY AUTHORITY, caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals must be in areas that are completely separate from the RETAIL FOOD ESTABLISHMENT, FOOD preparation, storage, sales, display, or

dining

(C) 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.

Chapter 7 Poisonous or Toxic Materials

7-1 LABELING AND IDENTIFICATION

7-101.11 Original Containers -- Identifying Information, Prominence.

Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS shall bear a legible manufacturer's label. ^{Pf}

7-102.11 Working Containers -- Common Name.

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material. ^{Pf}

7-2 OPERATIONAL SUPPLIES AND APPLICATIONS

7-201.11 Storage -- Separation.

POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE- SERVICE and SINGLE-USE ARTICLES by:

(A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning; ^P and

(B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and*

SINGLE-SERVICE and SINGLE-USE ARTICLES.^P

7-202.11 Presence and use -- Restriction.

(A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a RETAIL FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a RETAIL FOOD ESTABLISHMENT.
Pf

(B) Paragraph (A) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.

7-202.12 Conditions of Use.

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

(1) LAW and this Code,

(2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a RETAIL FOOD ESTABLISHMENT,^P

(3) The conditions of certification, if certification is required, for use of the pest control materials,^P and

(4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

(1) A HAZARD to EMPLOYEES or other PERSONS is not constituted,^P and

(2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a RESTRICTED USE PESTICIDE, this is achieved by:^P

(a) Removing the items,^P

(b) Covering the items with impermeable covers,^P or

(c) Taking other appropriate preventive actions,^P and

(d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.^P

(C) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator.^{Pf}

7-203.11 Container Prohibitions -- Poisonous or Toxic Material Containers.

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

7-204.11 Chemicals -- Sanitizers, Criteria.

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

(A) Meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions)^P, or

(B) Meet the requirements as specified in 40 CFR 180.2020 Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance-Non-food determinations.^P

7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria.

(A) Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables shall:

(1) Be an approved food additive listed for this intended use in 21 CFR 173,^P or

(2) Be generally recognized as safe (GRAS) for this intended use,^P 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),^P and

(4) Meet the requirements in 40 CFR 156 Labeling Requirements for Pesticide and Devices.^P

(B) Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a RETAIL FOOD ESTABLISHMENT shall meet the requirements specified in 21 CFR 173.368 Ozone.^P

7-204.13 Boiler Water Additives, Criteria.

Chemicals used as boiler water ADDITIVES shall meet the requirements specified in 21 CFR 173.310 Boiler water additives.^P

7-204.14 Drying Agents, Criteria.

Drying agents used in conjunction with SANITIZATION shall:

(A) Contain only components that are listed as one of the following:

(1) Generally recognized as safe for use in FOOD as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe,^P

(2) Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,^P

(3) Generally recognized as safe for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to FOOD as described in 21 CFR 170.30 Eligibility for classification as generally recognized as safe (GRAS),^P

(4) Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 409(h),^P

(5) APPROVED for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 201(s)(4);^P

(6) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 CFR Parts 174-178,^P or

(7) APPROVED for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles;^P and

(B) When SANITIZATION is with chemicals, the approval required under Subparagraph (A)(5) or (A)(7) of this section or the regulation as an indirect FOOD ADDITIVE required under Subparagraph (A)(6) of this section, shall be specifically for use with chemical SANITIZING solutions.^P

7-205.11 Lubricants -- Incidental Food Contact, Criteria.

Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.^P

7-206.11 Restricted Use Pesticides, Criteria.

RESTRICTED USE PESTICIDES specified under Paragraph 7-202.12(C) shall meet the requirements specified in 40 CFR 152 Subpart I - Classification of Pesticides. ^P

7-206.12 Rodent Bait Stations.

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

7-206.13 Tracking Powders, Pest Control and Monitoring.

(A) Except as specified in Paragraph (B) of this section, a tracking powder pesticide may not be used in a RETAIL FOOD ESTABLISHMENT. ^P

(B) 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.

7-207.11 Medicines -- Restriction and Storage.

(A) *Except for medicines that are stored or displayed for retail sale*, only those medicines that are necessary for the health of EMPLOYEES shall be allowed in a RETAIL FOOD ESTABLISHMENT. ^{Pf}

(B) Medicines that are in a RETAIL FOOD ESTABLISHMENT for the EMPLOYEES' use shall be labeled as specified under Section 7-101.11 and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and

SINGLE-USE ARTICLES.^P

7-207.12 Refrigerated Medicines, Storage.

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

(A) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines;^P and

(B) Located so they are inaccessible to children.^P

7-208.11 First Aid Supplies -- Storage.

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

(A) Labeled as specified under Section 7-101.11;^{Pf} and

(B) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and

SINGLE-SERVICE and SINGLE-USE ARTICLES.^P

7-209.11 Other Personal Care Items -- Storage.

Except as specified under Sections 7-207.12 and 7-208.11, EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under Paragraph 6-305.11(B).

7-3 STOCK AND RETAIL SALE

7-301.11 Separation.

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

(A) Separating the POISONOUS or TOXIC MATERIALS by spacing or partitioning; ^P and

(B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE- SERVICE or SINGLE-USE ARTICLES. ^P

Chapter 8 Compliance and Enforcement

8-1 Code Applicability

8-101.10 Public Health Protection.

(A) The REGULATORY AUTHORITY shall apply this Code to promote its underlying purpose, as specified in Section 1-102.10, of safeguarding public health and ensuring that FOOD is safe, unADULTERATED, and honestly presented when offered to the CONSUMER.

(B) In enforcing the provisions of this Code, the REGULATORY AUTHORITY shall assess existing facilities or EQUIPMENT that were in use before the effective date of this Code based on the following considerations:

(1) Whether the facilities or EQUIPMENT are in good repair and capable of being maintained in a sanitary condition;

(2) Whether FOOD-CONTACT SURFACES comply with Subpart 4-101;

(3) Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with Section 4-301.11; and

(4) The existence of a documented agreement with the LICENSE HOLDER that the facilities or EQUIPMENT will be replaced as specified under Paragraph 8-304.11(G).

(5) Handwashing sinks are exempt from this section and are required to be installed as specified under Paragraph 5-202.12, 5-203.11, and 5-204.11.

8-102.10 Preventing Health Hazards, Provision for Conditions Not Addressed.

(A) 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 Code that are authorized by LAW.

(B) The REGULATORY AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the LICENSE applicant or LICENSE HOLDER and a copy shall be maintained in the REGULATORY AUTHORITY'S file for the RETAIL FOOD ESTABLISHMENT.

8-103.10 Variances --Modifications and Waivers.

The REGULATORY AUTHORITY may grant a VARIANCE by modifying or waiving the requirements of this Code 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 Section 8-103.11 in its records for the RETAIL FOOD ESTABLISHMENT.

8-103.11 Documentation of Proposed Variance and Justification.

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

includes:

(A) A statement of the proposed VARIANCE of the Code requirement citing relevant Code section numbers;^{Pf}

(B) An analysis of the rationale for how the potential public health HAZARDS and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; ^{Pf} and

(C) A HACCP PLAN if required as specified under Paragraph 8-201.13(A) that includes the information specified under Section 8-201.14 as it is relevant to the VARIANCE requested. ^{Pf}

8-103.12 Conformance with Approved Procedures.

If the REGULATORY AUTHORITY grants a VARIANCE as specified in Section 8-103.10, or a HACCP PLAN is otherwise required as specified under Section 8-201.13, the LICENSE HOLDER shall:

(A) Comply with the HACCP PLANs and procedures that are submitted as specified under Section 8-201.14 and APPROVED as a basis for the modification or waiver; ^P and

(B) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under Paragraphs 8-201.14(D) and (E) that demonstrate that the following are routinely employed;

(1) Procedures for monitoring the CRITICAL CONTROL POINTS, ^{Pf}

(2) Monitoring of the CRITICAL CONTROL POINTS, ^{Pf}

(3) Verification of the effectiveness of the operation or process, ^{Pf} and

(4) Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT. ^{Pf}

8-2 PLAN SUBMISSION AND APPROVAL

8-201.11 When Plans Are Required.

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

- (A) The construction of a RETAIL FOOD ESTABLISHMENT;^{Pf}
- (B) The conversion of an existing structure for use as a RETAIL FOOD ESTABLISHMENT;^{Pf} or
- (C) The remodeling of a RETAIL FOOD ESTABLISHMENT or a change of type of RETAIL FOOD ESTABLISHMENT or FOOD operation as specified under Paragraph 8-302.14(C) if the REGULATORY AUTHORITY determines that plans and specifications are necessary to ensure compliance with this Code.^{Pf}
- (D) No plans are required to be submitted to the DEPARTMENT when in compliance with Department of Buildings Self-Certification Program.

8-201.12 Contents of the Plans and Specifications.

The plans and specifications for a RETAIL FOOD ESTABLISHMENT, including a RETAIL FOOD ESTABLISHMENT specified under Section 8-201.13, shall 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 Code provisions:

- (A) Intended menu;
- (B) Anticipated volume of FOOD to be stored, prepared, and sold or served;
- (C) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (D) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (E) Evidence that standard procedures that ensure compliance with the requirements of this Code are developed or are being developed; and
- (F) 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 RETAIL FOOD ESTABLISHMENT.

8-201.13 When a HACCP Plan is Required.

(A) Before engaging in an activity that requires a HACCP PLAN, a LICENSE applicant or LICENSE HOLDER shall submit to the REGULATORY AUTHORITY for approval a properly prepared HACCP PLAN as specified under Section 8-201.14 and the relevant provisions of this Code if:

(1) Submission of a HACCP PLAN is required according to LAW;

(2) A VARIANCE is required as specified under Subparagraph 3-401.11(D)(4), Section 3-502.11, or

Paragraph 4-204.110(B);

(3) The REGULATORY AUTHORITY determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under Section 8-201.12, an inspectional finding, or a VARIANCE request.

(B) Before engaging in REDUCED OXYGEN PACKAGING without a VARIANCE as specified under Section 3-502.12, a LICENSE applicant or LICENSE HOLDER shall submit a properly prepared HACCP PLAN to the REGULATORY AUTHORITY.

8-201.14 Contents of a HACCP Plan.

For a RETAIL FOOD ESTABLISHMENT that is required under Section 8-201.13 to have a HACCP PLAN, the plan and specifications shall indicate:

(A) A categorization of the types of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are specified in the menu such as soups and sauces, salads, and bulk, solid FOODS such as MEAT roasts, or of other FOODS that are specified by the REGULATORY AUTHORITY;^{Pf}

(B) A flow diagram by specific FOOD or category type identifying CRITICAL CONTROL POINTS and providing information on the following:

(1) Ingredients, materials, and EQUIPMENT used in the preparation of that FOOD,^{Pf} and

(2) Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety

concerns involved;^{Pf}

(C) FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern;^{Pf}

(D) A statement of standard operating procedures for the plan under consideration including clearly identifying:

(1) Each CRITICAL CONTROL POINT,^{Pf}

(2) The CRITICAL LIMITS for each CRITICAL CONTROL POINT,^{Pf}

(3) The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the FOOD EMPLOYEE designated by the PERSON IN CHARGE,^{Pf}

(4) The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,^{Pf}

(5) Action to be taken by the PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met,^{Pf} and

(6) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed;^{Pf} and

(E) Additional scientific data or other information, as required by the REGULATORY AUTHORITY, supporting the determination

that FOOD safety is not compromised by the proposal.^{Pf}

8-202.10 Confidentiality -- Trade Secrets.

The REGULATORY AUTHORITY shall treat as confidential in accordance with LAW, information that meets the criteria specified in LAW for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under Sections 8-201.12 and 8-201.14.

8-203.10 Preoperational Inspections.

The REGULATORY AUTHORITY shall conduct one or more license inspections to verify that the RETAIL 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 Paragraph 8-201.12(E), and is in compliance with LAW and this Code.

8.3 LICENSE TO OPERATE

8-302.13 Qualifications and Responsibilities of Applicants.

To qualify for a LICENSE, an applicant shall:

- (A) Be an owner of the RETAIL FOOD ESTABLISHMENT or an officer of the legal ownership;
- (B) Comply with the requirements of this Code;
- (C) As specified under Section 8-402.11, agree to allow access to the RETAIL FOOD ESTABLISHMENT and to provide required information; and

8-304.11 Responsibilities of the LICENSE Holder.

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

- (A) Post the SUMMARY REPORT in a location in the RETAIL FOOD ESTABLISHMENT that is conspicuous to CONSUMERS;
- (B) Comply with the provisions of this Code including the conditions of a granted VARIANCE as specified under Section 8-103.12, and APPROVED plans as specified under Section 8-201.12;
- (C) If a RETAIL FOOD ESTABLISHMENT is required under Section 8-201.13 to operate under a HACCP PLAN, comply with the plan as specified under Section 8-103.12;
- (D) Immediately contact the REGULATORY AUTHORITY to report an illness of a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE as specified under Paragraph 2-201.11(B);
- (E) Immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist as specified under Section 8-404.11;
- (F) Allow representatives of the REGULATORY AUTHORITY access to the RETAIL FOOD ESTABLISHMENT as specified under Section 8-402.11;
- (G) Replace existing facilities and EQUIPMENT specified in Section 8-101.10 with facilities and EQUIPMENT that comply with this Code if:

- (1) The REGULATORY AUTHORITY directs the replacement because the facilities and EQUIPMENT constitute a public

health HAZARD or nuisance or no longer comply with the criteria upon which the facilities and EQUIPMENT were accepted,

(2) The REGULATORY AUTHORITY directs the replacement of the facilities and EQUIPMENT because of a change of ownership, or

(3) The facilities and EQUIPMENT are replaced in the normal course of operation;

(H) 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 LICENSE HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;

(I) Accept notices issued and served by the REGULATORY AUTHORITY according to LAW; and

(J) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in LAW for failure to comply with this Code or a directive of the REGULATORY AUTHORITY, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

(K) Notify customers that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the retail food establishment that is conspicuous to customers or by another method acceptable to the REGULATORY AUTHORITY.

8-4 INSPECTION AND CORRECTION OF VIOLATIONS

8-401.10 Establishing Inspection Interval.

(A) The REGULATORY AUTHORITY shall inspect RETAIL FOOD ESTABLISHMENTS at least as often as prescribed by the following schedule.

(B) Category I facilities shall receive three (3) inspections per year, or two (2) inspections per year if one of the following conditions is met:

- 1) A person having a valid City of Chicago Food Service Sanitation Certificate is present at all times that the facility is in operation; or

- 2) Employees involved in food operations receive a Hazard Analysis Critical Control Point (HACCP) training exercise, receive in-service training in another food service sanitation area, or attend an educational conference on food safety or sanitation.

(C) Category II facilities shall receive one (1) inspection per year.

(D) Category III facilities shall receive one (1) inspection every two (2) years.

8-401.20 Performance- and Risk-Based.

REGULATORY AUTHORITY shall prioritize, and conduct inspections based upon its assessment of a RETAIL FOOD ESTABLISHMENT'S as potential as a vector of foodborne illness by evaluating:

(A) Each RETAIL FOOD ESTABLISHMENT will be assigned to a risk category based on the HAZARDS associated with the particular FOODS that are prepared, stored, or served;

(B) The type of operation including the methods and extent of FOOD storage, preparation, and service;

(C) The number of people served; and

(D) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION.

(E) RETAIL FOOD ESTABLISHMENT may be inspected for compliance more frequently after an association with a foodborne illness outbreak.

8-402.20 Refusal, Notification of Right to Access, and Final Request for Access.

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

(A) Inform the PERSON that:

(1) The LICENSE HOLDER is required to allow access to the REGULATORY AUTHORITY as specified under Section 8-402.11 of this Code,

(2) Access is a condition of the acceptance and retention of a RETAIL FOOD ESTABLISHMENT LICENSE to operate as specified under Paragraph 8-304.11(F).

8-402.30 Refusal, Reporting.

If, after the REGULATORY AUTHORITY presents credentials and provides notice as specified under Section 8-402.11, explains the authority upon which access is requested, and the PERSON IN CHARGE continues to REFUSE access, then the REGULATORY AUTHORITY shall provide details of the denial of access on an inspection report form.

8-403.10 Documenting Information and Observations.

The REGULATORY AUTHORITY shall document on an inspection report form:

(A) Administrative information about the RETAIL FOOD ESTABLISHMENT'S legal identity, street and mailing addresses, type of establishment and operation as specified under Paragraph 8-302.14(C), inspection date, and other information such as type of water supply and SEWAGE disposal, status of the LICENSE, and personnel certificates that may be required; and

(B) Specific factual observations of violative conditions or other deviations from this Code that require correction by the LICENSE HOLDER including:

(1) Failure to have a valid and original City of Chicago Food Service Sanitation Certificate,

(2) Failure of FOOD EMPLOYEES, CONDITIONAL EMPLOYEES, and the PERSON IN CHARGE to report a disease or medical condition as specified by LAW,

(3) Nonconformance with PRIORITY ITEMS, PRIORITY FOUNDATION ITEMS, or CORE ITEMS of this Code,

(4) Failure of the appropriate FOOD EMPLOYEES to demonstrate their knowledge of, and ability to perform in

accordance with, the procedural, monitoring, verification, and corrective action practices required by the REGULATORY AUTHORITY as specified under Section 8-103.12,

(5) Failure of the PERSON IN CHARGE to provide records required by the REGULATORY AUTHORITY for determining conformance with a HACCP PLAN as specified under Subparagraph 8-201.14(D)(6), and/or

(6) Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

8-403.20 Specifying Time Frame for Corrections.

The REGULATORY AUTHORITY shall specify on the inspection report form the time frame for correction of the violations as specified under Sections 8-404.11, 8-405.11, and 8-406.11.

8-403.30 Issuing Report and Obtaining Acknowledgment of Receipt.

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 LICENSE HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

8-403.40 Refusal to Sign Acknowledgment.

The REGULATORY AUTHORITY shall:

(A) Inform a PERSON who declines to sign an acknowledgment of receipt of inspectional findings as specified in Section 8-403.30 that:

(1) An acknowledgment of receipt is not an agreement with

findings,

(2) Refusal to sign an acknowledgment of receipt will not affect the LICENSE HOLDER'S obligation to correct the violations noted in the inspection report within the time frames specified, and

(3) 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 RETAIL FOOD ESTABLISHMENT; and

(B) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspectional findings.

8-403.50 Public Information.

Except as specified in Section 8-202.10, 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.

8-404.11 Imminent Health Hazard -- Ceasing Operations and Reporting.

A LICENSE HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

8-404.13 Enforcement by the Regulatory Authority.

(A) Reasons for closure or suspension of a business license of a RETAIL FOOD ESTABLISHMENT:

- (1) When imminent health hazard exists; or
- (2) A PRIORITY ITEM is not corrected during the inspection;

(B) Issuance of citations and enforcement of violations shall be as follows:

- (1) A PRIORITY ITEM observed during inspection shall result in the issuance of a citation.
- (2) A PRIORITY FOUNDATION ITEM observed during inspection shall result in the issuance of a citation.
- (3) A PRIORITY FOUNDATION ITEM not corrected in the time frame specified on the inspection report shall be classified as a PRIORITY ITEM.
- (4) A CORE violation not corrected in the time frame specified on the inspection report shall be classified as a PRIORITY FOUNDATION ITEM.
- (5) PRIORITY FOUNDATION ITEM related to the compliance with having a City of Chicago food service sanitation certificate or food handler training shall remain a PRIORITY FOUNDATION ITEM and not be classified as a PRIORITY ITEM. A citation shall be issued as specified under Subparagraph 8-404.13(B)(3).

8-405.11 Violation of Priority, Priority Foundation, or Core Item -- Timely Correction.

(A) Except as specified in Paragraph (B) of this section, a LICENSE HOLDER shall at the time of inspection correct a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM of this Code and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT.^{Pf}

(B) Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to or specify a longer time frame, not to exceed:

(1) 48 hours after the inspection, for the LICENSE HOLDER to correct violations of a PRIORITY ITEM; or

(2) Five (5) business days after the inspection, for the LICENSE HOLDER correct violations of a PRIORITY FOUNDATION ITEM or HACCP PLAN deviation; or

(3) Ninety (90) Calendar days after inspection for a CORE ITEM.

(C) The REGULATORY AUTHORITY may approve a compliance schedule that extends beyond the time limits specified under Paragraph (A) and (B) of this section if a written schedule of compliance is submitted by the LICENSE HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance.

8-405.20 Verification and Documentation of Correction.

(A) After observing at the time of inspection a correction of a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM or a HACCP PLAN deviation, the REGULATORY AUTHORITY shall enter the violation and information about the corrective action

on the inspection report.

(B) As specified under Paragraph 8-405.11(B), after receiving notification that the LICENSE HOLDER has corrected a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM or HACCP PLAN deviation, or at the end of the specified period of time, the REGULATORY AUTHORITY shall verify correction of the violation; document the information on an inspection report.

(C) The REGULATORY AUTHORITY may approve a compliance schedule that extends beyond the time limits specified under Paragraph (A) of this section if a written schedule of compliance is submitted by the LICENSE HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance.

8-405.30 Institution of Proceedings.

(A) Citations issued by the REGULATORY AUTHORITY to a RETAIL FOOD ESTABLISHMENT to enforce this Code shall be submitted to the Department of Administrative Hearings according to LAW.

Chapter 9 Temporary Food Establishments

9-101.10 Temporary Food Establishments.

- (A) A temporary food establishment operates at a special event or summer festival and shall obtain a special event food license in accordance with the applicable City of Chicago Municipal Code and rules.
 - 1) The commissary or retail food establishment used for base of operations shall have a passing inspection within six months prior to the application date.
 - 2) The inspection report shall be submitted at the time of application.
- (B) A temporary food establishment shall comply with this chapter and the applicable requirements the City of Chicago Municipal Code and rules. The Department may impose additional operational requirements on special event and multiple special event food establishments in order to protect against health hazards related to the conduct of the temporary food establishment.
- (C) A temporary food establishment shall have a Person in Charge or designee onsite at the temporary food establishment during all times that food is being prepared, held hot, and served. The Person or Charge or designee shall have an original and valid Summer Festival Food Vendor Certificate. All food related operations shall cease when there is no person with an original and valid Summer Festival Food Vendor Certificate.
- (D) A description of equipment used for holding time/temperature control for safety foods shall be submitted at the time of application for a temporary food establishment and shall be evaluated for approval based on a menu review, food service operations, location, and the duration of the event. Only menu items approved by the Department shall be served.
- (E) All food handlers at a temporary food establishment shall comply with the

following:

- 1) Persons with a communicable disease or with symptoms of disease (such as vomiting, diarrhea, or fever) that can be transmitted through food shall be excluded from the temporary food establishment.
- 2) All persons shall wear clean outer clothing. No sleeveless shirts, such as tank or halter-tops, are permitted. Bare midriffs are not allowed.
- 3) All persons shall wear effective hair restraints, such as hairnets, baseball caps, or sun visors, where the hair is covered and contained. Hair spray is not adequate. Mustache or beard restraints shall be used for any facial hair exceeding one (1) inch in length.
- 4) All persons shall wash their hands upon entering, or immediately prior to entering the temporary food establishment or food preparation and service area, immediately before engaging in food preparation, after using the toilet room, prior to putting on gloves, and as often as necessary to remove soil and contamination to prevent cross-contamination.

(F) Temporary handwashing stations shall comply with the following:

- 1) Be a self-contained unit that provides water under pressure.
- 2) Has separate fresh water and gray water holding tanks.
- 3) Provided with hand soap, single-use paper towels and a waste receptacle.
- 4) Hand washing stations shall be used only for hand washing.

- 5) Be located in or immediately adjacent to the booth to allow convenient use by persons engaged in food preparation and/or food dispensing.
 - 6) Vendors may share a handwashing station if those vendors have prior approval from the Department.
 - 7) Hand-antiseptics/sanitizers cannot be used as a substitute for handwashing; they may be used in addition to handwashing only if approved for use by the FDA.
- (G) Complex food preparation including washing and slicing of food shall be completed at the retail food establishment or commissary.
- (H) Food shall be transported and held in a manner that protects the food from contamination and complies with the applicable City of Chicago Municipal Code and rules.
- (I) Time/temperature control for safety foods shall be transported at temperatures that comply with the applicable City of Chicago Municipal Code and rules.
- (J) All food shall be obtained from sources that comply with applicable City of Chicago Municipal Code and rules and regulations. All food shall be prepared in an approved retail food establishment or commissary. Food prepared at any home is not allowed.
- (K) Ice shall be obtained from a licensed commercial source in chipped, crushed, or cubed form and shall be received in single use closed bags. Ice must be stored in clean and sanitized storage containers that are self-draining and easily cleanable. The ice must be protected from dust, insects and other potential contaminants.
- (L) Leftover cooked food must be discarded at the end of the day. Cooked food cannot be re-used or returned to the commissary or food

establishment.

- (M) Packaged food shall not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container.
- (N) A thermocouple or metal stem thermometer shall be available on site to check the internal temperatures of time temperature control for safety foods. Food temperature measuring devices shall be in compliance with the applicable City of Chicago Municipal Code and rules.
- (O) All food contact surfaces shall be in compliance with the applicable City of Chicago Municipal Code and rules.
- (P) All food, equipment, utensils, and single-service items shall be stored off the ground or floor on pallets, tables, or shelving.
- (Q) Effective barriers shall be provided to protect food from contamination. Examples include but are not limited to covers, sneeze guards, or a six foot separation from the customer.
- (R) Food shall be kept covered, except for working containers of food.
- (S) Condiments shall be provided in a method to prevent contamination by food employees, patrons, insects, or other sources. Pump-style dispensers, squeeze bottles, shakers, or similar dispensers shall be tethered to the booth to prevent contamination or condiments are to be dispensed in single-service packaging.
- (T) Only single-service customer utensils (forks, spoons, knives, cups and plates) shall be provided to the customer. No single-service article may be reused except cups used for drinking which may be refilled if refilling the cup is a contamination-free process.
- (U) Single-service articles shall be:

- (1) stored off the ground,
 - (2) protected from contamination during storage and dispensing,
 - (3) dispensed handle-first from containers, and
 - (4) dispensed from an approved tube dispenser or from the original plastic shipping wrap surrounding each stack of cups. The cups shall be dispensed in a manner that prevents contamination of the interior or exterior lip of the cup.
- (V) Approved sanitizers for sanitizing equipment onsite shall be provided and be used in accordance with the applicable City of Chicago Municipal Code and rules.
- (W) Dish washing is prohibited at the temporary food establishment site. An adequate number of utensils and equipment to replace any utensil or equipment requiring washing/rinsing/sanitizing with a new one shall be provided. In-use utensils and equipment not held at the proper temperature to prevent contamination shall be replaced when contaminated or at maximum every of two hours.
- (X) All waste shall be disposed of according to applicable City of Chicago laws and rules. All waste shall be disposed of at least once per day, and as often as needed to prevent contamination or attract pests. Waste shall never be left overnight.
- (1) Waste of any kind may not be disposed of in the public sewers, on the ground, or in any public body of water.
 - (2) Waste water – A minimum of one 55-gallon drum open at one end covered with tightly fitted 1/4" mesh screening shall be required of each vendor to receive food preparation waste water and covered with a lid before use. Each waste water

drum (including beer icing barrels) shall be pumped out nightly by a contractor who has vacuum truck equipment or other method approved by the Department.

- (3) Cooking oils and grease – Each vendor who performs deep-frying shall provide one (1) open end 55 gallon drum with a solid lid in which all generated waste oil and grease will be disposed. A grease-rendering contractor for proper disposal shall collect this waste nightly or by other Department approved method.
- (4) Charcoal ash – Any vendor who operates a charcoal fire cooking table shall be required to provide one open-end 55-gallon drum with a tightly fitting lid for ash disposal.
- (5) Container identification – The purpose of each drum shall be clearly marked on its side and each shall be color coded as follows:
 - i. Blue – waste water
 - ii. Black – grease
 - iii. Red – charcoal/ash waste
- (6) Adequate lighting by natural or artificial means shall be provided in accordance with the applicable City of Chicago Municipal Code laws and rules, including Section 6-303.11 of these rules.
- (7) An adequate number of non-absorbent, easily cleanable refuse containers shall be provided in order to prevent refuse from overflowing. Refuse containers shall be emptied at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.
- (8) The ground should be concrete, machine-laid asphalt. If the

ground is dirt, grass, or gravel it shall be covered with mats, removable platforms, duckboards, cardboard, or other Department approved materials that effectively control dust and mud.

- (9) The temporary food establishment shall be covered with a canopy or other type of overhead protection, to protect against the elements, windblown dust, and debris.

9-101.20 Mechanical Equipment Requirements.

- (A) Mechanical refrigeration shall be used at all temporary food establishments that prepare, hold, serve, or provide time/ temperature control for safety foods. If approved by the Department, effectively insulated, hard-sided, cleanable container with sufficient ice or other cooling means may be used in addition to mechanical refrigeration for immediate use of cold time temperature control for safety foods.
- (B) Mechanical hot holding units shall be used including but not limited to electrical equipment, propane stoves, grills, etc., and shall keep time temperature control for safety foods at temperatures that comply with the applicable City of Chicago Municipal Code and rules. If approved by the Department, effective non-mechanical means may be used in addition to mechanical hot holding units for the immediate use of hot time/ temperature control for safety foods.
- (C) If mechanical frozen beverage machines are used, the use of the machine shall be approved by the Department, and the operation shall comply with following requirements:
 - (1) Returned to the commissary each night of operation to be properly washed, rinsed, and sanitized in accordance with the manufacturer.
 - (2) If contaminated by dust, debris, or other contaminant, the frozen

beverage machine shall not be used until it can be taken to the commissary to be properly washed, rinsed, and sanitized in accordance with the manufacturer.

- (3) Use of dairy based products or any other time temperature for safety food in the frozen beverage machine is not allowed.

9-102.10 Summer Festival Food Vendor Certificate (SFFVC).

To obtain a Summer Festival Food Vendor Certificate (SFFVC) as required in Section 4-8-040(f)(3) of the Municipal Code of Chicago, the following requirements must be met:

- (A) A person who has a valid City of Chicago Food Service Sanitation Instructor Certificate must attend a summer festival training provided by the Department, at times and intervals prescribed by the Department.
- (B) A person who has completed the Department's summer festival training, as affirmed by the Department or its designee, is authorized to teach a summer festival food vendor class that enables students to obtain the SFFVC. The class topics, content, and duration of the class may be prescribed by the Department or its designee. Topics may include but need not be limited to:
 - (1) Food protection
 - (2) Food temperature control
 - (3) Prevention of cross-contamination
 - (4) Good personal hygiene practices
 - (5) Safe food transportation

(6) Proper operations for an outside event

- (C) The certified City of Chicago Food Service Sanitation Instructor shall submit to the Department or its designee any documents required to affirm which students have completed the summer festival food vendor class. The documentation requirements will be at the discretion of the Department. The Department or its designee will issue an SFFVC to students who have completed the class.
- (D) Each booth shall have a Person in Charge or designee who has an original and valid SFFVC onsite and available for inspection by the Department during all times that food is being prepared, held hot, and served.
- (E) When there is not a person present onsite with an original and valid SFFVC when food is being prepared, held hot, or served, food-related operations are prohibited.
- (F) A person operating a mobile prepared food vehicle at a special event does not need a SFFVC but must have a City of Chicago Food Service Sanitation Certificate.
- (G) No SFFVC or City of Chicago Food Service Sanitation Certificate is required for a person operating a mobile food dispenser vehicle with only prepackaged food.
- (H) No SFFVC or City of Chicago Food Service Sanitation Certificate is required for a person operating a booth with only prepackaged, non-time/temperature for control for safety foods.
- (I) The Department may, at its discretion, require an event organizer to obtain a SFFVC.

9-103.10 Riverwalk and Northerly Island.

- (A) A Riverwalk or Northerly Island Food Establishment shall have the appropriate license type in accordance with City of Chicago Ordinance Chapter 4-8.
- (B) The menu of a Riverwalk or Northerly Island Food Establishment shall be approved by the Department based on operation, equipment, location, and the duration of the event.
 - (1) Foods that present a high relative risk of causing foodborne illness, including but not limited to raw marinated fish, raw molluscan shellfish, steak tartar, lightly cooked fish, rare meat, and soft cooked eggs, may not be served at Riverwalk Food or Northerly Island Establishments.
 - (2) Only menu items approved by the Department shall be served.

9-103.20 Base of Operations for Riverwalk or Northerly Island Food Establishment.

- (A) Riverwalk or Northerly Island Food Establishments shall operate from a licensed commissary or other approved retail food establishment, and shall report at least daily to such location for all supplies, and for all cleaning and servicing operations and more often as needed.
- (B) The base of operation must be of such size and scope as to accommodate its own operation, as well as support the needs of the Riverwalk or Northerly Island Food Establishment. The commissary or other retail food establishment shall be licensed and operated in compliance with the City of Chicago Municipal Code Chapters 4-8, 7-38, 7-40, 7-42 and the applicable sections of the rules and regulations of the Board of Health.

(C) The commissary or retail food establishment used as a base of operations shall have a passing inspection within six months prior to the application date.

(D) The inspection report shall be submitted at the time of application.

9-103.30.1 Facility Structural Components for Riverwalk and Northerly Island Food Establishments.

(A) Food establishments at which the food is being prepared indoors at the Riverwalk or Northerly Island must meet the structural requirements indicated in Chapters 4 through 7 of these rules.

(B) Food establishments at which the food is being prepared outdoors at the Riverwalk or Northerly Island shall be approved by the Department based on food service operations, menu, location, and the duration of the event. The following are minimum standards:

(1) The ground should be concrete, machine-laid asphalt. If the ground is dirt, grass, or gravel it shall be covered with mats, removable platforms, duckboards, cardboard, or other approved materials that effectively control dust and mud.

(2) Walls are not required in most circumstances. The Department may require walls or other means of protection based on menu, food service operation, location, and duration.

(3) Adequate overhead protection shall be provided. Examples of acceptable overhead protection are tent, canopy, awning, table-type umbrella, or a permanent structure.

(4) Ventilation shall comply with the applicable requirements of the ventilation and fire prevention codes of the City of Chicago and the regulations published by the Board of Health.

- (5) Adequate lighting by artificial or natural means is to be provided. The lighting intensity shall be in compliance with City of Chicago Municipal Code and the Rules of the Department of Health and the Board of Health.
- (6) Waste water shall be disposed of in the City of Chicago sewer system or by a method approved by the Department.
- (7) Dish washing is allowed onsite when there is real plumbing available, connected to the City of Chicago water supply system, in compliance with City of Chicago Municipal Code. Portable three compartment sinks are not allowed.
- (8) A hand sink is required in or adjacent to all food preparation and dish washing areas.
- (9) When real plumbing is available, all plumbing fixtures shall comply with the applicable City of Chicago Municipal Code.
- (10) Temporary hand washing stations when approved for use by the Department shall comply with the following:
- a. Be a self-contained unit that provides water under pressure.
 - b. Has separate fresh water and gray water holding tanks.
 - c. Provided with hand soap, single-use paper towels, and a waste receptacle.
 - d. Hand washing stations shall be used only for hand washing.

- e. Be located in or immediately adjacent to the booth to allow convenient use by persons engaged in food preparation or food dispensing.
- f. Vendors may share a hand-washing station if those vendors have prior approval from the department.
- g. Hand-antiseptics/sanitizers cannot be used as a substitute for handwashing; they may be used in addition to handwashing only if approved for use by the FDA.

9-103.40 Mechanical Equipment Requirements.

(A) Mechanical refrigeration shall be used at Riverwalk and Northerly Island food establishments that prepare, hold, serve, or provide cold time/temperature control for safety foods. If approved by the Department, effectively insulated, hard-sided, cleanable container with sufficient ice or other cooling means may be used in addition to mechanical refrigeration for immediate use of cold time/temperature control for safety foods.

(1) Each mechanically refrigerated unit shall be provided with a thermometer that is accurate to $\pm 2^{\circ}$ F.

(B) Mechanical hot holding units such as electrical equipment, propane stoves, grills, etc., shall be used, at Riverwalk and Northerly Island food establishments that prepare, hold, serve, or provide hot time temperature control for safety foods. The mechanical hot holding units and shall keep food at temperatures that comply with the applicable City of Chicago Municipal Code and rules. If approved by the Department, non-mechanical means may be used in addition to mechanical hot holding units for the immediate use of hot time temperature control for safety foods.

(C) If mechanical frozen beverage machines are used, the use of the

machine shall be approved by the department and the operation shall comply with following requirements:

- (1) Returned to the commissary each night of operation to be properly washed, rinsed, and sanitized in accordance with the manufacturer.
 - (2) If contaminated by dust, debris, or other contaminant, the frozen beverage machine shall not be used until it can be taken to the commissary to be properly washed, rinsed, and sanitized in accordance with the manufacturer.
 - (3) Use of dairy based products or any other time temperature for safety food in the frozen beverage machine is not allowed.
- (D) Refrigeration and freezer trucks used to store food overnight shall be kept secure.

9-103.50 Food and Beverage Service.

- (A) All food shall comply with City of Chicago Municipal Code and the Rules and Regulations of the Board of Health in addition the food at a Riverwalk or Northerly Island Food Establishment shall comply with the following:
- (1) All fruits and vegetables, for cooking and ready-to-eat, must be washed in a Department approved sink or at the commissary.
 - (2) Unapproved food items that are offered to the public shall be discarded and denatured.
 - (3) Only potable drinking water, from an approved source, may be used for food preparation tasks, cooking, cleaning and hand washing.

- (4) Bulk food not in an original container shall be properly labeled.

9-103.60 Food Protection.

(A) In addition to the applicable sections of the City of Chicago Municipal Code and the rules of the Department of Health and Board of Health, a Riverwalk or Northerly Island food establishment shall comply with the following:

- (1) All food must be shielded from the public with some type of protective covering, such as a sneeze guard or be displayed at least six (6) feet from the public to prevent malicious handling or contamination.
- (2) Condiments shall be provided in a method to prevent contamination by food employees, patrons, insects, or other sources. Condiments are to be dispensed in pump-style dispensers, squeeze bottles, shakers, or dispensed in single-service packaging.
- (3) Ice shall be obtained from a licensed commercial source in chipped, crushed, or cubed form and shall be received in single use closed bags. Ice must be stored in clean and sanitized storage containers that are self-draining and easily cleanable. The ice must be protected from dust, insects and other potential contaminants.
- (4) Storage of food in undrained ice is prohibited, except for cans or bottles of non-time/temperature control for safety beverages.
- (5) The food preparation equipment shall be washed, rinsed and sanitized as often as needed to keep clean and prevent cross-contamination.

- (6) Frozen time/temperature control for safety foods shall be thawed in accordance with the rules of the Department of Health and the Board of Health.
- (7) All time/temperature control for safety foods shall be cooked to the required internal temperature in accordance with the rules and regulations of the Board of Health.
- (8) No bare hand contact with ready-to-eat foods is allowed. All ready-to-eat foods and ice shall be handled with gloves, scoops, tongs, spoons, deli paper or other appropriate utensils. Food and ice shall be dispensed in accordance with the rules and regulations of the Board of Health.
- (9) If operating from a booth, all foods must be removed from the booth at the end of the day.
- (10) Leftover hot time temperature control foods shall be properly disposed of at the end of each day. No service of leftovers is permitted.

9-103.70 Transportation of Food.

- (A) Vehicles transporting food shall be constructed so that the portions of the vehicle that contain food shall be covered and transported in a method to prevent contamination.
- (B) Each vehicle shall be kept in a clean and sanitary condition, protected from contamination.
- (C) Refrigeration equipment shall comply with the applicable City of Chicago municipal code and rules of the Department of Health and the Board of Health.

(D) Hazardous nonfood items, including but not limited to detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food and equipment storage area of the vehicle.

(E) During transportation, all time temperature control for safety food shall be stored at temperatures that comply with the applicable City of Chicago municipal code and rules of the Department of Health and Board of Health.

9-103.80 Toxic Compounds.

(A) Toxic chemicals, such as Chlorine, shall be properly labeled and handled in accordance with the manufacture's label and the rules of the Department of Health and Board of Health.

(B) Toxic chemicals shall be in a secured location and kept apart from food.

9-103.90 Pest Control.

(A) All reasonable control measures shall be used to effectively eliminate the presence of rodents, flies, roaches, and other pest on the premises.

(B) A pest control log book shall be provided in compliance with the rules and regulations of the Board of Health.

(C) Professional pest control service is required at least once per year during the operational season and more often as necessary to eliminate the presence of rodents, flies, roaches and other pest on the premises.

9-103.100 Food Handler.

Food handlers shall:

- (A) Wash their hands thoroughly in a Department approved hand washing facility in compliance with the rules of the Department of Health and Board of Health.
- (B) Wash their hands before starting or returning to work, before putting on gloves, after using the toilet facilities, and after handling garbage, unclean utensils or other contaminating conditions, and as often as necessary to maintain a high degree of personal cleanliness.
- (C) Report to the person in charge about their health and activities as they relate to diseases that are transmissible through food. A food handler shall report the information within 24 hours and in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms in accordance with the rules and regulations of the Board of Health.
- (D) Wear clean outer clothing. No sleeveless shirts, such as tank or halter-tops, are permitted. Bare midriffs are not allowed. Fingernails shall be cleaned and trimmed; excessive jewelry shall not be worn.
- (E) Wear effective hair restraints, such as hairnets, sun visors, or billed baseball caps, where the hair is covered and contained. Hair spray is not adequate. Mustache or beard restraints shall be used for any facial hair exceeding one (1) inch in length.

9-103.110 Certifications.

- (A) The following are required when dishwashing facilities are on the premises:

- (1) A person who has an original and valid City of Chicago Food Sanitation Certificate is required on premises at all times food is being prepared, held hot, or served.
 - (2) Food handlers or food employees that do not have the City of Chicago Sanitation Certificate shall have food handler training as required by the rules of the Department of Health or the Board of Health.
- (B) A person who has an original and valid Summer Festival Food Vendor Sanitation Certificate is required on premises at all times food is being prepared, held hot, or served when the location does not have dish washing facilities on premises.

9-103.120 Equipment and Utensils.

- (A) Only single-service customer utensils (forks, spoons, knives, cups and plates) shall be provided to the customer. No single-service article may be reused except if there are Department approved dishwashing facilities on premises.
- (B) Single-service articles shall be:
- (1) stored off the ground,
 - (2) protected from contamination during storage and dispensing,
 - (3) dispensed handle-first from containers, and
 - (4) Single-service cups shall be dispensed from an approved tube dispenser or from the original plastic shipping wrap surrounding each stack of cups. The cups shall be dispensed in a manner that prevents contamination of the interior or exterior lip of the cup.

- (C) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, tableware, including single-service articles, provided to the consumer, shall not be reused or refilled.
- (D) Food contact equipment and surfaces shall be in compliance with applicable City of Chicago municipal code and rules. Wooden daubers are prohibited.
- (E) Food contact surfaces shall be constructed, cleaned, and sanitized in accordance with the applicable City of Chicago municipal code and rules and regulations.
- (F) On-site dishwashing requires approval by the Department based on location, menu, and duration. When dishwashing has not been approved, an adequate number of utensils and equipment to replace any utensil or equipment requiring washing/rinsing/sanitizing with a new one shall be provided. In-use utensils and equipment not held at the proper temperature to prevent contamination shall be replaced when contaminated or at maximum every of two hours.

9-103.30 Waste Disposal.

- (A) All waste shall be disposed of according to applicable City of Chicago Municipal Code and rules of the Department of Health and Board of Health. All waste shall be disposed of at least each night and as often as needed to prevent contamination or attract pests.
- (B) Waste of any kind may not be disposed of in the public sewers, on the ground, or in any public body of water.
- (C) Waste water – A minimum of one 55-gallon drum open at one end covered with tightly fitted 1/4" mesh screening shall be required of each vendor to receive food preparation waste water and covered with a lid before use. Each waste water drum (including beer icing barrels) shall be

pumped out nightly by a contractor who has vacuum truck equipment or other method approved by the Department.

(D) Cooking oils and grease – Each vendor who performs deep-frying shall be required to provide one (1) open end 55 gallon drum with a solid lid in which all generated waste oil and grease will be disposed. A grease-rendering contractor for proper disposal shall collect this waste nightly or by other Department approved method.

(E) Charcoal ash – Any vendor who operates a charcoal fire cooking table shall be required to provide one (1) open-end 55-gallon drum with a tightly fitting lid for ash disposal.

(F) Container identification – The purpose of each drum shall be clearly marked on its side, and each shall be color coded as follows:

- (1) Blue – waste water
- (2) Black – grease
- (3) Red – charcoal/ash waste

Chapter 10 Special Requirements

10-101.10 Sanitary Requirements for Live Poultry.

(A) In addition to the applicable ordinances and rules of the Department of Health and the Board of Health, the premises on which the poultry is slaughtered or held to be slaughtered shall meet the following requirements:

- (1) Shall be inspected and approved by Illinois Department of Agriculture.
- (2) A separate preparation room shall be provided which shall be used exclusively for slaughtering and dressing of poultry.
- (3) The floors shall be constructed of cement, concrete or other approved watertight nonabsorbent material so graded and drained as to discharge all liquid matter into properly trapped sewer or cesspool-connected drains.
- (4) The ceilings shall be constructed of a smooth, hard, impervious material, free from crevices, cracks, ledges or projections. The walls shall be of enamel brick, enamel tile or any other impervious material to the entire height of ceiling. The junctions with the ceilings and floors shall be made with a six-inch sanitary cove base of glazed tile or brick.
- (5) All ceilings shall be at least eight feet in height measured from the surface of the floor to the ceiling.
- (6) Adequate ventilation to the external air shall be provided at all times.
- (7) Adequate natural or artificial light of at least 10 footcandles shall be provided in every room.

- (8) The preparation room shall be provided with a killing trough with a minimum width of one foot and a minimum depth of one and one-half feet, approved by the Department of Health. The walls and face of the trough must be of white glazed brick or tile, porcelain or enamel-finished metal, or stainless steel, and shall discharge over properly trapped and sewer- connected drains. Proper receptacles shall be provided for the holding, storing, or keeping of all refuse material. All equipment shall be of enamel, enamel tile, steel or other impervious and easily cleanable material. The preparation room and all equipment therein shall be cleaned each day after the slaughtering for the day has been completed.
- (9) Crates, cages, or batteries shall be elevated at least one foot above floor level and shall not be placed nearer than two feet from the walls of the building. No crates shall be permitted to remain outside the licensed premises.
- (10) An adequate supply of running hot water under pressure shall be provided for flushing all parts of the premises.
- (11) All doors, windows and other openings to the outer air shall be properly and adequately screened to eliminate flies and prevent their entry.
- (12) Empty crates shall be thoroughly disinfected and cleaned daily so that no odors, sanitary risks, or nuisances are created by the storage of said empty crates.
- (13) Feathers and refuse material shall be disinfected and removed from the premises at least once each business day in metal receptacles which shall be provided with tight-fitting covers, kept closed when not in use, and cleaned and disinfected daily.
- (14) Any live poultry on the premises but shall be kept at all times in

the cages or crates provided for such purpose.

- (15) The premises and adjoining yards and all air shafts, courts, and open places connected therewith shall be at all times kept in a clean, sanitary condition, free from accumulation of refuse, garbage and offensive material and nuisances of all kinds.
- (16) All poultry shall be kept in good condition, healthy and clean. Diseased or sick poultry shall be immediately removed from cages or crates, killed, or disinfected. Any poultry that have died due to a cause other than slaughter shall be immediately removed from cages or crates, denatured, and placed in metallic garbage receptacles and removed from the premises daily. In addition, any poultry that have been slaughtered and become unfit for human consumption, or poultry that have been returned by customers, shall not be kept on the premises unless such poultry is similarly denatured and disposed of in metal receptacles and removed from the premises daily. Failure to denature poultry and the keeping of poultry on the premises shall create a presumption that such poultry is intended for sale as human food.

10-102.10 Recordkeeping Requirements for Live Poultry.

Every owner who purchases live poultry for resale or to be slaughtered for sale at retail shall maintain the following:

- (A) Documentation onsite showing approval to operate from the Illinois Department of Agriculture.
- (B) A record showing the date of purchase, number, weight, breed, description and other distinguishing marks, if any, of said live poultry, as well as the name, address and brief description of the seller or sellers, type of conveyance used by said seller or sellers; and if said conveyance is a motor vehicle, a record of the license number thereof; which record

shall be open to inspection by officers of the city at all times.

10-201.10 Vending Machine Requirements.

- (A) Each vending machine shall be located in a room or area which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer piping. The immediate area in which the machine is located shall be well lit. Each vending machine shall be so located that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.
- (B) When suspicion arises that a vending machine is dispensing adulterated, contaminated or unwholesome food or drink, or is infested with vermin, the owner, operator, employee or the health authority shall cause it to be placed out of service until provisions satisfactory to the department have been made to correct the problem.
- (C) In addition to the applicable ordinances and rules of the Department of Health and the Board of Health, each water-vending machine shall comply with the following requirements:
 - (1) All water-vending machines shall have a statement displayed in a conspicuous place on the appliance that the owner of the machine and the operator of the retail food establishment where the machine is located are responsible for the quality of the product. The Department must review and approve all water-vending machines before consumer use.
 - (2) The operator of the retail food establishment where a water-vending machine is located may provide single service water containers which shall be sterilized prior to use.
 - (3) The source of water to a vending machine shall be obtained from the Chicago waterworks system.

- (4) A backflow device which has been approved by the Department of Water Management shall be installed in the water supply pipe between the vending machine and the source of water.
- (5) The water dispensing spigot in each vending machine shall be protected from contamination and from contact with the receiving container.
- (6) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to four times the diameter of the water dispensing supply pipe.
- (7) All water-vending machines shall be kept in an area which is free of dirt and debris, and the area shall be maintained to prevent insect and rodent harborage.
- (8) Any overflow or discharge of the water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Chicago Plumbing Code (section 13-168-900(1) of the City of Chicago Municipal Code).
- (9) The treated water dispensed by the vending machine shall be tested semi-annually by a state certified laboratory. The semi-annual tests shall, at a minimum, include tests for coliform, heterotrophic plate counts, and nitrates. Additional tests may be required if initial test results are unacceptable.
- (10) The owner of the water-vending machine shall provide the Department of Health with a semi-annual written report on maintenance procedures, including, but not limited to:
 - (a) Records of replacement of carbon prefilters and postfilters;
 - (b) Records of bi-weekly cleaning and inspection of filter housing;
 - (c) Records of dispenser nozzle maintenance to prevent

observable leakage;

- (d) Records of UV light replacement and cleaning;
- (e) Records of the use of food grade lubricants; and
- (f) Records of an annual backflow preventer inspection.

10-301.10 Coffee Cart Requirements.

(A) In addition to the applicable City of Chicago Municipal Code and rules of the Department of Health and the Board of Health, a coffee cart shall comply with the following requirements:

- (1) Have an electrical system with sufficient capacity to maintain safe operation of the refrigeration and water heating units required under this section.
- (2) A self-contained refrigeration unit, capable of maintaining a temperature of 41 degrees Fahrenheit or lower.
- (3) A hand sink, dispensing hot and cold running water, for handwashing by the operator of the cart.
- (4) A hot water storage tank of sufficient capacity to allow proper use of the hand sink.
- (5) A tank to receive and securely hold wastewater from the hand sink.
- (6) Exterior surfaces of the cart and all interior surfaces of the refrigeration unit, water heater, sink and wastewater tank shall be constructed of durable, waterproof and easily cleanable materials.
- (7) Such additional features related to the safe dispensing of coffee and flavorings as the Department of Health may require.

10-301.20 Coffee Cart Operations.

(A) In addition to the applicable City of Chicago Municipal Code and the rules of the Department of Health and the Board of Health, coffee cart operations shall comply with the following:

- (1) Dairy products used as coffee flavorings shall be kept refrigerated in covered single-service containers or approved dispensers.
- (2) Other coffee flavorings shall be served in wrapped individual packages or in a covered closed pouring-spout type container, or in any other manner approved by the Department of Health, preventing contamination by the customer.
- (3) The water storage tank of each coffee cart shall be cleaned and flushed not less than twice in each six-month period.
- (4) The wastewater tank or container shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the Department of Health.
- (5) No person shall sell, offer for sale or serve any food product other than coffee, coffee flavorings, bottled beverages, and prepackaged pastry baked goods from a coffee cart.
- (6) Provide a Department-approved location to wash, rinse, and sanitize, equipment and utensils, and service the coffee cart.
- (7) No person shall operate a coffee cart on the public way.
- (8) A coffee cart shall operate only inside a building. outside operations are prohibited.

10-303.10 Dog Friendly Food Establishments.

(A) Food establishments with the supplemental license permitting dogs in designated outdoor areas at a retail food establishment shall comply with the following:

- (1) A sign shall be posted at all entrances and exits of the outdoor eating area, clearly indicating the location of the area where dogs are permitted.
- (2) Each sign shall be prominently displayed, constructed of a weather resistant, durable material.
- (3) The Sign shall be at least 8.5 inches by 11.0 inches in size with lettering at least 14 point font.
- (4) The sign shall have the following information at minimum:
 - (a) There is a dog friendly area at the food establishment.
 - (b) Dogs are permitted only in the designated outdoor patio area and no other area of the food establishment.
 - (c) Dogs are not permitted to sit in chairs or on tables.
 - (d) All dogs shall bear current rabies vaccination tag or have other proof of current rabies vaccination.
 - (e) Dogs may be provided with water but shall not be provided with food.
 - (f) 311 non-emergency number may be called to report a complaint.
 - (g) Dog friendly areas are approved per Section 4-8-031 of the Municipal Code of Chicago.

- (B) The retail food establishment shall not provide food to dogs.
- (C) A retail food establishment may provide water to dogs in disposable or reusable bowls. If bowls used for dogs are reusable they shall be separately cleaned and sanitized between each use, from all other utensils and equipment.
- (D) Dogs are not permitted to sit on tables or in chairs.
- (E) Dogs shall not be provided with food by the retail food establishment or patrons.
- (F) Retail food establishment employees are prohibited from petting or handling dogs while working.