

California Retail Food Code

Excerpt from the California Health and Safety Code

Effective July 1, 2007

DIVISION 104. ENVIRONMENTAL HEALTH
PART 7. CALIFORNIA RETAIL FOOD CODE
CHAPTER 1. GENERAL PROVISIONS

PREFACE

Foodborne illness in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. The food industry and regulatory authorities share responsibility for ensuring that food provided to the consumer is safe and does not become a cause of a disease outbreak or contribute to the transmission of communicable diseases. This shared responsibility extends to ensuring that consumer expectations are met and that food is unadulterated, prepared in a clean environment, and honestly presented.

The provisions contained in this Part provide for a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food, specify nontoxic and cleanable equipment, and delineate acceptable levels of sanitation of food facility premises.

INFORMATION TO ASSIST THE USER

The provisions contained in the California RETAIL Food Code that are applicable to all RETAIL food facilities include:

- Chapter 1, General Provisions
- Chapter 2, Definitions
- Chapter 3, Management and personnel
- Chapter 4, General Food Safety Requirements
- Chapter 5, Cleaning and Sanitizing of equipment and utensils
- Chapter 6, Equipment, Utensils and Linens
- Chapter 7, Water, Plumbing and Waste
- Chapter 8, Physical Facilities
- Chapter 13, Compliance and Enforcement

The provisions that are applicable to a specific type of food facility include:

- Chapter 9, Permanent Food Facilities – The requirements contained in this article are specific to facilities that are permanently constructed.
- Chapter 10, Mobile Food Facilities – The requirements contained in this article are specific to facilities that are intended to be moved and operate from a commissary.
- Article 13.5, Nonprofit Charitable Temporary Food Facilities – The requirements contained in this article are specific to TFF that are operated four times a year by a nonprofit charitable organization.
- Chapter 11, Temporary Food Facilities – The requirements contained in this article are specific to facilities that are assembled and remain fixed during a community even or swap meet.
- Chapter 12, Certified Farmers' Market– The requirements contained in this article are specific to markets certified by the County Agricultural Commissioner.

Defined words and terms are capitalized in the text of the article. A concerted effort was also made to capitalize all forms and combinations of defined words and terms that are intended to carry the weight of the definition. Cross-referenced sections within the document refer to sections of the California Health and Safety Code unless a specific LAW is otherwise stated.

Chapter 1 General Provisions

113700. California retail food code

These provisions shall be known, and may be cited, as the California Retail Food Code, hereafter referred to as "this part."

113703. Food safety, illness prevention, and honest presentation

The purpose of this part is to safeguard public health and provide to CONSUMERS FOOD that is safe, unADULTERATED, and honestly presented through adoption of science-based standards.

113705. Legislative intent to preempt local standards

The Legislature finds and declares that the public health interest requires that there be uniform statewide health and sanitation standards for RETAIL FOOD FACILITIES to assure the people of this state that the FOOD will be pure, safe, and unADULTERATED. Except as provided in Section 113709, it is the intent of the Legislature to occupy the whole field of health and sanitation standards for RETAIL FOOD FACILITIES, and the standards set forth in this part and regulations adopted pursuant to this part shall be exclusive of all local health and sanitation standards relating to RETAIL FOOD FACILITIES.

113707. Regulations

The DEPARTMENT shall adopt regulations to implement and administer this part.

113709. Authority to establish local requirements

Nothing in this part shall prohibit a local governing body from adopting an evaluation or grading system for FOOD facilities, from prohibiting any type of FOOD FACILITY, from adopting an EMPLOYEE health certification program, or from regulating the provision of patron toilet and handwashing facilities.

113711. References to previous laws

In all laws and regulations, references to Chapter 4 (commencing with Section 113700) or the California Uniform Retail Food Facilities Law, shall mean this part or the California Retail Food Code.

113713. Primary responsibility for enforcement

- (a) Primary responsibility for enforcement of this part shall be with the local ENFORCEMENT AGENCY. Nothing in this part shall prevent the DEPARTMENT from taking any necessary program or enforcement actions for the protection of the public health and safety.
- (b) The DEPARTMENT shall provide technical assistance, training, standardization, program evaluation, and other services to local health agencies as necessary to ensure the uniform interpretation and application of this part, when an appropriation is made to the DEPARTMENT for this purpose.
- (c) Whenever the enforcement of the requirements of this part by any local ENFORCEMENT AGENCY is satisfactory to the DEPARTMENT, the enforcement of this part shall not be duplicated by the DEPARTMENT. The DEPARTMENT shall investigate to determine satisfactory enforcement of this part by evaluating the program of each local ENFORCEMENT AGENCY at least once every three years and shall prepare a report of the evaluation and list any program improvements needed only when an appropriation is made to the DEPARTMENT for these purposes.

113715. Compliance with applicable codes

Any construction, alteration, REMODELing, or operation of a FOOD FACILITY shall be APPROVED by the ENFORCEMENT AGENCY and shall be in accordance with all applicable local, state, and federal statutes, regulations, and ordinances, including but not limited to, fire, building, and zoning codes.

113725.3. Reporting procedures

- (a) The DEPARTMENT shall publish standardized procedures for enforcement agencies to report FOOD FACILITY inspection information regarding each FOOD FACILITY. The report shall include all of the following:
 - (1) Name and address of the FOOD FACILITY.
 - (2) Date of last inspection.
 - (3) Identification of any MAJOR VIOLATION identified in a FOOD FACILITY inspection.
 - (4) Reinspection date, if applicable.
 - (5) Period of closure, if applicable.
- (b) The DEPARTMENT, in consultation with local environmental health directors, representatives of the RETAIL FOOD industry, and other interested parties, may periodically review and revise the standardized procedures established pursuant to subdivision (a). In making any revisions, the DEPARTMENT shall strive to ensure that the required information can be reported and made available in the most efficient, timely, and cost-effective manner.
- (c)
 - (1) The standardized procedures established pursuant to this section shall include a standardized electronic format and protocol for reporting the FOOD FACILITY inspection data in a timely manner, and shall strive to ensure that the information is readily accessible, can be rapidly reported, and, if necessary, corrected, for each FOOD FACILITY that has been inspected or reinspected. If the ENFORCEMENT AGENCY determines that reported information is materially in error, that error shall be corrected within 48 hours after that determination.
 - (2) The DEPARTMENT may establish standardized procedures for reporting the information on electronic media, including, but not limited to, floppy disks or compact disks.
- (d) Within 60 days after the DEPARTMENT has established the standardized procedures pursuant to this section, the DEPARTMENT shall publish these procedures.
- (e)
 - (1) Each ENFORCEMENT AGENCY that reports FOOD FACILITY inspection information on an Internet Web site shall report the information in accordance with the standardized procedures established pursuant to this section.
 - (2) This section shall not RESTRICT the ability of an ENFORCEMENT AGENCY to report on matters other than matters subject to regulation under this part.
- (f) The DEPARTMENT may establish a link to each Internet Web site utilized by any ENFORCEMENT AGENCY containing the FOOD FACILITY inspection information pursuant to subdivision (e).

Chapter 2 Definitions

113728. Applicability and terms defined

The following definitions apply in the interpretation and application of this part.

113729. Additive

"FOOD ADDITIVE" has the meaning stated in Section 109940. "COLOR ADDITIVE" has the meaning stated in Section 109895.

113732. Adulterated

"ADULTERATED" means either of the following:

- (a) FOOD that bears or contains any poisonous or deleterious substance that may render the FOOD impure or injurious to health.
- (b) FOOD that is manufactured, prepared, or stored in a manner that deviates from a HACCP PLAN so as to pose a discernable increase in risk.

113733. Acute gastrointestinal illness

"ACUTE GASTROINTESTINAL ILLNESS" means a short duration illness most often characterized by one of the following symptoms or groups of symptoms, which are known to be commonly associated with the agents most likely to be transmitted from infected FOOD EMPLOYEES through contamination of FOOD:

- (a) Diarrhea, either alone or in conjunction with other gastrointestinal symptoms, such as vomiting, fever, or abdominal cramps.
- (b) Vomiting in conjunction with either diarrhea or two other gastrointestinal symptoms, such as fever or abdominal cramps.

113734. Approved

"APPROVED" means acceptable to the ENFORCEMENT AGENCY based on a determination of conformity with applicable LAWS, or, in the absence of applicable LAWS, current public health principles, practices, and generally recognized industry standards that protect public health.

113735. Approved source

"APPROVED SOURCE" means a FOOD source allowed under Article 3 (commencing with Section 114021) of Chapter 4, or a PRODUCER, manufacturer, distributor, TRANSPORTER that meets the requirements of Section 113982, or FOOD FACILITY that is acceptable to the ENFORCEMENT AGENCY based on a determination of conformity with applicable LAWS, or, in the absence of applicable LAWS, with current public health principles and practices, and generally recognized industry standards that protect public health.

113737. a_w

" a_w " means water activity that 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 .

113739. Beverage

"BEVERAGE" means a liquid for drinking, including water.

113740. CCR – California code of regulations

"CCR" means the California Code of Regulations.

113742. Certified farmers' market

"CERTIFIED FARMERS' MARKET" means a location that is certified by the State of California through the ENFORCEMENT OFFICERS of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the food and Agricultural Code and regulations adopted pursuant to that chapter.

113744. CFR – Code of federal regulations

"C.F.R." means the Code of Federal Regulations. Citations in this part to the C.F.R. refer sequentially to the title, part, and section numbers, such as 21 C.F.R. 178.1010 refers to Title 21, Part 178, Section 1010.

113747. CIP

- (a) "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.
- (b) "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.

113748. Commingle

"COMMINGLE" means:

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

113750. Comminuted

- (a) "COMMINUTED" means reduced in size by methods including chopping, flaking, grinding, or mincing.
- (b) "COMMINUTED" includes FISH or MEAT products that are reduced in size and restructured or reformulated including, but not limited to, gefilte FISH, formed roast beef, gyros, ground beef, sausage, and a mixture of two or more types of MEAT that have been reduced in size and combined, including, but not limited to, sausages made from two or more MEATS.

113751. Commissary

"COMMISSARY" means a FOOD FACILITY that services MOBILE FOOD FACILITIES, MOBILE SUPPORT UNITS, or VENDING MACHINES where all of the following occur:

- (a) FOOD, containers, or supplies are stored.
- (b) FOOD is prepared or prepackaged for sale or service at other locations.
- (c) UTENSILS are cleaned.
- (d) Liquid and solid wastes are disposed, or POTABLE WATER is obtained.

113755. Community event

"COMMUNITY EVENT" means an event that is of civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events APPROVED by the local ENFORCEMENT AGENCY.

113756. Condiment

"CONDIMENT" means a nonPOTENTIALLY HAZARDOUS FOOD, such as relishes, spices, sauces, confections, or seasonings, that requires no additional preparation, and that is used on a FOOD item, including, but not limited to, ketchup, mustard, mayonnaise, sauerkraut, salsa, salt, sugar, pepper, or chile peppers.

113757. Consumer

"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 FOOD FACILITY, and does not offer the FOOD for resale.

113759. Control point

"CONTROL POINT" means any distinct procedure or step in receiving, storing, handling, preparing, displaying, transporting, or dispensing a FOOD.

113760. Critical control point

"CRITICAL CONTROL POINT" means a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health risk.

113761. Critical limit

"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.

113763. Department

"DEPARTMENT" means the State Department of Health Services.

113767. Easily cleanable

"EASILY CLEANABLE" means a characteristic of a surface that allows effective removal of soil, FOOD residue, or other organic or inorganic materials by normal cleaning methods.

113768. Easily movable

"EASILY MOVABLE" means either of the following:

- (a) PORTABLE; mounted on casters, gliders, or rollers so as to be moveable by one person; or provided with a mechanical means to safely tilt or move a unit of EQUIPMENT for cleaning.
- (b) 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.

113769. Egg

"EGG" means the shell EGG of the domesticated chicken, turkey, duck, goose, or guinea.

113770. Employee

"EMPLOYEE" means the PERMIT HOLDER, PERSON IN CHARGE, PERSON having supervisory or management duties, PERSON on the payroll, family member, volunteer, PERSON performing work under contractual agreement, or other PERSON working in a FOOD FACILITY.

113773. Enforcement agency

"ENFORCEMENT AGENCY" means the DEPARTMENT or the local health agency having jurisdiction over the FOOD FACILITY.

113774. Enforcement officer

"ENFORCEMENT OFFICER" means the director, agents, or environmental health specialists appointed by the Director of Health Services, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

113777. Equipment

- (a) "EQUIPMENT" means an article that is used in the operation of a FOOD FACILITY, including, but not limited to, a freezer, grinder, hood, icemaker, MEAT block, mixer, oven, reach-in refrigerator, scale, FOOD and UTENSIL shelving and cabinets, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINES, or WAREWASHING machine.
- (b) "EQUIPMENT" does not include items used for handling or storing large quantities of PREPACKAGED FOODs that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

113778. Exclude

"EXCLUDE" means to prevent a PERSON from working as a FOOD EMPLOYEE or entering a FOOD FACILITY except for those areas open to the general public.

113778.1. FDA

"FDA" means the United States Food and Drug Administration.

113779. Fish

- (a) "FISH" means fresh or saltwater finFISH, crustaceans, and other forms of aquatic life, other than birds or mammals, and all MOLLUSCAN SHELLFISH, if intended for human consumption. "FISH" also includes alligator, frog, aquatic turtle, jellyFISH, sea cucumber, and sea urchin, and the roe of these animals.
- (b) "FISH" includes a product derived in whole or in part from FISH, including FISH that have been processed in any manner.

113781. Food

"FOOD" means a raw, cooked, or processed edible substance, ice, BEVERAGE, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

113783. Food bank

"FOOD BANK" means a surplus FOOD collection and distribution system operated and established to assist in bringing donated FOOD to NONPROFIT CHARITABLE ORGANIZATIONS and individuals for the purposes of reducing hunger and supplying nutritional needs.

113784. Food compartment

"FOOD COMPARTMENT" means an enclosed space with all of the following characteristics:

- (a) The space is defined by a physical barrier from the outside environment that completely encloses all FOOD, FOOD-CONTACT SURFACES, and the handling of nonPREPACKAGED FOOD.
- (b) All access openings are equipped with TIGHT-FITTING closures, or one or more alternative barriers that effectively protect the FOOD from contamination, facilitate safe FOOD handling, while minimizing exposure to the environment.
- (c) It is constructed from materials that are nontoxic, SMOOTH, EASILY CLEANABLE, and durable and is constructed to facilitate the cleaning of the interior and exterior of the compartment.

113786. Food-contact surface

"FOOD-CONTACT SURFACE" means either of the following:

- (a) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact.
- (b) A surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash into a FOOD or onto a surface normally in contact with FOOD.

113788. Food employee

"FOOD EMPLOYEE" means an EMPLOYEE working with FOOD, FOOD EQUIPMENT or UTENSILS, or FOOD-CONTACT SURFACES.

113789. Food facility

- (a) "FOOD FACILITY" means an operation that stores, prepares, packages, serves, vends, or otherwise provides FOOD for human consumption at the RETAIL level, including, but not limited to, the following:
 - (1) An operation where FOOD is consumed on or off the PREMISES, regardless of whether there is a charge for the FOOD.
 - (2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for FOOD-related UTENSILS, EQUIPMENT, and materials.
- (b) "FOOD FACILITY" includes permanent and nonpermanent FOOD facilities, including, but not limited to, the following:
 - (1) Public and private school cafeterias.
 - (2) RESTRICTED FOOD SERVICE FACILITIES.
 - (3) Licensed health care facilities.
 - (4) COMMISSARIES.
 - (5) MOBILE FOOD FACILITIES.
 - (6) MOBILE SUPPORT UNITS.
 - (7) TEMPORARY FOOD FACILITIES.
 - (8) VENDING MACHINES.
 - (9) CERTIFIED FARMERS' MARKETS, for purposes of permitting and enforcement.
- (c) "FOOD FACILITY" does not include any of the following:
 - (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling FOOD, a private home, church, private club, or other nonprofit association that gives or sells FOOD to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period, or a for-profit entity that gives or sells FOOD to members and guests for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
 - (2) Premises set aside for winetasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, if no FOOD or BEVERAGE is offered for sale for onsite consumption.
 - (3) Premises operated by a PRODUCER, selling or offering for sale only whole PRODUCE grown by the PRODUCER, or shell EGGS, or both, provided the sales are conducted on Premises controlled by the PRODUCER.

(4) A commercial food processing plant as defined in Section 111955.

113791. Food preparation

"FOOD PREPARATION" means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of FOOD, but does not include trimming of PRODUCE.

113794. Food safety program

"FOOD SAFETY PROGRAM" means any city, county, or city and county program that requires, at a minimum, either of the following:

- (a) The training of one or more individuals, whether denominated as "owners," "managers," "handlers," or otherwise, relating in any manner to FOOD safety issues.
- (b) Individuals to pass a FOOD safety certification examination.

113794.1. Food handler program

"FOOD HANDLER PROGRAM" means any city, county, or city and county program that requires that all or a substantial portion of the EMPLOYEES of a FOOD FACILITY who are involved in the preparation, storage, service, or handling of FOOD products, engage in an APPROVED FOOD safety training or pass an APPROVED FOOD safety certification examination, or both.

113795. Game animal

- (a) "GAME ANIMAL" means an animal, the products of which are FOOD, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine in 9 C.F.R. 301, as POULTRY in 9 C.F.R. 381, or as FISH as defined under Subpart 1-201.10(B)(31) of the FOOD and Drug Administration 2001 FOOD Code.
- (b) "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.
- (c) "GAME ANIMAL" does not include ratites such as ostrich, emu, and rhea.

113797. Grade A standards

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

113799. HACCP

"HACCP" means a HAZARD Analysis CRITICAL CONTROL POINT.

113801. HACCP plan

"HACCP PLAN" means a written document that delineates the formal procedures for following the HAZARD Analysis CRITICAL CONTROL POINT principles developed by the National Advisory Committee on Microbiological Criteria for FOODS and complies with the requirements of Section 114419.1.

113803. Hazard

"HAZARD" means a biological, chemical, or physical property that may cause an unacceptable public health risk.

113804. Hearing officer

"HEARING OFFICER" means a local health officer, a director of environmental health, or his or her designee.

113805. Hermetically sealed container

"HERMETICALLY SEALED CONTAINER" means a container that is designed and intended to be secure against the entry of micro-organisms and, in the case of low acid canned FOODs, to maintain the commercial sterility of its contents after processing.

113810. Imminent health hazard

"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 can cause FOOD infection, FOOD intoxication, disease transmission, VERMIN INFESTATION, or HAZARDOUS condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

113812. Impound

"IMPOUND" means the legal control exercised by the ENFORCEMENT OFFICER over the use, sale, disposal, or removal of any FOOD, EQUIPMENT, or UTENSILs.

113814. Injected

"INJECTED" means manipulating a MEAT so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the MEAT by processes that may be referred to as "injecting," "pinning," or "stitch pumping."

113815. Juice

"JUICE" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. "JUICE" includes JUICE as a BEVERAGE, an ingredient of a BEVERAGE, and a puree as an ingredient of a BEVERAGE.

113816. Law

"LAW" means applicable local, state, and federal statutes, regulations, and ordinances.

113818. Limited food preparation

- (a) "LIMITED FOOD PREPARATION" means FOOD PREPARATION that is restricted to one or more of the following:
 - (1) Heating, frying, baking, roasting, popping, blending, or assembly of nonPREPACKAGED FOOD.
 - (2) Bulk dispensing of nonpotentially hazardous BEVERAGES.
 - (3) Holding, portioning, and dispensing of any FOODs that are prepared for SATELLITE FOOD SERVICE by the onsite PERMANENT FOOD FACILITY or prepackaged by another APPROVED SOURCE.
 - (4) Slicing and chopping of FOOD on a heated cooking surface during the cooking process.
 - (5) Cooking and seasoning to order.
- (b) "LIMITED FOOD PREPARATION" does not include slicing and chopping unless it is on the heated cooking surface, thawing, cooling of cooked POTENTIALLY HAZARDOUS FOOD, slicing, chopping, or grinding of raw ingredients or POTENTIALLY HAZARDOUS FOOD, reheating for hot holding, washing of FOODs, or cooking of POTENTIALLY HAZARDOUS FOODs for later use.

113820. Linens

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

113821. Major violation

"MAJOR VIOLATION" means a violation of this part that poses an IMMINENT HEALTH HAZARD and warrants immediate closure of the FOOD FACILITY or immediate correction.

113823. Meat

"MEAT" means the flesh of animals used as FOOD, including the dressed flesh of cattle, swine, sheep, goats, GAME ANIMAL, and other edible animals, except FISH and POULTRY.

113824. Menu change

"MENU CHANGE" means a modification of a FOOD FACILITY's menu that would require a change in the FOOD FACILITY's FOOD PREPARATION methods, storage EQUIPMENT, or storage capacity previously APPROVED by the local ENFORCEMENT AGENCY. These changes may include, but are not limited to, the addition of POTENTIALLY HAZARDOUS FOODS to a menu, installation of new FOOD PREPARATION or storage EQUIPMENT, or increasing storage capacity.

113827. Minor violation

"MINOR VIOLATION" means a violation of this part that does not pose an IMMEDIATE HEALTH HAZARD, but does warrant correction.

113831. Mobile food facility

"MOBILE FOOD FACILITY" means any vehicle used in conjunction with a COMMISSARY or other PERMANENT FOOD FACILITY upon which FOOD is sold or distributed at RETAIL. "MOBILE FOOD FACILITY" does not include a "TRANSPORTER" used to transport packaged FOOD from a FOOD FACILITY, or other APPROVED SOURCE to the CONSUMER.

113833. Mobile support unit

"MOBILE SUPPORT UNIT" means a vehicle used in conjunction with a COMMISSARY or other PERMANENT FOOD FACILITY, that travels to, and services, MOBILE FOOD FACILITIES as needed to replenish supplies, including FOOD and POTABLE WATER, clean the interior of the unit, or dispose of liquid or solid wastes.

113835. Molluscan shellfish

"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.

113837. Multiservice utensil

"MULTISERVICE UTENSIL" means a UTENSIL manufactured for use more than one time.

113839. Nonpermanent food facility

"NONPERMANENT FOOD FACILITY" means a FOOD FACILITY that operates from a mobile unit or at a nonpermanent location, including, but not limited to, a certified farmers' market, a MOBILE FOOD FACILITY, a MOBILE SUPPORT UNIT, a TEMPORARY FOOD FACILITY, or a VENDING MACHINES.

113841. Nonprofit charitable organization

"NONPROFIT CHARITABLE ORGANIZATION" means either of the following:

- (a) A corporation incorporated pursuant to the Nonprofit Corporation LAW (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), that is exempt from taxation pursuant to paragraphs (1) to (10), inclusive, and paragraph (19) of Section 501 (c) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.
- (b) An organization that was organized and is in operation for charitable purposes and meets the requirements of Section 214 of the Revenue and Taxation Code.

113842. Nonprofit charitable temporary food facilities

"NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES" means either one of the following:

- (a) A TEMPORARY FOOD FACILITY, as defined in Section 113930, that is conducted by a NONPROFIT CHARITABLE ORGANIZATION, as defined in Section 113841.

- (b) An established club or organization of students that operates under the authorization of a school or other educational facility.

113843. Open-air barbecue

"OPEN-AIR BARBECUE" means a piece of EQUIPMENT designed for barbecuing FOOD, where the FOOD is prepared out of doors by cooking directly over hot coals, heated lava, hot stones, gas flame, or other method APPROVED by the DEPARTMENT, on EQUIPMENT suitably designed and maintained for use out of doors, that is operated by a TEMPORARY FOOD FACILITY, or a MOBILE FOOD FACILITY that remains fixed during hours of operations at a COMMUNITY EVENT or a PERMANENT FOOD FACILITY.

113846. Outdoor wood-burning oven

"OUTDOOR WOOD-BURNING OVEN" means an oven located out of doors, that utilizes wood as the primary fuel for cooking and is operated on the same PREMISES as, and in conjunction with, a PERMANENT FOOD FACILITY.

113849. Permanent food facility

"PERMANENT FOOD FACILITY" means a FOOD FACILITY operating in a permanently constructed structure, including any room, building, place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling FOOD at the RETAIL level.

113851. Permit

"PERMIT" means the document issued by the ENFORCEMENT AGENCY that authorizes a PERSON to operate a FOOD FACILITY.

113853. Permit holder

"PERMIT HOLDER" means the entity that is legally responsible for the operation of the FOOD FACILITY, such as the owner, the owner's agent, or other PERSON, and possesses a valid PERMIT to operate a FOOD FACILITY.

113855. Person

"PERSON" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county, or other political subdivision, or any other group or combination acting as a unit.

113856. Person in charge

"PERSON IN CHARGE" means the individual present at a FOOD FACILITY who is responsible for the operation of the FOOD FACILITY.

113859. Personal care items

- (a) "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.
- (b) "PERSONAL CARE ITEMS" include items such as medicines, first aid supplies, cosmetics, and toiletries such as toothpaste and mouthwash.

113861. pH

"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.

113863. Plumbing fixture

"PLUMBING FIXTURE" means a receptacle or device that is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the PREMISES.

113865. Plumbing system

"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.

113867. Poisonous or toxic materials

"POISONOUS OR TOXIC MATERIALS" means substances that are not intended for ingestion and are included in one of the following categories:

- (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals.
- (b) Pesticides except sanitizers, which include substances such as insecticides and rodenticides.
- (c) Substances necessary for the operation and maintenance of the facility, such as nonFOOD grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health.
- (d) Substances that are not necessary for the operation and maintenance of the facility and are on the PREMISES for RETAIL sale, such as petroleum products and paints.

113868. Portable

"PORTABLE" means EQUIPMENT that is capable of being lifted and moved or has utility connections that are designed to be disconnected or of sufficient length to permit the unit to be moved for cleaning, and does not exceed 80 pounds (36kg) in weight.

113869. Potable water

"POTABLE WATER" means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12, to the extent PERMITTED by federal LAW.

113871. Potentially hazardous food

- (a) "POTENTIALLY HAZARDOUS FOOD" means a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic micro-organisms, the growth and toxin production of Clostridium botulinum, or, in raw shell EGGS, the growth of salmonella enteritidis.
- (b) "POTENTIALLY HAZARDOUS FOOD" includes a FOOD of animal origin that is raw or heat-treated, a FOOD of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under subdivision (a).
- (c) "POTENTIALLY HAZARDOUS FOOD" does not include any of the following:
 - (1) A FOOD with an a_w value of 0.85 or less.
 - (2) A FOOD with a pH level of 4.6 or below when measured at 75°F.
 - (3) A shell EGG that is not hard-boiled but has been treated to destroy all viable salmonellae.
 - (4) A FOOD in an unopened, HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.
 - (5) A FOOD that has been shown by appropriate microbial challenge studies APPROVED by the ENFORCEMENT AGENCY not to support the rapid and progressive growth of infectious or toxigenic micro-organisms that may cause FOOD infections or FOOD intoxications, or the growth and toxin production of Clostridium botulinum, such as a FOOD that has an a_w and a pH that are above the levels specified under paragraphs (1) and (2) and that may contain a preservative, other barrier to the growth of micro-organisms, or a combination of barriers that inhibit the growth of micro-organisms.
 - (6) A FOOD that does not support the rapid and progressive growth of infectious or toxigenic micro-organisms, even though the FOOD may contain an infectious or toxigenic micro-organism or chemical or physical contaminant at a level sufficient to cause illness.

113873. Poultry

- (a) "POULTRY" means either of the following:
 - (1) Any domesticated bird, including chickens, turkeys, ducks, geese, or guineas, whether live or dead, as defined in 9 C.F.R. 381 POULTRY Products Inspection Regulations.

113899. Satellite food service

"SATELLITE FOOD SERVICE" means a remotely located FOOD service operation that is conducted on the same property as, in reasonable proximity to, and in conjunction with and by, a fully enclosed PERMANENT FOOD FACILITY. SATELLITE FOOD SERVICE does not include remote FOOD service operations located within a fully enclosed PERMANENT FOOD FACILITY.

113901. Sealed

"SEALED" means free of cracks or other openings that allow the entry or passage of moisture.

113903. Service animal

"SERVICE ANIMAL" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

113907. Shellfish certification number

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

113909. Shellfish control authority

"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.

113911. Shellstock

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

113912. Shucked shellfish

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

113914. Single-use articles

"SINGLE-USE ARTICLES" mean UTENSILS, tableware, carry-out UTENSILS, bulk FOOD containers, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one PERSON use, after which they are intended for discard. "SINGLE-USE ARTICLES" also include items such as wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans that do not meet the materials, durability, strength, and cleanability specifications for UTENSILS under Sections 114130, 114130.1, and 114130.3.

113915. Slacking

"SLACKING" means the process of moderating the temperature of a FOOD, such as allowing a FOOD to gradually increase from a temperature of -10°F to 25°F in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD.

113916. Smooth

"SMOOTH" means any of the following:

- (a) A FOOD-CONTACT SURFACE that is free of pits, pinholes, cracks, crevices, inclusions, rough edges, and other surface imperfections detectable by visual or tactile inspection.
- (b) A nonFOOD-contact EQUIPMENT surface equal to that of commercial grade hot-rolled steel free of visible scale.
- (c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

113917. Swap meet

"SWAP MEET" shall have the meaning set forth in Section 21661 of the Business and Professions Code.

113924. Table-mounted equipment

"TABLE-MOUNTED EQUIPMENT" means EQUIPMENT that is not PORTABLE and is designed to be mounted off the floor on a table, counter, or shelf.

113926. Tableware

"TABLEWARE" means eating, drinking, and serving UTENSILS for table use, including forks, knives, spoons, bowls, cups, serving dishes, tumblers, and plates.

113928. Temperature measuring device

"TEMPERATURE MEASURING DEVICE" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

113930. Temporary food facility

"TEMPORARY FOOD FACILITY" means a FOOD FACILITY APPROVED by the ENFORCEMENT OFFICER that may be readily disassembled for storage or for transporting, and readily assembled to its original integrity at a different location, is EASILY MOVABLE, and operates at a fixed location for the duration of an APPROVED COMMUNITY EVENT or at a SWAP MEET.

113931. Tight-fitting

"TIGHT-FITTING" means fabricated so that joining members are in contact along the entire seam with no opening greater than 1/64th inch (.04 cm).

113932. Transporter

"TRANSPORTER" means any vehicle used to transport FOOD from a manufacturer, distributor, RETAIL FOOD FACILITY, or other APPROVED SOURCE to a RETAIL FOOD FACILITY.

113933. USDA

"USDA" means the United States DEPARTMENT of Agriculture.

113934. Utensil

"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.

113936. Variance

"VARIANCE" means a written document issued by the DEPARTMENT that allows the use of an alternative practice or procedure based on a determination by the DEPARTMENT that the alternate practice or procedure is equivalent to the existing requirements, and that a health HAZARD will not result from the alternative practice or procedure. A VARIANCE may be issued in the following circumstances:

- (a) For EMPLOYEE hygiene, as described in subdivision (e) of Section 113953, and Sections 113953.3 and 113953.4.
- (b) For protection of FOOD from contamination, as described in Sections 113984, 113986, 113988, and 113992.
- (c) For time as a public health control, as described in Section 114000.
- (d) For cooling time and methods, as described in Sections 114002 and 114002.1.
- (e) For cooking and reheating temperatures for POTENTIALLY HAZARDOUS FOOD, as described in Sections 114004, 114008, 114010, and 114016.
- (f) For use of raw shell EGGS in FOODs that are not thoroughly cooked, as described in Section 114012.

- (g) For thawing of frozen FOOD, as described in Section 114020.
- (h) For receiving temperatures of POTENTIALLY HAZARDOUS FOODs, as described in Section 114037.
- (i) For reduced-oxygen packaging of POTENTIALLY HAZARDOUS FOOD, as described in Sections 114057 and 114057.1.
- (j) For SANITIZATION methods for FOOD-contact and nonFOOD-CONTACT SURFACEs, as described in Sections 114099.6, 114109, 114117, 114119, and 114121.

113938. Vending machines

"VENDING MACHINES" means a self-service device that, upon insertion of money or tokens, dispenses FOOD without the necessity of replenishing the device between each vending operation and that operates in conjunction with a COMMISSARY. "VENDING MACHINES" does not include any device dispensing exclusively peanuts, nuts, popcorn, gum, or hard candy, prepackaged candy, cookies, crackers, or similar snacks and BEVERAGEs that are not POTENTIALLY HAZARDOUS FOOD, and prepackaged ice.

113939. Vermin

"VERMIN" means cockroaches, mice, rats, and similar pests.

113939.1. Vermin infestation

"VERMIN INFESTATION" means the presence of VERMIN within the FOOD FACILITY as evidenced by actual live bodies, fresh droppings or vomitus, urine stains, or gnaw marks, that could result in contamination to the FOOD, EQUIPMENT, packaging, or UTENSILs.

113940. Warewashing

"WAREWASHING" means the cleaning and sanitizing of UTENSILs and FOOD-CONTACT SURFACEs of EQUIPMENT.

113941. Warm water

"WARM WATER" means water that is supplied through a mixing valve or combination faucet at a temperature of at least 100°F.

Chapter 3 Management and Personnel

Article 1. Supervision

113945. Assignment

The PERMIT 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 FOOD FACILITY during all hours of operation.

113945.1. Person in charge

The PERSON IN CHARGE shall ensure both of the following:

- (a) Except as specified in Section 113984.1, PERSONs unnecessary to the FOOD FACILITY operation shall not be allowed in the FOOD PREPARATION, FOOD storage, or WAREWASHING areas.
- (b) CONSUMERs are notified that clean TABLEWARE is to be used when they return to self-service areas, such as salad bars and buffets, as specified in Section 114075.

Article 2. Employee Knowledge

113947. Minimum standards of knowledge-general requirements

All FOOD EMPLOYEEs shall have adequate knowledge of, and shall be properly trained in, FOOD safety as it relates to their assigned duties.

113947.1. Food safety certification exam

- (a) FOOD facilities that prepare, handle, or serve nonprepackaged POTENTIALLY HAZARDOUS FOOD, except temporary FOOD facilities, shall have an owner or EMPLOYEE who has successfully passed an APPROVED and accredited FOOD safety certification examination as specified in Sections 113947.2 and 113947.3. There shall be at least one FOOD safety certified owner or EMPLOYEE at each FOOD FACILITY. No certified PERSON at a FOOD FACILITY may serve at any other FOOD FACILITY as the PERSON required to be certified pursuant to this subdivision. The certified owner or EMPLOYEE need not be present at the FOOD FACILITY during all hours of operation.
- (b) FOOD facilities that are not subject to the requirements of subdivision (a) that prepare, handle, or serve nonprepackaged, nonPOTENTIALLY HAZARDOUS FOODS, except temporary FOOD facilities, shall do one of the following:
 - (1) Have an owner or EMPLOYEE who has successfully passed an APPROVED and accredited FOOD safety certification examination as specified in Sections 113947.2 and 113947.3.
 - (2) Demonstrate to the ENFORCEMENT OFFICER that the EMPLOYEES have an adequate knowledge of FOOD safety principles as they relate to the specific operation involved in their assigned duties.
- (c) On and after January 1, 2007, temporary FOOD facilities that prepare, handle, or serve nonPREPACKAGED FOOD shall have an owner or PERSON IN CHARGE who can demonstrate to the ENFORCEMENT OFFICER that he or she has an adequate knowledge of FOOD safety principles as they relate to the specific FOOD FACILITY operation.
- (d)
 - (1) For the purposes of this section, multiple contiguous FOOD facilities PERMITTED within the same site and under the same management, ownership, or control shall be deemed to be one FOOD FACILITY, notwithstanding the fact that the FOOD facilities may operate under separate PERMITS.
 - (2) This subdivision shall not apply to the PREMISES of a licensed winegrower or brandy manufacturer utilized for wine tastings conducted pursuant to Section 23356.1 of the Business and Professions Code of wine or brandy PRODUCED or bottled by, or PRODUCED and prepackaged for, that licensee when use is limited to wine tasting.
- (e) A FOOD FACILITY that commences operation, changes ownership, or no longer has a certified owner or EMPLOYEE pursuant to this section shall have 60 days to comply with this subdivision.
- (f) The responsibilities of a certified owner or EMPLOYEE at a FOOD FACILITY or an owner or PERSON IN CHARGE of a TEMPORARY FOOD FACILITY described in subdivision (c) shall include the safety of FOOD PREPARATION and service, including ensuring that all EMPLOYEES who handle, or have responsibility for handling, nonPREPACKAGED FOODS of any kind, have sufficient knowledge to ensure the safe preparation or service of the FOOD, or both. The nature and extent of the knowledge that each EMPLOYEE is required to have may be tailored, as appropriate, to the EMPLOYEE's duties related to FOOD safety issues.
- (g) The FOOD safety certificate issued pursuant to Section 113947.3 shall be retained on file at the FOOD FACILITY at all times, and shall be made available for inspection by the ENFORCEMENT OFFICER.
- (h) Certified individuals shall be recertified every five years by passing an APPROVED and accredited FOOD safety certification examination.
- (i) A FOOD SAFETY PROGRAM that was not in effect prior to January 1, 1999, shall not be enacted, adopted, implemented, or enforced, unless the program fully conforms to the requirements of this part.

113947.2. Approved and accredited exams

The FOOD safety certification examination shall include, but need not be limited to, all of the following elements of knowledge:

- (a) FOODborne illness, including terms associated with FOODborne illness, micro-organisms, hepatitis A, and toxins that can contaminate FOOD and the illness that can be associated with contamination, definition and recognition of POTENTIALLY HAZARDOUS FOODS, chemical, biological, and physical contamination of FOOD, and the illnesses that can be associated with FOOD contamination, and major contributing factors for FOODborne illness.
- (b) The relationship between time and temperature with respect to FOODborne illness, including the relationship between time and temperature and micro-organisms during the various FOOD handling, preparation, and serving states, and the type, calibration, and use of thermometers in monitoring FOOD temperatures.
- (c) The relationship between PERSONal hygiene and FOOD safety, including the association of hand contact, PERSONal habits and behaviors, and FOOD EMPLOYEE health to FOODborne illness, and the recognition of how policies, procedures, and management contribute to improved FOOD safety practices.
- (d) Methods of preventing FOOD contamination in all stages of FOOD handling, including terms associated with contamination and potential HAZARDS prior to, during, and after delivery.
- (e) Procedures for cleaning and sanitizing EQUIPMENT and UTENSILS.
- (f) Problems and potential solutions associated with facility and EQUIPMENT design, layout, and construction.

113949.1. Local health officer notification

- (a) When a local health officer is notified of an illness that can be transmitted by FOOD in a FOOD FACILITY or by a FOOD EMPLOYEE of a FOOD FACILITY, the local health officer shall inform the local ENFORCEMENT AGENCY. The local health officer or the local ENFORCEMENT AGENCY, or both, shall notify the PERSON IN CHARGE of the FOOD FACILITY and shall investigate conditions and may, after the investigation, take appropriate action, and for reasonable cause, require any or all of the following measures to be taken:
- (1) The immediate RESTRICTION or EXCLUSION of any EMPLOYEE or FOOD EMPLOYEE applicant from the affected FOOD FACILITY.
 - (2) The immediate closing of the FOOD FACILITY until, in the opinion of the local ENFORCEMENT AGENCY, the identified danger of disease outbreak has been addressed. Any appeal of the closure shall be made in writing within five days to the applicable local ENFORCEMENT AGENCY.
 - (3) Any medical evaluation of any EMPLOYEE, including any laboratory test or procedure, that may be indicated. If an EMPLOYEE REFUSES to participate in a medical evaluation, the local ENFORCEMENT AGENCY may require the immediate exclusion of the refusing EMPLOYEE from that or any other FOOD FACILITY until an acceptable medical evaluation or laboratory test or procedure shows that the FOOD EMPLOYEE is not infectious.
- (b) For purposes of this section, "illness" means a condition caused by any of the following infectious agents:
- (1) Salmonella typhi.
 - (2) Salmonella spp.
 - (3) Shigella spp.
 - (4) Entamoeba histolytica.
 - (5) Enterohemorrhagic or shiga toxin producing Escherichia coli.
 - (6) Hepatitis A virus.
 - (7) Norovirus.
 - (8) Other communicable diseases that are transmissible through FOOD.

113949.2. Responsibility of permit holder

The PERMIT HOLDER shall instruct all FOOD EMPLOYEES regarding the relationship between personal hygiene and FOOD safety, including the association of hand contact, personal habits and behaviors, and FOOD EMPLOYEE health to foodborne illness. The PERMIT HOLDER shall require FOOD EMPLOYEES to report the following to the PERSON IN CHARGE:

- (a) If an EMPLOYEE or applicant is diagnosed with an illness due to one of the following:
- (1) Salmonella typhi.
 - (2) Salmonella spp.
 - (3) Shigella spp.
 - (4) Entamoeba histolytica.
 - (5) Enterohemorrhagic or shiga toxin producing Escherichia coli.
 - (6) Hepatitis A virus.
 - (7) Norovirus.
- (b) If a FOOD EMPLOYEE has a lesion or wound that is open or draining and is one of the following:
- (1) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover.
 - (2) On exposed portions of the arms, unless the lesion is protected by an impermeable cover.
 - (3) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage.

113949.4. Responsibility of the food employee

A FOOD EMPLOYEE shall do both of the following:

- (a) Report to the PERSON IN CHARGE the information specified under Section 113949.2.
- (b) Comply with the EXCLUSIONS or RESTRICTIONS, or both, that are specified under Section 113950.

113949.5. Responsibility of the person in charge to notify local enforcement agency

- (a) The PERSON IN CHARGE shall notify the local ENFORCEMENT AGENCY when notified that the FOOD EMPLOYEE or FOOD EMPLOYEE applicant has been diagnosed with an infectious agent specified under subdivision (b) of Section 113949.1.
- (b) A PERSON IN CHARGE shall notify the local ENFORCEMENT AGENCY when he or she is aware that two or more FOOD EMPLOYEES are concurrently experiencing symptoms associated with an ACUTE GASTROINTESTINAL ILLNESS.

113950. Exclusions and restrictions

- (a) The local health officer or, in consultation with the local health officer, the local ENFORCEMENT AGENCY shall do either of the following:
 - (1) EXCLUDE a FOOD EMPLOYEE from a FOOD FACILITY if the FOOD EMPLOYEE is diagnosed with an infectious agent specified in subdivision (b) of Section 113949.1 and the FOOD EMPLOYEE is symptomatic and still considered infectious.
 - (2) RESTRICT a FOOD EMPLOYEE if the FOOD EMPLOYEE is diagnosed with an infectious agent specified under subdivision (b) of Section 113949.1 and is not experiencing symptoms of the illness associated with that agent but is still considered infectious with an agent specified in subdivision (b) of Section 113949.1.
- (b) The PERSON IN CHARGE shall do either of the following:
 - (1) EXCLUDE a FOOD EMPLOYEE from a FOOD FACILITY if the FOOD EMPLOYEE is diagnosed with an infectious agent specified under subdivision (b) of Section 113949.1.
 - (2) RESTRICT a FOOD EMPLOYEE from working with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped single-service and SINGLE-USE ARTICLES in a FOOD FACILITY if the FOOD EMPLOYEE is suffering from symptoms of an ACUTE GASTROINTESTINAL ILLNESS.

113950.5. Removal of exclusions and restrictions

- (a) The PERSON IN CHARGE may remove a restriction for a FOOD EMPLOYEE upon the resolution of symptoms as reported by a FOOD EMPLOYEE if the FOOD EMPLOYEE states that he or she no longer has any symptoms of an ACUTE GASTROINTESTINAL ILLNESS.
- (b) Only the local health officer or the local ENFORCEMENT AGENCY, or both, shall remove EXCLUSIONS or RESTRICTIONS, or both, related to diagnosed illnesses due to infectious agents specified in subdivision (b) of Section 113949.1 after written local health officer clearance stating that the EXCLUDED or RESTRICTED FOOD EMPLOYEE is no longer considered infectious.

Article 4. Handwashing

113952. Clean condition

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

113953. Handwashing facilities

- (a) Handwashing facilities shall be provided within or adjacent to toilet rooms. The number of handwashing facilities required shall be in accordance with local building and plumbing codes.
- (b)
 - (1) Except as otherwise provided in Section 114358, FOOD FACILITIES constructed or extensively REMODELED after January 1, 1996, that handle nonPREPACKAGED FOOD, shall provide facilities exclusively for handwashing in FOOD PREPARATION areas and in WAREWASHING areas that are not located within or immediately adjacent to FOOD PREPARATION areas. Handwashing facilities shall be sufficient in number and conveniently located so as to be accessible at all times for use by FOOD EMPLOYEES.
 - (2) The handwashing facility shall be separated from the WAREWASHING sink by a metal splashguard with a height of at least 6 inches, that extends from the back edge of the drainboard to the front edge of the drainboard, the corners of the barrier to be rounded. No splashguard is required if the distance between the handwashing sink and the WAREWASHING sink drainboards is 24 inches or more.
- (c) Handwashing facilities shall be equipped to provide WARM WATER under pressure for a minimum of 15 seconds through a mixing valve or combination faucet.
- (d) An automatic handwashing facility may be installed and used in accordance with the manufacturer's instructions.
- (e) Notwithstanding subdivision (b), the ENFORCEMENT AGENCY may allow handwashing facilities other than those required by this section when it deems that the alternate facilities are adequate.

113953.1. Using a handwashing facility

- (a) A handwashing facility shall be clean, unobstructed, and accessible at all times for EMPLOYEE use.
- (b) A handwashing facility shall not be used for purposes other than handwashing.
- (c) EMPLOYEES shall not clean their hands in a sink used for FOOD PREPARATION, WAREWASHING, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

113953.5. Handwashing signage

- (a) Except as specified in subdivision (b), a sign or poster that notifies FOOD EMPLOYEES to wash their hands shall be posted at all handwashing lavatories used by FOOD EMPLOYEES, and shall be clearly visible to FOOD EMPLOYEES.
- (b) This section does not apply to toilet rooms in guestrooms of RESTRICTED FOOD service facilities.

113961. Handling ready-to-eat foods

- (a) FOOD EMPLOYEES shall minimize bare hand and arm contact with nonPREPACKAGED FOOD that is in a ready-to-eat form.
- (b) FOOD EMPLOYEES shall use UTENSILS, including scoops, forks, tongs, paper wrappers, gloves, or other implements, to assemble READY-TO-EAT FOOD or to place READY-TO-EAT FOOD on TABLEWARE or in other containers. However, FOOD EMPLOYEES may assemble or place on TABLEWARE or in other containers READY-TO-EAT FOOD in an APPROVED FOOD PREPARATION area without using UTENSILS if hands are cleaned in accordance with Section 113953.3.
- (c) FOOD that has been served to the customer and then wrapped or prepackaged at the direction of the customer shall be handled only with UTENSILS. These UTENSILS shall be properly sanitized before reuse.

Article 5. Personal Cleanliness

113967. Food contamination by employees

No EMPLOYEE shall commit any act that may result in the contamination or adulteration of FOOD, FOOD-CONTACT SURFACES, or UTENSILS.

113968. Fingernails

FOOD EMPLOYEES shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

113969. Hair restraints

- (a) Except as specified in subdivision (b), all FOOD EMPLOYEES preparing, serving, or handling FOOD or UTENSILS shall wear hair restraints such as hats, hair coverings, or nets that are designed and worn to effectively keep their hair from contacting nonPREPACKAGED FOOD, clean EQUIPMENT, UTENSILS, LINENS, and unwrapped SINGLE-USE ARTICLES.
- (b) This section does not apply to FOOD EMPLOYEES, such as counter staff who only serve BEVERAGES and wrapped or PREPACKAGED FOODS, hostesses, and wait staff, if they present a minimal risk of contaminating nonPREPACKAGED FOOD, clean EQUIPMENT, UTENSILS, LINENS, and unwrapped SINGLE-USE ARTICLES.

113971. Clothing

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

Article 6. Hygienic Practices

113973. Use of gloves

- (a) Gloves shall be worn when contacting FOOD and FOOD-CONTACT SURFACES if the EMPLOYEE has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or fingernails that are not clean, SMOOTH, or neatly trimmed.
- (b) Whenever gloves are worn, they shall be changed, replaced, or washed as often as handwashing is required by this part.
- (c) If used, single-use gloves shall be used for only one task, such as working with READY-TO-EAT FOOD or with raw FOOD of animal origin, used for no other purpose, and shall be discarded when damaged or soiled, or when interruptions in the FOOD handling occur.

- (d) Except as specified in subdivision (e), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used only with FOOD that is subsequently cooked as specified in Section 114004, such as frozen FOOD or a primal cut of MEAT.
- (e) 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.
- (f) Cloth gloves may not be used in direct contact with FOOD unless the FOOD is subsequently cooked.

113974. Employees with cold or flu symptoms

FOOD EMPLOYEES experiencing, while at work in a FOOD FACILITY, persistent sneezing, coughing, or runny nose that is associated with discharges from the eyes, nose, or mouth, and that cannot be controlled by medication, shall not work with exposed FOOD; clean EQUIPMENT, UTENSILS, or LINENS; or unwrapped single-use UTENSILS.

113976. Preventing contamination when testing

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

113977. Eating, drinking or using tobacco

- (a) Except as specified in subdivision (b), an EMPLOYEE shall eat, drink, or use any form of tobacco only in designated areas where contamination of nonPREPACKAGED FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-USE ARTICLES; or other items needing protection can result.
- (b) A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of the EMPLOYEE's hands, the container, nonPREPACKAGED FOOD, and FOOD-CONTACT SURFACES.

113978. No smoking sign

FOOD facilities shall have a "no smoking" sign posted in the FOOD PREPARATION, FOOD storage, and WAREWASHING areas.

Chapter 4 General Food Safety Requirements

Article 1. Protection from Contamination

113980. Requirements for food

All FOOD shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage; shall have been obtained from APPROVED SOURCES; shall be protected from dirt, VERMIN, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of the Sherman food, Drug, and Cosmetic LAW(Part 5 (commencing with Section 109875)).

113982. Food transportation

- (a) FOOD shall be transported in a manner that meets the following requirements:
 - (1) The interior floor, sides, and top of the FOOD holding area shall be constructed of a SMOOTH, washable, impervious material capable of withstanding frequent cleaning.
 - (2) The FOOD holding area shall be constructed and operated so that no liquid wastes can drain onto any street, sidewalk, or PREMISES.
 - (3) For POTENTIALLY HAZARDOUS FOOD, APPROVED methods shall be used to maintain FOOD at the required holding temperatures.
 - (4) FOOD, UTENSILS, and supplies shall be protected from contamination.
- (b) This section shall not apply to the transportation of prepackaged nonPOTENTIALLY HAZARDOUS FOODS.

113984. Food preparation area, protection from contamination

- (a) Adequate and suitable counter space shall be provided for all FOOD PREPARATION operations.

- (b) During preparation, unpackaged FOOD shall be protected from dirt, VERMIN, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination.
- (c) Except as specified in subdivision (d), FOOD PREPARATION shall be conducted within a fully enclosed FOOD FACILITY.
- (d) LIMITED FOOD PREPARATION shall be conducted within a FOOD COMPARTMENT or as APPROVED by the ENFORCEMENT AGENCY. All FOOD shall be thawed, washed, sliced, and cooled within an APPROVED fully enclosed FOOD FACILITY.
- (e) FOOD shall be prepared with suitable UTENSILS and on surfaces that, prior to use, have been cleaned, rinsed, and sanitized as specified in Section 114117 to prevent cross-contamination.
- (f) Overhead protection shall be provided above all FOOD PREPARATION, FOOD display, and FOOD storage areas.

113984.1. Food preparation area, customer access

Customer access to a FOOD FACILITY through the FOOD PREPARATION area is permissible, at the discretion of the PERMIT HOLDER, if READY-TO-EAT FOODS are prepared in APPROVED areas separated from sources of contamination by a space of at least three feet from the CONSUMER and in areas that are separate from raw or undercooked FOODS. The route of access shall be separated from the required space by a rail or wall at least three feet high or otherwise clearly delineated.

113986. Food and ingredient contamination

- (a) FOOD shall be protected from cross-contamination by utilizing one or more of the following methods:
 - (1) Separating raw FOOD of animal origin during transportation, storage, preparation, holding, and display from raw READY-TO-EAT FOOD, including other raw FOOD of animal origin such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as PRODUCE, and cooked READY-TO-EAT FOOD.
 - (2) Except when combined as ingredients, separating types of raw FOODS of animal origin from each other during transportation, storage, preparation, holding, and display in the following ways:
 - (A) Using separate EQUIPMENT for each type.
 - (B) Arranging each type of FOOD in EQUIPMENT so that cross-contamination of one type with another is prevented.
 - (C) Preparing each type of FOOD at different times or in separate areas.
 - (D) Except as specified in subdivision (b) of this section, storing the FOOD in packages, covered containers, or wrappings.
 - (E) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening.
 - (F) Protecting FOOD containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.
 - (G) Storing damaged, spoiled, or recalled FOOD being held in the FOOD establishment as specified in Section 114055.
 - (H) Separating fruits and vegetables before they are washed, as specified in Section 113992, from READY-TO-EAT FOOD.
- (b) Subparagraph (D) of paragraph (2) of subdivision (a) of this section shall not apply to any of the following:
 - (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 in paragraph (2) of subdivision (a) of Section 114002.1.
 - (5) SHELLSTOCK.

113988. Protection from unapproved additives

- (a) FOOD shall be protected from contamination that may result from the addition of unsafe or unAPPROVED FOOD or color ADDITIVES or unsafe or unAPPROVED levels of APPROVED FOOD and color ADDITIVES.
- (b) A FOOD EMPLOYEE may not apply sulfiting agents to fresh fruits and vegetables intended for raw consumption, or to any POTENTIALLY HAZARDOUS FOOD.

113990. Ice used as exterior coolant prohibited as ingredient

Ice that has been used as a medium for cooling the exterior surfaces of FOOD such as melons or FISH, PREPACKAGED FOODS such as canned BEVERAGES, or cooling coils and tubes of EQUIPMENT, shall not be used as FOOD.

113992. Washing produce

- (a) PRODUCE shall be thoroughly washed in POTABLE WATER to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form, except as specified in subdivision (b) and except when intended for washing by the CONSUMER before consumption.
- (b) Chemicals used to wash or peel PRODUCE shall meet the requirements specified in 21 C.F.R. 173.315.

Article 2. Time and Temperature Relationships

113996. Hot and cold holding, potentially hazardous food

- (a) Except during preparation, cooking, cooling, transportation to or from a RETAIL FOOD FACILITY for a period of less than 30 minutes, or when time is used as the public health control as specified under Section 114000, or as otherwise provided in this section, POTENTIALLY HAZARDOUS FOOD shall be maintained at or above 135°F, or at or below 41°F.
- (b) Roasts cooked to a temperature and for a time specified in subdivision (b) of Section 114004 may be held at a temperature of 130°F.
- (c) The following FOODS may be held between 41°F and 45°F:
 - (1) Raw shell EGGS.
 - (2) Unshucked live MOLLUSCAN SHELLFISH.
 - (3) Pasteurized milk and pasteurized milk products in original, SEALED containers.
 - (4) POTENTIALLY HAZARDOUS FOODS held for dispensing in serving lines and salad bars during periods not to exceed 12 hours in any 24-hour period or held in VENDING MACHINES. For purposes of this subdivision, a display case shall not be deemed to be a serving line.
 - (5) POTENTIALLY HAZARDOUS FOODS held for sampling at a certified farmers' market.
 - (6) POTENTIALLY HAZARDOUS FOODS held during transportation.

113998. Diligent preparation

If it is necessary to remove POTENTIALLY HAZARDOUS FOOD from the specified holding temperatures to facilitate preparation, this preparation shall in no case exceed two cumulative hours without a return to the specified holding temperatures.

114000. Time as a public health control

- (a) Except as specified in subdivision (b), if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of POTENTIALLY HAZARDOUS FOOD before cooking or for ready-to-eat POTENTIALLY HAZARDOUS FOOD that is displayed or held for service for immediate consumption, the following shall occur:
 - (1) The FOOD shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the FOOD is removed from temperature control.
 - (2) The FOOD shall be cooked and served, served if ready-to-eat, or discarded within four hours from the point in time when the FOOD is removed from temperature control.
 - (3) The FOOD in unmarked containers or packages or marked to exceed a four-hour limit shall be discarded.
 - (4) Written procedures shall be maintained in the FOOD FACILITY and made available to the ENFORCEMENT AGENCY upon request, that ensure compliance with Section 114002, for FOOD that is prepared, cooked, and refrigerated before time is used as a public health control.
- (b) Time only, rather than time in conjunction with temperature, may not be used as the public health control for raw EGGS in the following FOOD facilities:
 - (1) Licensed health care facilities.
 - (2) Public and private school cafeterias.

114002. Cooling

- (a) Whenever FOOD has been prepared or heated so that it becomes potentially HAZARDOUS, it shall be rapidly cooled if not held at or above 135°F.
- (b) After heating or hot holding, POTENTIALLY HAZARDOUS FOOD shall be cooled rapidly from 135°F to 70°F within two hours and from 70°F to 41°F or below within four hours.
- (c) POTENTIALLY HAZARDOUS FOOD shall be cooled within four hours to 41°F or less if prepared from ingredients at ambient temperature, such as reconstituted FOODs and canned tuna.
- (d) Except as specified in subdivision (e), a POTENTIALLY HAZARDOUS FOOD received in compliance with LAWS allowing a temperature above 41°F during shipment from the supplier as specified in Section 114037, shall be cooled within four hours to 41°F or less.
- (e) Shell EGGs need not comply with subdivision (c) or (d) if the EGGs are placed immediately upon their receipt in refrigerated EQUIPMENT that maintains an ambient temperature of 45°F or less.

114002.1. Cooling methods

- (a) The rapid cooling of POTENTIALLY HAZARDOUS FOODs shall be accomplished in accordance with the time and temperature criteria specified in Section 114002 by using one or more of the following methods based on the type of FOOD being cooled:
 - (1) Placing the FOOD in shallow pans.
 - (2) Separating the FOOD into smaller or thinner portions.
 - (3) Using rapid cooling EQUIPMENT.
 - (4) Using containers that facilitate heat transfer.
 - (5) Adding ice as an ingredient.
 - (6) Using ice paddles.
 - (7) Inserting appropriately designed containers in an ice bath and stirring frequently.
 - (8) In accordance with an HACCP PLAN adopted pursuant to this part.
 - (9) Utilizing other effective means that have been APPROVED by the ENFORCEMENT AGENCY.
- (b) When placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be arranged in the EQUIPMENT to provide maximum heat transfer through the container walls, loosely covered, or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the FOOD, and stirred as necessary to evenly cool a liquid or a semi-liquid FOOD.

114004. Cooking temperatures of raw animal foods

- (a) Except as specified in subdivision (c), all READY-TO-EAT FOODs prepared at a FOOD FACILITY from raw or incompletely cooked FOOD of animal origin shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with the following methods based on the FOOD that is cooked:
 - (1) The following shall be heated to a minimum internal temperature of 145°F or above for 15 seconds:
 - (A) Raw shell EGGs that are broken and prepared in response to a CONSUMER's order and for immediate service.
 - (B) FISH.
 - (C) Single pieces of MEAT, including beef, veal, lamb, pork, and GAME ANIMALs from APPROVED SOURCES.
 - (2) The following FOODs shall be heated to a minimum internal temperature of 155°F for 15 seconds or the temperature specified in the following chart that corresponds to the holding time:
 - (A) Ratites and INJECTED MEATs.
 - (B) COMMINUTED MEAT or any FOOD containing COMMINUTED MEAT.
 - (C) Raw EGGs and FOODs containing raw EGGs that are not prepared as specified in paragraph (1).

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

- (3) The following shall be heated to a minimum internal temperature of 165°F for 15 seconds:
 - (A) POULTRY.
 - (B) COMMINUTED POULTRY.

(C) Stuffed FISH, stuffed MEAT, stuffed POULTRY, stuffed ratites, stuffed pasta.

(D) Stuffing containing FISH, MEAT, POULTRY, or ratites.

(b) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, such as ham, shall be cooked as specified in both of the following:

(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:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs	10 lbs or more
Still Dry	350°F or more	250°F or more
Convection	325°F or more	250°F or more
High Humidity*	250°F or less	250°F or less

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

(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:

Temperature (°F)	Time* in Minutes	Temperature (°F)	Time* in Seconds
130	112	147	134
131	89	149	85
133	56	151	54
135	36	153	34
136	28	155	22
138	18	157	14
140	12	158	0
142	8		
144	5		
145	4		

* Holding time may include postoven heat rise.

(c) The DEPARTMENT may approve alternative time and temperature minimum heating requirements to thoroughly cook the FOODS identified in this section when the FOOD FACILITY or PERSON demonstrates to the DEPARTMENT that the alternative heating requirements provide an equivalent level of FOOD safety.

114008. Microwave cooking

Raw FOODS of animal origin cooked in a microwave oven shall meet all of the following requirements:

- (a) Be rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat.
- (b) Be covered to retain surface moisture.
- (c) Be heated to a temperature of at least 165°F in all parts of the FOOD.
- (d) Stand covered for at least two minutes after cooking to obtain temperature equilibrium.

114010. Plant food cooking for hot holding

Fruits and vegetables that are cooked for hot holding shall be cooked to a minimum temperature of 135°F.

114012. Pasteurized egg, substitute for raw shell eggs for certain recipes

Except as specified in Section 114091, pasteurized EGGs or pasteurized EGG products shall be substituted for raw shell EGGs in the preparation of FOODS such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, EGGnog, ice cream, and EGG-fortified BEVERAGES that are not cooked as specified under Section 114004, nor included in Section 114093.

114014. Preparation for immediate service

Cooked and refrigerated FOOD that is prepared for immediate service in response to an individual CONSUMER order may be served at any temperature.

114016. Reheating for hot holding

- (a) Except as specified under subdivisions (b) and (c), POTENTIALLY HAZARDOUS FOOD that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 165°F for 15 seconds.
- (b) Except as specified under subdivision (c), POTENTIALLY HAZARDOUS FOOD reheated in a microwave oven for hot holding shall be
- (c) reheated so that all parts of the FOOD reach a temperature of at least 165°F and the FOOD is rotated or stirred, covered, and allowed to stand covered for at least two minutes after reheating.
- (d) READY-TO-EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD processing plant shall be heated to a temperature of at least 135/4F for hot holding.
- (e) Reheating for hot holding shall be done rapidly, and the time the FOOD is between 41°F and 165°F shall not exceed two hours.
- (f) Remaining unsliced portions of roasts that are cooked as specified under Section 114004 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions as specified in Section 114004.

114018. Frozen food

Frozen FOODs shall be stored and displayed in their frozen state unless being thawed in accordance with Section 114020.

114020. Thawing

Frozen POTENTIALLY HAZARDOUS FOOD shall only be thawed in one of the following ways:

- (a) Under refrigeration that maintains the FOOD temperature at 41°F or below.
- (b) Completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain.
- (c) In a microwave oven if immediately followed by immediate preparation.
- (d) As part of a cooking process.

114020.1. Potentially hazardous food, slacking

Frozen POTENTIALLY HAZARDOUS FOOD that is slacked to moderate the temperature shall be held under refrigeration that maintains the FOOD temperature at 41°F or less, or at any temperature if the FOOD remains frozen.

Article 3. Food from Approved Sources

114021. Compliance with food law

- (a) FOOD shall be obtained from sources that comply with all applicable LAWS.
- (b) FOOD prepared in a private home may not be used or offered for sale in a FOOD FACILITY.

114023. Food in a hermitically 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.

114024. Egg and milk products, pasteurized

- (a) Liquid, frozen, and dry EGGS and EGG products shall be obtained pasteurized.
- (b) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 C.F.R. 135 -Frozen Desserts.
- (c) Fluid and dry milk and milk products complying with Grade A standard as specified in LAW shall be obtained pasteurized.

- (d) This section shall not apply to properly labeled prepackaged raw milk and raw milk products obtained from an APPROVED SOURCE and dispensed and sold at RETAIL by the FOOD FACILITY in compliance with 17 CCR 11380.

114025. Ice

Ice for use as a FOOD or a cooling medium shall be made from POTABLE WATER.

114027. Fish

FISH that are received for sale or service shall be commercially and legally caught or harvested.

114029. Molluscan shellfish

- (a) MOLLUSCAN SHELLFISH shall be obtained from sources according to LAW and the requirements specified in the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National ShellFISH Sanitation Program Guide for the Control of Molluscan Shellfish.
- (b) MOLLUSCAN SHELLFISH received in interstate commerce shall be from sources that are listed in the Interstate Certified ShellFISH Shippers List.
- (c) MOLLUSCAN SHELLFISH that are recreationally caught shall not be received for sale or service.

114031. Game animals

- (a) GAME ANIMALs shall be received from an APPROVED SOURCE.
- (b) A GAME ANIMAL shall not be received for sale or service if it is a species of wildlife that is listed in 50 C.F.R. 17 Endangered and Threatened Wildlife and Plants or is listed as an endangered or threatened animal by the DEPARTMENT of FISH and Game.
- (c) The ENFORCEMENT AGENCY may approve the use of legally obtained donated FISH and game by nonprofit organizations authorized to serve meals to indigent PERSONs.
 - (1) "FISH," as used in this subdivision, shall be defined as that term is used in Section 45 of the FISH and Game Code.
 - (2) "Game," as used in this subdivision, means any game bird, as defined in Section 3500 of the FISH and Game Code, or game mammal, as defined in Section 3950 of the FISH and Game Code.

Article 4. Receipt of Food

114035. Inspection upon receipt

- (a) FOOD shall be inspected upon receipt and prior to any use, storage, or resale.
- (b) FOOD shall be accepted only if the inspection conducted upon receipt determines that the FOOD satisfies all of the following:
 - (1) Was prepared by and received from APPROVED SOURCES.
 - (2) Is received in a wholesome condition.
 - (3) Is received in packages that are in good condition and that protect the integrity of the contents so that the FOOD is not exposed to adulteration or potential contaminants.
 - (4) Is in containers and on pallets that are not infested with VERMIN or otherwise contaminated.
- (c) POTENTIALLY HAZARDOUS FOOD shall be inspected for signs of spoilage and randomly checked for adherence to the temperature requirements as specified in Section 113996.

114037. Receiving temperatures

- (a) Except as specified in subdivision (b), refrigerated, POTENTIALLY HAZARDOUS FOOD may be at a temperature of 45°F or below when received, if the POTENTIALLY HAZARDOUS FOOD is cooled within four hours of receipt to a temperature at or below 41°F.
- (b) If a temperature other than 41°F for a POTENTIALLY HAZARDOUS FOOD is specified in LAW governing its distribution, the FOOD may be received at the specified temperature and cooled as specified in subdivisions (d) and (e) of Section 114002.
- (c) Live MOLLUSCAN SHELLFISH shall not be accepted unless received at an internal temperature of 45°F or below, or, if received on the date of harvest, at a temperature above 45°F.
- (d) POTENTIALLY HAZARDOUS FOOD that is received hot shall be at a temperature of 135°F or above.

- (e) A FOOD that is labeled frozen and shipped frozen by a FOOD processing plant shall be received frozen and accepted only if there are not visible signs of thawing or refreezing.
- (f) Upon receipt, POTENTIALLY HAZARDOUS FOOD shall be free of evidence of previous temperature abuse.

114039. Shucked shellfish, packaging and identification

- (a) Raw SHUCKED SHELLFISH shall be obtained in nonreturnable packages that bear a legible label that identifies the name, address, and certification number of the shucker-packer or repacker of the MOLLUSCAN SHELLFISH, and a "sell by" date for packages with a capacity of less than one-half gallon, or the date shucked for packages with a capacity of one-half gallon or more.
- (b) A package of raw SHUCKED SHELLFISH that does not bear a label or that bears a label that does not contain all the information required by subdivision (a) shall be subject to Section 114393 and a hold order or seizure and destruction in accordance with 21 C.F.R. 1240.60(d).

114039.1. Shellstock identification

- (a) SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the SHELLSTOCK. Except as specified by subdivision (c), on the harvester's or dealer's tag or label, the following information shall be listed in the following order:
 - (1) The harvester's or dealer's name and address.
 - (2) The harvester's certification number as assigned by the authority and the original SHELLSTOCK shipper's certification number.
 - (3) The date of harvesting.
 - (4) 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.
 - (5) The type and quantity of shellFISH.
 - (6) 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."
 - (7) The dealer's tag or label shall also indicate the original shipper's certification number, including the abbreviation of the name of the state or country in which the shellFISH are harvested.
- (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 required under subdivision (a) shall be subject to a hold order or seizure and destruction in accordance with 21 C.F.R. 1240.60(d).
- (c) If the harvester's tag or label is designed to accommodate each dealer's identification, individual dealer tags or labels need not be provided.

114039.2. Shellstock, condition

When received by a FOOD FACILITY, 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.

114039.3. Molluscan shellfish, original container

- (a) Except as specified in subdivisions (b) and (c), MOLLUSCAN SHELLFISH shall not be removed from the container in which they are received other than immediately before sale or preparation for service.
- (b) SHELLSTOCK may be removed from the container in which they are received and displayed on drained ice or held in a display container. A quantity specified by a CONSUMER may be removed from the display or display container and provided to the CONSUMER if the source of the SHELLSTOCK on display is identified as specified under Section 114039.1 and recorded as specified under Section 114039.4 and 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 the labeling information for the shellFISH on display as specified under Section 114039 is retained and correlated to the date when, or dates during which, the shellFISH are sold or served and the shellFISH are protected from contamination.

114039.4. Shellstock, maintaining identification

- (a) Except as specified by subdivision (b), SHELLSTOCK tags shall remain attached to the container in which the SHELLSTOCK are received until the container is empty.

- (A) Has an a_w of 0.91 or less.
 - (B) Has a pH of 4.6 or less.
 - (C) Is a MEAT or POULTRY product cured at a FOOD processing plant regulated by the U.S.D.A. and is received in an intact package.
 - (D) Is a FOOD with a high level of competing organisms, such as raw MEAT or raw POULTRY.
- (4) Specifies methods for maintaining FOOD at 41°F or below.
 - (5) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to maintain the FOOD at 41°F or below and discard the FOOD if within 14 calendar days of its packaging it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption.
 - (6) Limits the refrigerated shelf life to no more than 14 calendar days from packaging to consumption, except the time product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first.
 - (7) Includes operational procedures that prohibit contacting FOOD with bare hands, identify a designated area and the method by which physical barriers or methods of separation of raw FOODs and READY-TO-EAT FOODs minimize cross-contamination and access to the processing EQUIPMENT is restricted to responsible trained personnel familiar with the potential hazards of the operation, and delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES.
 - (8) Describes the training program that ensures that individuals responsible for the reduced-oxygen packaging operation understand the concepts required for a safe operation, the EQUIPMENT and facilities, and the procedures specified under paragraph (7) and Section 114419.1.
- (c) Except for FISH that is frozen before, during, and after packaging, a FOOD FACILITY shall not package FISH using a reduced-oxygen packaging method.

Article 7. Food Display and Service

114060. Food display

- (a) 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 sneeze guards that intercept a direct line between the customer's mouth and the FOOD being displayed, containers with tight-fitting securely attached lids, display cases, mechanical dispensers, or other effective means.
- (b) NonPREPACKAGED FOOD may be displayed and sold in bulk in other than self-service containers if both of the following conditions are satisfied:
 - (1) The FOOD is served by a FOOD EMPLOYEE directly to a CONSUMER.
 - (2) The FOOD is displayed in clean, sanitary, and covered, or otherwise protected, containers.

114063. Consumer self-service operations

- (a) Raw, nonPREPACKAGED FOOD of animal origin, such as beef, lamb, pork, POULTRY, and eviscerated FISH, shall not be offered for CONSUMER self-service. This subdivision does not apply to the following:
 - (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 raw, frozen shrimp, lobster, finFISH, or scallop abductor muscle, or frozen breaded seaFOOD.
- (b) NonPREPACKAGED FOOD may be displayed in bulk for CONSUMER self-service if all of the following conditions are satisfied:
 - (1) PRODUCE and FOOD requiring further processing, except raw FOOD of animal origin, may be displayed on open counters or in containers.
 - (2) Except for salad bar and buffet-type FOOD service, a label shall be conspicuously displayed in plain view of the CONSUMER and securely attached to each self-service container, or in clear relationship to it, and shall contain the information required in Section 114089.
 - (3) NonFOOD items shall be displayed and stored in an area separate from FOOD.
- (c) French style, hearth-baked, or hard-crust loaves and rolls shall be considered properly wrapped if contained in an open-end bag of sufficient size to enclose the loaves or rolls.

- (d) CONSUMER self-service operations for READY-TO-EAT FOODS such as buffets and salad bars shall be provided with a suitable FOOD dispensing UTENSIL for each container displayed or effective dispensing methods that protect the FOOD from contamination.
- (e) CONSUMER self-service operations such as buffets and salad bars shall be checked periodically on a regular basis by FOOD EMPLOYEES trained in safe operating procedures.

114065. Consumer self-service bulk beverage dispensing operations

Notwithstanding Section 114266, this section shall not be construed to require the enclosure, during operating hours, of CONSUMER self-service nonpotentially HAZARDOUS bulk BEVERAGE dispensing operations that meet the following requirements:

- (a) The dispensing operation is installed contiguous with a PERMANENT FOOD FACILITY and is operated by the FOOD FACILITY.
- (b) The BEVERAGES are dispensed from enclosed EQUIPMENT that precludes exposure of the BEVERAGES until they are dispensed at the nozzles. 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.
- (c) Ice and ice product are dispensed only from an ice product dispenser. Ice and ice product are not scooped or manually loaded into a dispenser out-of-doors.
- (d) Single-use UTENSILS are protected from contamination and are individually wrapped or dispensed from APPROVED sanitary dispensers.
- (e) The dispensing operations have overhead protection that fully extends over all EQUIPMENT associated with the facility.
- (f) During nonoperating hours the dispensing operations are fully enclosed so as to be protected from contamination by VERMIN and exposure to the elements.
- (g) The PERMIT HOLDER of the PERMANENT FOOD FACILITY demonstrates to the ENFORCEMENT AGENCY that adequate methods are in place to properly clean and sanitize the BEVERAGE dispensing EQUIPMENT.
- (h) BEVERAGE dispensing operations are in compliance with Section 113980 and have been APPROVED by the ENFORCEMENT AGENCY.
- (i) BEVERAGE dispensing operations are under the constant and complete control of the PERSON IN CHARGE of the PERMANENT FOOD FACILITY who is operating the dispensing EQUIPMENT.

114067. Satellite food service

- (a) SATELLITE FOOD SERVICE is restricted to LIMITED FOOD PREPARATION.
- (b) SATELLITE FOOD SERVICE shall only be operated by a fully enclosed PERMANENT FOOD FACILITY that meets the requirements for FOOD PREPARATION and service and that is responsible for servicing the SATELLITE FOOD SERVICE operation.
- (c) Prior to conducting SATELLITE FOOD SERVICE, the PERMIT HOLDER of the PERMANENT FOOD FACILITY shall submit to the ENFORCEMENT AGENCY written standard operating procedures that include all of the following information:
 - (1) All FOOD products that will be handled and dispensed.
 - (2) The proposed procedures and methods of FOOD PREPARATION and handling.
 - (3) Procedures, methods, and schedules for cleaning UTENSILS, EQUIPMENT, structures, and for the disposal of REFUSE.
 - (4) How FOOD will be transported to and from the PERMANENT FOOD FACILITY and the SATELLITE FOOD SERVICE operation, and procedures to prevent contamination of FOODS.
 - (5) How POTENTIALLY HAZARDOUS FOODS will be maintained in accordance with Section 113996.
- (d) All FOOD PREPARATION shall be conducted within a FOOD COMPARTMENT or fully enclosed facility APPROVED by the ENFORCEMENT OFFICER.
- (e) SATELLITE FOOD SERVICE areas shall have overhead protection that extends over all FOOD handling areas.
- (f) SATELLITE FOOD SERVICE operations that handle nonPREPACKAGED FOOD shall be equipped with APPROVED, permanently plumbed handwashing facilities and WAREWASHING facilities.
- (g) Notwithstanding subdivision (f), the local ENFORCEMENT AGENCY may approve the use of alternative WAREWASHING facilities.
- (h) FOOD and UTENSILS shall be stored inside the fully enclosed PERMANENT FOOD FACILITY when SATELLITE FOOD SERVICE is not being conducted.
- (i) SATELLITE FOOD SERVICE activities shall be conducted by and under the constant and complete control of the PERMIT HOLDER of the fully enclosed PERMANENT FOOD FACILITY.

- (j) During nonoperating hours and periods of inclement weather, SATELLITE FOOD SERVICE operations shall be completely enclosed to EXCLUDE VERMIN, or stored inside the fully enclosed PERMANENT FOOD FACILITY.

114069. Outdoor food displays

Only prepackaged nonPOTENTIALLY HAZARDOUS FOOD or uncut PRODUCE may be displayed or sold outdoors by a FOOD FACILITY if all of the following conditions are satisfied:

- (a) Outdoor displays have overhead protection that extends over all FOOD items.
- (b) FOOD items from the outdoor display are stored inside the fully enclosed FOOD FACILITY at all times other than during business hours.
- (c) Outdoor displays comply with Section 113980 and have been APPROVED by the ENFORCEMENT AGENCY.
- (d) Outdoor displays are under the control of the PERMIT HOLDER of the fully enclosed FOOD FACILITY and are checked periodically on a regular basis.

114073. Single-use articles, use limitation

Bulk milk container dispensing tubes shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

114074. Preset tableware

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

114075. 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 shall not use TABLEWARE, including SINGLE-USE ARTICLES, soiled by the CONSUMER, to provide second portions or refills.
- (b) Except as specified in subdivision (d), self-service CONSUMERS shall not be allowed to use soiled TABLEWARE, including SINGLE-USE ARTICLES, to obtain additional FOOD from the display and serving EQUIPMENT.
- (c) CONSUMERS shall be notified that clean TABLEWARE is to be used when they return to self-service areas such as salad bars and buffets.
- (d) Drinking cups and containers may be reused by self-service CONSUMERS if refilling of a CONSUMER's drinking cup is done without contact between the pouring UTENSIL and the lip contact area of the cup or container.
- (e) Personal take-out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified in subdivision (a).

114077. Condiments, protection

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.

114079. Returned food and reservice of food

- (a) Except as specified in subdivision (b), after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER shall not be offered as FOOD for human consumption.
- (b) A container of FOOD that is not potentially HAZARDOUS may be transferred from one CONSUMER to another if the FOOD is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine, or if the FOOD, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition, and if the FOOD is checked periodically on a regular basis.

Chapter 5 Cleaning and Sanitizing of Equipment

114097. Manual or mechanical warewashing

EQUIPMENT FOOD-CONTACT SURFACES and MULTISERVICE UTENSILS shall be effectively washed to remove or completely loosen soils by the use of manual or mechanical methods 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.

114099. Manual warewashing, sink compartment requirements

- (a) Manual WAREWASHING sinks, except as specified in subdivision (c), shall have at least three compartments with two integral metal drainboards for manually washing, rinsing, and sanitizing EQUIPMENT and UTENSILS.
- (b) Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS. If EQUIPMENT or UTENSILS are not designed to be washed in a WAREWASHING sink, alternate APPROVED methods as specified in Section 114099.3 shall be followed.
- (c) A two compartment sink that is in use on January 1, 1996, need not be replaced when used as specified in Section 114099.3. The ENFORCEMENT OFFICER shall approve the continued use of a two-compartment sink even upon replacement if the installation of a three-compartment sink would not be readily achievable and where other APPROVED sanitation methods are used.

114099.1. Precleaning

- (a) During manual or mechanical WAREWASHING, FOOD debris on EQUIPMENT and UTENSILS shall be scraped over a waste disposal unit, scupper, or garbage receptacle.
- (b) If necessary for effective cleaning, UTENSILS and EQUIPMENT shall be preflushed, presoaked, or scrubbed with abrasives.

114099.2. Manual warewashing procedures

- (a) Notwithstanding Section 114099, manual WAREWASHING shall be accomplished by using a three-compartment sink where the UTENSILS are first precleaned, then washed, rinsed, sanitized, and air dried.
- (b) The temperature of the washing solution shall be maintained at not less than 110°F or the temperature specified on the cleaning agent manufacturer's label instructions.
- (c) The UTENSILS shall then be rinsed in clear water before being immersed in a sanitizing solution.
- (d) Manual SANITIZATION shall be accomplished as specified in Section 114099.6.
- (e) In-place sanitizing shall be accomplished as specified in Section 114099.6.
- (f) Other methods may be used if APPROVED by the ENFORCEMENT AGENCY.

114099.3. Washing, procedures for alternative manual warewashing equipment

Alternative manual WAREWASHING EQUIPMENT may be used when there are special cleaning needs or constraints, such as when EQUIPMENT is fixed or the UTENSILS are large, and the ENFORCEMENT AGENCY has APPROVED the use of the alternative EQUIPMENT. Alternative manual WAREWASHING EQUIPMENT may include any of the following:

- (a) High-pressure detergent sprayers.
- (b) Low-or-line pressure spray detergent foamers.
- (c) Other task-specific cleaning EQUIPMENT.
- (d) Brushes or other implements.
- (e)

- (1) A two-compartment sink, if the PERMIT HOLDER limits the number of UTENSILS cleaned and sanitized in the two-compartment sink, and limits WAREWASHING to batch operations for cleaning and sanitizing UTENSILS, such as between cutting one type of raw MEAT and another or cleanup at the end of a shift, and shall do all of the following:
 - (A) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use.
 - (B) Use a detergent sanitizer to clean and sanitize in accordance with the manufacturer's label instructions 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.

- (C) Use a hot water SANITIZATION immersion step that incorporates a nondistinct water rinse.
- (2) A two-compartment sink shall not be used for WAREWASHING operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of UTENSILS in an ongoing WAREWASHING process.

114099.4. Manual warewashing, heat sanitization

If hot water is used for SANITIZATION in manual WAREWASHING operations, the sanitizing compartment of the sink shall be designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F and provided with a rack or basket to allow complete immersion of EQUIPMENT and UTENSILS into the hot water.

114099.5. Temperature measuring devices, manual warewashing

In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

114099.6. Manual and Mechanical Sanitization

Manual or mechanical SANITIZATION shall be accomplished in the final sanitizing rinse by one of the following:

- (a) Hot water manual operations by immersion for at least 30 seconds where the water temperature is maintained at 171°F or above.
- (b) Hot water mechanical operations by being cycled through EQUIPMENT that is used in accordance with the manufacturer's specifications and achieving a UTENSIL surface temperature of 160°F as measured by an irreversible registering temperature indicator.
- (c) Chemical manual or mechanical operations, including the applications of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using one of the following solutions:
 - (1) Contact with a solution of 100 ppm available chlorine solution for at least 30 seconds.
 - (2) Contact with a solution of 25 ppm available iodine for at least one minute.
 - (3) Contact with a solution of 200 ppm quaternary ammonium for at least one minute.
 - (4) Contact with any chemical sanitizer that meets the requirements of 21 C.F.R. 178.1010 when used in accordance with the manufacturer's use directions as specified on the product label.
- (d) Other methods may be used if APPROVED by the ENFORCEMENT AGENCY.

114101. Mechanical machine warewashing procedures

- (a) Mechanical machine WAREWASHING shall be accomplished by using an APPROVED machine installed and operated in accordance with the manufacturer's specifications.
- (b) Soiled items to be cleaned in a WAREWASHING machine shall be loaded in racks, trays, or baskets or onto conveyors in a position that exposes the items to the unobstructed spray during all cycles and allows the items to drain.
- (c) The velocity, quantity, and distribution of the washwater, type, and concentration of detergent used therein, and the time the UTENSILS are exposed to the water shall be sufficient to clean the UTENSILS.
- (d) RESTRICTED FOOD service facilities need not comply with
- (e) Section 114130 if the domestic or commercial dishwasher utilized for WAREWASHING is capable of providing heat to the surface of the UTENSILS of a temperature of at least 160°F.

114101.1. 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 operating specifications including the temperatures required for washing, rinsing, and sanitizing, the pressure required for the fresh water sanitizing rinse, unless the machine is designed to use only a pumped sanitizing rinse, and the conveyor speed for conveyor machines or cycle time for stationary rack machines.

- (b) Cleaning EQUIPMENT used in dry cleaning FOOD-CONTACT SURFACES shall not be used for any other purpose.

114113. Food contact with equipment and utensils

FOOD shall only contact surfaces of EQUIPMENT and UTENSILs that are cleaned and sanitized.

114115. Equipment, food-contact surfaces, nonfood-contact surfaces and utensils

- (a) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILs shall be clean to sight and touch.
- (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.
- (d) EQUIPMENT shall be reassembled so that FOOD-CONTACT SURFACES are not contaminated.

114117. Cleaning frequency of equipment food-contact surfaces and utensils

- (a) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILs shall be cleaned at the following times:
 - (1) Except as specified in subdivision (b), before each use with a different type of raw FOOD of animal origin such as beef, FISH, lamb, pork, or POULTRY.
 - (2) Each time there is a change from working with raw FOODs to working with READY-TO-EAT FOODs.
 - (3) Between uses with raw PRODUCE and with POTENTIALLY HAZARDOUS FOOD.
 - (4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE.
 - (5) At any time during the operation when contamination may have occurred.
- (b) Paragraph (1) of subdivision (a) does not apply if the FOOD contact surface or UTENSIL is in contact with a succession of different raw FOODs of animal origin, each requiring a higher cooking temperature as specified in Section 114004 than the previous FOOD, such as preparing raw FISH followed by cutting raw POULTRY on the same cutting board.
- (c) Except as specified in subdivision (d), if used with POTENTIALLY HAZARDOUS FOOD, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILs shall be cleaned throughout the day at least every four hours. (d) Surfaces of UTENSILs and EQUIPMENT contacting POTENTIALLY HAZARDOUS FOOD may be cleaned less frequently than every four hours if any of the following occurs:
 - (1) In storage, containers of POTENTIALLY HAZARDOUS FOOD and their contents are maintained at temperatures as specified in Section 113996 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 or below 55°F. In that case, the UTENSILs and EQUIPMENT shall be cleaned at the frequency that corresponds to the temperature as depicted in the following chart and the cleaning frequency based on the ambient temperature of the refrigerated room or area shall be documented and records shall be maintained in the FOOD FACILITY and made available to the ENFORCEMENT AGENCY upon request:

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

- (3) Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat POTENTIALLY HAZARDOUS FOOD that is maintained at the temperatures specified in Section 113996 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 in Sections 113996 and 114004.
- (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 characteristics of the EQUIPMENT and its use, the type of FOOD involved, the amount of FOOD residue accumulation, and the temperature at which the FOOD is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic micro-organisms that are capable of causing FOODborne disease.
- (7) In-use UTENSILs are intermittently stored in a container of water in which the water is maintained at 135°F or higher and the UTENSILs and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.
- (d) Except when dry cleaning methods are used as specified in Section 114111, surfaces of UTENSILs and EQUIPMENT contacting FOOD that is not potentially HAZARDOUS shall be cleaned in any of the following circumstances:
 - (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.
 - (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, at a frequency specified by the manufacturer, or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

114119. In-use utensils, between-use storage

During pauses in FOOD PREPARATION or dispensing, FOOD PREPARATION and dispensing UTENSILs shall be stored in the following manner:

- (a) Except as specified under subdivision (b), in the FOOD with their handles above the top of the FOOD and the container.
- (b) In FOOD that is not potentially HAZARDOUS, with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon.
- (c) On a clean portion of the FOOD PREPARATION table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD-CONTACT SURFACE of the FOOD PREPARATION table or cooking EQUIPMENT are cleaned and sanitized at a frequency specified under Section 114117.
- (d) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes.
- (e) In a clean, protected location if the UTENSILs, such as ice scoops, are used only with a FOOD that is not potentially HAZARDOUS.
- (f) In a container of water if the water is maintained at a temperature of at least 135°F and the container is cleaned at least every 24 hours or at a frequency necessary to preclude the accumulation of soil residues.

114121. Returnables, cleaning for refilling

- (a) Except as specified in subdivisions (b) and (c), returned empty containers intended for refilling with FOOD or BEVERAGE shall be cleaned and refilled in an APPROVED facility.
- (b) CONSUMER-owned containers returned to the FOOD FACILITY for refilling may be refilled and returned to the same CONSUMER if the container is refilled by an EMPLOYEE of the FOOD FACILITY or the owner of the container if the dispensing system includes a contamination free transfer process that cannot be bypassed by the container owner.
- (c) CONSUMER-owned containers that are not FOOD specific may be filled at a water VENDING MACHINES or system.

114123. Cleaning maintenance tools, preventing contamination

Except as specified in Section 114125, FOOD PREPARATION sinks, handwashing lavatories, and WAREWASHING EQUIPMENT shall 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.

114125. Warewashing sinks, use limitation

- (a) A WAREWASHING sink shall not be used for handwashing except in FOOD facilities that were not constructed or extensively REMODELED since January 1, 1996, and where there are no facilities exclusively for handwashing in FOOD PREPARATION areas.
- (b) If a WAREWASHING sink is used to wash wiping cloths, wash PRODUCE, or thaw FOOD, the sink shall be cleaned and sanitized before and after each time it is used to wash wiping cloths or wash PRODUCE or thaw FOOD.

Chapter 6 Equipment, Utensils, and Linens

Article 1. Design and Construction

114130. Equipment and utensils

- (a) EQUIPMENT and UTENSILS shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.
- (b) Except as specified in subdivision (c), all new and replacement FOOD-related and UTENSIL-related EQUIPMENT shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program. In the absence of an applicable ANSI certified sanitation standard, FOOD-related and UTENSIL-related EQUIPMENT shall be evaluated for approval by the ENFORCEMENT AGENCY.
- (c) RESTRICTED FOOD service facilities need not comply with subdivision (b), depending on the extent of the FOOD service activities, and if the ENFORCEMENT OFFICER determines that the EQUIPMENT meets the characteristics of subdivision (a).
- (d) All new and replacement electrical appliances shall meet applicable Underwriters Laboratories standards for electrical EQUIPMENT as determined by an ANSI accredited certification program.

114130.1. Characteristics

Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD and under normal use conditions shall be safe, durable, corrosion-resistant, and nonabsorbent, sufficient in weight and thickness to withstand repeated WAREWASHING, finished to have a SMOOTH, EASILY CLEANABLE surface, and resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

114130.2. Single-use characteristics

Materials that are used to make SINGLE-USE ARTICLES shall not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD, and shall be safe and clean.

114130.3. Food-contact surfaces

- (a) Multiuse FOOD-CONTACT SURFACES shall be all of the following:
 - (1) SMOOTH.
 - (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.
 - (3) Free of sharp internal angles, corners, and crevices.
 - (4) Finished to have SMOOTH welds and joints.
 - (5) Except as specified in subdivision (b), accessible for cleaning and inspection by one of the following methods:
 - (A) Without being disassembled.
 - (B) By disassembling without the use of tools.
 - (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.
- (b) Paragraph (5) of subdivision (a) shall not apply to cooking oil storage tanks, distribution lines for cooking oils, or BEVERAGE syrup lines or tubes.

- (b) RESTRICTed FOOD SERVICE FACILITIES shall be exempt from subdivision (a), but shall still provide ventilation to remove gases, odors, steam, heat, grease, vapors and smoke from the FOOD FACILITY. In the event that the ENFORCEMENT OFFICER determines that the ventilation must be mechanical in nature, the ventilation shall be accomplished by methods APPROVED by the ENFORCEMENT AGENCY.
- (c) This section shall not apply to cooking EQUIPMENT when the EQUIPMENT has been submitted to the local ENFORCEMENT AGENCY for evaluation, and the local ENFORCEMENT AGENCY has found that the EQUIPMENT does not PRODUCE toxic gases, smoke, grease, vapors, or heat when operated under conditions recommended by the manufacturer. The local ENFORCEMENT AGENCY may recognize a testing organization to perform any necessary evaluations.
- (d) Makeup air shall be provided at the rate of that exhausted.

114149.2. Ventilation hood system

- (a) Every hood shall be installed to provide for thorough cleaning of all interior and exterior surfaces, including, but not limited to, the hood, filters, piping, lights, troughs, hangers, flanges, and exhaust ducts.
- (b) 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-USE ARTICLES.
- (c) 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.
- (d) Every joint and seam shall be substantially tight. No solder shall be used, except for sealing a joint or seam.
- (e) When grease gutters are provided they shall drain to a collecting receptacle fabricated, designed, and installed to be readily accessible for cleaning.
- (f) Exhaust hood ducting shall meet the following requirements:
 - (1) All seams in the duct shall be completely tight to prevent the accumulation of grease.
 - (2) The ducts shall have sufficient clean-outs to make the ducts readily accessible for cleaning.
 - (3) All ducts in the exhaust system shall be properly sloped.
 - (4) 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.

114149.3. 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 and do not create air currents that cause difficulty in maintaining the required temperatures of POTENTIALLY HAZARDOUS FOODs.

Article 3. Location and Installation

114153. Cooling, heating, and holding capacities

EQUIPMENT for cooling and heating FOOD and for holding cold and hot FOOD shall be sufficient in number and capacity to ensure proper FOOD temperature control during transportation and operation as specified in Section 113996.

114155. Molluscan shellfish tanks

- (a) Except as specified in subdivision (b), MOLLUSCAN SHELLFISH life support system display tanks shall not be used to display shellFISH that are offered for human consumption and shall be conspicuously marked so that it is obvious to the CONSUMER that the shellFISH are for display only.
- (b) MOLLUSCAN SHELLFISH life-support system display tanks that are used to store and display shellFISH that are offered for human consumption shall be operated and maintained in accordance with a HACCP PLAN that is submitted by the PERMIT HOLDER and APPROVED by the ENFORCEMENT AGENCY, and ensures all of the following:
 - (1) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank.
 - (2) The safety and quality of the shellFISH as they were received are not compromised by the use of the tank.
 - (3) The identity of the source of the SHELLSTOCK is retained as required in Section 114039.1.

114157. Temperature measuring devices

- (a) A thermometer shall be provided for each REFRIGERATION UNIT.

- (b) The thermometer shall be located to indicate the air temperature in the warmest part of the unit and, except for VENDING MACHINES, shall be affixed to be readily visible.
- (c) Except as specified in subdivision (d), cold or hot holding EQUIPMENT used for POTENTIALLY HAZARDOUS FOOD shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display. Alternative hot or cold holding EQUIPMENT can be equipped with APPROVED product mimicking sensors placed in devices located in the warmest part of the mechanically refrigerated unit in lieu of an ambient air sensor.
- (d) Subdivision (c) shall 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 calor units, heat lamps, cold plates, bainmaries, steam tables, insulated FOOD transport containers, and salad bars.
- (e) TEMPERATURE MEASURING DEVICES shall be easily readable and have a numerical scale, printed record, or digital readout in increments no greater than 2°F or over the intended range of use.

114159. Food temperature measuring devices

- (a) Except for VENDING MACHINES, an accurate, easily readable, metal probe thermometer suitable for measuring the temperature of FOOD shall be readily available on the PREMISES of each FOOD FACILITY holding POTENTIALLY HAZARDOUS FOOD.
- (b) A FOOD 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 fillets.
- (c) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to +/-2°F in the intended range of use.
- (d) FOOD TEMPERATURE MEASURING DEVICES shall 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.

114161. Equipment, clothes washers and dryers, and storage cabinets, contamination prevention

- (a) Except as specified in subdivision (b), 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-USE ARTICLES shall not be in any of the following locations:
 - (1) In locker rooms.
 - (2) In toilet rooms.
 - (3) In REFUSE 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.
 - (8) Under other sources of contamination.
- (b) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and located only where there is no exposed FOOD, clean EQUIPMENT, UTENSILs, and LINENS, and unwrapped SINGLE-USE ARTICLES.

114163. Food preparation sinks

- (a) Except as specified in subdivision (b), a FOOD PREPARATION sink shall be provided in PERMANENT FOOD FACILITIES for the washing, rinsing, soaking, thawing, or similar preparation of FOODs.
 - (1) The FOOD PREPARATION sink shall have a minimum dimension of 18 inches by 18 inches in length and width and 12 inches in depth with an integral drainboard or adjacent table at least 18 inches by 18 inches in length and width.
 - (2) The FOOD PREPARATION sink shall be located in the FOOD PREPARATION area, provided exclusively for FOOD PREPARATION, and accessible at all times.
 - (3) The sink shall be equipped with an adequate supply of hot and cold running water through a mixing valve.
- (b)
 - (1) FOOD facilities that were APPROVED for operation without a FOOD PREPARATION sink prior to the effective date of this part need not provide a FOOD PREPARATION sink unless the FOOD FACILITY makes a MENU CHANGE or changes their method of operation.

- (2) The ENFORCEMENT OFFICER may approve other methods where the installation of a FOOD PREPARATION sink would not be readily feasible.

114165. Case lot handling equipment, moveability

Dollies, pallets, racks, and skids used to store and transport large quantities of PREPACKAGED FOODS received from a supplier in a cased or overwrapped lot shall be designed to be moved by hand or by conveniently available hand trucks or forklifts.

114167. Beverage tubing, separation

BEVERAGE tubing and cold-plate BEVERAGE cooling devices shall not be installed in contact with stored ice intended to be used for FOOD or BEVERAGES. This section shall not apply to cold plates that are constructed integrally with an ice storage bin.

114169. 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 one millimeter or one thirty-second inch.
 - (3) SEALED to adjoining EQUIPMENT or walls, if the EQUIPMENT is exposed to spillage or seepage.
- (b) Except as specified in subdivisions (c) and (d), floor-mounted EQUIPMENT that is not EASILY MOVABLE shall be SEALED to the floor or elevated on legs that provide at least a six-inch clearance between the floor and the EQUIPMENT.
- (c) Notwithstanding subdivision (b), this section shall not apply to display shelving units, display REFRIGERATION UNITS, and display freezer units located in the CONSUMER shopping areas of a FOOD FACILITY if the floor under the units is maintained clean.
- (d) TABLE-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be installed to allow cleaning of the EQUIPMENT and areas underneath and around the EQUIPMENT by being SEALED to the table or elevated on legs that provide at least a four-inch clearance between the table and the EQUIPMENT.

114171. Ice units, separation of drains

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

114172. Pressurized cylinders

All pressurized cylinders shall be securely fastened to a rigid structure.

Article 4. Maintenance and Operation

114175. Good repair

EQUIPMENT and UTENSILS shall be kept clean, fully operative, and in good repair.

114177. 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.

114178. Storing equipment, utensils, linens, and single-use articles

- (a) Except as specified in subdivision (d), cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-USE ARTICLES shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.
- (b) Clean EQUIPMENT and UTENSILS shall be stored as specified in subdivision (a) and shall be stored covered or inverted in a self-draining position that allows air drying.
- (c) SINGLE-USE ARTICLES shall be stored as specified under subdivision (a) 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 six inches above the floor on dollies, pallets, racks, and skids that are designed as to be EASILY MOVABLE.

114179. Storage prohibitions

- (a) Except as specified in subdivision (b), cleaned and sanitized EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-USE ARTICLES shall not be stored in any of the following locations:
 - (1) In locker rooms.
 - (2) In toilet rooms.
 - (3) In REFUSE 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.
 - (8) Under other sources of contamination.
- (b) Laundered LINENS and SINGLE-USE ARTICLES that are packaged or in a storage compartment may be stored in a locker room.

114180. 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 maintained in accordance with manufacturer's specifications and cleaned in accordance with manufacturer's specifications or according to the procedures specified in subdivision (b), whichever is more stringent.
- (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.
 - (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution.
 - (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation.
 - (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with an APPROVED sanitizer as specified in Section 114099.6.
- (c) No fogging devices installed after the effective date of this part shall use a reservoir for holding water for fogging, but shall employ water under pressure for fogging or misting of FOODs.

114182. Electrical power requirements

Electrical power shall be supplied at all times to operate the APPROVED exhaust, lighting, electric water heaters and REFRIGERATION UNITS, and any other accessories and appliances that may be installed in a FOOD FACILITY.

Article 5. Linens

114185. Linen, use limitation

Linen shall not be used in contact with FOOD unless they are used to line a container for the service of FOODs and the LINENS are replaced each time the container is refilled for a new CONSUMER and laundered prior to reuse.

114185.1. Wiping cloths, use limitation

- (a) Wiping cloths that are in use for cleaning FOOD spills shall not be used for any other purpose.
- (b) Cloths used for wiping FOOD spills shall be dry and used for cleaning FOOD spills from TABLEWARE and carry-out containers or used only once, or if used repeatedly, held in a sanitizing solution of an APPROVED concentration as specified in Section 114099.6.
- (c) Dry or wet cloths that are used with raw FOODs of animal origin shall be kept separate from cloths used for other purposes, and wet cloths used with raw FOODs of animal origin shall be kept in a separate sanitizing solution.
- (d) Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of FOOD debris and visible soil.
- (e) Working containers of sanitizing solutions for storage of in-use wiping cloths shall be used in a manner to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, or SINGLE-USE ARTICLES.

114185.2. Clean linens

Clean LINENS shall be free of FOOD residues and other soiling matter.

114185.3. Laundering specifications

- (a) LINENS that do not come in direct contact with FOOD shall be laundered when they become wet, sticky, or visibly soiled.
- (b) Cloth gloves shall be laundered before being used with a different type of raw FOOD of animal origin such as beef, lamb, pork, FISH and POULTRY.
- (c) 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.

114185.4. Storage of linens

- (a) Adequate and suitable space shall be provided for the storage of clean LINENS.
- (b) 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-USE ARTICLES.

114185.5. Use of laundry facilities

- (a) Laundry facilities on the PREMISES of a FOOD FACILITY shall be used only for the washing and drying of items used in the operation of the establishment.
- (b) If work clothes or LINENS are laundered on the PREMISES, a mechanical clothes washer and dryer shall be provided and used.

Chapter 7 Water, Plumbing, and Waste

Article 1. Water

114189. Enforcement of potable water standards

The ENFORCEMENT AGENCY may monitor and enforce the potable drinking water standards in the California Safe Drinking Water Act (Chapter 4 commencing with Section 116275) for purposes of enforcing this part and compliance with any requirements with regard to POTABLE WATER, as defined in Section 113869.

114189.1. Boiler water additives, criteria

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

114190. Approved plumbing system

All plumbing and PLUMBING FIXTUREs shall be installed in compliance with applicable local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair.

114192. Approved water supply system

- (a) An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided. Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet, unless otherwise specified in this part. The water supply shall be from a water system APPROVED by the health officer or the local ENFORCEMENT AGENCY.
- (b) Any hose used for conveying POTABLE WATER shall be constructed of nontoxic materials, shall be used for no other purpose, and shall be clearly labeled as to its use. The hose shall be stored and used so as to be kept free of contamination.

- (c) The POTABLE WATER supply shall be protected with a backflow or back siphonage protection device when required by applicable plumbing codes. Exposed piping of a nonPOTABLE WATER system shall be identified so that it is readily distinguishable from piping that carries POTABLE WATER.

114192.1. Pressure

- (a) Water under pressure shall be permanently plumbed to all fixtures, EQUIPMENT, and nonFOOD EQUIPMENT that are required to use water, except for water supplied to nonpermanent FOOD facilities.
- (b) Water under pressure shall be provided at a sufficient level as specified by the Uniform Plumbing Code and manufacturer's specifications for EQUIPMENT and fixtures in the FOOD FACILITY.

114193. Backsiphonage prevention

- (a) All steam tables, ice machines and bins, FOOD PREPARATION sinks, WAREWASHING sinks, display cases, walk-in REFRIGERATION UNITS, and other similar EQUIPMENT that discharge liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an airgap into a floor sink or other APPROVED type of receptor.
- (b) Drainage from reach-in REFRIGERATION UNITS shall be conducted in a sanitary manner to a floor sink or other APPROVED device by an indirect connection or to a properly installed and functioning evaporator.
- (c) Indirect waste receptors shall be located to be readily accessible for inspection and cleaning.
- (d) WAREWASHING machines may be connected directly to the sewer immediately downstream from a floor drain, or they may be drained through an APPROVED indirect connection.
- (e) WAREWASHING sinks in use on January 1, 1996, that are directly plumbed may be continued in use. This section does not require WAREWASHING sinks to be indirectly plumbed when the local building official determines that the sink should be directly plumbed.

114193.1. Backflow prevention methods

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 one inch.

114195. Capacity

- (a) The water source and system shall be of sufficient capacity to meet the peak water demands of the FOOD FACILITY.
- (b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the FOOD FACILITY.

Article 2. Liquid Waste

114197. Approved liquid waste disposal system

Liquid waste shall be disposed of through the APPROVED PLUMBING SYSTEM and shall discharge into the public sewerage or into an APPROVED private sewage disposal system.

114199. 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 for complete draining.

114201. Grease trap/interceptor

- (a) If provided, a grease trap or grease interceptor shall not be located in a FOOD or UTENSIL handling area unless specifically APPROVED by the ENFORCEMENT AGENCY.
- (b) Grease traps and grease interceptors shall be easily accessible for servicing.
- (c) Notwithstanding subdivision (a), those FOOD facilities APPROVED with a grease trap or grease interceptor that are in operation before the effective date of this part are not required to comply with this section.

114217. Potable water tanks, capacity

- (a) A POTABLE WATER tank of sufficient capacity to furnish an adequate quantity of POTABLE WATER for FOOD PREPARATION, WAREWASHING, and handwashing purposes shall be provided for nonpermanent FOOD facilities.
- (b) At least five gallons of water shall be provided exclusively for handwashing for each NONPERMANENT FOOD FACILITY. Any water need for other purposes shall be in addition to the five gallons for handwashing.
- (c) Except as specified in subdivision (d), at least 25 gallons of water shall be provided for FOOD PREPARATION and WAREWASHING.
- (d) At least 15 gallons of water shall be provided for nonpermanent FOOD facilities that conduct LIMITED FOOD PREPARATION.
- (e) The water delivery system shall deliver at least one gallon per minute to each sink basin.

114219. Potable water tanks, enclosed system

A POTABLE WATER tank shall be enclosed from the filling inlet to the discharge outlet and emptied to ensure complete drainage of the tank.

114221. Potable water tanks, inspection and cleaning port

- (a) Water tanks shall be designed with an access port for inspection and cleaning. The access port shall be in the top of the tank and flanged upward at least one-half inch and equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place and flanged to overlap the opening and sloped to drain.
- (b) Notwithstanding subdivision (a), water tanks that are not accessible for inspection may comply with this section by submitting written operational procedures for the cleaning and sanitizing of the POTABLE WATER tank. The ENFORCEMENT AGENCY shall review and approve the procedures prior to implementation and an APPROVED copy shall be kept on the MOBILE FOOD FACILITY during hours of operation.

114223. Potable water tanks, "V" type threads, use limitation

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

114225. Potable water tanks, inlet and outlet

- (a) POTABLE WATER tanks shall be installed in a manner that will allow water to be filled with an easily accessible inlet.
- (b) A POTABLE WATER tank's inlet and outlet shall be positioned so that they are protected from contaminants such as waste discharge, dust, oil, or grease.
- (c) NONPERMANENT FOOD FACILITIES shall be provided with a connection of a size and type that will prevent its use for any other service and shall be constructed so that backflow and other contamination of the water supply is prevented.

114227. Potable water tanks, filter

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and POTABLE WATER system when compressed air is used to pressurize the water tank system.

114229. Potable water tanks, protective cover or device

If not in use, a POTABLE WATER tank and hose inlet and outlet fitting shall be protected using a cap and keeper chain, quick disconnect, closed cabinet, closed storage tube, or other APPROVED protective cover or device.

114231. Potable water tank inlet

A NONPERMANENT FOOD FACILITY's POTABLE WATER tank inlet shall be three-fourths inch in inner diameter or less and provided with a hose connection of a size or type that will prevent its use for any other service.

114233. Potable water tanks, system flushing and disinfection

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

114235. Potable water tank, using a pump and hoses, backflow prevention

A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

114238. Potable water tanks, tank, pump, and hoses dedication

A water tank, pump, and hoses used for conveying POTABLE WATER shall not be used for any other purpose.

114239. Potable water tanks, refilling and storage

- (a) POTABLE WATER tanks may be constructed in a manner that will allow for a POTABLE WATER tank to be removed from within the NONPERMANENT FOOD FACILITY compartments for refilling or replacing.
- (b) Refilling of a POTABLE WATER tank shall be conducted through an APPROVED and sanitary method, such as at the COMMISSARY.
- (c) Storage of any prefilled water tank, or empty and clean water tanks, or both, shall be within the NONPERMANENT FOOD FACILITY or in an APPROVED manner that will protect against contamination.

114240. Wastewater tanks, capacity and drainage

- (a) Wastewater tanks shall be of a capacity commensurate with the level of FOOD handling activity.
- (b) Wastewater tanks shall have a minimum capacity that is 50 percent greater than the POTABLE WATER tanks. In no case shall the wastewater capacity be less than 7.5 gallons. Where POTABLE WATER for the preparation of a FOOD or BEVERAGE is supplied, an additional wastewater tank capacity equal to at least 15 percent of the water supply shall be provided.
- (c) Additional wastewater tank capacity may be required where wastewater production is likely to exceed tank capacity.
- (d) Where ice is utilized in the storage, display, or service of FOOD or BEVERAGES, an additional minimum wastewater holding tank shall be provided with a capacity equal to one-third of the volume of the ice cabinet to accommodate the drainage of ice melt.
- (e) Wastewater tanks on nonpermanent FOOD facilities shall be equipped with a shut-off valve.

114241. Wastewater tanks, removing wastes

- (a) Wastewater tanks may be constructed in a manner that will allow the wastewater tank to be removed from within the APPROVED NONPERMANENT FOOD FACILITY compartments for replacing.
- (b) RETAIL FOOD operations shall cease during removal and replacement of tanks.
- (c) Sewage and other liquid wastes shall be removed from a NONPERMANENT FOOD FACILITY at an APPROVED waste servicing area or by an APPROVED sewage transport vehicle in such a way that a public health HAZARD or nuisance is not created.

114242. Wastewater tanks, flushing

Wastewater tanks shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

Article 4. Refuse

114244. Receptacles, capacity and availability

- (a) Each FOOD FACILITY shall be provided with any facilities and EQUIPMENT necessary to store or dispose of all waste material.
- (b) Waste receptacles shall be provided for use by CONSUMERS.
- (c) A receptacle shall be provided in each area of the FOOD FACILITY or PREMISES where REFUSE is generated or commonly discarded, or where recyclables or returnables are placed.

114245. Storage areas, receptacles and waste handling units, location

- (a) An area designated for REFUSE, recyclables, returnables, and 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) Receptacles and waste handling units for REFUSE, recyclables, and returnables shall not be located so as to create a public health HAZARD or nuisance or interfere with the cleaning of adjacent space.

114245.1. Disposal of refuse

- (a) All REFUSE, recyclables, and returnables shall be kept in nonabsorbent, durable, cleanable, leakproof, and rodentproof containers and shall be contained so as to minimize odor and insect development by covering with close-fitting lids or placement in a disposable bag that is impervious to moisture and then SEALED.
- (b) Trash containers inside a FOOD FACILITY need not be covered during periods of operation.
- (c) All REFUSE shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.
- (d) Storage areas, enclosures, and receptacles for REFUSE, recyclables, and returnables shall be maintained in good repair.
- (e) 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.

114245.2. Outside storage prohibitions

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.

114245.3. Indoor storage area for refuse, recyclables, and returnables

If located within the FOOD FACILITY, a storage area for REFUSE, recyclables, and returnables shall meet the requirements for floors, walls, ceilings, and VERMIN exclusion as specified in this part.

114245.4. Outdoor refuse area

If provided, an outdoor storage area or enclosure used for REFUSE, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be EASILY CLEANABLE, durable, and sloped to drain.

114245.5. Outside receptacle

Receptacles and waste handling units for REFUSE and recyclables shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

114245.6. 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 wastewater shall be disposed of as specified under Section 114241.
- (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.

114245.7. Refuse cleaning implements and supplies

- (a) Except as specified in subdivision (b), 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.

