DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to sections 4 and 10 of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246: D.C. Official Code §§ 48-104 and 48-110 (2009 Repl.)); section 7 of An Act Making Appropriations to provide for the expenses for the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes (32 Stat.627: D.C. Official Code § 47-2834(a)(1), (a)(2), and (b) (2005 Repl.)); and Mayor's Order 2002-103, dated June 18, 2002 and Mayor's Order 98-139, dated August 20, 1998, hereby gives notice of the intent to repeal subsections 513.7, 513.8, 513.9, and 513.10 of title 24 of the District of Columbia Municipal Regulations (DCMR); and to replace subtitle A (Food and Food Operations) of title 25 (Food Operations and Community Hygiene Facilities) of the DCMR in its entirety. The proposed rules will incorporate (1) new provisions to include new definitions; (2) a new employee health section based on new science regarding the agents that are most likely to be transmitted from an infected food worker through food; (3) new procedures for reduced oxygen packaging of cheeses; (4) new procedures for date marking on high-risk foods; (5) new temperature requirements; (6) new variance and Hazard Analysis Critical Control Point (HACCP) provisions that provide specific times and temperatures for processing various products; (7) and other amendments recommended in the United States Food and Drug Administration's 2001, 2005 and 2009 Model Food Codes, 2007 Supplement to the 2005 Model Food Code, and its recent 2011 Supplement to the 2009 Model Food Code.

On May 4, 2012, the Notice of Proposed Rulemaking was published in the *D.C. Register* at 59 - No.18 DCR 004269. The Department did not receive any comments and no changes were made to the proposed rules. Sections 4 and 10 of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246: D.C. Official Code §§ 48-104 and 48-110 (2009 Repl.)) requires a forty-five (45) day Council review period in which the proposed rules must be approved or disapproved in whole or part, by resolution otherwise the proposed rules would be deemed disapproved. These rules will take effect immediately upon publication of this notice in the *D.C. Register*.

Chapter 5 (Vendors and Solicitors) of title 24 (Public Space and Safety) of the DCMR is amended by repealing subsections 513.7, 513.8, 513.9 and 513.10.

Subtitle A (Food and Food Operations) of title 25 (Food Operations and Community Hygiene Facilities) of the DCMR is amended to read as follows:

SUBTITLE A OF 25 DCMR

FOOD AND FOOD OPERATIONS

TABLE OF CONTENTS

SECTION **SUBJECT**

I. PURPOSE

CHAPTER 1 TITLE, INTENT, AND SCOPE

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

II. MANAGEMENT AND PERSONNEL

CHAPTER 2 SUPERVISION & TRAINING OF FOOD EMPLOYEES

200 RESPONSIBILITY – ASSIGNMENT & QUALIFICATION OF PERSON IN CHARGE
201 KNOWLEDGE – PERSON IN CHARGE
202 DUTIES – PERSON IN CHARGE
203 CERTIFICATION AND DISTRICT-ISSUED ID REQUIREMENTS – FOOD PROTECTION MANAGER, PERSON IN CHARGE

CHAPTER 3 FOOD EMPLOYEE/APPLICANT HEALTH

300 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF FOOD EMPLOYEE AND CONDITIONAL EMPLOYEES TO REPORT SYMPTOMS AND DIAGNOSIS
301 DISEASE OR MEDICAL CONDITION – RESPONSIBLITIY OF PERSON IN CHARGE TO REPORT SPECIFIC ILLNESS OF FOOD EMPLOYEE TO THE DEPARTMENT
302 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF PERSON IN CHARGE TO PROHIBIT A CONDITIONAL EMPLOYEE WITH A SPECIFIC ILLNESS FROM BECOMING A FOOD EMPLOYEE
303 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF PERSON IN CHARGE TO EXCLUDE OR RESTRICT ILL FOOD EMPLOYEES
304 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF FOOD EMPLOYEES TO COMPLY WITH EXCLUSIONS OR RESTRICTIONS
305 DISEASE OR MEDICAL CONDITION – CONDITIONS REQUIRING EXCLUSION OF ILL FOOD EMPLOYEES

306 DISEASE OR MEDICAL CONDITION – CONDITIONS REQUIRING EXCLUSION OR RESTRICTION OF ILL FOOD EMPLOYEES
307 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF PERSON IN CHARGE TO REMOVE, ADJUST, OR RETAIN EXCLUSIONS AND RESTRICTIONS OF ILL FOOD EMPLOYEES

CHAPTER 4 PERSONAL CLEANLINESS OF FOOD EMPLOYEES

400 HANDS AND ARMS – CLEAN CONDITION
401 HANDS AND ARMS – CLEANING PROCEDURE
402 HANDS AND ARMS – WHEN TO WASH
403 HANDS AND ARMS – WHERE TO WASH
404 HANDS AND ARMS – HAND ANTISEPTICS
405 HANDS AND ARMS – FINGERNAIL MAINTENANCE
406 HANDS AND ARMS – JEWELRY PROHIBITION
407 OUTER CLOTHING – CLEAN CONDITION

CHAPTER 5 HYGIENIC PRACTICES OF FOOD EMPLOYEES

500 FOOD CONTAMINATION PREVENTION – EATING, DRINKING, OR USING TOBACCO
501 FOOD CONTAMINATION PREVENTION – DISCHARGES FROM THE EYES, NOSE, AND MOUTH
502 FOOD CONTAMINATION PREVENTION – HAIR RESTRAINTS, EFFECTIVENESS
503 FOOD CONTAMINATION PREVENTION – ANIMALS, PROHIBITION ON HANDLING
504 RESPONDING TO CONTAMINATION EVENTS – CLEAN-UP OF VOMITING AND DIARRHEAL EVENTS

III. FOOD

CHAPTER 6 CHARACTERISTICS OF FOOD

600 CONDITION OF FOOD

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

700 SOURCES – COMPLIANCE WITH FOOD LAWS
701 SOURCES – FOOD IN HERMETICALLY SEALED CONTAINERS
702 SOURCES – FLUID MILK AND MILK PRODUCTS
703 SOURCES – FISH
704 SOURCES – MOLLUSCAN SHELLFISH
705 SOURCES – WILD MUSHROOMS
706 SOURCES – GAME ANIMALS
707 SPECIFICATIONS FOR RECEIVING – TEMPERATURE
708 SPECIFICATIONS FOR RECEIVING – ADDITIVES
709 SPECIFICATIONS FOR RECEIVING – EGGS

710 SPECIFICATIONS FOR RECEIVING – EGGS AND MILK PRODUCTS, PASTEURIZED
711 SPECIFICATIONS FOR RECEIVING – PACKAGE INTEGRITY
712 SPECIFICATIONS FOR RECEIVING – ICE
713 SPECIFICATIONS FOR RECEIVING – SHUCKED SHELLFISH, PACKAGING AND IDENTIFICATION
714 SPECIFICATIONS FOR RECEIVING – SHELLSTOCK IDENTIFICATION
715 SPECIFICATIONS FOR RECEIVING – SHELLSTOCK, CONDITION
716 ORIGINAL CONTAINERS AND RECORDS – MOLLUSCAN SHELLFISH
717 ORIGINAL CONTAINERS AND RECORDS – SHELLSTOCK, MAINTAINING IDENTIFICATION
718 ORIGINAL CONTAINERS AND RECORDS – PULL DATES
719 COMMERCIAL PROCESSED – JUICE, TREATED

CHAPTER 8 PROTECTION OF FOODS FROM CONTAMINATION AFTER RECEIVING

800 PREVENTING CONTAMINATION BY EMPLOYEES – FROM HANDS
801 PREVENTING CONTAMINATION BY EMPLOYEES – WHEN TASTING
802 PREVENTING CROSS CONTAMINATION – SEPARATION, PACKAGING AND SEGREGATION
803 PREVENTING FOOD AND INGREDIENT CONTAMINATION – FOOD STORAGE CONTAINERS, IDENTIFIED WITH COMMON NAME OF FOOD
804 PREVENTING FOOD AND INGREDIENT CONTAMINATION – PASTEURIZED EGGS, SUBSTITUTE FOR RAW SHELL EGGS FOR CERTAIN RECIPES
805 PREVENTING FOOD AND INGREDIENT CONTAMINATION – PROTECTION FROM UNAPPROVED ADDITIVES
806 PREVENTING FOOD AND INGREDIENT CONTAMINATION – WASHING FRUITS AND VEGETABLES
807 PREVENTING CONTAMINATION FROM ICE USED AS EXTERIOR COOLANT – PROHIBITED AS AN INGREDIENT
808 PREVENTING CONTAMINATION FROM EQUIPMENT AND UTENSILS – STORAGE OR DISPLAY OF FOOD IN CONTACT WITH WATER OR ICE
809 PREVENTING CONTAMINATION FROM EQUIPMENT AND UTENSILS – FOOD CONTACT WITH EQUIPMENT AND UTENSILS
810 PREVENTING CONTAMINATION FROM UTENSILS – IN-USE UTENSILS, BETWEEN-USE STORAGE
811 PREVENTING CONTAMINATION FROM LINENS AND NAPKINS – USE LIMITATION
812 PREVENTING CONTAMINATION FROM WIPING CLOTHS – USE LIMITATION

813 PREVENTING CONTAMINATION FROM GLOVES – USE LIMITATION
814 PREVENTING CONTAMINATION FROM TABLEWARE – USING CLEAN TABLEWARE FOR SECOND PORTIONS AND REFILLS
815 PREVENTING CONTAMINATION – REFILLING RETURNABLES
816 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD STORAGE
817 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD STORAGE, PROHIBITED AREAS
818 PREVENTING CONTAMINATION FROM THE PREMISES – VENDED POTENTIALLY HAZARDOUS FOOD (TIME/ TEMPERATURE CONTROL FOR SAFETY FOOD), ORIGINAL CONTAINER
819 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD PREPARATION
820 PREVENTING CONTAMINATION BY CONSUMERS – FOOD DISPLAY
821 PREVENTING CONTAMINATION BY CONSUMERS – CONDIMENTS, PROTECTION
822 PREVENTING CONTAMINATION BY CONSUMERS – CONSUMER SELF-SERVICE OPERATIONS
823 PREVENTING CONTAMINATION BY CONSUMERS – RETURNED FOOD, RESERVICE OF FOOD
824 PREVENTING MISCELLANEOUS SOURCES OF CONTAMINATION

CHAPTER 9 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

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

CHAPTER 10 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

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

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

1100 ACCURATE REPRESENTATION – STANDARDS OF IDENTITY
1101 ACCURATE REPRESENTATION – HONESTLY PRESENTED
1102 FOOD LABELING REQUIREMENTS
1103 FOOD LABELING REQUIREMENTS – COMMINUTED MEATS
1104 DISPLAYING OTHER FORMS OF INFORMATION
1105 CONSUMER ADVISORY – CONSUMING RAW OR UNDERCOOKED ANIMAL FOODS

CHAPTER 12 CONTAMINATED OR ADULTERATED FOOD

1200 DISPOSITION – DISCARDING OR RECONDITIONING

CHAPTER 13 SPECIAL REQUIREMENTS FOR FOODS FOR HIGHLY SUSCEPTIBLE POPULATIONS

1300 ADDITIONAL SAFEGUARDS – PASTEURIZED FOODS, PROHIBITED RESERVICE, AND PROHIBITED FOODS

IV. EQUIPMENT, UTENSILS, AND LINENS

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

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

CHAPTER 15 DESIGN AND CONSTRUCTION OF EQUIPMENT, UTENSILS, AND LINENS

1500 DURABILITY AND STRENGTH – EQUIPMENT AND UTENSILS
1501 DURABILITY AND STRENGTH – FOOD TEMPERATURE MEASURING DEVICES
1502 CLEANABILITY – FOOD-CONTACT SURFACES
1503 CLEANABILITY – CIP EQUIPMENT
1504 V-THREADS, USE LIMITATION
1505 CLEANABILITY – HOT OIL FILTERING EQUIPMENT
1506 CLEANABILITY – CAN OPENERS
1507 CLEANABILITY – NONFOOD-CONTACT SURFACES
1508 CLEANABILITY – KICK PLATES, REMOVABLE
1509 CLEANABILITY, OPERATION & MAINTENANCE – VENTILATION HOOD SYSTEMS, FILTERS AND GREASE EXTRACTORS
1510 ACCURACY – TEMPERATURE MEASURING DEVICES, FOOD
1511 ACCURACY – TEMPERATURE MEASURING DEVICES, AMBIENT AIR AND WATER
1512 ACCURACY – PRESSURE MEASURING DEVICES, MECHANICAL WAREWASHING EQUIPMENT
1513 FUNCTIONALITY – VENTILATION HOOD SYSTEMS, DRIP PREVENTION
1514 FUNCTIONALITY – EQUIPMENT OPENINGS, CLOSURES AND DEFLECTORS
1515 FUNCTIONALITY – DISPENSING EQUIPMENT, PROTECTION OF EQUIPMENT AND FOOD
1516 FUNCTIONALITY – VENDING MACHINE, VENDING STAGE CLOSURE

1517 FUNCTIONALITY – BEARINGS AND GEAR BOXES, LEAKPROOF
1518 FUNCTIONALITY – BEVERAGE TUBING, SEPARATION
1519 FUNCTIONALITY – ICE UNITS, SEPARATION OF DRAINS
1520 FUNCTIONALITY – CONDENSER UNIT, SEPARATION
1521 FUNCTIONALITY – CAN OPENERS ON VENDING MACHINES
1522 FUNCTIONALITY – MOLLUSCAN SHELLFISH TANKS
1523 FUNCTIONALITY – VENDING MACHINES, AUTOMATIC SHUTOFF
1524 FUNCTIONALITY – TEMPERATURE MEASURING DEVICES
1525 FUNCTIONALITY – WAREWASHING MACHINE, DATA PLATE OPERATING SPECIFICATIONS
1526 FUNCTIONALITY – WAREWASHING MACHINES, INTERNAL BAFFLES
1527 FUNCTIONALITY – WAREWASHING MACHINES, TEMPERATURE MEASURING DEVICES
1528 FUNCTIONALITY – MANUAL WAREWASHING EQUIPMENT, HEATERS AND BASKETS
1529 FUNCTIONALITY – WAREWASHING MACHINES, AUTOMATIC DISPENSING OF DETERGENTS AND SANITIZERS
1530 FUNCTIONALITY – WAREWASHING MACHINES, FLOW PRESSURE DEVICE
1531 FUNCTIONALITY – WAREWASHING SINKS AND DRAINBOARDS, SELF DRAINING
1532 FUNCTIONALITY – EQUIPMENT COMPARTMENTS, DRAINAGE
1533 FUNCTIONALITY – VENDING MACHINES, LIQUID WASTE PRODUCTS
1534 FUNCTIONALITY – CASE LOT HANDLING APPARATUSES, MOVEABILITY
1535 FUNCTIONALITY – VENDING MACHINE DOORS AND OPENINGS
1536 ACCEPTABILITY – FOOD EQUIPMENT, CERTIFICATION AND CLASSIFICATION

CHAPTER 16 NUMBERS AND CAPACITIES OF EQUIPMENT, UTENSILS AND LINENS

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

1607 TEMPERATURE MEASURING DEVICES – MANUAL WAREWASHING
1608 TESTING DEVICES – SANITIZING SOLUTIONS

CHAPTER 17 LOCATION AND INSTALLATION OF EQUIPMENT

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

CHAPTER 18 MAINTENANCE AND OPERATION OF EQUIPMENT AND UTENSILS

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

CHAPTER 19 CLEANING OF EQUIPMENT AND UTENSILS

1900 OBJECTIVE – CLEANING
1901 FREQUENCY – EQUIPMENT, FOOD-CONTACT SURFACES, AND UTENSILS
1902 FREQUENCY – COOKING AND BAKING EQUIPMENT
1903 FREQUENCY – NONFOOD-CONTACT SURFACES
1904 METHODS – DRY CLEANING
1905 METHODS – PRECLEANING
1906 METHODS – LOADING OF SOILED ITEMS, WAREWASHING MACHINES
1907 METHODS – WET CLEANING
1908 METHODS – WASHING, PROCEDURES FOR ALTERNATIVE MANUAL WAREWASHING EQUIPMENT
1909 METHODS – RINSING PROCEDURES
1910 METHODS – CLEANING FOR REFILLING OF RETURNABLES

CHAPTER 20 SANITIZATION OF EQUIPMENT AND UTENSILS

2000 OBJECTIVE – FOOD CONTACT SURFACES AND UTENSILS
2001 FREQUENCY – BEFORE USE AFTER CLEANING
2002 METHODS – HOT WATER AND CHEMICAL

CHAPTER 21 LAUNDERING OF LINENS

2100 OBJECTIVE – CLEAN LINENS
2101 FREQUENCY – SPECIFICATIONS
2102 METHODS – STORAGE OF SOILED LINENS
2103 METHODS – MECHANICAL WASHING
2104 METHODS – USE OF LAUNDRY FACILITIES

CHAPTER 22 PROTECTION OF CLEAN EQUIPMENT, UTENSILS, AND LINENS

2200 DRYING – EQUIPMENT AND UTENSILS, AIR DRYING REQUIRED
2201 DRYING – WIPING CLOTHS, AIR DRYING LOCATIONS
2202 LUBRICATING AND REASSEMBLING – FOOD-CONTACT SURFACES, AND EQUIPMENT
2203 STORING – EQUIPMENT, UTENSILS, LINENS, AND SINGLE-SERVICE AND SINGLE-USE ARTICLES
2204 STORING – PROHIBITIONS
2205 PREVENTING CONTAMINATION – KITCHENWARE AND TABLEWARE
2206 PREVENTING CONTAMINATION – SOILED AND CLEAN TABLEWARE
2207 PREVENTING CONTAMINATION – PRESET TABLEWARE
2208 PREVENTING CONTAMINATION – RINSING EQUIPMENT

V. WATER, PLUMBING AND WASTE

CHAPTER 23 WATER

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

CHAPTER 24 PLUMBING SYSTEM

2400 MATERIALS – APPROVED MATERIALS, USE
2401 DESIGN, CONSTRUCTION, AND INSTALLATION – APPROVED SYSTEM AND CLEANABLE FIXTURES
2402 DESIGN, CONSTRUCTION, AND INSTALLATION – HANDWASHING SINK, WATER TEMPERATURE, AND FLOW
2403 DESIGN, CONSTRUCTION, AND INSTALLATION – BACKFLOW PREVENTION, AIR GAP
2404 DESIGN, CONSTRUCTION, AND INSTALLATION – BACKFLOW PREVENTION DEVICE, DESIGN STANDARD
2405 DESIGN, CONSTRUCTION, AND INSTALLATION – CONDITIONING DEVICE, DESIGN
2406 NUMBERS AND CAPACITIES – HANDWASHING SINK
2407 NUMBERS AND CAPACITIES – TOILETS AND URINALS
2408 NUMBERS AND CAPACITIES – SERVICE SINKS
2409 NUMBERS AND CAPACITIES – BACKFLOW PREVENTION DEVICE, WHEN REQUIRED
2410 NUMBERS AND CAPACITIES – BACKFLOW PREVENTION DEVICE, CARBONATOR
2411 LOCATION AND PLACEMENT – HANDWASHING SINK
2412 LOCATION AND PLACEMENT– BACKFLOW PREVENTION DEVICE
2413 LOCATION AND PLACEMENT– CONDITIONING DEVICE
2414 OPERATION AND MAINTENANCE – USING A HANDWASHING SINK
2415 OPERATION AND MAINTENANCE – PROHIBITING A CROSS-CONNECTION
2416 OPERATION AND MAINTENANCE – SCHEDULING INSPECTION AND SERVICE FOR A WATER SYSTEM DEVICE

2417 OPERATION AND MAINTENANCE – WATER RESERVOIR OF FOGGING DEVICES, CLEANING
2418 OPERATION AND MAINTENANCE – SYSTEM MAINTAINED IN GOOD REPAIR

CHAPTER 25 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT WATER TANK

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

CHAPTER 26 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER

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

2608 DISPOSAL FACILITY – OTHER LIQUID WASTES AND RAINWATER

CHAPTER 27 REFUSE, RECYCLABLES, AND RETURNABLES

2700 FACILITIES ON PREMISES – INDOOR STORAGE AREAS
2701 FACILITIES ON PREMISES – OUTDOOR STORAGE SURFACE
2702 FACILITIES ON PREMISES – OUTDOOR ENCLOSURE
2703 FACILITIES ON PREMISES – RECEPTACLES
2704 FACILITIES ON PREMISES – RECEPTACLES IN VENDING MACHINES
2705 FACILITIES ON PREMISES – OUTSIDE RECEPTACLES
2706 NUMBERS AND CAPACITIES – STORAGE AREAS, ROOMS, AND RECEPTACLES
2707 NUMBERS AND CAPACITIES – TOILET ROOM RECEPTACLE, COVERED
2708 NUMBERS AND CAPACITIES – CLEANING IMPLEMENTS AND SUPPLIES
2709 LOCATION AND PLACEMENT – STORAGE AREAS, REDEEMING MACHINES, RECEPTACLES AND WASTE HANDLING UNITS
2710 OPERATION AND MAINTENANCE – STORING REFUSE, RECYCLABLES AND RETURNABLES
2711 OPERATION AND MAINTENANCE – AREAS, ENCLOSURES, AND RECEPTACLES, GOOD REPAIR
2712 OPERATION AND MAINTENANCE – OUTSIDE STORAGE PROHIBITIONS
2713 OPERATION AND MAINTENANCE – COVERING RECEPTACLES
2714 OPERATION AND MAINTENANCE – USING DRAIN PLUGS
2715 OPERATION AND MAINTENANCE – REFUSE AREAS AND ENCLOSURES
2716 OPERATION AND MAINTENANCE – CLEANING RECEPTACLES
2717 REMOVAL – FREQUENCY
2718 REMOVAL – RECEPTACLES OR VEHICLES

VI. PHYSICAL FACILITIES

CHAPTER 28 DESIGN, CONSTRUCTION, AND MATERIALS OF PHYSICAL FACILITIES

2800 COMPLIANCE WITH DISTRICT LAWS
2801 DESIGN & CONSTRUCTION ─ BUILDING MATERIALS & WORKMANSHIP
2802 INDOOR AREAS – SURFACE CHARACTERISTICS
2803 OUTDOOR AREAS – SURFACE CHARACTERISTICS

CHAPTER 29 DESIGN, CONSTRUCTION, AND INSTALLATION OF PHYSICAL FACILITIES

2900 CLEANABILITY – FLOORS, WALLS, AND CEILINGS
2901 CLEANABILITY – FLOORS, WALLS, CEILINGS, AND UTILITY LINES
2902 CLEANABILITY – FLOOR AND WALL JUNCTURES, COVED, AND ENCLOSED OR SEALED
2903 CLEANABILTY – FLOOR CARPETING, RESTRICTIONS AND INSTALLATION
2904 CLEANABILITY – FLOOR COVERING, MATS, AND DUCKBOARDS
2905 CLEANABILITY – WALL AND CEILING COVERINGS AND COATINGS
2906 CLEANABILITY – WALLS AND CEILINGS, ATTACHMENTS
2907 CLEANABILITY – WALLS AND CEILINGS, STUDS, JOISTS, AND RAFTERS
2908 FUNCTIONALITY – LIGHT BULBS, PROTECTIVE SHIELDING
2909 FUNCTIONALITY – HEATING, VENTILATING, AIR CONDITIONING SYSTEM VENTS, AND TEMPERATURE
2910 FUNCTIONALITY – INSECT CONTROL DEVICES, DESIGN AND INSTALLATION
2911 FUNCTIONALITY – TOILET ROOMS, ENCLOSED
2912 FUNCTIONALITY – OUTER OPENINGS, PROTECTED
2913 FUNCTIONALITY – EXTERIOR WALLS AND ROOFS, PROTECTIVE BARRIER
2914 FUNCTIONALITY – OUTDOOR FOOD VENDING AREAS, OVERHEAD PROTECTION
2915 FUNCTIONALITY – OUTDOOR SERVICING AREAS, OVERHEAD PROTECTION
2916 FUNCTIONALITY – OUTDOOR WALKING AND DRIVING SURFACES, GRADED TO DRAIN
2917 FUNCTIONALITY – OUTDOOR REFUSE AREAS, CURBED AND GRADED TO DRAIN
2918 FUNCTIONALITY – PRIVATE HOMES AND LIVING OR SLEEPING QUARTERS, USE PROHIBITION
2919 FUNCTIONALITY – LIVING OR SLEEPING QUARTERS, SEPARATION

CHAPTER 30 NUMBERS AND CAPACITIES OF PHYSICAL FACILITIES

3000 HANDWASHING FACILITIES – MINIMUM NUMBER
3001 HANDWASHING FACILITIES – HANDWASHING CLEANSER, AVAILABILITY
3002 HANDWASING FACILITIES – HAND DRYING PROVISION
3003 HANDWASHING FACILITIES – HANDWASHING AIDS AND DEVICES, USE RESTRICTIONS

3004 HANDWASHING FACILITIES – HANDWASHING SIGNAGE
3005 HANDWASHING FACILITIES – DISPOSABLE TOWELS, WASTE RECEPTACLE
3006 TOILETS AND URINALS – MINIMUM NUMBER
3007 TOILETS AND URINALS – TOILET TISSUE, AVAILABILITY
3008 LIGHTING – INTENSITY
3009 VENTILATION – MECHANICAL
3010 DRESSING AREAS AND LOCKERS – DESIGNATION
3011 SERVICE SINKS – AVAILABILITY

CHAPTER 31 LOCATION AND PLACEMENT OF PHYSICAL FACILITIES

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

CHAPTER 32 MAINTENANCE AND OPERATION OF PHYSICAL FACILITIES

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

VII. POISONOUS OR TOXIC MATERIALS

CHAPTER 33 CERTIFICATIONS, LABELING AND IDENTIFICATION OF POISONOUS OR TOXIC MATERIALS

3300 DISTRICT CERTIFICATION REQUIREMENTS – PESTICIDE OPERATORS AND APPLICATORS
3301 ORIGINAL CONTAINERS – IDENTIFYING INFORMATION, PROMINENCE
3302 WORKING CONTAINERS – COMMON NAME

CHAPTER 34 OPERATIONAL SUPPLIES AND APPLICATIONS OF POISONOUS OR TOXIC MATERIALS

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

CHAPTER 35 STOCK AND RETAIL SALE OF POISONOUS OR TOXIC MATERIALS

3500 STORAGE AND DISPLAY – SEPARATION

VIII. ADDITIONAL REQUIREMENTS FOR VENDING, CATERING, AND RESIDENTIAL KITCHENS

CHAPTER 36 [RESERVED]

CHAPTER 37 MOBILE STRUCTURES & TEMPORARY STANDS

3700 LICENSE AND CERTIFICATION REQUIREMENTS ─ PREREQUISITE FOR OPERATION
3701 PRE-OPERATIONAL ASSESSMENTS ─ TYPES OF FOOD, AND FOOD SAFETY ANALYSES
3702 ADDITIONAL PREREQUISITE FOR OPERATION ─ PROPANE PERMIT
3703 ADDITIONAL PREREQUISITE FOR OPERATION ─ HOOD SUPPRESSION SYSTEM, APPROVAL
3704 ADDITIONAL PREREQUISITE FOR OPERATION ─ MOTOR VEHICLE REGISTRATION
3705 APPLICATION PROCEDURE ─ LICENSE, PERIOD FOR SUBMISSION
3706 APPLICATION APPROVAL ─ HEALTH INSPECTION CERTIFICATE, ISSUANCE
3707 FOOD VENDORS ─ PREOPERATIONAL INSPECTIONS, FREQUENCY
3708 DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY ─ FOOD SUPPLIES, PREPARATION, PROTECTION AND RESTRICTIONS
3709 FOOD VENDORS, DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY ─ PERSONAL HEALTH AND HYGIENE
3710 DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY ─ EQUIPMENT AND UTENSILS
3711 DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY ─ PHYSICAL FACILITIES, CONTROL OF REFUSE AND PESTS, AND PROHIBITION OF ANIMALS
3712 CONDITIONS OF LICENSE RETENTION ─ RESPONSIBILITIES OF THE FOOD VENDOR
3713 CONDITIONS OF RETENTION ─ RESPONSIBILITIES OF THE FOOD VENDOR, DISPLAY OF REQUIRED DOCUMENTS
3714 CONDITIONS OF RETENTION ─ RESPONSIBILITIES OF DEPOT, COMMISSARY OR SERVICE SUPPORT FACILITY

CHAPTER 38 RESIDENTIAL KITCHENS IN BED & BREAKFAST OPERATIONS

3800 RESIDENTIAL KITCHENS – LICENSE AND CERTIFICATION REQUIREMENTS, CODE APPLICABILITY

3801 RESIDENTIAL KITCHENS – FOOD SUPPLIES, PREPARATION, PROTECTION AND RESTRICTIONS
3802 RESIDENTIAL KITCHENS – PERSONAL HEALTH AND HYGIENE
3803 RESIDENTIAL KITCHENS – HANDWASHING AND TOILET ROOM FACILITIES
3804 RESIDENTIAL KITCHENS – EQUIPMENT AND UTENSILS
3805 RESIDENTIAL KITCHENS – PHYSICAL FACILITIES
3806 CONDITIONS OF LICENSE RETENTION ─ RESPONSIBILITIES OF LICENSEES OF RESIDENTIAL KITCHENS IN BED & BREAKFAST OPERATIONS

CHAPTER 39 CATERERS

3900 CATERERS – LICENSE AND CERTIFICATION REQUIREMENTS, PREREQUISITE FOR OPERATION
3901 CATERERS – BASE OF OPERATION
3902 CATERERS – NOTIFICATION TO THE DEPARTMENT
3903 CONDITIONS OF LICENSE RETENTION ─ RESPONSIBILITIES OF CATERERS

CHAPTER 40 CATERED ESTABLISHMENTS

4000 CATERED ESTABLISHMENTS – CODE APPLICABILITY
4001 CATERED ESTABLISHMENTS – STORAGE OF POTENTIALLY HAZARDOUS FOOD (TIME/ TEMPERATURE CONTROL FOR SAFETY FOOD)
4002 CATERED ESTABLISHMENTS – RECEIPT OF TRANSPORTED INDIVIDUALLY PORTIONED SERVINGS
4003 CATERED ESTABLISHMENTS – RECEIPT OF HOT OR COLD TRANSPORTED READY-TO-SERVE FOODS IN BULK CONTAINERS
4004 CATERED ESTABLISHMENTS – REHEATING TRANSPORTED COLD FOODS RECEIVED IN BULK CONTAINERS

IX. COMPLIANCE, ENFORCEMENT AND DEFINITIONS

CHAPTER 41 CODE APPLICABILITY

4100 USE FOR INTENDED PURPOSE – PUBLIC HEALTH PROTECTION
4101 PREVENTING HEALTH HAZARDS, PROVISION FOR CONDITIONS NOT ADDRESSED
4102 VARIANCES – CRITERIA, MODIFICATIONS, AND WAIVERS
4103 VARIANCES – APPLICATION, JUSTIFICATION & DOCUMENTATION
4104 VARIANCES – ATTACHMENT OF CONDITIONS
4105 VARIANCES – EFFECT OF ALTERNATIVE

MEASURES OR CONDITIONS
4106 VARIANCES – NOTIFICATION OF DECISION TO GRANT, DENY, OR CHANGE CONDITIONS
4107 VARIANCES – RENEWAL
4108 VARIANCES – DENIAL, REVOCATION, OR REFUSAL TO RENEW

CHAPTER 42 PLAN SUBMISSION AND APPROVAL

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

CHAPTER 43 LICENSE TO OPERATE

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

CHAPTER 44 INSPECTION AND CORRECTION OF VIOLATIONS

4400 FREQUENCY – RISK-BASED INSPECTION SCHEDULE
4401 FREQUENCY – PERFORMANCE AND RISK-BASED FACTORS
4402 ACCESS AND COMPETENCY OF INSPECTORS– RIGHT OF ENTRY, DENIAL A MISDEMEANOR
4403 REPORT OF FINDINGS – DOCUMENTING INFORMATION AND OBSERVATIONS
4404 REPORT OF FINDINGS – SPECIFYING TIME FRAME FOR CORRECTIONS
4405 REPORT OF FINDINGS – ISSUING REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT
4406 REPORT OF FINDINGS – REFUSAL TO SIGN ACKNOWLEDGMENT
4407 REPORT OF FINDINGS – PUBLIC INFORMATION, RECORDS RETENTION
4408 IMMINENT HEALTH HAZARD – CEASING OPERATIONS AND EMERGENCY REPORTING
4409 IMMINENT HEALTH HAZARD OR VIOLATIONS OF PRIORITY ITEMS OR PRIORITY FOUNDATION ITEMS– RESUMPTION OF OPERATIONS
4410 VIOLATIONS OF PRIORITY ITEMS OR PRIORITY FOUNDATION ITEMS – TIME FRAME FOR CORRECTION
4411 VIOLATIONS OF PRIORITY ITEMS OR PRIORITY FOUNDATION ITEMS – VERIFICATION AND DOCUMENTATION OF CORRECTION
4412 VIOLATIONS OF CORE ITEMS – TIME FRAME FOR CORRECTION
4413 REQUEST FOR REINSPECTION

CHAPTER 45 PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY FOOD EMPLOYEE

4500 INVESTIGATION AND CONTROL – OBTAINING INFORMATION, PERSONAL HISTORY OF ILLNESS, MEDICAL EXAMINATION, AND SPECIMEN ANALYSIS
4501 INVESTIGATION AND CONTROL – RESTRICTION OR EXCLUSION OF FOOD EMPLOYEE OR SUMMARY SUSPENSION OF LICENSE
4502 INVESTIGATION AND CONTROL – RESTRICTION OR EXCLUSION ORDER WARNING OR HEARING NOT REQUIRED, INFORMATION REQUIRED IN ORDER
4503 INVESTIGATION AND CONROL – REMOVAL OF EXCLUSIONS AND RESTRICTIONS

CHAPTER 46 NOTICES

4600 SERVICE OF NOTICE – PROPER METHODS
4601 SERVICE OF NOTICE – RESTRICTION OR EXCLUSION,

EMBARGO, CONDEMNATION, OR SUMMARY SUSPENSION ORDERS
4602 SERVICE OF NOTICE – WHEN NOTICE IS EFFECTIVE
4603 SERVICE OF NOTICE – PROOF OF PROPER SERVICE

CHAPTER 47 REMEDIES

4700 CRITERIA FOR SEEKING REMEDIES – CONDITIONS WARRANTING REMEDY
4701 ADMINISTRATIVE –EXAMINING, SAMPLING, AND TESTING FOOD
4702 ADMINISTRATIVE – EMBARGO ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF FOOD
4703 ADMINISTRATIVE – EMBARGO ORDER, CONTENTS
4704 ADMINISTRATIVE – EMBARGO ORDER, OFFICIAL TAGGING OF FOOD
4705 ADMINISTRATIVE – EMBARGO ORDER, FOOD MAY NOT BE USED OR MOVED
4706 ADMINISTRATIVE – EMBARGO ORDER, REMOVING THE OFFICIAL TAG
4707 ADMINISTRATIVE – EMBARGO ORDER, DESTROYING OR DENATURING FOOD
4708 ADMINISTRATIVE – EMBARGO ORDER, WARNING OR HEARING NOT REQUIRED
4709 ADMINISTRATIVE – CONDEMNATION ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF EQUIPMENT, UTENSILS AND LINENS
4710 ADMINISTRATIVE – CONDEMNATION ORDER, CONTENTS
4711 ADMINISTRATIVE – CONDEMNATION ORDER, OFFICIAL TAGGING OF EQUIPMENT, UTENSILS, AND LINENS
4712 ADMINISTRATIVE – CONDEMNATION ORDER, REMOVING THE OFFICIAL TAG
4713 ADMINISTRATIVE – CONDEMNATION ORDER, WARNING OR HEARING NOT REQUIRED
4714 ADMINISTRATIVE – SUMMARY LICENSE SUSPENSION, CONDITIONS WARRANTING ACTION
4715 ADMINISTRATIVE – CONTENTS OF SUMMARY SUSPENSION NOTICE
4716 ADMINISTRATIVE – SUMMARY SUSPENSION, WARNING OR HEARING NOT REQUIRED
4717 ADMINISTRATIVE – SUMMARY SUSPENSION, TIMEFRAME FOR REINSPECTION
4718 ADMINISTRATIVE – SUMMARY SUSPENSION, TERM OF SUSPENSION, REINSTATEMENT
4719 ADMINISTRATIVE – LICENSE REVOCATION OR SUSPENSION
4720 ADMINISTRATIVE – CIVIL PENALTIES, CIVIL FINES, AND NOTICES OF INFRACTIONS
4721 JUDICIAL – CRIMINAL PENALTIES, INJUNCTIVE RELIEF, AND IMPRISONMENT

CHAPTER 48 HEARING ADMINISTRATION

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

CHAPTER 49 JUDICIAL REVIEW

4900 JUDICIAL REVIEW – APPEALS

CHAPTER 99 DEFINITIONS

9900 GENERAL PROVISIONS
9901 DEFINITIONS

I. PURPOSE

CHAPTER 1 TITLE, INTENT, AND SCOPE

100 TITLE ─ FOOD CODE

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

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

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

102 SCOPE ─ STATEMENT

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

102.2 Certain provisions of this Code are identified as priority items, priority foundation items, or core items are as follows:

(a) Priority items are provisions whose application contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury, when there is no other provision that more directly controls the hazard. A priority item is denoted with a superscripted letter "P" $^{(P)}$;

(b) Priority foundation items are provisions whose application supports facilities or enables one (1) or more priority items. A priority foundation item is denoted with superscripted letters "Pf" $^{(Pf)}$; and

(c) Core items are provisions that are not designated as a priority item or a priority foundation item and that usually relate to general sanitation, operational controls, sanitation standards operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

102.3 The provisions of chapters 1 through 49 are supplemental to other rules that apply to specific food operations, and supplement other applicable District rules.

II. MANAGEMENT AND PERSONNEL

CHAPTER 2 SUPERVISION & TRAINING OF FOOD EMPLOYEES

200 RESPONSIBILITY – ASSIGNMENT & QUALIFICATION OF PERSON IN CHARGE

200.1 The licensee shall be the person in charge or shall designate a person in charge, who shall serve as an on-site manager or supervisor. The licensee shall ensure that a person in charge is present at the food establishment during all hours of operation. [Pf]

200.2 The licensee or person in charge shall designate an alternate person in charge to serve as on-site manager or supervisor at all times when the regular person in charge cannot be present.

200.3 Each person in charge shall be adequately trained to ensure that the food establishment operates in compliance with this Code. Each person in charge shall also be a certified food protection manager as required by §203.

200.4 Documentation that each person in charge is a certified food protection manager with knowledge of food safety shall be conspicuously posted in the food establishment next to the food establishment license. Such documentation shall be removed when the individual is no longer employed on-site by the establishment.

201 KNOWLEDGE – PERSON IN CHARGE

201.1 Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request, the person in charge shall demonstrate to the Department of Health (Department) knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point (HACCP) principles, and the requirements of this Code.

201.2 The person in charge shall demonstrate the knowledge required in § 201.1 by:

(a) Complying with this Code by having no violations of critical items during the current inspection; [Pf]

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

(c) Responding correctly to the inspector's questions as they relate to the specific food establishment. The person in charge shall be knowledgeable in the following areas:

(1) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee; [Pf]

(2) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease; [Pf]

(3) Describing the symptoms associated with the diseases that are transmissible through food; [Pf]

(4) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food (time/temperature control for safety food) and the prevention of foodborne illness; [Pf]

(5) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish; [Pf]

(6) Stating the required food temperatures and times for safe cooking of potentially hazardous food (time/temperature control for safety food) including meat, poultry, eggs, and fish; [Pf]

(7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food (time/temperature control for safety food); [Pf]

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

(A) Cross contamination; [Pf]

(B) Hand contact with ready-to-eat foods; [Pf]

(C) Handwashing; [Pf] and

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

(9) Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction; [Pf]

(10) Explaining the relationship between food safety and providing equipment that is sufficient in number and capacity, and properly designed, constructed, located, installed, operated, maintained, and cleaned; [Pf]

(11) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment; [Pf]

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

(13) Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to applicable District of Columbia law; [Pf]

(14) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code; [Pf]

(15) Explaining the details of how the person in charge and food employees comply with the HACCP Plan if a plan is required by this Code, or an agreement between the Department and the establishment; [Pf]

(16) Explaining the responsibilities, rights, and authorities assigned by this Code to the food employee, conditional employee, person in charge, and the Department; and [Pf]

(17) Explaining how the person in charge, food employees, and conditional employee comply with reporting responsibilities and exclusion or restriction of food employees. [Pf]

202 DUTIES – PERSON IN CHARGE

202.1 The person in charge shall ensure that food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in § 2918. [Pf]

202.2 The person in charge shall ensure that persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination. [Pf]

202.3 The person in charge shall ensure that employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Code. [Pf]

202.4 The person in charge shall ensure that employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing. [Pf]

202.5 The person in charge shall ensure that employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt. [Pf]

202.6 The person in charge shall ensure that employees are properly cooking potentially hazardous foods (time/temperature control for safety foods), being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under sections 1510 and 1816.2. [Pf]

202.7 The person in charge shall ensure that employees are using proper methods to rapidly cool potentially hazardous foods (time/temperature control for safety foods) that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling. [Pf]

202.8 The person in charge shall ensure that consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified in section 1105 that the food is not cooked sufficiently to ensure its safety. [Pf]

202.9 The person in charge shall ensure that employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, ph, temperature, and exposure time for chemical sanitizing. [Pf]

202.10 The person in charge shall ensure that consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified in § 814. [Pf]

202.11 The person in charge shall ensure that employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment, except as specified in § 800.4. [Pf]

202.12 The person in charge shall ensure that employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties. [Pf]

202.13 The person in charge shall ensure that food employees and conditional employees are informed of their responsibility to report information about their health and activities as they relate to diseases that are transmissible through food, as specified in § 300.1. [Pf]

203 CERTIFICATION AND DISTRICT-ISSUED ID REQUIREMENTS – FOOD PROTECTION MANAGER, PERSON IN CHARGE

203.1 Each person in charge shall be certified by a food protection manager certification program that is accredited by the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs. Such certified food protection managers shall be deemed in compliance with §201.2(b). P

203.2 A person in charge who is a certified food protection manager as required in §203.1 shall be re-certified every three (3) years. P

203.3 A person in charge who is a certified food protection manager as required in §203.1 shall obtain a District-issued Food Protection Manager Identification Card (ID Card), issued by the Department, and shall renew the District-issued ID Card every three (3) years. P

CHAPTER 3 FOOD EMPLOYEE /APPLICANT HEALTH

300 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF FOOD EMPLOYEES AND CONDITIONAL EMPLOYEES TO REPORT SYMPTOMS AND DIAGNOSIS

300.1 The licensee shall require food employees and conditional employees to report to the person in charge, in accordance with this section, information about their health and activities as they relate to diseases that are transmissible through food.

300.2 A food employee or conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms of an illness or of a diagnosis without symptoms.

300.3 A food employee or conditional employee shall report to the person in charge when he or she has any of the following symptoms:

(a) Vomiting; P

(b) Diarrhea; P

(c) Jaundice; P

(d) Sore throat with fever; P or

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

(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; P

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

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

300.4 A food employee or conditional employee shall report to the person in charge if a licensed physician or physician's assistant has diagnosed him or her with an illness due to:

(a) Norovirus; [P]

(b) Hepatitis A virus; [P]

(c) *Shigella* spp.; [P]

(d) Enterohemorrhagic or Shiga Toxin-Producing Escherichia *coli*; [P] or

(e) *Salmonella Typhi*. [P]

300.5 A food employee or conditional employee shall report to the person in charge if he or she had a previous illness, diagnosed by a licensed physician or physician's assistant, within the past three (3) months due to *Salmonella Typhi*, without having received antibiotic therapy. [P]

300.6 A food employee or conditional employee shall report to the person in charge if he or she has been exposed to, or is the suspected source of, a confirmed disease outbreak involving one of the diseases specified in §300.4, because the food employee or conditional employee:

(a) Consumed or prepared food implicated in the outbreak;

(b) Consumed food at an event prepared by a person who is infected or ill with the disease;

(c) Was exposed by attending or working in a setting where there is a confirmed disease outbreak;

(d) Is living in the same household as an individual who works in or attends a setting where there is a confirmed disease outbreak, and the employee has knowledge of that person's exposure; or

(e) Is living in the same household as an individual diagnosed with an illness and has knowledge of the diagnosis.

300.7 A food employee or conditional employee shall make the report required under §300.6 if the exposure was to:

(a) Norovirus and the most recent exposure occurred within the past forty-eight (48) hours; [P]

(b) Enterohemorrhagic or Shiga Toxin-Producing Escherichia *coli, or Shigella* spp. and the most recent exposure occurred within the past three (3) days; [P]

(c) *Salmonella Typhi* and the most recent exposure occurred within the past fourteen (14) days; [P] or

(d) Hepatitis A virus and the most recent exposure occurred within thirty (30) days. [P]

301 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF PERSON IN CHARGE TO REPORT SPECIFIC ILLNESS OF FOOD EMPLOYEE TO THE DEPARTMENT

301.1 The person in charge shall notify the Department when a food employee is:

(a) Jaundiced; [Pf] or

(b) Diagnosed with an illness due to a pathogen specified in §300.4. [Pf]

302 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF PERSON IN CHARGE TO PROHIBIT A CONDITIONAL EMPLOYEE WITH A SPECIFIC ILLNESS FROM BECOMING A FOOD EMPLOYEE

302.1 The person in charge shall ensure that a conditional employee who exhibits or reports a symptom, or reports a diagnosed illness as specified in § 300.3 through 300.5, is prohibited from becoming a food employee until the conditional employee satisfies the requirements for reinstatement associated with specific symptoms or diagnosed illnesses specified in §307. [P]

302.2 The person in charge shall ensure that a conditional employee who will work as a food employee in a food establishment that serves as a highly susceptible population and reports a history of exposure as specified in § 300.6 and 300.7, is prohibited from becoming a food employee until the conditional employee satisfies the requirements associated with specific symptoms or diagnosed illnesses specified in §307.10. [P]

303 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF PERSON IN CHARGE TO EXCLUDE OR RESTRICT ILL FOOD EMPLOYEES

303.1 The person in charge shall ensure that a food employee who exhibits or reports a symptom or who reports a diagnosed illness or a history of exposure as specified in § 300.3 through 300.7 is:

(a) Excluded as specified in § 305, and § 306.1(a) and 306.2(a), except as provided in § 307; [P] or

(b) Restricted as specified in § 306, except as provided in § 307. [P]

304 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF FOOD EMPLOYEES TO COMPLY WITH EXCLUSIONS OR RESTRICTIONS

304.1 A food employee shall comply with:

(a) An exclusion imposed pursuant to §305, and §306.1(a) or § 306.2(a), unless reinstated pursuant to §307; [P] or

(b) A restriction imposed pursuant to section 306, unless reinstated pursuant to §307. [P]

305 DISEASE OR MEDICAL CONDITION – CONDITIONS REQUIRING EXCLUSION OF ILL FOOD EMPLOYEES

305.1 Except when the symptom is from a noninfectious condition, the person in charge shall exclude a food employee from a food establishment, if the food employee is:

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

(b) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin-Producing Escherichia *coli.* [P]

305.2 The person in charge shall exclude a food employee who is:

(a) Jaundiced and the onset of jaundice occurred within the last seven (7) calendar days, unless the food employee provides the person in charge with written medical documentation from a licensed physician or physician's assistant specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection; [P]

(b) Diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days after the onset of any illness symptoms, or within seven (7) calendar days after the onset of jaundice; [P] or

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

305.3 The person in charge shall exclude a food employee who is diagnosed with an infection from *Salmonella Typhi*, or reports a previous infection with *Salmonella Typhi* within the past three (3) months without having received antibiotic therapy. [P]

306 DISEASE OR MEDICAL CONDITION – CONDITIONS REQUIRING EXCLUSION OR RESTRICTION OF ILL FOOD EMPLOYEES

306.1 If a food employee is diagnosed with an infection from Norovirus, *Shigella spp*., or Enterohemorrhagic or Shiga Toxin-Producing Escherichia *coli*, and is asymptomatic, the person in charge shall:

(a) Exclude the food employee who works in a food establishment serving a highly susceptible population; [P] or

(b) Restrict the food employee who works in a food establishment not serving a highly susceptible population. [P]

306.2 If a food employee is ill with symptoms of acute onset of sore throat with fever, the person in charge shall:

(a) Exclude the food employee who works in a food establishment serving a highly susceptible population; [P] or

(b) Restrict the food employee who works in a food establishment not serving a highly susceptible population. [P]

306.3 The person in charge shall restrict a food employee who is infected with a skin lesion containing pus, such as a boil or infected wound that is open or draining and not properly covered as specified in § 300.3(e). [P]

306.4 The person in charge shall restrict a food employee who has been exposed to a foodborne pathogen as specified in § 300.6 and 300.7, and who works in a food establishment serving a highly susceptible population. [P]

307 DISEASE OR MEDICAL CONDITION – RESPONSIBILITY OF PERSON IN CHARGE TO REMOVE, ADJUST, OR RETAIN EXCLUSIONS AND RESTRICTIONS OF ILL FOOD EMPLOYEES

307.1 If a food employee is not diagnosed with an infection from hepatitis A virus or *Salmonella Typhi*, the person in charge may:

(a) Reinstate a food employee who was excluded under § 305.1(a) for being symptomatic with vomiting or diarrhea if the food employee is asymptomatic for at least twenty-four (24) hours; [P] or

(b) The food employee provides the person in charge with written medical documentation from a licensed physician or physician's assistant that states the food employee's symptom is from a noninfectious condition. [P]

307.2 If a food employee was diagnosed with an infection from Norovirus and excluded under § 305.1(b), the person in charge shall:

(a) Restrict the food employee who is asymptomatic for at least twenty-four (24) hours and works in a food establishment not serving a highly

susceptible population, until the conditions for reinstatement as specified in § 307.6(a) or (b) are met; [P] or

(b) Retain the exclusion for the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in § 307.6(a) or (b) are met. [P]

307.3 If a food employee was diagnosed with an infection from *Shigella* spp. or Entrohemorrahgic or Shiga Toxin-Producing Escherichia *coli* and excluded under § 305.1(b), the person in charge shall:

(a) Restrict the food employee who is asymptomatic for at least twenty-four (24) hours, and works in a food establishment not serving a highly susceptible population until the conditions for reinstatement as specified in § 307.7 are met; [P] or

(b) Retain the exclusion for the food employee who is asymptomatic for at least twenty-four (24) hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in § 307.7 are met. [P]

307.4 The person in charge shall reinstate a food employee who was excluded due to jaundice or a diagnosis of hepatitis A virus under § 305.2 if the person in charge obtains approval from the Department and one (1) of the following conditions is met:

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

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

(c) The food employee provides to the person in charge with written medical documentation from a licensed physician or physician's assistant stating that the food employee is free of a hepatitis A virus infection.

307.5 The person in charge shall reinstate a food employee who was excluded for *Salmonella Typhi* under § 305.3 if:

(a) The person in charge obtains approval from the Department; [P] and

(b) The food employee provides the person in charge with written medical documentation from a licensed physician that states the food employee is free from *Salmonella Typhi* infection. [P]

307.6 The person in charge shall reinstate a food employee who was excluded under § 305.1(b) or restricted under § §306.1 or 307.2 for Norovirus if the person in

charge obtains the Department's approval and one (1) of the following conditions is met:

(a) The excluded or restricted employee provides the person in charge with written medical documentation from a licensed physician or physician's assistant that states the food employee is free of Norovirus infection; [P]

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

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

307.7 The person in charge shall reinstate a food employee who was excluded under § 305.1(b) or restricted under § 306.1 or § 307.3 for *Shigella spp*. or Entrohemorrahgic or Shiga Toxin-Producing Escherichia *coli* if the person in charge obtains approval from the Department and one (1) of the following conditions is met:

(a) The excluded or restricted food employee provides the person in charge with written medical documentation from a licensed physician or physician's assistant that states the food employee is free of a *Shigella spp.* or Entrohemorrahgic or Shiga Toxin-Producing Escherichia *coli* infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken:

(1) Not earlier than forty-eight (48) hours after discontinuance of antibiotics; [P] and

(2) At least twenty-four (24) hours apart; [P]

(b) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven (7) calendar days have passed since the food employee became asymptomatic; [P] or

(c) The food employee was excluded or restricted and did not develop symptoms and more than seven (7) calendar days have passed since the food employee was diagnosed. [P]

307.8 The person in charge shall reinstate a food employee who was excluded or restricted under § 306.2 for sore throat with fever if the food employee provides the person in charge with written medical documentation from a licensed physician or physician's assistant that states the food employee meets one (1) of the following conditions:

(a) Has received antibiotic therapy for *Streptoccoccus pyogenes* infection for more than twenty-four (24) hours; [P]

(b) Has at least one negative throat specimen culture for *Streptoccoccus pyogenes* infection; [P] or

(c) Is otherwise determined by a licensed physician or physician's assistant to be free of a *Streptoccoccus pyogenes* infection. [P]

307.9 The person in charge shall reinstate a food employee who was restricted as specified in subsection 306.3 if the skin, infected wound, cut, or pustular boil is properly covered with one (1) of the following:

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

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

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

307.10 The person in charge shall reinstate a food employee who was restricted as specified in § 306.4 and was exposed to a pathogen as specified in § 300.6 or 300.7, if:

(a) The exposure was to Norovirus and one (1) of the following conditions is met:

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

(2) More than forty-eight (48) hours have passed since the food employee's household contact became asymptomatic; [P]

(b) The exposure was to *Shigella spp.* or Enterohemorrhagic or Shiga Toxin-Producing Escherichia *coli* and one (1) of the following conditions is met:

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

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

(c) The exposure was to *Salmonella Typhi* and one (1) of the following conditions is met:

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

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

(d) The exposure was to hepatitis A virus and one (1) of the following conditions is met:

(1) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A; [P]

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

(3) The food employee is immune to hepatitis A virus infection because of Immunoglobulin G (IgG) administration; [P]

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

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

(6) The food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least thirty (30) calendar days after the potential exposure, as specified in §307.10(d)(4) and 307.10(d)(5), and the food employee receives additional training about:

(A) Hepatitis A symptoms and preventing the transmission of infection; [P]

(B) Proper handwashing procedures; [P] and

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

CHAPTER 4 PERSONAL CLEANLINESS OF FOOD EMPLOYEES

400 HANDS AND ARMS – CLEAN CONDITION

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

401 HANDS AND ARMS – CLEANING PROCEDURE

401.1 Except as specified in §401.4, food employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms, for at least twenty (20) seconds, using a cleaning compound in a handwashing sink that is equipped as specified in § 2402 and §§ 3000 through 3005. [P]

401.2 Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

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

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

(c) Rub together vigorously for at least ten (10) to fifteen (15) seconds while:

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

(2) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers; [P]

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

(e) Immediately follow the cleaning procedure with thorough drying using a method specified in §3002; [P] and

(f) Sanitize hands when appropriate in addition to, but not in place of, the proper handwashing methods.

401.3 To avoid recontaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.

401.4 If approved and capable of removing the types of soils encountered in the food operations involved, food employees may use an automatic handwashing facility to clean their hands or surrogate prosthetic devices.

402 HANDS AND ARMS – WHEN TO WASH

402.1 Food employees shall clean their hands and exposed portions of their arms as specified in §401 immediately before working in direct contact with food, clean equipment and utensils, and unwrapped single-service and single-use articles, [P] and:

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

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

(c) After caring for or handling aquatic animals as specified in §503.2; [P]

(d) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; [P]

(e) After handling soiled surfaces, equipment, or utensils; [P]

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

(g) After each absence from the work station; [P]

(h) Immediately before touching ready-to-eat food or food-contact surfaces; [P]

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

(j) Before donning gloves for working with food; [P] and

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

403 HANDS AND ARMS – WHERE TO WASH

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

404 HANDS AND ARMS – HAND ANTISEPTICS

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

(a) Comply with one (1) of the following:

(1) Be an approved drug that is listed in the Food and Drug Administration (FDA) publication *Approved Drug Products with Therapeutic Equivalence Evaluations* as an approved drug based on safety and effectiveness; [Pf] or

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

(b) Comply with one (1) of the following:

(1) Have components that are exempt from the requirements of being listed in the federal food additive regulations as specified in 21 C.F.R. § 170.39 – Threshold of regulation for substances used in food-contact articles; [Pf]

(2) Comply with and be listed in 21 C.F.R. part 178 − Indirect Food

Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a food additive with conditions of safe use; [Pf] or

(3) Comply with and be listed in 21 C.F.R. part 182 − Substances Generally Recognized as Safe, 21 C.F.R. part 184 – Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 C.F.R. part 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe; [Pf] and

(c) Be applied only to hands that are cleaned as specified in § 401.[Pf]

404.2 If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified in § 404.1(b), use shall be:

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

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

404.3 A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred parts per million (100 ppm) of chlorine or twenty-five parts per million (25 ppm) of iodine and changed every four (4) hours while in use. [Pf]

405 HANDS AND ARMS ─ FINGERNAIL MAINTENANCE

405.1 All persons working in direct contact with food, clean equipment and utensils, or unwrapped single-service and single-use articles shall keep their fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough. [Pf]

405.2 Unless wearing intact gloves in good repair, a food employee shall not wear fingernail polish or artificial fingernails when working with exposed food, clean equipment and utensils, or unwrapped single-service and single-use articles. [Pf]

406 HANDS AND ARMS ─ JEWELRY PROHIBITION

406.1 Persons working in direct contact with food, clean equipment and utensils, or unwrapped single-service and single-use articles shall not wear jewelry, including medical information jewelry on their arms or hands, except for a plain ring such as a wedding band.

407 OUTER CLOTHING ─ CLEAN CONDITION

407.1 Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

CHAPTER 5 HYGIENIC PRACTICES OF FOOD EMPLOYEES

500 FOOD CONTAMINATION PREVENTION – EATING, DRINKING, OR USING TOBACCO

500.1 Persons working in direct contact with food, clean equipment and utensils, and unwrapped single-service and single-use articles shall not:

(a) Eat, drink, chew gum, or use any form of tobacco, except in designated areas where food, clean equipment and utensils, and unwrapped single-service and single-use articles are not exposed, and where equipment or utensils are not washed or stored; or

(b) Drink, except from a closed beverage container if the container is handled to prevent contamination of the employee's hands or the container, where food, clean equipment and utensils, linens, and unwrapped single-service and single-use articles are exposed, and where equipment or utensils are washed or stored.

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

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

502 FOOD CONTAMINATION PREVENTION – HAIR RESTRAINTS, EFFECTIVENESS

502.1 Food employees shall wear clean and effective hair restraints, such as hairnets or beard nets, if appropriate, and clothing that covers body hair that are designed and worn to effectively keep hair from contacting exposed food, clean equipment and utensils, linens, and unwrapped single-service and single-use articles. Hats, caps, scarves or other head covers are acceptable if the hair is contained to prevent contamination. Hair spray and tying back the hair in a ponytail are not effective hair restraints.

503 FOOD CONTAMINATION PREVENTION – ANIMALS, PROHIBITION ON HANDLING

503.1 Food employees shall not care for or handle animals that may be present in the food establishment, such as patrol dogs, or service animals that are allowed as specified in §3214.2(b) through (e).

503.2 Food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified in §401 and §402.1(c).

504 RESPONDING TO CONTAMINATION EVENTS – CLEAN-UP OF VOMITING AND DIARRHEAL EVENTS

504.1 A licensee shall ensure that its food establishment shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.[Pf]

III. FOOD

CHAPTER 6 CHARACTERISTICS OF FOOD

600 CONDITION OF FOOD

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

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

700 SOURCES – COMPLIANCE WITH FOOD LAWS

700.1 Food shall be obtained from sources that comply with federal and state laws and An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code §§ 48-101, *et seq*. (2009 Repl. & 2011 Supp.)). [P]

700.2 Food prepared or stored in a private home shall not be used or offered for human consumption in a food establishment, except as provided in chapter 38 – Residential Kitchens in Bed and Breakfast Operations. [P]

700.3 Packaged food shall be labeled as specified in law, including 21 C.F.R. § 101 − Food Labeling, 9 C.F.R. § 317 − Labeling, Marking Devices, and Containers, and 9 C.F.R. § 381.117, Subpart N − Labeling and Containers, and as specified in §§ 713 and 714. [Pf]

700.4 Fish, other than those specified in § 903.2 that are intended for consumption in their raw or undercooked form and allowed as specified in § 900.3 may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified in § 903, or frozen on the premises as specified in § 903 and records are retained as specified in § 904.

700.5 Whole-muscle, intact beefsteaks that are intended for consumption in an undercooked form without a consumer advisory as specified in § 900.4 shall be:

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

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

(c) If individually cut in a food establishment:

(1) Cut from whole-muscle intact beef that is labeled by a food processing plant as specified in § 700.5(a) or identified as specified in § 700.5(b); [Pf]

(2) Prepared so they remain intact; [Pf] and

(3) If packaged for undercooking in a food establishment, labeled as specified in § 700.5(a) or identified as specified in § 700.5(b). [Pf]

700.6 Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption shall be labeled to include safe handling instructions as specified in law, including 9 C.F.R. § 317.2(l) Labels; definition; required features, and 9 C.F.R. § 381.125(b) Special handling label requirements.

700.7 Eggs that have not been specifically treated to destroy all viable *Salmonellae* shall be labeled to include safe handling instructions as specified in law, including 21 C.F.R. § 101.17(h).

700.8 A licensee or person-in-charge shall be responsible for providing evidence indicating that he/she has reason to believe that food items in the food establishment comply with the requirements of this Code and shall, when requested by the Department, furnish the name and business address of the supplier or suppliers from whom any particular food item was purchased.

701 SOURCES – FOOD IN HERMETICALLY SEALED CONTAINERS

701.1 Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by FDA in accordance with Section 704 of the Federal Food Act (21 U.S.C. § 374) – Factory Inspection; and the state regulatory agency that has jurisdiction over the plant. [P]

702 SOURCES – FLUID MILK AND MILK PRODUCTS

702.1 Fluid milk and milk products shall be obtained from sources that comply with the requirements of the *Grade "A" Pasteurized Milk Ordinance* (Grade "A" PMO), 2009 Revision recommended by the U.S. Health Service/ Food and Drug Administration (USPHS/FDA), and who are issued permits by state regulatory agencies participating in the voluntary Cooperative State-USPHS/FDA Program

for the Certification of Interstate Milk Shippers.[P] The 2009 version of the *Grade "A" PMO* is incorporated by reference.

703 SOURCES ─ FISH

703.1 Fish that are received for sale or service shall be commercially and legally caught or harvested, or approved for sale or service. [P]

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

704 SOURCES ─ MOLLUSCAN SHELLFISH

704.1 Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish: 2009 Revision. [P] This Guide is incorporated by reference.

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

705 SOURCES ─ WILD MUSHROOMS

705.1 Except as specified in § 705.2, mushroom species picked in the wild shall be obtained from approved sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert who has successfully completed a wild mushroom identification course provided by either an accredited college or university or a mycological society. [P]

705.2 This section does not apply to:

(a) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated according to the United States Standards for Grades of Mushrooms 1966 (Reprinted 1997) by the food regulatory agency that has jurisdiction over the operation; or

(b) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated according to the United States Standards for Grades of Mushrooms 1966 (Reprinted 1997) by the food regulatory agency that has jurisdiction over the operation.

706 SOURCES ─ GAME ANIMALS

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

(a) Raised, slaughtered, and processed under a voluntary inspection program that is; regulated by the U.S. Department of Agriculture, Food Safety and Inspection Service (USDA/ FSIS) Federal Meat Inspection

Act (21 U.S.C. § 661) – Meat Inspection or the state agency that has jurisdiction over the plant; P

(b) Under a routine inspection program regulated by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. § 661) – Meat Inspection or the state agency that has jurisdiction over the plant; P and

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

(1) Laws governing meat and poultry as determined by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. §§ 603 and 604) – Meat Inspection or the state agency that has jurisdiction over the plant; P and

(2) Requirements which are developed by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. §§ 603, 604, and 661) – Meat Inspection; or the state agency that has jurisdiction over the plant; including consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee. P

706.2 If game animals are received for sale or service they shall be under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are "inspected and approved" in accordance with 9 C.F.R. § 352 − Exotic Animal; Voluntary Inspection, or rabbits that are "inspected and certified" in accordance with 9 C.F.R. § 354 − Voluntary Inspection of Rabbits And Edible Products Thereof. P

706.3 If wild game animals are live-caught and received for sale or service, as allowed by law, they shall be: P

(a) Under a routine inspection program regulated by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. §§ 603 and 604) – Meat Inspection; or the state agency that has jurisdiction over the plant; P and

(b) Slaughtered and processed according to:

(1) Laws governing meat and poultry as determined by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. §§ 603 and 604) – Meat Inspection; Poultry Products Inspection Act (21 U.S.C. § 454), or the state agency that has jurisdiction over the plant; P and

(2) Requirements developed by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. §§ 603, 604, and 661) – Meat Inspection, or the state agency that has jurisdiction over the plant including consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee. P

706.4 If field-dressed wild game animals are received for sale or service, as allowed by law, they shall be under a routine inspection program that ensures the animals:

(a) Receive a postmortem examination by an approved veterinarian or veterinarian's designee; [P] or

(b) Are field-dressed and transported according to requirements specified by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. §§ 603, 604, and 661) – Meat Inspection, or the state agency that has jurisdiction over the plant; and

(c) Are processed according to laws governing meat and poultry as determined by the USDA/ FSIS Federal Meat Inspection Act (21 U.S.C. §§ 603, 604, and 661) – Meat Inspection; USDA/ FSIS Poultry Inspection Act (21 U.S.C. §§ 451, 454, 455, and 456) - Poultry Inspection, or the state agency that has jurisdiction over the plant; [P]

706.5 A game animal may not be received for sale or service if it is a species of wildlife that is listed in 50 C.F.R. § 17 − Endangered and Threatened Wildlife and Plants.

707 SPECIFICATIONS FOR RECEIVING ─ TEMPERATURE

707.1 Except as specified in § 707.2, refrigerated, potentially hazardous food (time/ temperature control for safety food) shall be at a temperature of five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or below when received. [P]

707.2 If a temperature other than five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) for a potentially hazardous food (time/ temperature control for safety food) is specified in law governing its distribution, such as laws governing milk and molluscan shellfish, the food may be received at the specified temperature.

707.3 Raw eggs shall be received in refrigerated equipment that maintains an ambient air temperature of seven degrees Celsius (7° C) (forty-five degrees Fahrenheit (45° F)) or less. [P]

707.4 Potentially hazardous food (time/temperature control for safety food) that is cooked to a temperature and for a time specified in §§ 900 through 902, and received hot shall be at a temperature of fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F)) or above. [P]

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

707.6 Upon receipt, potentially hazardous food (time/temperature control for safety food) shall be free of evidence of previous temperature abuse. [Pf]

708 SPECIFICATIONS FOR RECEIVING ─ ADDITIVES

708.1 Food shall not contain unapproved food additives or additives that exceed amounts specified in 21 C.F.R. §§ 170 through180 relating to food additives, generally recognized as safe, or prior sanctioned substances that exceed amounts specified in 21 C.F.R. §§ 181 through186, substances that exceed amounts specified in 9 C.F.R. subpart C § 424.21(b) – Use of Food Ingredients and Sources of Radiation, or pesticides residues that exceed provisions in 40 C.F.R. § 180 – Tolerances for Pesticide Chemicals in Food, and exceptions. [P]

709 SPECIFICATIONS FOR RECEIVING ─ EGGS

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

710 SPECIFICATIONS FOR RECEIVING ─ EGGS AND MILK PRODUCTS, PASTEURIZED

710.1 Egg products shall be obtained pasteurized. [P]

710.2 Fluid and dry milk and milk products shall be obtained pasteurized and comply with Grade A Standards as specified by the USPHS/FDA recommended *Grade "A" Pasteurized Milk Ordinance* (Grade "A" PMO), 2009 Revision. [P]

710.3 Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 C.F.R. § 135 − Frozen Desserts. [P]

710.4 Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in the C.F.R., such as 21 C.F.R. § 133 − Cheeses and Related Cheese Products, for curing certain cheese varieties. [P]

711 SPECIFICATIONS FOR RECEIVING ─ PACKAGE INTEGRITY

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

712 SPECIFICATIONS FOR RECEIVING ─ ICE

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

713 SPECIFICATIONS FOR RECEIVING ─ SHUCKED SHELLFISH, PACKAGING AND IDENTIFICATION

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

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

(b) The "sell by" or “best if used by” date for packages with a capacity of less than one and eighty-nine hundredths of a liter (1.89 L)(one-half gallon (1/2 gal.)) or the date shucked for packages with a capacity of one and eighty-nine hundredths of a liter (1.89 L (one-half gallon)) or more. [Pf]

713.2 A package of raw shucked shellfish that does not bear a label or bears a label that does not contain all the information specified in § 713.1 shall be subject to an embargo order, as allowed by § 4702, or seizure and destruction in accordance with 21 C.F.R. subpart D − Specific Administrative Decisions Regarding Interstate Shipments, § 1240.60(d) Molluscan Shellfish.

714 SPECIFICATIONS FOR RECEIVING ─ SHELLSTOCK IDENTIFICATION

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

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

(a) The harvester's identification number that is assigned by the Shellfish Control Authority; [Pf]

(b) The date of harvesting; [Pf]

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

(d) The type and quantity of shellfish; [Pf] and

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

714.3 Except as specified in § 714.6, the following information shall appear in the following order on each dealer’s tag or label: [Pf]

(a) The dealer's name and address, and the certification number assigned by the Shellfish Control Authority; [Pf]

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

(c) The same information as specified for a harvester's tag in § 714.2; [Pf] and

(d) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS." [Pf]

714.4 A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information specified in § 714.l through 714.3 shall be subject to an embargo order, as allowed by §4702, or seizure and destruction in accordance with 21 C.F.R. subpart D − Specific Administrative Decisions Regarding Interstate Shipments, § 1240.60(d).

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

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

715 SPECIFICATIONS FOR RECEIVING ─ SHELLSTOCK, CONDITION

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

716 ORIGINAL CONTAINERS AND RECORDS ─ MOLLUSCAN SHELLFISH

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

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

(a) The source of the shellstock on display is identified as specified in § 714 and recorded as specified in § 717; and

(b) The shellstock are protected from contamination.

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

(a) The labeling information for the shellfish on display as specified in § 713 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(b) The shellfish are protected from contamination.

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

(a) The labeling information for the shellfish is on each consumer self service container as specified in § 713 and § 1102.1 and 1102.2 (a) through (e);

(b) The labeling information as specified in § 713 is retained and correlated with the date when, or dates during which, the shellfish are sold or served;

(c) The labeling information and dates as specified in § 716.4(b) are maintained for ninety (90) days; and

(d) The shellfish are protected from contamination.

717 ORIGINAL CONTAINERS AND RECORDS – SHELLSTOCK, MAINTAINING IDENTIFICATION

717.1 Except as specified in § 717.4, shellstock tags or labels shall remain attached to the container in which the shellstock are received until the container is empty. [Pf]

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

717.3 The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety (90) calendar days from the date that is recorded on the tag or labels, as specified in § 717.2 by using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified in § 717.2.[Pf]

717.4 If shellstock are removed from their tagged or labeled container, the identity and source of shellstock that are sold or served shall be maintained by:

(a) Preserving source identification by using a recordkeeping system as specified in § 717.3; [Pf] and

(b) Ensuring that shellstock from one (1) tagged or labeled container are not commingled with shellstock from another container with different certification numbers, different harvest dates, or different growing areas as identified on the tag or label before being ordered by the consumer. [Pf]

718 ORIGINAL CONTAINERS AND RECORDS – PULL DATES

718.1 All pasteurized fluid milk, fresh meat, poultry, fish, bread products, eggs, butter, cheese, cold meat cuts, mildly processed pasteurized products, and potentially hazardous foods sold in food-retail establishments which are pre-wrapped and not intended to be eaten on the premises of the food establishment shall have easily understood pull dates prominently displayed on their containers.

718.2 If any food that has a pull date is rewrapped, the new package shall retain the original pull date and the word "REWRAPPED" shall be prominent displayed on the package.

719 COMMERCIAL PROCESSED – JUICE, TREATED

719.1 Pre-packaged juice shall:

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

(b) Be obtained pasteurized or otherwise treated to attain a five (5)-log reduction of the most resistant microorganism of public health significance as specified in 21 C.F.R. part 120.24 Process Controls. [P]

CHAPTER 8 PROTECTION OF FOODS FROM CONTAMINATION AFTER RECEIVING

800 PREVENTING CONTAMINATION BY EMPLOYEES – FROM HANDS

800.1 Food employees shall wash their hands as specified in § 401.

800.2 Except when washing fruits and vegetables as specified in § 806 or as specified in § 800.4 food employees shall not contact exposed, ready to eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment. [P]

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

800.4 Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:

(a) The licensee obtains prior approval from the Department; and

(b) Written policies and procedures are maintained in the food establishment and are readily available at all times for use by employees and for the Department's review upon request. The written policies and procedures shall include:

(1) For each bare hand contact procedure, listings of the specific ready-to-eat foods that are touched by bare hands;

(2) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified in §§ 2406, 2411, 2414, 3001, 3002, and 3004, are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;

(3) A written employee health policy that details how the food establishment complies with chapter 3, including:

(A) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified in § 300.1 through 300.7;

(B) Documentation that food employees and conditional employees acknowledge their responsibilities as specified in § 304; and

(C) Documentation that the person in charge acknowledges their responsibilities as specified in §§ 301, 302, 303, 305, 306, and 307;

(4) Documentation that food employees acknowledge that they have received training in:

(A) The risks of contacting the specific ready-to-eat foods with bare hands;

(B) Proper handwashing as specified in § 401;

(C) When to wash their hands as specified in § 402;

(D) Where to wash their hands as specified in § 404;

(E) Proper fingernail maintenance as specified in § 405;

(F) Prohibition of jewelry as specified in § 406; and

(G) Good hygienic practices as specified in §§ 500 through 504;

(5) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food employees as specified in §§ 400, 401, 403, and 404 during all

hours of operation when the specific ready-to-eat foods are prepared;

(6) Documentation that food employees contacting ready-to-eat food with bare hands use two (2) or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

(A) Double handwashing;

(B) A hand antiseptic after handwashing as specified in §405;

(C) Incentive programs such as paid sick leave that assist or encourage food employees not to work when they are ill; or

(D) Other control measures approved by the Department; and

(7) Documentation that corrective action is taken when the requirements of § 800.4(a) and (b) are not followed.

801 PREVENTING CONTAMINATION BY EMPLOYEES ─ WHEN TASTING

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

802 PREVENTING CROSS CONTAMINATION ─ SEPARATION, PACKAGING AND SEGREGATION

802.1 Food shall be protected from cross contamination by:

(a) Except as specified in § 802.1(a)(3), separating raw animal foods during storage, preparation, holding, and display from:

(1) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables; [P] and

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

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

(b) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

(1) Using separate equipment for each type; [P] or

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

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

(c) Cleaning equipment and utensils as specified in § 1901 and sanitizing as specified in § 2002;

(d) Except as specified in § 802.2, storing the food in packages, covered containers, or wrappings;

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

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

(g) Storing damaged, spoiled, or recalled food being held in the food establishment as specified in § 3103; and

(h) Separating fruits and vegetables, before they are washed as specified in § 806 from ready-to-eat food.

802.2 Subsection 802.1(d) does not apply to:

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

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

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

(d) Food being cooled as specified in § 1004.2(b); or

(e) Shellstock.

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

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

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

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

(a) Cooked as specified in § 900.1(a) or (b); [P] or

(b) Included in § 900.3(a). [P]

805 PREVENTING FOOD AND INGREDIENT CONTAMINATION – PROTECTION FROM UNAPPROVED ADDITIVES

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

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

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

805.2 A food employee shall not:

(a) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B_1; [P] or

(b) Serve or sell food specified in § 805.2(a) that is treated with sulfiting agents before receipt by the food establishment, except that grapes are not included in this subsection.[P]

806 PREVENTING FOOD AND INGREDIENT CONTAMINATION – WASHING FRUITS AND VEGETABLES

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

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

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

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

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

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

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

808.3 Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

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

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

809.1 Food shall only contact surfaces of:

(a) Equipment and utensils that are cleaned as specified in chapter 19 and sanitized as specified in chapter 20; [P] or

(b) Single-service and single-use articles. [P]

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

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

(a) Except as specified in § 810.1(b), in the food with their handles above the top of the food and the container;

(b) In food that is not potentially hazardous (time/temperature control for safety food) with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;

(c) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified in §§ 1901 and 2001;

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

(e) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous (time/temperature control for safety food); or

(f) In a container of water if the water is maintained at a temperature of at least fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F)) and the container is cleaned at a frequency specified in § 1901.3.

811 PREVENTING CONTAMINATION FROM LINENS AND NAPKINS – USE LIMITATION

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

812 PREVENTING CONTAMINATION FROM WIPING CLOTHS – USE LIMITATION

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

(a) Maintained dry; and

(b) Used for no other purpose.

812.2 Cloths that are in-use for wiping counters and other equipment surfaces shall be:

(a) Held between uses in a chemical sanitizer solution at a concentration specified in § 1813; and

(b) Laundered daily as specified in § 2101.4.

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

812.4 Dry wiping cloths and the chemical sanitizing solutions specified in § 812.2(a) in which wet wiping cloths are held between uses shall be free of food debris and visible soil.

812.5 Containers of chemical sanitizing solutions specified in § 812.2(a) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.

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

813 PREVENTING CONTAMINATION FROM GLOVES ─ USE LIMITATION

813.1 If used, single-use gloves shall be used for only one task such as working with ready-to- eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation. [P]

813.2 Except as specified in § 813.3, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified in chapter 9 such as frozen food or a primal cut of meat.

813.3 Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.

813.4 Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required in chapter 9 such as frozen food or a primal cut of meat.

814 PREVENTING CONTAMINATION FROM TABLEWARE ─ USING CLEAN TABLEWARE FOR SECOND PORTIONS AND REFILLS

814.1 Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer to provide second portions or refills.

814.2 Except as specified in § 814.3, self-service consumers shall not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.

814.3 Self-service consumers may reuse drinking cups and containers if refilling is a contamination- free process as specified in §§ 1515.1, 1515.2, and 1515.4.

815 PREVENTING CONTAMINATION ─ REFILLING RETURNABLES

815.1 A take-home food container returned to a food establishment shall not be refilled at a food establishment with a potentially hazardous food (time/ temperature control for safety food).

815.2 Except as specified in § 815.3, a take-home food container refilled with food that is not potentially hazardous (time/temperature control for safety food) may be refilled as specified in § 1910.2.

815.3 Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified in §§ 1515.1, 1515.2, and 1515.4.

816 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD STORAGE

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

(a) In a clean, dry location;

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

(c) At least fifteen centimeters (15 cm) or six inches (6 in.) above the floor.

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

816.3 Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

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

817.1 Food may not be stored:

(a) In locker rooms;

(b) In toilet rooms;

(c) In dressing rooms;

(d) In garbage rooms;

(e) In mechanical rooms;

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

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

(h) Under open stairwells; or

(i) Under other sources of contamination.

818 PREVENTING CONTAMINATION FROM THE PREMISES ─ VENDED POTENTIALLY HAZARDOUS FOOD (TIME/ TEMPERATURE CONTROL FOR SAFETY FOOD), ORIGINAL CONTAINER

818.1 Potentially hazardous food (time/temperature control for safety food) dispensed through a vending machine shall be in the package in which it was placed at the food establishment or food processing plant at which it was prepared.

819 PREVENTING CONTAMINATION FROM THE PREMISES ─ FOOD PREPARATION

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

820 PREVENTING CONTAMINATION BY CONSUMERS ─ FOOD DISPLAY

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

821 PREVENTING CONTAMINATION BY CONSUMERS ─ CONDIMENTS, PROTECTION

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

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

822 PREVENTING CONTAMINATION BY CONSUMERS ─ CONSUMER SELF-SERVICE OPERATIONS

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

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

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

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

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

823.2 Except as specified in § 1300.9, a container of food that is not potentially hazardous (time/temperature control for safety food) may be re-served from one consumer to another if:

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

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

824 PREVENTING MISCELLANEOUS SOURCES OF CONTAMINATION

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

CHAPTER 9 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

900 COOKING – RAW ANIMAL FOODS

900.1 Except as specified in § 900.2, 900.3, and 900.4, raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:

(a) Sixty-three degrees Celsius (63° C) (one hundred forty-five degrees Fahrenheit (145° F)) or above for fifteen (15) seconds for: [P]

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

(2) Fish and meat, including game animals commercially raised for food as specified in § 706.1(a) and game animals under a voluntary inspection program as specified in § 706.1(b); except as specified in § 900.1(b), and 900.1(c), and § 900.2; [P]

(b) Sixty-eight degrees Celsius (68° C) (one hundred fifty-five degrees Fahrenheit (155°F)) for fifteen (15) seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified in § 706.1(a), and game animals under a voluntary inspection program as specified in § 706.1(b); and raw eggs that are not prepared as specified in § 900.1(a)(1): [P]

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

; or

(c) Seventy-four degrees Celsius (74° C) (one hundred sixty-five degrees Fahrenheit (165° F)) or above for fifteen (15) seconds for:

(1) Poultry, baluts, and wild game animals as specified in § 706.3 and 706.4; and

(2) Stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry or ratites. [P]

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

(a) In an oven that is preheated to the temperature specified for the roast's weight in Chart A, and that is held at that temperature: [Pf]

CHART A ─ Oven Temperatures

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

; and

(b) To heat all parts of the food to a temperature and for the holding time that corresponds to that temperature as specified in Chart B. [P]

CHART B ─ Internal Meat Temperatures

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

900.3 A raw animal food such as raw eggs, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in §900.4, may be served or offered for sale upon consumer request or selection in a ready-to-eat form under the following conditions:

(a) If the food establishment serves a population that is not a highly susceptible population, and the consumer is informed as specified in § 1105 that to ensure the safety of the food, it should be cooked as specified in § 900.1 or 900.2; and

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

(c) If the food establishment serves a population that is not a highly susceptible population and the Department grants a variance from § 900.1 and 900.2 as specified in § 4102 based on a HACCP Plan that:

(1) Is submitted by the licensee and approved as specified in § §4103 and 4104;

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

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

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

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

(b) The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as specified in § 700.5; and

(c) The steak is cooked on both the top and bottom to a surface temperature of sixty-three degrees Celsius (63° C) (one hundred forty-five degrees Fahrenheit (145° F)) or above and a cooked color change is achieved on all external surfaces.

900.5 Raw animal foods that are cooked using a non-continuous cooking process shall be:

(a) Subject to an initial heating process that is no longer than sixty (60) minutes in duration; [P]

(b) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) as specified in § 1003.1; [P]

(c) After cooling, held frozen or cold, as specified for potentially hazardous food (time/temperature control for safety food) in § 1005.1(b); [P]

(d) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature of at least seventy-four degrees Celsius (74° C) (one hundred sixty-five degrees Fahrenheit (165° F)) for fifteen (15) seconds; [P]

(e) Cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) as specified in § 1003.1 if not either hot held as specified in § 1005.1, served immediately, or held using time as a public health control as specified in § 1009 after complete cooking; [P] and

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

(1) Have obtained prior approval from the Department; [Pf]

(2) Are maintained in the food establishment and are available to the Department upon request; [Pf]

(3) Describe how the requirements specified in § 900.5.1(a) through (e) are to be monitored and documented by the permit holder and the corrective actions to be taken if the requirements are not met; [Pf]

(4) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified in § 900.5(d) prior to being offered for sale or service; [Pf] and

(5) Describe how the foods, after initial heating but prior to cooking as specified in § 900.5(d), are to be separated from ready-to-eat foods as specified in § 802.1(a)(2). [Pf]

901 COOKING – MICROWAVE COOKING

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

(a) Rotated during cooking, stirred throughout cooking, or stirred midway during cooking to compensate for uneven distribution of heat;

(b) Covered to retain surface moisture;

(c) Heated to a temperature of at least seventy-four degrees Celsius (74° C) (one hundred sixty-five degrees Fahrenheit (165° F)) in all parts of the food; and

(d) Allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

902 COOKING ─ PLANT FOOD COOKING FOR HOT HOLDING

902.1 Fruits and vegetables fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F)) that are cooked for hot holding shall be cooked to a temperature of. [Pf]

903 FREEZING ─ PARASITE DESTRUCTION

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

(a) Frozen and stored at a temperature of minus twenty degrees Celsius (-20° C) (minus 4 degrees Fahrenheit (- 4° F)) or below for a minimum of one hundred sixty-eight (168) hours or seven (7) days in a freezer; [P]

(b) Frozen at minus thirty-five degrees Celsius (-35° C) (minus thirty-one degrees Fahrenheit (-31° F)) or below until solid and stored at minus thirty-five degrees Celsius (-35° C) or below for a minimum of fifteen (15) hours; [P] or

(c) Frozen at minus thirty-five degrees Celsius (-35° C) (minus thirty-one degrees Fahrenheit (-31° F) or below until solid and stored at minus twenty degrees Celsius (-20° C) (minus 4 degrees Fahrenheit (- 4° F) or below for a minimum of twenty-four (24) hours. [P]

903.2 Subsection 903.1 does not apply to:

(a) Molluscan shellfish;

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

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

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

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

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

904 FREEZING – RECORDS, CREATION, AND RETENTION

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

904.2 If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified in § 903 may substitute for the records specified in §904.1.

904.3 If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in § 903.2(c), a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in § 903.2(c) shall be obtained by the person in charge and retained in the records of the food establishment for ninety (90) calendar days beyond the time of service or sale of the fish. [Pf]

905 PREPARATION FOR IMMEDIATE SERVICE

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

906 REHEATING – FOR HOT HOLDING

906.1 Except as specified in § 906.2, 906.3, and 906.5, potentially hazardous food (time/ temperature control for safety food) that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least seventy-four degrees Celsius (74° C) (one hundred sixty-five degrees Fahrenheit (165° F)) for fifteen (15) seconds. [P]

906.2 Except as specified under § 906.3, potentially hazardous food (time/temperature control for safety food) reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least seventy-four degrees Celsius (74° C) (one hundred sixty-five degrees Fahrenheit (165° F)) and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating. [P]

906.3 Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F)) for hot holding. [P]

906.4 Reheating for hot holding as specified in § 906.1, 906.2, and 906.3 shall be done rapidly and the time the food is between five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) and the temperatures specified in § 906.1, 906.and 906.3 shall not exceed two (2) hours. [P]

906.5 Remaining unsliced portions of roasts of beef that are cooked as specified in § 900.2 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified in § 900.2.

907 OTHER REHEATING METHODS – TREATING JUICE

907.1 Juice packaged in a food establishment shall be:

(a) Treated under a HACCP Plan as specified in § 4205.1(b) through (e) to attain a five (5)-log reduction, which is equal to a ninety-nine and nine hundredths and ninety-nine tenth of a percent (99.999%) reduction, of the most resistant microorganism of public health significance; [P] or

(b) Labeled, if not treated to yield a five (5)-log reduction of the most resistant microorganism of public health significance: [Pf]

(1) As specified in §1102; [Pf] and

(2) As specified in 21 C.F.R. § 101.17(g) Food Labeling, Warning, Notice, and Safe Handling Statements, juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, "Warning: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems." [Pf]

CHAPTER 10 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

1000 TEMPERATURE AND TIME CONTROL – FROZEN FOOD

1000.1 Stored frozen foods shall be maintained frozen.

1001 TEMPERATURE AND TIME CONTROL – POTENTIALLY HAZARDOUS FOODS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), SLACKING

1001.1 Frozen potentially hazardous food (time/temperature control for safety food) that is slacked to moderate the temperature shall be held:

(a) Under refrigeration that maintains the food temperature at five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less; or

(b) At any temperature if the food remains frozen.

1002 TEMPERATURE AND TIME CONTROL – THAWING

1002.1 Except as specified in § 1002.5, potentially hazardous food (time/temperature control for safety food) shall be thawed under refrigeration that maintains the food temperature at five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less; or:

(a) Completely submerged under running water:

(1) At a water temperature of twenty-one degrees Celsius (21° C) (seventy degrees Fahrenheit (70° F)) or below;

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

(3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)); or

(4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified in §900.1 and 900.2 to be above five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)), or seven degrees Celsius (7° C) (forty-five degrees Fahrenheit (45° F)) as specified in § 900.1 and 900.2, for more than four (4) hours including the time the food is exposed to the running water and the time needed for preparation for cooking, or the time it takes under refrigeration to lower the food temperature to five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F));

(b) As a part of a cooking process if the food that is frozen is:

(1) Cooked as specified in § 900.1, 900.2 or § 901; or

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

(c) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

1003 TEMPERATURE AND TIME CONTROL – COOLING

1003.1 Cooked potentially hazardous food (time/temperature control for safety food) shall be cooled:

(a) Within two (2) hours, from fifty-seven degrees Celsius (57° C) (one

hundred thirty-five degrees Fahrenheit (135° F)) to twenty-one degrees Celsius (21° C) (seventy degrees Fahrenheit (70° F)); [P] and

(b) Within six (6) hours, from fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F) to five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less. [P]

1003.2 Potentially hazardous food (time/temperature control for safety food) shall be cooled within four (4) hours to five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna. [P]

1003.3 Except as specified in § 1003.4, a potentially hazardous food (time/ temperature control for safety food) received in compliance with laws allowing a temperature above five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) during shipment from the supplier as specified in § 707.2, shall be cooled within four (4) hours to five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less.[P]

1003.4 Raw eggs shall be received as specified in § 707.3 and immediately placed in refrigerated equipment that maintains an ambient air temperature of seven degrees Celsius (7° C) (forty-five degrees Fahrenheit (45° F)) or less. [P]

1004 TEMPERATURE AND TIME CONTROL – COOLING METHODS

1004.1 Cooling shall be accomplished in accordance with the time and temperature criteria specified in § 1003 by using one (1) or more of the following methods based on the type of food being cooled:

(a) Placing the food in shallow pans; [Pf]

(b) Separating the food into smaller or thinner portions; [Pf]

(c) Using rapid cooling equipment; [Pf]

(d) Stirring the food in a container placed in an ice water bath; [Pf]

(e) Using containers that facilitate heat transfer; [Pf]

(f) Adding ice as an ingredient; [Pf] or

(g) Other effective methods. [Pf]

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

(a) Arranged in the equipment to provide maximum heat transfer through the container walls; and

(b) Loosely covered or uncovered if protected from overhead contamination as specified in § 816.1(b), during the cooling period to facilitate heat transfer from the surface of the food.

1005 TEMPERATURE AND TIME CONTROL – POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) HOT AND COLD HOLDING

1005.1 Except during preparation, cooking, or cooling, or when time is used as the public health control as specified in § 1009, potentially hazardous food (time/ temperature control for safety food) shall be maintained:

(a) At fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F)) or above, except that roasts cooked to a temperature and for a time specified in § 900.2 or reheated as specified in § 906.5 may be held at a temperature of fifty-four degrees Celsius (54° C)(one hundred thirty degrees Fahrenheit ((130° F)) or above; [P] or

(b) At five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less. [P]

1005.2 Eggs that have not been treated to destroy all viable *Salmonellae* shall be stored in refrigerated equipment that maintains an ambient air temperature of seven degrees Celsius (7° C) (forty-five degrees Fahrenheit (45° F)) or less. [P]

1005.3 Potentially hazardous food (time/temperature control for safety food) in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified in § 1005.1, while contained within specifically designed equipment that complies with the design and construction requirements as specified in § 1515.5

1006 TEMPERATURE AND TIME CONTROL – POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), DISPLAY

1006.1 Potentially hazardous food (time/temperature control for safety food) that is displayed on drained ice, or held in a display container, and is exposed to exterior temperatures either inside the food establishment or outdoors shall comply with § 1005. [P]

1006.2 If equipment in place does not maintain proper temperatures for potentially hazardous food (time/temperature control for safety food) identified in § 1005.1, the Department may order the repair, replacement or purchase of National Sanitation Foundation (NSF) approved or NSF equivalent equipment. [P]

1007 TEMPERATURE AND TIME CONTROL – READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), DATE MARKING

1007.1 Except when packaging food using a reduced oxygen packaging method as specified in § 1011, and except as specified in § 1007.4 and 1007.5, refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared and held in a food establishment for more than twenty-four (24) hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less for a maximum of seven (7) days. [Pf]

1007.2 Except as specified in § 1007.4 through 1007.6, a container of refrigerated, ready-to-eat potentially hazardous food (time/temperature control for safety food) prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than twenty-four (24) hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded based on the temperature and time combinations specified in § 1007.1 and: [Pf]

(a) The day the original container is opened in the food establishment shall be counted as Day 1; [Pf] and

(b) The day or date marked by the food establishment may not exceed a manufacturer's use-by-date if the manufacturer determined the use-by date based on food safety. [Pf]

1007.3 A refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient. [Pf]

1007.4 A date marking system that meets the criteria stated in § 1007.1 and 1007.2 may include:

(a) Using a for refrigerated, ready-to-eat potentially hazardous food (time/temperature control for safety food) that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft service mix or milk in a dispensing machine;

(b) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified in § 1007.1;

(c) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified in § 1007.2; or

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

1007.5 Subsections 1007.1 and 1007.2, do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

1007.6 Subsection 1007.2 does not apply to the following foods prepared and packaged by a food processing plant inspected by a regulatory authority:

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

(b) Hard cheeses containing not more than thirty-nine percent (39%) moisture as defined in 21 C.F.R. § 133 - Cheeses and related cheese products, such as cheddar, gruyere, parmesan and reggiano, and romano;

(c) Semi-soft cheeses containing more than thirty-nine percent (39%) moisture, but not more than fifty percent (50%) moisture, as defined in 21 C.F.R. § 133 - Cheeses and related cheese products, such as blue, edam, gorgonzola, gouda, and monterey jack;

(d) Cultured dairy products as defined in 21 C.F.R. § 131 - Milk and cream, such as yogurt, sour cream, and buttermilk;

(e) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 C.F.R. § 114 - Acidified foods;

(f) Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 C.F.R. § 317 - Labeling, marking devices, and containers, and which retain the original casing on the product; and

(g) Self stable salt-cured products such as prosciutto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 C.F.R. § 317 - Labeling, marking devices, and containers.

1008 TEMPERATURE AND TIME CONTROL ─ READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD), DISPOSITION

1008.1 A food specified in § 1007.1 or 1007.2 shall be discarded if it:

(a) Exceeds either of the temperature and time combinations specified in § 1007.1, excluding time that the product is frozen; [P]

(b) Is in a container or package that does not bear a date or day; [P] or

(c) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in §1007.1. [P]

1008.2 Refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in § 1007.1. [P]

1009 TIME AS A PUBLIC HEALTH CONTROL

1009.1 Except as specified in § 1009.4, if time without temperature control is used as the public health control for a working supply of potentially hazardous food (time/temperature control for safety food) before cooking, or for ready-to-eat potentially hazardous food (time/temperature control for safety food) that is displayed or held for sale or service:

(a) Written procedures shall be prepared in advance, maintained in the food establishment and made available to the Department upon request and shall specify: [Pf]

(1) Methods of compliance with § 1009.2(a) through 1009.2(c) or § 1009.3; [Pf] and

(2) Methods of compliance with § 1003 for food that is prepared, cooked, and refrigerated before time is used as a public health control. [Pf]

1009.2 If time temperature control is used as the public health control up to a maximum of four (4) hours:

(a) The food shall have an initial temperature of five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less when removed from cold holding temperature control, or fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F)) or greater when removed from hot holding temperature control; [P]

(b) The food shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control; [Pf]

(c) The food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control; [P] and

(d) The food in unmarked containers or packages, or marked to exceed a four (4)-hour limit shall be discarded. [P]

1009.3 If time temperature control is used as the public health control up to a maximum of six (6) hours:

(a) The food shall have an initial temperature of five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less when removed from

temperature control and the food temperature shall not exceed and twenty-one degrees Celsius (21° C) (seventy degrees Fahrenheit (70° F)) within a maximum time period of six (6) hours; [P]

(b) The food shall be monitored to ensure the warmest portion of the food does not exceed twenty-one degrees Celsius (21° C) (seventy degrees Fahrenheit (70° F)) during the six hour (6 hr.) period, unless an ambient air temperature is maintained that ensures the food does not exceed twenty-one degrees Celsius (21° C) (seventy degrees Fahrenheit (70° F)) during the six (6) hour holding period; [Pf]

(c) The food shall be marked or otherwise identified to indicate: [Pf]

(1) The time when the food is removed from five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F) or less cold holding temperature control; [Pf] and

(2) The time that is six (6) hours past the point in time when the food is removed from cold holding temperature control; [Pf]

(d) The food shall be:

(1) Discarded if the temperature of the food exceeds twenty-one degrees Celsius (21° C) (seventy degrees Fahrenheit (70° F)); [P] or

(2) Cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of six (6) hours from the point in time when the food is removed from five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less cold holding temperature control; [P] and

(e) The food in unmarked containers or packages, or marked with a time that exceeds the six (6) hour limit shall be discarded. [P]

1009.4 A food establishment that serves a highly susceptible population shall not use time as specified in § 1009.1, 1009.2, or 1009.3 as the public health control for raw eggs.

1010 VARIANCE REQUIREMENT

1010.1 A food establishment shall obtain a variance from the Department as specified in §§ 4102, 4103, and 4104 before:

(a) Smoking food as a method of food preservation rather than as a method of flavor enhancement; [Pf]

(b) Curing food; [Pf]

(c) Using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to

render a food so that it is not potentially hazardous (time/temperature control for safety food); [Pf]

(d) Packaging food using a reduced oxygen method except where the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled as specified in § 1011; [Pf]

(e) Operating a molluscan shellfish life-support system display tank used to store or display shellfish that are offered for human consumption; [Pf]

(f) Custom processing animals that are for personal use as food and not for sale or service in a food establishment;

(g) Preparing food by another method that the Department determines requires a variance; [Pf] or

(h) Sprouting seeds or beans. [Pf]

1011 SPECIALIZED PROCESSING METHODS ─ REDUCED OXYGEN PACKAGING, CRITERIA

1011.1 Except for a food establishment that obtains a variance as specified in § 1010, a food establishment that packages potentially hazardous food (time/ temperature control for safety food) using a reduced oxygen packaging method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*. [P]

1011.2 A food establishment that packages potentially hazardous food (time/ temperature control for safety food) using a reduced oxygen packaging method shall have a HACCP Plan that contains the information specified in § 4205.1(d) and that: [Pf]

(a) Identifies the food to be packaged; [Pf]

(b) Except as specified in § 1011.3 through 1011.5 requires that the packaged food shall be maintained at five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or less and meet at least one (1) of the following criteria: [Pf]

(1) Has an a_w of ninety-one tenths (0.91) or less; [Pf]

(2) Has a pH of four and six tenths (4.6) or less; [Pf]

(3) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 C.F.R. subpart C § 424.21(b) − Food ingredients and sources of radiation, and is received in an intact package; [Pf] or

(4) Is a food with a high level of competing organisms such as raw meat, raw poultry, or raw vegetables; [Pf]

(c) 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: [Pf]

(1) Maintain the food at five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) or below; [Pf] and

(2) Discard the food if within fourteen (14) calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption; [Pf]

(d) Limits the refrigerated shelf life to no more than fourteen (14) calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first; [P]

(e) Includes operational procedures that:

(1) Prohibit contacting ready-to-eat food with bare hands as specified in § 800.2; [Pf]

(2) Identify a designated work 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 limited to responsible trained personnel familiar with the potential hazards of the operation; [Pf] and

(3) Delineate cleaning and sanitization procedures for food-contact surfaces; [Pf] and

(f) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the: [Pf]

(1) Concepts required for a safe operation; [Pf]

(2) Equipment and facilities; [Pf] and

(3) Procedures specified in § 1011.2(e) and § 4205.1(d). [Pf]

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

1011.4 Except as specified in § 1011.3, a food establishment that packages food using a cook-chill or *sous vide* process shall:

(a) Implement a HACCP plan that contains the information as specified in § 4205.1(d); [Pf]

(b) Ensure the food is:

(1) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the packaged product to another business entity or the consumer; [Pf]

(2) Cooked to heat all parts of the food to a temperature and for a time as specified in § 900; [P]

(3) Protected from contamination before and after cooking as specified in chapter 8; [P]

(4) Placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below fifty-seven degrees Celsius (57° C) (one hundred and thirty-five degrees Fahrenheit (135° F)); [P]

(5) Cooled to five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) in the sealed package or bag as specified in § 1003 and subsequently: [P]

(A) Cooled to one degrees Celsius (1° C) (thirty-four degrees Fahrenheit (34° F)) within forty-eight (48) hours of reaching five degrees Celsius (5°C) (forty-one degrees Fahrenheit (41° F)) and held at that temperature until consumed or discarded within thirty (30) days after the date of packaging; [P]

(B) Cooled to one degrees Celsius (1° C) (thirty-four degrees Fahrenheit (34° F)) within forty-eight (48) hours of reaching five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)), removed from refrigeration equipment that maintains a one degree Celsius (1° C) (thirty-four degrees Fahrenheit (34° F)) food temperature and then held at 5° C (41° F) or less for no more than seventy-two (72) hours, at which time the food must be consumed or discarded; [P]

(C) Cooled three degrees Celsius (3° C) (thirty-eight degrees Fahrenheit (38° F)) or less within twenty-four (24) hours of reaching five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) and held there for no more than seventy-two (72) hours from packaging, at which time the food must be consumed or discarded; [P] or

(D) Held frozen with no shelf life restriction while frozen until consumed or used; [P]

(6) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily; [Pf]

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

(8) Labeled with the product name and the date packaged; [Pf] and

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

(1) Make such records available to the Department upon request; [Pf] and

(2) Hold such records for at least six (6) months; [Pf] and

(d) Implement written operational procedures as specified in § 1011.2(e) and a training program as specified in § 1011.2(f). [Pf]

1011.5 A food establishment that packages cheese using a reduced oxygen packaging method shall:

(a) Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added in the food establishment and that meet the Standards of Identity as specified in 21 C.F.R. § 133.150 Hard cheeses, 21 C.F.R. § 133.169 Pasteurized process cheese or 21 C.F.R. § 133.187 Semisoft cheeses; [P]

(b) Have a HACCP Plan that contains the information specified in §4205.1(d) and as specified in §§1011.2(a), (c)(1), (e), and (f); [Pf]

(c) Labels the package on the principal display panel with a "use by" date that does not exceed thirty (30) days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first; [Pf] and

(d) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within thirty (30) calendar days of its packaging. [Pf]

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

1100 ACCURATE REPRESENTATION – STANDARDS OF IDENTITY

1100.1 Packaged food shall comply with standard of identity requirements in 21 C.F.R. §§ 131 through169 and 9 C.F.R. § 319 − Definitions and Standards of Identity or Composition, and the general requirements in 21 C.F.R. § 130 − Food Standards: General.

1101 ACCURATE REPRESENTATION – HONESTLY PRESENTED

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

1101.2 Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

1102 FOOD LABELING REQUIREMENTS

1102.1 Food packaged in a food establishment, shall be labeled as specified in law, including 21 C.F.R. § 101 − Food labeling, and 9 C.F.R. §317 − Labeling, marking devices, and containers.

1102.2 Label information shall include:

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

(b) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;

(c) An accurate declaration of the quantity of contents;

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

(e) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient;

(f) Except as exempted in the Federal Food Act (21 U.S.C. 343(q)(3) – (5)), nutrition labeling as specified in 21 C.F.R. § 101 − Food Labeling and 9 C.F.R. 317 subpart B − Nutrition Labeling; and

(g) For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin.

1102.3 Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:

(a) The manufacturer's or processor's label that was provided with the food; or

(b) A card, sign, or other method of notification that includes the information specified in § 1102.2(a), (b), and (e).

1102.4 Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:

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

(b) The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

1102.5 If required by law, consumer warnings shall be provided and food establishments or manufacturers' dating information on foods may not be concealed or altered.

1103 FOOD LABELING REQUIREMENTS – COMMINUTED MEATS

1103.1 No person shall convey into the District, sell, offer for sale, or use any food that does not conform to this section.

1103.2 All products identified under this section as "Chopped Beef," "Breakfast Sausage," and "Ground Beef," "Hamburger," "Fabricated Steak," "Fresh Pork Sausage," or "Sausage" when they are labeled, advertised, or indicated to be "lean," "extra lean," or of lesser fat content than the maximum fat content for that product, as allowed by the USDA, shall, at the time offered for retail sale, display by percentage the fat content of each product, in accordance with this Code.

1103.3 Fat content shall be displayed on the package in which the product is sold, or shall be displayed on a sign placed conspicuously near the product.

1103.4 Display of fat content shall be in letters no smaller than one-eighth inch (1/8 in.) on packages and no smaller than one-half inch (1/2 in.) on signs.

1103.5 Comminuted meats if offered for sale as being a specific cut shall be labeled as such, shall be made solely from such cut, and shall not contain added fat.

1103.6 Meats that are labeled "Chopped Beef" or "Ground Beef" shall consist of comminuted meats which are fresh or frozen beef, or both, with or without seasoning, without the addition of beef fat and shall not contain added water, binders, extenders, color additives, preservatives, or more than thirty percent (30%) fat.

1103.7 Meats that are labeled "Hamburger" shall consist of comminuted fresh or frozen beef, or both, with or without the addition of beef fat or seasoning, and shall not contain added water, binders, extenders, color additives, or preservatives.

1103.8 Fabricated beef steaks, fabricated veal steaks, fabricated beef and veal steaks, and similar products, shall be prepared by comminuting and forming the product from fresh or frozen meat, or both, with or without added fat, and shall not contain added water, binders, color additives, extenders, hydrolyzed plant protein, or preservatives.

1103.9 Meats that are labeled "Fresh Pork Sausage" shall consist of comminuted fresh pork or frozen pork, or both, not including pork by-products, with or without seasoning added. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three percent (3%) of the total ingredients used. The product shall not contain color additives, preservatives, or more than fifty percent (50%) trimmable fat.

1103.10 Meats that are labeled "Breakfast Sausage" shall consist of comminuted fresh or frozen meat, or both, or meat and meat by-products, with or without seasoning added. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three percent (3%) of the total ingredients used. Extenders or binders may be used to the extent of three and a half percent (3.5%) of the finished sausage. The product shall not contain color additives, preservatives, or more than fifty percent (50%) fat.

1103.11 Meats that are labeled "Sausage", raw or cooked, shall consist of one (1) or more kinds of comminuted meat and meat by-products. The amounts of added water in raw sausage shall not exceed three percent (3%) of the total ingredients used. Raw sausage shall not contain color additives, preservatives, or more than fifty percent (50%) fat.

1103.12 In the case of cooked sausage, frankfurter, wiener, Vienna, bologna, garlic bologna, and knockwurst, the added water content shall not exceed ten percent (10%). The product may be seasoned and may contain binders and extenders (for example, cereal, vegetables, starch vegetable flour, soy flour, soy protein concentrate, non-fat dry milk, calcium reduced skim milk, or dried milk); provided, that the finished product contains not more than three and a half percent (3.5%) of these additives individually or collectively. The fat content shall not exceed thirty percent (30%).

1103.13 Packages in which raw and cooked sausages are sold shall be labeled as to the meat and meat by-products composition of the product in letters no smaller than one-eighth inch (1/8 in.). If such products are not sold in packages, signs bearing letters no smaller than one half inch (1/2 in.) shall be conspicuously posted nearby.

1103.14 Except where the manufacturer and the retail seller are under common ownership or control, it shall not be considered a violation of this section to sell at retail or offer for sale at retail, in the original package, any non-complying product which has been manufactured and packaged in a federally-inspected plant and shipped in interstate commerce into the District for sale at retail in the package in which shipped.

1104 DISPLAYING OTHER FORMS OF INFORMATION

1104.1 Consumer warnings shall be provided pursuant to this Code.

1104.2 Food establishment or manufacturers' dating information on foods may not be concealed or altered.

1105 CONSUMER ADVISORY – CONSUMING RAW OR UNDERCOOKED ANIMAL FOODS

1105.1 Except as specified in §§ 900.4, 900.3, and 1300.3, if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens either in ready-to-eat form or as an ingredient in another ready-to-eat food, the licensee shall inform consumers by brochures, deli-case or menu advisories, label statements, table tents, placards, or other effective written means of the significantly increased risk of consuming such foods. This information shall read:

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

CHAPTER 12 CONTAMINATED OR ADULTERATED FOOD

1200 DISPOSITION – DISCARDING OR RECONDITIONING

1200.1 A food that is unsafe, adulterated, or not honestly presented as specified in § 600 shall be reconditioned according to procedures that the Department approved or discarded.

1200.2 Food that is not from an approved source as specified in §§ 700 through 706 shall be discarded.

1200.3 Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified in § 303 shall be discarded.

1200.4 Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

CHAPTER 13 SPECIAL REQUIREMENTS FOR FOODS FOR HIGHLY SUSCEPTIBLE POPULATIONS

1300 ADDITIONAL SAFEGUARDS – PASTEURIZED FOODS, PROHIBITED RESERVICE, AND PROHIBITED FOODS

1300.1 In a food establishment that serves a highly susceptible population the following criteria apply to juice:

(a) For the purpose of this section only, children who are age nine (9) or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

(b) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 C.F.R. § 101.17(g) − Food labeling, warning, notice, and safe handling statements, juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a packaged juice or beverage containing juice, that bears a warning label as specified in § 907.1(b) shall not be served or offered for sale; and

(c) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP Plan that contains the information specified in § 4205.1(b) through (e) and as specified in 21 C.F.R. part 120 – Hazard Analysis and Critical Control Point (HACCP) systems, subpart B Pathogen Reduction, § 120.24- Process controls.

1300.2 In a food establishment that serves a highly susceptible population pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of:

(a) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages; and

(b) Recipes in which more than one (1) egg is broken and the eggs are combined, except as specified in § 1300.8;

1300.3 In a food establishment that serves a highly susceptible population the following foods shall not be served or offered for sale in a ready-to-eat form:

(a) Raw animal food such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare;

(b) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue; and

(c) Raw seed sprouts.

1300.4 Food employees shall not contact ready-to-eat food as specified in § 800.2 and 800.4.

1300.5 Time only, as the public health control as specified in § 1009.4, shall not be used for raw eggs.

1300.6 Subsection 1300.2(b) does not apply if the raw eggs are combined immediately before cooking for one (1) consumer's serving at a single meal, cooked as specified in § 900.1(a), and served immediately, such as an omelet, soufflé, or scrambled eggs.

1300.7 Subsection 1300.2(b) does not apply if the raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread.

1300.8 Subsection 1300.2(b) does not apply if the preparation of the food is conducted under a HACCP Plan that:

(a) Identifies the food to be prepared;

(b) Prohibits contacting ready-to-eat food with bare hands;

(c) Includes specifications and practices that ensure:

(1) *Salmonella Enteritidis* growth is controlled before and after cooking; and

(2) *Salmonella Enteritidis* is destroyed by cooking the eggs according to the temperature and time specified in § 900.1(b);

(d) Contains the information specified in § 4205.1(d) including procedures that:

(1) Control cross contamination of ready-to-eat food with raw eggs; and

(2) Delineate cleaning and sanitization procedures for food contact surfaces; and

(e) Describes the training program that ensures the food employee responsible for the preparation of the food understands the procedures to be used.

1300.9 Food may be re-served as specified in § 823.2, except as specified in § 1300.10.

1300.10 Food shall not be re-served under the following conditions;

(a) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation shall not be re-served to others outside; and

(b) Packages of food from any patients, clients, or other consumers shall not be re-served to persons in protective environment isolation.

IV. EQUIPMENT, UTENSILS, AND LINENS

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

1400 MULTIUSE – CHARACTERISTICS

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

(a) Safe; [P]

(b) Durable, corrosion-resistant, and nonabsorbent;

(c) Sufficient in weight and thickness to withstand repeated warewashing;

(d) Finished to have a smooth, easily cleanable surface; and

(e) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

1401 MULTIUSE – CAST IRON, USE LIMITATION

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

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

1401.3 Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

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

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

Utensil Category	Description	Maximum Lead mg/L
Beverage Mugs, Cups, Pitchers	Coffee mugs	0.5
Large Hollowware (excluding pitchers)	Bowls ≥ 1.1 liter (1.16 quart)	1
Small Hollowware (excluding cups & mugs)	Bowls < 1.1 liter (1.16 quart)	2.0
Flat Tableware	Plates, Saucers	3.0

1402.2 Pewter alloys containing lead in excess of five hundredth of a percent (0.05%) shall not be used as a food-contact surface. [P]

1402.3 Solder and flux containing lead in excess of two tenths of a percent (0.2%) shall not be used as a food contact surface.

1403 MULTIUSE – COPPER, USE LIMITATION

1403.1 Copper and copper alloys such as brass shall not be used in contact with acidic food that has a pH below six (6) such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator, except as specified in § 1403.2. [P]

1403.2 Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six (6) in the pre-fermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

1404 MULTIUSE – GALVANIZED METAL, USE LIMITATION

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

1405 MULTIUSE – SPONGES, USE LIMITATION

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

1406 MULTIUSE ─ WOOD, USE LIMITATION

1406.1 Wood and wood wicker shall not be used as a food-contact surface, except as specified in §n1406.2 through 1406.4.

1406.2 Hard maple or an equivalently hard, close-grained wood may be used for:

(a) Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

(b) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of one hundred and ten degrees Celsius (110° C) (two hundred and thirty degrees Fahrenheit (230° F)) or above.

1406.3 Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

1406.4 If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(a) Untreated wood containers; or

(b) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 C.F.R. § 178.3800 − Preservatives for Wood.

1407 MULTIUSE ─ NONSTICK COATINGS, USE LIMITATION

1407.1 Multiuse kitchenware such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

1408 MULTIUSE ─ NONFOOD-CONTACT SURFACES EXPOSED TO FOOD SOILING

1408.1 Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion resistant, nonabsorbent, and smooth material.

1409 SINGLE-SERVICE AND SINGLE-USE ─ CHARACTERISTICS

1409.1 Materials that are used to make single-service and single-use articles shall not:

(a) Allow the migration of deleterious substances; [P] or

(b) Impart colors, odors, or tastes to food.

1409.2 Materials that are used to make single-service and single-use articles shall be:

(a) Safe; [P] and

(b) Clean.

CHAPTER 15 DESIGN AND CONSTRUCTION OF EQUIPMENT, UTENSILS, AND LINENS

1500 DURABILITY AND STRENGTH – EQUIPMENT AND UTENSILS

1500.1 Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

1501 DURABILITY AND STRENGTH – FOOD TEMPERATURE MEASURING DEVICES

1501.1 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. [P]

1502 CLEANABILITY – FOOD-CONTACT SURFACES

1502.1 Multiuse food-contact surfaces shall be:

(a) Smooth; [Pf]

(b) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections; [Pf]

(c) Free of sharp internal angles, corners, and crevices; [Pf] and

(d) Finished to have smooth welds and joints. [Pf]

1502.2 Multiuse food-contact surfaces shall be accessible for cleaning and inspection by one (1) of the following methods:

(a) Without being disassembled; [Pf]

(b) By disassembling without the use of tools; [Pf] or

(c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches. [Pf]

1502.3 Subsection 1502.2 does not apply to cooking oil storage tanks, distribution lines

for cooling oils, or beverage syrup lines or tubes.

1503 CLEANABILITY – CIP EQUIPMENT

1503.1 "Cleaned in Place" (CIP) equipment shall meet the characteristics specified in § 1502 and shall be designed and constructed so that:

(a) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; [Pf] and

(b) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.

1503.2 CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

1504 "V" THREADS, USE LIMITATION

1504.1 "V" type threads shall not be used on food-contact surfaces. This section does not apply to hot oil cooking or filtering equipment.

1505 CLEANABILITY – HOT OIL FILTERING EQUIPMENT

1505.1 Hot oil filtering equipment shall meet the characteristics specified in § 1502 or § 1503 and shall be readily accessible for filter replacement and cleaning of the filter.

1506 CLEANABILITY – CAN OPENERS

1506.1 Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

1507 CLEANABILITY – NONFOOD-CONTACT SURFACES

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

1508 CLEANABILITY – KICK PLATES, REMOVABLE

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

1509 CLEANABILITY, OPERATION & MAINTENANCE – VENTILATION HOOD SYSTEMS, FILTERS AND GREASE EXTRACTORS

1509.1 Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

1509.2 Commercial cooking systems shall be operated and maintained in good repair according to the D.C. Fire Code (2008) incorporating the International Fire Code (2006) or most recent edition as amended by the D.C. Fire Code Supplement, as amended (subtitle H of 12 DCMR). [P]

1509.3 The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used in accordance with the D.C. Fire Code (2008) incorporating the International Fire Code (2006) or most recent edition as amended by the D.C. Fire Code Supplement, as amended (subtitle H of 12 DCMR).[P]

1509.4 Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease.

1509.5 The licensee shall maintain on the premises a copy of the establishment's professional service contract and service schedule, which documents the following information: [P]

(a) Name and address of its District-licensed ventilation hood system cleaning contractor; [P]

(b) Frequency and extent of ventilation hood system cleaning services provided under the contract; [P] and

(c) Date and time of ventilation hood system cleaning services were last provided to the establishment. [P]

1509.6 Grease extractors, where installed, shall be operated when commercial-type cooking equipment is used according to the D.C. Fire Code (2008) incorporating the International Fire Code (2006) or most recent edition as amended by the D.C. Fire Code Supplement, as amended (subtitle H of 12 DCMR). [P]

1510 ACCURACY – TEMPERATURE MEASURING DEVICES, FOOD

1510.1 Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to plus or minus one degree Celsius ($\pm 1^{o}$ C) in the intended range of use. [Pf]

1510.2 Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus two degrees Fahrenheit ($\pm 2^{o}$ F) in the intended range of use. [Pf]

1511 ACCURACY – TEMPERATURE MEASURING DEVICES, AMBIENT AIR AND WATER

1511.1 Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily

readable and accurate to plus or minus one and a half degrees Celsius (±1.5° C) in the intended range of use. [Pf]

1511.2 Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus three degrees Fahrenheit (±3° F) in the intended range of use. [Pf]

1512 ACCURACY – PRESSURE MEASURING DEVICES, MECHANICAL WAREWASHING EQUIPMENT

1512.1 Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of seven (7) kilopascals (one (1) pound per square inch) or smaller and shall be accurate to plus or minus fourteen kilopascals (± 14) plus or minus two pounds (± 2) per square inch) in the in the range indicated on the manufacturer's data plate.

1513 FUNCTIONALITY – VENTILATION HOOD SYSTEMS, DRIP PREVENTION

1513.1 Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

1514 FUNCTIONALITY – EQUIPMENT OPENINGS, CLOSURES AND DEFLECTORS

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

1514.2 An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least five millimeters (5 mm) (two-tenths of an inch (2/10 in.)).

1514.3 Fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment, except as specified in § 1514.4.

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

(a) The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and

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

1515 FUNCTIONALITY – DISPENSING EQUIPMENT, PROTECTION OF EQUIPMENT AND FOOD

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

(a) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;

(b) The delivery tube, chute, or orifice shall be protected from manual contact, such as by being recessed;

(c) The delivery tube or chute and orifice of the equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(2) Available for self-service during hours when it is not under the full-time supervision of a food employee; and

(d) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

1515.2 Dispensing equipment in which potentially hazardous food (time/temperature control for safety food) in a homogenous liquid form is maintained outside of the temperature control requirements as specified in § 1005.1 shall:

(a) Be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form for a specified duration from the time of opening the packaging within the equipment; [P] and

(b) Conform to the requirements for this equipment as specified in NSF/ ANSI 18-2006 – Manual Food and Beverage Dispensing Equipment. [P]

1516 FUNCTIONALITY – VENDING MACHINE, VENDING STAGE CLOSURE

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

(a) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(b) Available for self-service during hours when it is not under the full-time supervision of a food employee.

1517 FUNCTIONALITY ─ BEARINGS AND GEAR BOXES, LEAKPROOF

1517.1 Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.

1518 FUNCTIONALITY ─ BEVERAGE TUBING, SEPARATION

1518.1 Except for cold plates that are constructed integrally with an ice storage bin, beverage tubing and cold-plate beverage cooling devices shall not be installed in contact with stored ice.

1519 FUNCTIONALITY ─ ICE UNITS, SEPARATION OF DRAINS

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

1520 FUNCTIONALITY ─ CONDENSER UNIT, SEPARATION

1520.1 If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

1521 FUNCTIONALITY ─ CAN OPENERS ON VENDING MACHINES

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

1522 FUNCTIONALITY ─ MOLLUSCAN SHELLFISH TANKS

1522.1 Molluscan shellfish life support system display tanks shall not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only, except as specified in § 1522.2. [P]

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

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

(b) Ensures that:

(1) Water used with fish other than molluscan shellfish does not

flow into the molluscan tank; [Pf]

(2) The safety and quality of the shellfish as they were received are not compromised by the use of the tank; [Pf] and

(3) The identity of the source of the shellstock is retained as specified in § 717. [Pf]

1523 FUNCTIONALITY – VENDING MACHINES, AUTOMATIC SHUTOFF

1523.1 A machine vending potentially hazardous food (time/temperature control for safety food) shall have an automatic control that prevents the machine from vending food if there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified in chapters 6 through 13 [P], and until the machine is serviced and restocked with food that has been maintained at temperatures specified in chapters 6 through 13. [P]

1523.2 When the automatic shutoff within a machine vending potentially hazardous food (time/temperature control for safety food) is activated:

(a) In a refrigerated vending machine, the ambient air temperature may not exceed five degrees Celsius (5° C) (forty-one degrees Fahrenheit (41° F)) for more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked; [P] or

(b) In a hot holding vending machine, the ambient air temperature may not be less than fifty-seven degrees Celsius (57° C) (one hundred thirty-five degrees Fahrenheit (135° F)) for more than one hundred twenty (120) minutes immediately after the machine is filled, serviced, or restocked. [P]

1524 FUNCTIONALITY – TEMPERATURE MEASURING DEVICES

1524.1 In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

1524.2 Cold or hot holding equipment used for potentially hazardous food (time/temperature control for safety food) shall be designed to include and shall be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display, except as specified in § 1524.3.

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

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

1524.5 Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than one degree Celsius (1° C) (two degrees Fahrenheit (2° F)) in the intended range of use. [Pf]

1525 FUNCTIONALITY – WAREWASHING MACHINE, DATA PLATE OPERATING SPECIFICATIONS

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

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

(b) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and

(c) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

1526 FUNCTIONALITY – WAREWASHING MACHINES, INTERNAL BAFFLES

1526.1 Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

1527 FUNCTIONALITY – WAREWASHING MACHINES, TEMPERATURE MEASURING DEVICES

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

(a) In each wash and rinse tank; [Pf] and

(b) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank. [Pf]

1528 FUNCTIONALITY – MANUAL WAREWASHING EQUIPMENT, HEATERS AND BASKETS

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

(a) Designed with an integral heating device that is capable of maintaining water at a temperature not less than seventy-seven degrees Celsius (77° C) (one hundred seventy-one degrees Fahrenheit (171° F)); [Pf] and

(b) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water. [Pf]

1529 FUNCTIONALITY – WAREWASHING MACHINES, AUTOMATIC DISPENSING OF DETERGENTS AND SANITIZERS

1529.1 A warewashing machine that uses a chemical for sanitization and that is installed after adoption of this Code shall be equipped to:

(a) Automatically dispense detergents and sanitizers; [Pf] and

(b) Incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles. [Pf]

1530 FUNCTIONALITY – WAREWASHING MACHINES, FLOW PRESSURE DEVICE

1530.1 Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine.

1530.2 If the flow pressure-measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a six and four millimeter (6.4 mm) or one fourth inch (1/4 in.) Iron Pipe Size (IPS) valve.

1530.3 Subsections 1530.1 and 1530.2 do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

1531 FUNCTIONALITY – WAREWASHING SINKS AND DRAINBOARDS, SELF-DRAINING

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

1532 FUNCTIONALITY – EQUIPMENT COMPARTMENTS, DRAINAGE

1532.1 Equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

1533 FUNCTIONALITY – VENDING MACHINES, LIQUID WASTE PRODUCTS

1533.1 Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

1533.2 Vending machines that dispense liquid food in bulk shall be:

(a) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and

(b) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

1533.3 Shutoff devices specified in § 1533.2(b) shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

1534 FUNCTIONALITY — CASE LOT HANDLING APPARATUSES, MOVEABILITY

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

1535 FUNCTIONALITY — VENDING MACHINE DOORS AND OPENINGS

1535.1 Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one and one-half millimeters (1.5 mm) or one sixteenth of an inch (1/16 in.) by:

(a) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one and one-half millimeters (1.5 mm) or one-sixteenth of an inch (1/16 in.). Screening of twelve (12) or more mesh to two and a half centimeters (2.5 cm) twelve (12) mesh to one inch (1 in.) meets this requirement;

(b) Being effectively gasketed;

(c) Having interface surfaces that are at least thirteen millimeters (13 mm) or one-half inch (1/2 in.) wide; or

(d) Jambs or surfaces used to form an L-shaped entry path to the interface.

1535.2 Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one and a half millimeters (1.5 mm) or one-sixteenth of an inch (1/16 in).

1536 ACCEPTABILITY – FOOD EQUIPMENT, CERTIFICATION AND CLASSIFICATION

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

CHAPTER 16 NUMBERS AND CAPACITIES OF EQUIPMENT AND UTENSILS

1600 EQUIPMENT – COOLING, HEATING, AND HOLDING CAPACITIES

1600.1 Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified in chapters 6 through 13. [Pf]

1601 EQUIPMENT – MANUAL WAREWASHING, SINK COMPARTMENT REQUIREMENTS

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

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

1601.3 Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:

(a) High-pressure detergent sprayers;

(b) Low- or line-pressure spray detergent foamers;

(c) Other task-specific cleaning equipment;

(d) Brushes or other implements;

(e) Two (2)-compartment sinks as specified in § 1601.4 and 1601.5; or

(f) Receptacles that substitute for the compartments of a multi-compartment sink.

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

(a) The licensee shall have its use approved; and

(b) The licensee shall limit the number of kitchenware items cleaned and sanitized in the two (2)-compartment sink, and shall limit warewashing to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another or cleanup at the end of a shift, and shall:

(1) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use, and

(2) Use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified in § 1814; or

(3) Use a hot water sanitization immersion step as specified in § 1909.1(c).

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

1602 EQUIPMENT ─ DRAINBOARDS

1602.1 Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

1603 EQUIPMENT ─ VENTILATION HOOD SYSTEMS, ADEQUACY

1603.1 Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings according to the D.C. Fire Code (2008) incorporating the International Fire Code (2006) or most recent edition as amended by the D.C. Fire Code Supplement, as amended (subtitle H of 12DCMR). [P]

1604 EQUIPMENT ─ CLOTHES WASHERS AND DRYERS

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

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

1605 UTENSILS ─ CONSUMER SELF-SERVICE

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

1606 FOOD TEMPERATURE MEASURING DEVICES

1606.1 Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified in chapters 6 through 13. [Pf]

1606.2 A temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets. [Pf]

1607 TEMPERATURE MEASURING DEVICES – MANUAL WAREWASHING

1607.1 In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

1608 TESTING DEVICES – SANITIZING SOLUTIONS

1608.1 A test kit or other device that accurately measures the concentration in micrograms per liter (mg/L) of sanitizing solutions shall be provided. [Pf]

CHAPTER 17 LOCATION AND INSTALLATION OF EQUIPMENT

1700 LOCATION – EQUIPMENT, CLOTHES WASHERS AND DRYERS, AND STORAGE CABINETS, CONTAMINATION PREVENTION

1700.1 Except as specified in § 1700.2, equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles shall not be located:

(a) In locker rooms;

(b) In toilet rooms;

(c) In garbage rooms;

(d) In mechanical rooms;

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

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

(g) Under open stairwells; or

(h) Under other sources of contamination.

1700.2 A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

1700.3 If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food, clean equipment, clean utensils, clean linens, or unwrapped single-service and single-use articles.

1701 INSTALLATION ─ FIXED EQUIPMENT, SPACING OR SEALING

1701.1 Equipment that is fixed because it is not easily movable shall be installed so that it is:

(a) Spaced to allow access for cleaning along the sides, behind, and above the equipment;

(b) Spaced from adjoining equipment, walls, and ceilings a distance of not more than one millimeter (1 mm) or one thirty-second of an inch (1/32 in.); or

(c) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

1701.2 Counter-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

(a) Sealed; or

(b) Elevated on legs as specified in § 1702.4.

1702 INSTALLATION ─ FIXED EQUIPMENT, ELEVATION OR SEALING

1702.1 Floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a fifteen centimeter (15 cm) or a six inch (6 in.) clearance between the floor and the equipment, except as specified in § 1702.2 and 1702.3.

1702.2 If no part of the floor under the floor-mounted equipment is more than fifteen centimeters (15 cm) or six inches (6 in.) from the point of cleaning access, the clearance space may be only ten centimeters (10 cm) or four inches (4 in.).

1702.3 This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.

1702.4 Counter-mounted equipment that is not easily movable shall be elevated on legs that provide at least a ten centimeter (10 cm) or four inch (4 in.) clearance between the table and the equipment, except as specified in § 1702.5.

1702.5 The clearance space between the table and counter-mounted equipment may be:

(a) Seven and a half centimeters (7.5 cm) or three inches (3 in.) if the horizontal distance of the table top under the equipment is no more than fifty centimeters (50 cm) or twenty inches (20 in.) from the point of access for cleaning; or

(b) Five centimeters (5 cm) or two inches (2 in.) if the horizontal distance of the table top under the equipment is no more than seven and one-half centimeters (7.5 cm) or three inches (3 in.) from the point of access for cleaning.

CHAPTER 18 MAINTENANCE AND OPERATION OF EQUIPMENT AND UTENSILS

1800 EQUIPMENT – GOOD REPAIR AND PROPER ADJUSTMENT

1800.1 Equipment shall be maintained in a state of repair and condition that meets the requirements specified in chapters 14 and 15.

1800.2 Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

1800.3 Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

1801 EQUIPMENT – CUTTING SURFACES

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

1802 EQUIPMENT – MICROWAVE OVENS

1802.1 Microwave ovens shall meet the safety standards specified in 21 CFR § 1030.10 − Microwave ovens.

1803 EQUIPMENT – WAREWASHING, CLEANING FREQUENCY

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

(a) Before use;

(b) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and

(c) If used, at least every twenty-four (24) hours.

1804 EQUIPMENT – WAREWASHING MACHINES, MANUFACTURERS' OPERATING INSTRUCTIONS

1804.1 A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

1804.2 A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

1805 EQUIPMENT – WAREWASHING SINKS, USE LIMITATION

1805.1 A warewashing sink shall not be used for handwashing or dumping mop water.

1805.2 If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified in § 1803 before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified in chapter 20 before and after using the sink to wash produce or thaw food.

1806 EQUIPMENT – WAREWASHING, CLEANING AGENTS

1806.1 When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in § 1601.3 shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions. [Pf]

1807 EQUIPMENT – WAREWASHING, CLEAN SOLUTIONS

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

1808 EQUIPMENT – MANUAL WAREWASHING, WASH SOLUTION TEMPERATURE

1808.1 The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than forty-three degrees Celsius (43° C) (one hundred ten degrees Fahrenheit (110° F) or the temperature specified on the cleaning agent manufacturer's label instructions. [Pf]

1809 EQUIPMENT – MECHANICAL WAREWASHING, WASH SOLUTION TEMPERATURE

1809.1 The temperature of the wash solution in spray type warewashers that use hot water to sanitize shall not be less than:

(a) For a stationary rack, single temperature machine, seventy-four degrees Celsius (74° C) (one hundred six-five degrees Fahrenheit (165° F)); [Pf]

(b) For a stationary rack, dual temperature machine, sixty-six degrees Celsius (66° C) (one hundred fifty degrees Fahrenheit (150° F)); [Pf]

(c) For a single tank, conveyor, dual temperature machine, seventy-one degrees Celsius (71° C) (one hundred sixty degrees Fahrenheit (160° F)); [Pf] or

(d) For a multi-tank, conveyor, multi-temperature machine, sixty-six degrees Celsius (66° C) (one hundred fifty degrees Fahrenheit (150° F)). [Pf]

1809.2 The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize shall not be less than forty-nine degrees Celsius (49°C) (one hundred twenty degrees Fahrenheit (120 ° F)). [Pf]

1810 EQUIPMENT – MANUAL WAREWASHING, HOT WATER SANITIZATION TEMPERATURES

1810.1 If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at seventy-seven degrees Celsius (77° C) (one hundred seventy-one degrees Fahrenheit (171° F)) or above. [P]

1811 EQUIPMENT – MECHANICAL WAREWASHING, HOT WATER SANITIZATION TEMPERATURES

1811.1 Except as specified in § 1811.2, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold shall not be more than ninety degrees Celsius (90° C) (one hundred ninety-four degrees Fahrenheit (194° F)), or less than: [Pf]

(a) For a stationary rack, single temperature machine, four degrees Celsius (4° C) (one hundred sixty-five degrees Fahrenheit (165° F)); [Pf] or

(b) For all other machines, eighty-two degrees Celsius (82° C) (one hundred eighty degrees Fahrenheit (180° F)). [Pf]

1811.2 The maximum temperature specified in § 1811.1 does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

1812 EQUIPMENT – MECHANICAL WAREWASHING, SANITIZATION PRESSURE

1812.1 The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine, as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control value, shall be within the range specified on the manufacturer's data plate and may not be less than thirty-five

(35) kilopascals (five pounds (5 lbs.) per square inch)) or more than two hundred (200) kilopascals (thirty pounds (30 lbs.) per square inch)).

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

1813.1 A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified in § 2002.2 shall meet the criteria specified in §3404 Sanitizer, Criteria, shall be used in accordance with the EPA-registered label use instructions, and shall be used as specified in §1813.2 through 1813.6. [P]

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

Concentration Range	**Minimum Temperature**	
mg/L	pH 10 or less °C (°F)	pH 8 or less °C (°F)
25 - 49	49 (120)	49 (120)
50 - 99	38 (100)	24 (75)
100	13 (55)	13 (55)

1813.3 An iodine solution shall have a:

(a) Minimum temperature of twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)); [P]

(b) pH of five (5.0) or less or a pH no higher than the level for which the manufacturer specifies the solution is effective; [P] and

(c) Concentration between twelve and a half micrograms per liter (12.5 mg/L) and twenty-five micrograms per liter (25 mg/L). [P]

1813.4 A quaternary ammonium compound solution shall:

(a) Have a minimum temperature of twenty-four degrees Celsius (24° C) (seventy-five degrees Fahrenheit (75° F)); [P]

(b) Have a concentration as specified in § 3404 and as indicated by the manufacturer's use directions included in the labeling; [P] and

(c) Be used only in water with five hundred micrograms per liter (500 mg/L) hardness or less, or in water having hardness no greater than specified by the EPA-registered label use instructions. [P]

1813.5 If another solution of a chemical specified under § 1813.2 through 1813.4 is used, the licensee shall demonstrate to the Department that the solution achieves sanitization and the use of the solution shall be approved. [P]

1813.6 If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the EPA-registered label use instructions. [P]

1814 EQUIPMENT ─ MANUAL WAREWASHING, CHEMICAL SANITIZATION USING DETERGENT-SANITIZERS

1814.1 If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

1815 EQUIPMENT ─ WAREWASHING, DETERMINING CHEMICAL SANITIZER CONCENTRATION

1815.1 Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device. [Pf]

1816 UTENSILS AND TEMPERATURE AND PRESSURE MEASURING DEVICES ─ GOOD REPAIR AND CALIBRATION

1816.1 Utensils shall be maintained in a state of repair or condition that complies with the requirements specified in chapters 14 and 15 or shall be discarded.

1816.2 Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy. [Pf]

1816.3 Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

1817 UTENSILS ─ SINGLE-SERVICE AND SINGLE-USE ARTICLES, REQUIRED USE

1817.1 A food establishment without facilities specified in chapters 19 and 20 for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers. [P]

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

1818.1 Single-service and single-use articles shall not be reused.

1818.2 The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch (1 in.) protruding from the chilled dispensing head.

1819 UTENSILS ─ SHELLS, USE LIMITATION

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

CHAPTER 19 CLEANING OF EQUIPMENT AND UTENSILS

1900 OBJECTIVE ─ CLEANING

1900.1 Equipment food-contact surfaces and utensils shall be clean to sight and touch. [Pf]

1900.2 The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

1900.3 Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

1901 FREQUENCY ─ EQUIPMENT, FOOD-CONTACT SURFACES, AND UTENSILS

1901.1 Equipment food-contact surfaces and utensils shall be cleaned:

(a) Before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry, except as specified in § 1901.2; [P]

(b) Each time there is a change from working with raw foods to working with ready-to-eat foods; [P]

(c) Between uses with raw fruits and vegetables and with potentially hazardous food (time/temperature control for safety food); [P]

(d) Before using or storing a food temperature measuring device; [P] and

(e) At any time during the operation when contamination may have occurred. [P]

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

1901.3 If used with potentially hazardous food (time/temperature control for safety food), equipment, food-contact surfaces and utensils shall be cleaned throughout the day at least every four (4) hours, except as specified in § 1901.4. [P]

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

(a) In storage, containers of potentially hazardous food (time/temperature control for safety food) and their contents are maintained at temperatures specified in chapters 6 through 13 and the containers are cleaned when they are empty;

(b) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart, the utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature, and the cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food establishment:

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

(c) Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food (time/temperature control for safety food) that is maintained at the temperatures specified in chapters 6 through 13 are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every twenty-four (24) hours;

(d) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified in chapters 6 through 13;

(e) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues;

(f) The cleaning schedule is approved based on consideration of:

(1) Characteristics of the equipment and its use;

(2) The type of food involved;

(3) The amount of food residue accumulation; and

(4) The temperature at which the food is maintained during the operation, and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; and

(g) In-use utensils are intermittently stored in a container of water in which the water is maintained at fifty-seven degrees Celsius (57° C) (one hundred and thirty-five degrees Fahrenheit (135° F)) or more and the utensils and container are cleaned at least every twenty-four (24) hours or at a frequency necessary to preclude accumulation of soil residues.

1901.5 Except when dry cleaning methods are used as specified in § 1904, surfaces of utensils and equipment in contact with food that is not potentially hazardous (time/temperature control for safety food) shall be cleaned:

(a) At any time when contamination may have occurred;

(b) At least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;

(c) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and

(d) In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:

(1) At a frequency specified by the manufacturer; or

(2) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

1902 FREQUENCY ─ COOKING AND BAKING EQUIPMENT

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

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

1903 FREQUENCY ─ NONFOOD-CONTACT SURFACES

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

1904 METHODS – DRY CLEANING

1904.1 If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous (time/temperature control for safety food).

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

1905 METHODS – PRECLEANING

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

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

1906 METHODS – LOADING OF SOILED ITEMS, WAREWASHING MACHINES

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

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

(b) Allows the items to drain.

1907 METHODS – WET CLEANING

1907.1 Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

1907.2 The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

1908 METHODS – WASHING, PROCEDURES FOR ALTERNATIVE MANUAL WAREWASHING EQUIPMENT

1908.1 If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified in § 1601.3, in accordance with the following procedures:

(a) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;

(b) Equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation; and

(c) Equipment and utensils shall be washed as specified in § 1907.1.

1909 METHODS – RINSING PROCEDURES

1909.1 Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one (1) of the following procedures:

(a) Use of a distinct, separate water rinse after washing and before sanitizing if using:

(1) A three (3)-compartment sink;

(2) Alternative manual warewashing equipment equivalent to a three (3)-compartment sink as specified in §1601.3; or

(3) A three (3)-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment;

(b) Use of a detergent-sanitizer as specified in § 1814 if using:

(1) Alternative warewashing equipment as specified in §1601.3 that is approved for use with a detergent-sanitizer; or

(2) A warewashing system for CIP equipment;

(c) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2)-compartment sink operation;

(d) If using a warewashing machine that does not recycle the sanitizing solution as specified in § 1909.1(e), or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:

(1) Integrated in the application of the sanitizing solution; and

(2) Wasted immediately after each application; or

(e) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

1910 METHODS – CLEANING FOR REFILLING OF RETURNABLES

1910.1 Returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant, except as specified in § 1910.2 and 1910.3. [P]

1910.2 A food-specific container for beverages may be refilled at a food establishment if:

(a) Only a beverage that is not a potentially hazardous food (time/ temperature control for safety food) is used as specified in § 815.1;

(b) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;

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

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

(e) The container is refilled by:

(1) An employee of the food establishment; or

(2) The owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.

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

CHAPTER 20 SANITIZATION OF EQUIPMENT AND UTENSILS

2000 OBJECTIVE – FOOD CONTACT SURFACES AND UTENSILS

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

2001 FREQUENCY – BEFORE USE AFTER CLEANING

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

2002 METHODS – HOT WATER AND CHEMICAL

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

(a) Hot water manual operations by immersion for at least thirty (30) seconds as specified in § 1810; [P] or

(b) Hot water mechanical operations by being cycled through equipment

that is set up as specified in §§ 1804, 1811, and 1812 and achieving a utensil surface temperature of seventy-one degrees Celsius (71° C) (one hundred and sixty degrees Fahrenheit (160° F)) as measured by an irreversible registering temperature indicator. [P]

2002.2 After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified in § 1813 by providing:

(a) Except as specified in § 2002.2(b), a contact time of at least ten (10) seconds for a chlorine solution specified in § 1813.2; [P]

(b) A contact time of at least seven (7) seconds for a chlorine solution of fifty micrograms per liter (50 mg/L) that has a pH of ten (10) or less and a temperature of at least thirty -eight degrees Celsius (38° C) (one hundred degrees Fahrenheit (100° F), or a pH of eight (8) or less and a temperature of at least twenty-four degrees Celsius (24° C) (seventy-five degrees Fahrenheit (75° F)); [P]

(c) A contact time of at least thirty (30) seconds for other chemical sanitizing solutions; [P] or

(d) A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields "sanitization", as defined in this Code. [P]

CHAPTER 21 LAUNDERING OF LINENS

2100 OBJECTIVE – CLEAN LINENS

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

2101 FREQUENCY – SPECIFICATIONS

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

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

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

2101.4 Wet wiping cloths shall be laundered daily.

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

2102 METHODS ─ STORAGE OF SOILED LINENS

2102.1 Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags, stored in vermin-proof containers, and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

2103 METHODS ─ MECHANICAL WASHING

2103.1 Linens shall be mechanically washed, except as specified in § 2103.2.

2103.2 In food establishments in which only wiping cloths are laundered as specified in §1604.2, the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified in § 1803.

2104 METHODS ─ USE OF LAUNDRY FACILITIES

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

2104.2 Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering food establishment items.

CHAPTER 22 PROTECTION OF CLEAN EQUIPMENT, UTENSILS, AND LINENS

2200 DRYING ─ EQUIPMENT AND UTENSILS, AIR-DRYING REQUIRED

2200.1 After cleaning and sanitizing, equipment and utensils:

(a) Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 C.F.R. § 180.940 − Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions), before contact with food; and

(b) Shall not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

2201 DRYING ─ WIPING CLOTHS, AIR-DRYING LOCATIONS

2201.1 Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in § 1604.2 shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified in § 1813.

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

2202.1 Lubricants as specified in § 3408 shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

2202.2 Equipment shall be reassembled so that food-contact surfaces are not contaminated.

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

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

(a) In a clean, dry location;

(b) Where they are not exposed to splash, dust, or other contamination; and

(c) At least fifteen centimeters (15 cm) or six inches (6 in.) above the floor.

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

(a) In a self-draining position that allows air drying; and

(b) Covered or inverted.

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

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

2204 STORING ─ PROHIBITIONS

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

(a) In locker rooms;

(b) In toilet rooms;

(c) In garbage rooms;

(d) In mechanical rooms;

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

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

(g) Under open stairwells; or

(h) Under other sources of contamination.

2204.2 Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

2205 PREVENTING CONTAMINATION – KITCHENWARE AND TABLEWARE

2205.1 Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed, and dispensed so that contamination of food- and lip-contact surfaces is prevented.

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

2205.3 Single-service articles that are intended for food- or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

2206 PREVENTING CONTAMINATION – SOILED AND CLEAN TABLEWARE

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

2207 PREVENTING CONTAMINATION – PRESET TABLEWARE

2207.1 Tableware that is preset shall be protected from contamination by being wrapped, covered, or inverted.

2207.2 When tableware is preset, exposed, unused settings shall be:

(a) Removed when a consumer is seated; or

(b) Cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

2208 PREVENTING CONTAMINATION – RINSING EQUIPMENT AND UTENSILS AFTER CLEANING AND SANITIZING

2208.1 After being cleaned and sanitized, equipment and utensils shall not be rinsed before air drying or use unless:

(a) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified in §§ 1513 through 1535 and §§ 1800 through 1815; and

(b) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

V. WATER, PLUMBING, AND WASTE

CHAPTER 23 WATER

2300 SOURCE ─ APPROVED SYSTEM

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

2301 SOURCE ─ SYSTEM FLUSHING AND DISINFECTION

2301.1 A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system. [P]

2302 SOURCE ─ BOTTLED DRINKING WATER

2302.1 Bottled drinking water used or sold in a food establishment shall be obtained from approved sources in accordance with 21 C.F.R. § 129 − Processing and Bottling of Bottled Drinking Water. [P]

2303 QUALITY ─ STANDARDS

2303.1 Water from a public water system shall meet 40 C.F.R. § 141 − National Primary Drinking Water Regulations and District of Columbia drinking water quality standards. [P]

2304 QUALITY ─ NONDRINKING WATER

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

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

2305 QUANTITY AND AVAILABILITY ─ CAPACITY

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

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

2306 QUANTITY AND AVAILABILITY ─ PRESSURE

2306.1 Hot or cold water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use hot or cold water, except that

water supplied as specified in § 2308.1(a) and (b) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure. [Pf]

2307 DISTRIBUTION, DELIVERY, AND RETENTION – SYSTEM

2307.1 Water shall be received from the source through the use of an approved public water main; [Pf] or through one of the following that shall be constructed, maintained, and operated according to 40 C.F.R. § 141 − National Primary Drinking Water Regulations and District of Columbia drinking water quality standards : [Pf]

(a) Water transport vehicles; [Pf] or

(b) Water containers. [Pf]

2308 DISTRIBUTION, DELIVERY, AND RETENTION – ALTERNATIVE WATER SUPPLY

2308.1 Water meeting the requirements specified in §§ 2300 through 2306 shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:

(a) A supply of containers of commercially bottled drinking water; [Pf]

(b) One (1) or more closed portable water containers; [Pf]

(c) An enclosed vehicular water tank; [Pf]

(d) An on-premises water storage tank; [Pf] or

(e) Piping, tubing, or hoses connected to an adjacent approved source. [Pf]

CHAPTER 24 PLUMBING SYSTEM

2400 MATERIALS – APPROVED MATERIALS, USE

2400.1 A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR).

2400.2 A water filter shall be made of safe materials. [P]

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

2401.1 A plumbing system shall be designed, constructed, and installed according to the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). [P]

2401.2 A plumbing fixture such as a handwashing sink, toilet, or urinal shall be easily cleanable. [P]

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

2402.1 A handwashing sink shall be equipped to provide water at a temperature of at least thirty-eight degrees Celsius (38° C) (one hundred degrees Fahrenheit (100° F)) through a mixing valve or combination faucet. [Pf]

2402.2 A steam mixing valve shall not be used at a handwashing sink.

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

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

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

2403.1 An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than twenty-five millimeters (25 mm) or one inch (1 in). [P]

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

2404.1 A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device. [P]

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

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

2406 NUMBERS AND CAPACITIES – HANDWASHING SINK

2406.1 Handwashing sinks shall be provided for employees' use in areas specified in section 2411 in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code (2006) or most recent edition, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). [Pf]

2406.2 If approved, when food exposure is limited and handwashing sinks are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees shall use chemically treated towelettes for handwashing.

2406.3 If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing sinks in a food establishment that has at least one (1) handwashing sink.

2407 NUMBERS AND CAPACITIES – TOILETS AND URINALS

2407.1 Toilets shall be provided for employees' use in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR).Urinals may be substituted for toilets if the substitution is authorized and conforms to the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). [P]

2408 NUMBERS AND CAPACITIES – SERVICE SINKS

2408.1 At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

2408.2 Toilets and urinals shall not be used as a service sink for the disposal of mop water and similar liquid waste.

2409 NUMBERS AND CAPACITIES – BACKFLOW PREVENTION DEVICE, WHEN REQUIRED

2409.1 A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR) by:

(a) Providing an air gap as specified in § 2403; [P] or

(b) Installing an approved backflow prevention device as specified in § 2404. [P]

2410 NUMBERS AND CAPACITIES ─ BACKFLOW PREVENTION DEVICE, CARBONATOR

2410.1 A dual check valve with an intermediate vent preceded by a screen of not less than one hundred (100) mesh to twenty-five and four millimeters (25.4 mm) one hundred (100) mesh to one inch (1 in.)) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line, if not provided with an air gap as specified in § 2403.

2410.2 A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified in § 2410.1.

2411 LOCATION AND PLACEMENT ─ HANDWASHING SINK

2411.1 A handwashing sink shall be located to allow convenient use by employees in food preparation, food dispensing, and warewashing areas, and in, or immediately adjacent to, toilet rooms. [Pf]

2411.2 All handwashing sinks, including those in toilet rooms shall provide a combination or mixing faucet, or tempered water and a single faucet.

2411.3 The Department shall permit the continued use of handwashing sinks in which the hot and cold water is delivered through separate faucets until such time as these faucets are relocated or replaced.

2411.4 Handwashing sinks located in, or immediately adjacent to the toilet rooms do not meet the requirements for handwashing sinks in operating areas for persons working in any capacity the activities of which include contact with unprotected food for human consumption, or the care and use of food contact surfaces. [Pf]

2411.5 Any area of food operation in which fresh meat is handled shall have its own handwashing sink, which shall be located not more than twenty feet (20 ft.) or less from where the meat is handled. [P] Provided, that the Department shall have the discretion to require that this hand washing sink be located closer than twenty feet (20 ft.) from the area where meat is handled.

2411.6 Handwashing sinks which are outside a toilet room, anteroom, or vestibule, and which serve the toilet room shall not be considered as meeting the requirements of this section for handwashing sinks serving the food operation areas.

2411.7 The Department may permit the continuing use of existing handwashing sinks, to meet the requirements of § 2411.6 if the sinks:

(a) Are immediately adjacent to the operational areas they are intended to serve;

(b) Are not available to or used by the public; and

(c) Do not serve more than three (3) persons when the activities of any person involve contact with unprotected food for human consumption or the care and use of food contact surfaces.

2412 LOCATION AND PLACEMENT ─ BACKFLOW PREVENTION DEVICE

2412.1 A backflow prevention device shall be located so that it may be serviced and maintained

2413 LOCATION AND PLACEMENT ─ CONDITIONING DEVICE

2413.1 A water filter, screen, and other water-conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

2414 OPERATION AND MAINTENANCE ─ USING A HANDWASHING SINK

2414.1 A handwashing sink shall be maintained so that it is accessible at all times for employee use. [Pf]

2414.2 A handwashing sink shall not be used for purposes other than handwashing. [Pf]

2414.3 An automatic handwashing facility shall be used in accordance with the manufacturer's instructions. [Pf]

2415 OPERATION AND MAINTENANCE ─ PROHIBITING A CROSS CONNECTION

2415.1 A person shall not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality. [P]

2415.2 The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water. [Pf]

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

2416.1 A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service shall be maintained by the person in charge. [Pf]

2417 OPERATION AND MAINTENANCE ─ WATER RESERVOIR OF FOGGING DEVICES, CLEANING

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

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

(a) Draining and complete disassembly of the water and aerosol contact parts; [P]

(b) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution; [P]

(c) Flushing the complete system with water to remove the detergent solution and particulate accumulation; [P] and

(d) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty micrograms per liter (50 mg/L) hypochlorite solution. [P]

2418 OPERATION AND MAINTENANCE ─ SYSTEM MAINTAINED IN GOOD REPAIR

2418.1 A plumbing system shall be:

(a) Repaired according to the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR); and

(b) Maintained in good repair.

CHAPTER 25 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT WATER TANK

2500 MATERIALS ─ APPROVED MATERIALS, USE

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

2501 DESIGN AND CONSTRUCTION ─ ENCLOSED SYSTEM, SLOPED TO DRAIN

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

2502 DESIGN AND CONSTRUCTION ─ ACCESS PORT, PROTECTED AND SECURED

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

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

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

2504 DESIGN AND CONSTRUCTION ─ TANK VENT, PROTECTED

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

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

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

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

2506 DESIGN AND CONSTRUCTION ─ DRINKING WATER HOSE, CONSTRUCTION AND IDENTIFICATION

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

(a) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;

(b) Finished with a smooth interior surface; and

(c) Clearly and durably identified as to its use if not permanently attached.

2507 NUMBERS AND CAPACITIES ─ FILTER, COMPRESSED AIR

2507.1 A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system. [P]

2508 NUMBERS AND CAPACITIES ─ PROTECTIVE COVER OR DEVICE

2508.1 A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for a water inlet, outlet, and hose.

2509 NUMBERS AND CAPACITIES ─ MOBILE FOOD ESTABLISHMENT TANK INLET

2509.1 A mobile food establishment's water tank inlet shall be nineteen and one tenth millimeters (19.1 mm) or three fourths inch (3/4 in.) in inner diameter or less and provided with a hose connection of a size or type that will prevent its use for any other service.

2510 OPERATION AND MAINTENANCE ─ SYSTEM FLUSHING AND DISINFECTION

2510.1 A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse. [P]

2511 OPERATION AND MAINTENANCE ─ USING A PUMP AND HOSES, BACKFLOW PREVENTION

2511.1 A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

2512 OPERATION AND MAINTENANCE ─ PROTECTING INLET, OUTLET, AND HOSE FITTING

2512.1 If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified in § 2508.

2513 OPERATION AND MAINTENANCE ─ TANK, PUMP, AND HOSES, DEDICATION

2513.1 Except as provided in § 2513.2, a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose. [P]

2513.2 Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

CHAPTER 26 SEWAGE, OTHER LIQUID WASTE AND RAINWATER

2600 MOBILE HOLDING TANK, CAPACITY, AND DRAINAGE

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

2601 RETENTION, DRAINAGE, AND DELIVERY ─ DRAINAGE SYSTEM

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

2602 RETENTION, DRAINAGE, AND DELIVERY ─ BACKFLOW PREVENTION

2602.1 Except as specified in § 2602.2 through 2602.4, a direct connection shall not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed. [P]

2602.2 Subsection 2602.1 does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.

2602.3 A warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within one and a half meters (1.5 m) or five feet (5 ft.) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR).

2602.4 A warewashing or culinary sink may have a direct connection in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR).

2603 RETENTION, DRAINAGE, AND DELIVERY ─ GREASE TRAP

2603.1 A grease trap shall be easily accessible for cleaning.

2604 RETENTION, DRAINAGE, AND DELIVERY ─ CONVEYING SEWAGE

2604.1 Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). [P]

2605 RETENTION, DRAINAGE, AND DELIVERY ─ REMOVING MOBILE FOOD ESTABLISHMENT WASTES

2605.1 Removal of sewage and other liquid waste, including grease collections, shall comply with the provisions of this chapter. A copy of the establishment's professional service contract shall be maintained at all approved waste servicing areas, or at the mobile food establishment by the licensee and the following documents shall be available for inspection: [Pf]

(a) Name and address of the licensee's District-licensed sewage and liquid waste transport contractor;

(b) Duration of the contract; and

(c) Frequency of sewage and liquid waste removal services provided under the contract.

2605.2 Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created. [Pf]

2606 RETENTION, DRAINAGE, AND DELIVERY ─ FLUSHING A WASTERETENTION TANK

2606.1 A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

2607 DISPOSAL FACILITY ─ APPROVED SYSTEM

2607.1 Sewage shall be disposed through an approved facility that is a public sewage treatment plant or an individual sewage disposal system that is sized, constructed, maintained, and operated according to the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR).[P]

2607.2 Each food establishment served by a sanitary sewer and conducting any activity or activities which generate food wastes shall have and use one (1) or more commercial food waste grinders that are conveniently located near each such activity and which have adequate capacity to dispose of all readily grindable food waste produced. [Pf]

2607.3 Commercial food waste grinders shall be connected to a drain a minimum of two inches (2 in.) fifty-one millimeters (51 mm) in diameter. Commercial food waste grinders shall be connected and trapped separately from any other fixtures or sink compartments, and shall be provided with a supply of cold water in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). [P]

2608 DISPOSAL FACILITY ─ OTHER LIQUID WASTES AND RAINWATER

2608.1 Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to applicable District laws and regulations.

CHAPTER 27 REFUSE, RECYCLABLES, AND RETURNABLES

2700 FACILITIES ON PREMISES – INDOOR STORAGE AREA

2700.1 If located within a food establishment, storage areas for refuse, recyclables, and returnables shall meet the requirements specified in chapters 28 and 29.

2701 FACILITIES ON PREMISES – OUTDOOR STORAGE SURFACE

2701.1 An outdoor storage surface for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

2702 FACILITIES ON THE PREMISES – OUTDOOR ENCLOSURE

2702.1 If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

2703 FACILITIES ON PREMISES – RECEPTACLES

2703.1 Except as specified in § 2703.2, receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect and rodent resistant, leak proof, and nonabsorbent.

2703.2 Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment or within closed outside receptacles.

2704 FACILITIES ON PREMISES – RECEPTACLES IN VENDING MACHINES

2704.1 Except for a receptacle for beverage bottle crown closures, a refuse receptacle shall not be located within a vending machine.

2705 FACILITIES ON PREMISES – OUTSIDE RECEPTACLES

2705.1 Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

2705.2 Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect

and rodent attraction and harborage are minimized, and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

2706 NUMBERS AND CAPACITIES — STORAGE AREAS, ROOMS, AND RECEPTACLES

2706.1 An inside storage room and area, outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold the refuse, recyclables, and returnables that accumulate.

2706.2 A receptacle shall be provided in each area of the food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

2706.3 If disposable towels are used at handwashing sinks, a waste receptacle shall be located at each sink or group of adjacent sinks.

2707 NUMBERS AND CAPACITIES — TOILET ROOM RECEPTACLE, COVERED

2707.1 A toilet room used by females shall be provided with a covered receptacle for feminine hygiene products.

2708 NUMBERS AND CAPACITIES — CLEANING IMPLEMENTS AND SUPPLIES

2708.1 Except as specified in § 2708.2, suitable cleaning implements and supplies such as high-pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

2708.2 If approved by the Department as specified in § 2708.1, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

2709 LOCATION AND PLACEMENT — STORAGE AREAS, REDEEMING MACHINES, RECEPTACLES, AND WASTE HANDLING UNITS

2709.1 An area designated for refuse, recyclables, returnables, and, except as specified in § 2709.2, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles, and a public health hazard or nuisance is not created.

2709.2 A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

2709.3 The location of receptacles and waste handling units for refuse, recyclables, and returnables shall not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

2710 OPERATION AND MAINTENANCE – STORING REFUSE, RECYCLABLES, AND RETURNABLES

2710.1 Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

2711 OPERATION AND MAINTENANCE – AREAS, ENCLOSURES, AND RECEPTACLES, GOOD REPAIR

2711.1 Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

2712 OPERATION AND MAINTENANCE – OUTSIDE STORAGE PROHIBITIONS

2712.1 Except as specified in § 2712.2, refuse receptacles not meeting the requirements specified in § 2703 such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue shall not be stored outside.

2712.2 Cardboard or other packaging material that does not contain food residues and is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

2713 OPERATION AND MAINTENANCE – COVERING RECEPTACLES

2713.1 Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered inside the food establishment if the receptacles and units contain food residue and are not in continuous use or after the receptacles and units are filled.

2713.2 Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered with tight-fitting lids or doors if kept outside the food establishment.

2714 OPERATION AND MAINTENANCE – USING DRAIN PLUGS

2714.1 Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

2715 OPERATION AND MAINTENANCE – REFUSE AREAS AND ENCLOSURES

2715.1 A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, and kept clean.

2716 OPERATION AND MAINTENANCE ─ CLEANING RECEPTACLES

2716.1 Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of as specified in §§ 2605 and 2607.

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

2717 REMOVAL ─ FREQUENCY

2717.1 Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

2717.2 The licensee shall maintain a copy of the establishment's professional service contract and the following documents shall be available for inspection: [Pf]

(a) Name and address of its D.C. licensed trash or solid waste contractor;

(b) Duration of the contract; and

(c) Frequency of trash or solid waste collection services provided under the contract.

2717.3 Trash or solid waste collection shall comply with chapter 7 of title 21 of the DCMR.

2718 REMOVAL ─ RECEPTACLES OR VEHICLES

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

(a) Portable receptacles that comply with this chapter; or

(b) A District-licensed transport vehicle.

VI. PHYSICAL FACILITIES

CHAPTER 28 DESIGN, CONSTRUCTION, AND MATERIALS OF PHYSICAL FACILITIES

2800 COMPLIANCE WITH DISTRICT LAWS

2800.1 The Department shall use this Code to promote the safeguarding of public health and ensure that food establishments are safe and in compliance with other District laws and regulations. The most current versions of the following District regulations are hereby incorporated by reference:

(a) The District's Construction Codes of 2008, consisting of the following International Code Council (ICC):

(1) International Building Code (2006 edition);

(2) International Mechanical Code (2006 edition);

(3) International Plumbing Code (2006 edition);

(4) International Fire Code (2006 edition); and

(5) International Existing Building Code (2006 edition); and

(b) The District's Construction Code Supplements (2008), Title 12 of the District of Columbia Municipal Regulations (12 DCMR), as amended.

2800.2 In enforcing these regulations, the Department shall assess the physical structure; operating systems; design, operation and maintenance of equipment, and fixtures of existing food establishments in use before the effective date of this Code based on the following considerations:

(a) Whether the facilities, equipment, or fixtures are in good repair and capable of being maintained in a sanitary condition; and

(b) The existence of a documented agreement with the licensee that the facility's operating systems, or equipment or fixtures will be replaced as specified in § 4310.

2801 DESIGN & CONSTRUCTION – BUILDING MATERIALS & WORKMANSHIP

2801.1 The licensee of an existing food establishment shall maintain in good condition the physical integrity of its food establishment by repairing or replacing structural or design defects, operating systems, or fixtures in use before the effective date of this Code in accordance with the District's Construction Codes of 2008, as specified in § 2800.1.

2801.2 The licensee of a newly constructed, remodeled or renovated food establishment shall ensure that the design, construction, building materials, and workmanship complies with the District's Construction Codes of 2008, as specified in § 2800.1 and this subtitle.

2801.3 At least thirty (30) days before beginning construction or remodeling of a food establishment, the licensee shall submit construction plans with all schedules, including but not limited to floor plans, elevations, and schematics to the Department for review and approval, as specified in § 4200.

2802 INDOOR AREAS – SURFACE CHARACTERISTICS

2802.1 Except as specified in § 2802.2, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(a) Smooth, durable, and easily cleanable for areas where food establishment operations are conducted;

(b) Closely woven and easily cleanable carpet for carpeted areas; and

(c) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods.

2802.2 In a temporary food establishment:

(a) If graded to drain, a floor shall be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud; and

(b) Walls and ceilings shall be constructed of a material that protects the interior from the weather and windblown dust and debris.

2803 OUTDOOR AREAS – SURFACE CHARACTERISTICS

2803.1 The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

2803.2 Exterior surfaces of buildings and mobile food establishments shall be of weather-resistant materials, and shall comply with applicable District laws and regulations and the D.C. Plumbing Code (2008) incorporating the International Plumbing Code (2006) or most recent edition, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). [Pf]

2803.3 Outdoor storage areas for refuse, recyclables, or returnables shall be constructed of materials specified in §§ 2701 and 2702.

CHAPTER 29 DESIGN, CONSTRUCTION, AND INSTALLATION OF PHYSICAL FACILITIES

2900 CLEANABILITY – FLOORS, WALLS, AND CEILINGS

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

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

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

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

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

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

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

2902.2 The floors in food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain and the floor and wall junctures shall be coved and sealed.

2903 CLEANABILITY – FLOOR CARPETING, RESTRICTIONS AND INSTALLATION

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

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

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

(b) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

2904 CLEANABILITY — FLOOR COVERING, MATS, AND DUCKBOARDS

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

2905 CLEANABILITY — WALL AND CEILING COVERINGS AND COATINGS

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

2905.2 Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

2906 CLEANABILITY — WALLS AND CEILINGS, AND ATTACHMENTS

2906.1 Except as specified in § 2906.2, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

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

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

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

2908 FUNCTIONALITY — LIGHT BULBS, PROTECTIVE SHIELDING

2908.1 Except as specified in § 2908.2, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles.

2908.2 Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:

(a) The integrity of the packages cannot be affected by broken glass falling onto them; and

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

2908.3 An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

2909 FUNCTIONALITY – HEATING, VENTILATING, AIR CONDITIONING SYSTEM VENTS, AND TEMPERATURE

2909.1 Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

2910 FUNCTIONALITY – INSECT CONTROL DEVICES, DESIGN, AND INSTALLATION

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

2910.2 Insect control devices shall be installed so that:

(a) The devices are not located over a food preparation area; and

(b) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

2911 FUNCTIONALITY – TOILET ROOMS, ENCLOSED

2911.1 Toilet rooms shall not open directly into a room used for the preparation of food for service to the public and shall be provided with a tight-fitting and self-closing door in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code (2006) or most recent edition, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). [Pf]

2911.2 Except as specified in § 2911.1, toilet rooms provided by the management of a shopping mall that are located outside of food establishments and that do not open directly into a food establishment do not have to be completely enclosed, with tight-fitting and self-closing doors.

2912 FUNCTIONALITY – OUTER OPENINGS, PROTECTED

2912.1 Except as otherwise specified in § 2912.2 through 2912.5, the outer openings of a food establishment shall be protected against the entry of insects and rodents by:

(a) Filling or closing holes and other gaps along floors, walls, and ceilings;

(b) Closed, tight-fitting windows; and

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

2912.2 Subsection 2912.1 shall not apply if a food establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

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

(a) Solid and tight-fitting;

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

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

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

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

(b) Properly designed and installed air curtains to control flying insects; or

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

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

2913 FUNCTIONALITY – EXTERIOR WALLS AND ROOFS, PROTECTIVE BARRIER

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

2914 FUNCTIONALITY – OUTDOOR FOOD VENDING AREAS, OVERHEAD PROTECTION

2914.1 Except for machines that vend canned beverages, if located outside, a machine used to vend food shall be provided with overhead protection.

2915 FUNCTIONALITY – OUTDOOR SERVICING AREAS, OVERHEAD PROTECTION

2915.1 Except for areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, servicing areas shall be provided with overhead protection.

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

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

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

2917.1 Outdoor refuse areas shall be constructed, curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

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

2918.1 A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be used for conducting food establishment operations.

2919 FUNCTIONALITY ─ LIVING OR SLEEPING QUARTERS, SEPARATION

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

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

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

CHAPTER 30 NUMBERS AND CAPACITIES OF PHYSICAL FACILITIES

3000 HANDWASHING FACILITIES ─ MINIMUM NUMBER

3000.1 Handwashing sinks shall be provided as specified in §2406.

3001 HANDWASHING FACILITIES ─ HANDWASHING CLEANSER, AVAILABILITY

3001.1 Each handwashing sink or group of two (2) adjacent sinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap. [Pf]

3002 HANDWASHING FACILITIES – HAND DRYING PROVISION

3002.1 Each handwashing sink or group of adjacent sinks shall be provided with:

(a) Individual, disposable towels; [Pf]

(b) A continuous towel system that supplies the user with a clean towel; [Pf]

(c) A heated-air hand drying device that is provided in addition to other hand-drying devices at sinks used for food preparation or warewashing areas; [Pf] or

(d) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. [Pf]

3003 HANDWASHING FACILITIES – HANDWASHING AIDS AND DEVICES, USE RESTRICTIONS

3003.1 A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, shall not be provided with the handwashing aids and devices required for a handwashing sink as specified in §§ 3001, 3002, and 2706.3.

3004 HANDWASHING FACILITIES – HANDWASHING SIGNAGE

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

3005 HANDWASHING FACILITIES – DISPOSABLE TOWELS, WASTE RECEPTACLE

3005.1 A handwashing sink or group of adjacent sinks that is provided with disposable towels shall be provided with a waste receptacle as specified in § 2706.3.

3006 TOILETS AND URINALS – MINIMUM NUMBER

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

3007 TOILETS AND URINALS – TOILET TISSUE, AVAILABILITY

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

3008 LIGHTING – INTENSITY

3008.1 The light intensity shall be:

(a) At least one hundred eight (108) lux or ten (10) foot candles at a distance of seventy-five centimeters (75 cm) or thirty inches (30 in.)

above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

(b) At least two hundred fifteen (215) lux or twenty (20) foot candles:

(1) At a surface where food is provided for consumer self-service, such as buffets and salad bars, or where fresh produce or packaged foods are sold or offered for consumption;

(2) Inside equipment such as reach-in and under-counter refrigerators; and

(3) At a distance of seventy-five centimeters (75 cm) or thirty inches (30 in.) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and

(c) At least five hundred forty (540) lux or fifty (50) foot candles at a surface where a food employee is working with food or working with utensils or equipment including knives, slicers, grinders, or saws where employee safety is a factor.

3009 VENTILATION ─ MECHANICAL

3009.1 All rooms shall have sufficient tempered make-up air and exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

3009.2 All ventilation systems, furnaces, gas- or oil-fired room heaters, and water heaters shall be designed, installed, and operated in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code (2006) or most recent edition, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR).

3009.3 Each room in which food or drink is prepared, or in which utensils are washed, shall be provided with facilities for at least eight (8) air changes per hour. Recirculation of air is not permitted.

3009.4 Each room in which food or drink is served shall be provided with facilities for at least five (5) air changes per hour, and not more than fifty percent (50%) recirculation of air shall be permitted.

3009.5 Each cooking unit that creates smoke, steam, gases, fumes, odors, vapors, or excessive heat shall be hooded and vented, or locally vented to the outside air by forced draft, in a manner that effectively removes the conditions; provided, that small burners used intermittently for short periods of time, warming equipment, bread toasters, coffee urns, and radiant cooking units need not be so vented unless one (1) or more of the units creates a nuisance, or the Department determines the heating, ventilation, and air conditioning (HVAC) system does not adequately vent the room as specified in § 3009.3.

3010 DRESSING AREAS AND LOCKERS ─ DESIGNATION

3010.1 Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.

3010.2 Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

3011 SERVICE SINKS ─ AVAILABILITY

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

CHAPTER 31 LOCATION AND PLACEMENT OF PHYSICAL FACILITIES

3100 HANDWASHING FACILITIES ─ CONVENIENTLY LOCATED

3100.1 Handwashing sinks shall be conveniently located as specified in § 2411.

3101 TOILET ROOMS, RESTROOMS - CONVENIENCE, ACCESSIBILITY, AND REQUIRED GENDER-NEUTRAL SIGNS

3101.1 Each food establishment shall maintain restrooms consisting of a toilet room or toilet rooms, proper and sufficient water closets, and sinks that are conveniently located and readily accessible to all employees as specified in § 3101.3.

3101.2 All single-occupancy toilet rooms shall display gender-neutral signs on the door that read “Restroom,” or have a universally recognized pictorial indicating that persons of any gender may use each restroom, in accordance with 4 DCMR § 802.2) .

3101.3 Food establishments employing:

(a) Five (5) or fewer employees may provide only a single toilet facility with a gender-neutral sign on the door in accordance with 4 DCMR § 802.2; or

(b) More than five (5) employees shall have multiple toilet facilities that are either:

(1) Single-occupancy toilet rooms with a gender-neutral sign on each door as specified in § 3101.2 in accordance with 4 DCMR § 802.2; or

(2) Multiple-stall toilet rooms with gender-specific signs on the doors that read “Men” and “Women” or contain gender-specific, universally recognized pictorials of “Men” and “Women”.

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

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

3102 EMPLOYEE ACCOMMODATIONS ─ DESIGNATED AREAS

3102.1 Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.

3102.2 Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles cannot occur.

3103 DISTRESSED MERCHANDISE ─ SEGREGATION AND LOCATION

3103.1 Products that are held by the licensee for credit, redemption, or return to the distributor, including damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles. [Pf]

3104 REFUSE, RECYCLABLES, AND RETURNABLES ─ RECEPTACLES, WASTE HANDLING UNITS, AND DESIGNATED STORAGE AREAS

3104.1 Units, receptacles, and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified in § 2709.

CHAPTER 32 MAINTENANCE AND OPERATION OF PHYSICAL FACILITIES

3200 PHYSICAL FACILITIES ─ REPAIRING

3200.1 Physical facilities shall be maintained in good repair.

3201 PHYSICAL FACILITIES ─ CLEANING FREQUENCY AND RESTRICTIONS

3201.1 Physical facilities shall be cleaned as often as necessary to keep them clean.

3201.2 Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed such as after closing.

3202 PHYSICAL FACILITIES – CLEANING FLOORS, DUSTLESS METHODS

3202.1 Except as specified in § 3202.2, only wet cleaning, vacuum cleaning, mopping with treated dust mops, sweeping using a broom and dust-arresting compounds or other dustless methods of cleaning shall be used to clean floors.

3202.2 Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

(a) Without the use of dust-arresting compounds; and

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

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

3203.1 Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

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

3204 PHYSICAL FACILITIES – CLEANING MAINTENANCE TOOLS, PREVENTING CONTAMINATION

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

3205 PHYSICAL FACILITIES – DRYING MOPS

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

3206 PHYSICAL FACILITIES – ABSORBENT MATERIALS ON FLOORS, USE LIMITATION

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

3207 PHYSICAL FACILITIES – CLEANING PLUMBING FIXTURES

3207.1 Plumbing fixtures such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean.

3208 PHYSICAL FACILITIES – CLOSING TOILET ROOM DOORS

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

3209 PHYSICAL FACILITIES – USING DRESSING ROOMS AND LOCKERS

3209.1 Employees shall use dressing rooms if they regularly change their clothes in the establishment.

3209.2 Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

3210 PHYSICAL FACILITIES – CONTROLLING PESTS

3210.1 The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by: [Pf]

(a) Routinely inspecting incoming shipments of food and supplies; [Pf]

(b) Routinely inspecting the premises for evidence of pests; [Pf]

(c) Using methods, if pests are found, such as trapping devices or other means of pest control as specified in §§ 3402, 3410 and 3411; [Pf] and

(d) Eliminating harborage conditions. [Pf]

3210.2 The licensee shall maintain a copy of the establishment's professional service contract and service schedule, and the following documents shall be available for inspection: [Pf]

(a) Name and address of its District-licensed Pesticide Operator/contractor;

(b) Frequency of pest extermination services provided under the contract; and

(c) Date pest extermination services were last provided to the establishment.

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

3211.1 Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

3212 PHYSICAL FACILITIES – STORING MAINTENANCE TOOLS

3212.1 Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

(a) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and

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

3213 PHYSICAL FACILITIES – MAINTAINING PREMISES, UNNECESSARY ITEMS AND LITTER

3213.1 The premises shall be free of:

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

(b) Litter.

3214 PHYSICAL FACILITIES – PROHIBITING ANIMALS

3214.1 Except as otherwise permitted in § 3214.2 and 3214.3, live animals shall not be allowed on the premises of a food establishment. [Pf]

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

(a) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(b) Patrol dogs accompanying police or security officers in offices and dining, patio, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(c) In areas that are not used for food preparation and that are usually open for customers such as dining, patio, and sales areas, service animals that are controlled by a disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;

(d) Pets in the common dining and patios areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(1) Effective partitioning and self-closing doors separate the common dining and patio areas from food storage or food preparation areas;

(2) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining and patio areas when pets are present; and

(3) Dining and patio areas, including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(e) In areas that are not used for food preparation, storage, sales, display, or dining in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.

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

VII. POISONOUS OR TOXIC MATERIALS

CHAPTER 33 CERTIFICATIONS, LABELING AND IDENTIFICATION OF POISONOUS OR TOXIC MATERIALS

3300 DISTRICT CERTIFICATION REQUIREMENTS – PESTICIDE OPERATORS AND APPLICATOR

3300.1 All licensees shall ensure that individuals who provide pest extermination services to food establishments as specified in § 3210.2 possess current certification as a District Licensed Pesticide Operator issued by the District's Department of the Environment, Toxic Substances Division, Pesticide Program. [Pf]

3300.2 Restricted-use pesticides shall be applied only by a licensed certified commercial applicator or a registered employee working under the direct supervision of a licensed commercial or public applicator in accordance with the District's Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code §§ 8-401, *et seq*. (2008 Repl.)). [Pf]

3301 ORIGINAL CONTAINERS – IDENTIFYING INFORMATION, PROMINENCE

3301.1 Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label. [Pf]

3302 WORKING CONTAINERS – COMMON NAME

3302.1 Working containers used for storing poisonous or toxic materials, such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material. [Pf]

CHAPTER 34 OPERATIONAL SUPPLIES AND APPLICATIONS OF POISONOUS OR TOXIC MATERIALS

3400 STORAGE – SEPARATION

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

(a) Separating the poisonous or toxic materials by physically separating or partitioning by a wall or structure; [P] and

(b) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles. [P]

3401 PRESENCE AND USE ─ RESTRICTION

3401.1 Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment. [Pf]

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

3402 PRESENCE AND USE ─ CONDITIONS OF USE

3402.1 Poisonous or toxic materials shall be used according to:

(a) The Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code §§ 8-401, *et seq*. (2008 Repl.)), and this Code; [Pf]

(b) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment; [P] and

(c) The conditions of certification, if certification is required, for use of the pest control materials. [P]

3402.2 Poisonous or toxic materials shall be applied so that:

(a) A hazard to employees or other persons is not constituted; [P] and

(b) Contamination including toxic residues due to drip, drain, fog, splash, or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented. [P] For a restricted-use pesticide this is achieved by:

(1) Removing items listed in paragraph (b); [P]

(2) Covering items listed in paragraph (b) with impermeable covers; [P]

(3) Taking other appropriate preventive actions; [P] and

(4) Cleaning and sanitizing equipment and utensils after the application. [P]

3403 CONTAINER PROHIBITIONS ─ POISONOUS OR TOXIC MATERIAL CONTAINERS

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

3404 CHEMICALS – SANITIZERS, CRITERIA

3404.1 Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements of 40 C.F.R. § 180.940 − Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions). [P]

3405 CHEMICALS – CHEMICALS FOR WASHING FRUITS AND VEGETABLES, CRITERIA

3405.1 Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements of 21 C.F.R. § 173.315 − Chemicals used in washing or to assist in the peeling of fruits and vegetables. [P]

3405.2 Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a food establishment shall meet the requirements of 21 C.F.R. § 173.368 Ozone.

3406 CHEMICALS – BOILER WATER ADDITIVES, CRITERIA

3406.1 Chemicals used as boiler water additives shall meet the requirements of 21 C.F.R. § 173.310 − Boiler water additives. [P]

3407 CHEMICALS – DRYING AGENTS, CRITERIA

3407.1 Drying agents used in conjunction with sanitization shall contain only components that are listed as one (1) of the following:

(a) Generally recognized as safe for use in food as specified in 21 C.F.R. part 182 − Substances Generally Recognized as Safe or 21 C.F.R. part 184 − Direct Food Substances Affirmed as Generally Recognized as Safe; [P]

(b) Generally recognized as safe for the intended use as specified in 21 C.F.R. part 186 − Indirect Food Substances Affirmed as Generally Recognized as Safe; [P]

(c) Approved for use as a drying agent under a prior sanction specified in 21 C.F.R. part 181 − Prior-Sanctioned Food Ingredients; [P]

(d) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 C.F.R. parts 175 through178; [P] or

(e) Approved for use as a drying agent under the threshold of regulation process established by 21 C.F.R. § 170.39 − Threshold of regulation for substances used in food-contact articles. [P]

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

3408 LUBRICANTS ─ INCIDENTAL FOOD CONTACT, CRITERIA

3408.1 Lubricants shall meet the requirements specified in 21 C.F.R. § 178.3570 − Lubricants with incidental food contact, if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces. [P]

3409 PESTICIDES ─ RESTRICTED USE PESTICIDES, CRITERIA

3409.1 Restricted use pesticides specified in § 3300.2 shall meet the requirements specified in 40 C.F.R. part 152 subpart I − Classification of Pesticides. [P]

3410 PESTICIDES ─ RODENT BAIT STATIONS

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

3411 PESTICIDES ─ TRACKING POWDERS, PEST CONTROL AND MONITORING

3411.1 A tracking powder pesticide shall not be used in a food establishment, except as specified in § 3411.2.

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

3412 MEDICINES ─ RESTRICTION AND STORAGE

3412.1 Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees shall be allowed in a food establishment. [Pf]

3412.2 Medicines that are in a food establishment for the employees' use shall be labeled as specified in § 3301 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles. [P]

3413 MEDICINES ─ REFRIGERATED MEDICINES, STORAGE

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

(a) Stored in a package or container and kept inside a covered, leak proof container that is identified as a container for the storage of medicines; [P] and

(b) Located so they are inaccessible to children. [P]

3414 FIRST AID SUPPLIES ─ STORAGE

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

(a) Labeled as specified in § 3301; [Pf] and

(b) Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles. [P]

3415 OTHER PERSONAL CARE ITEMS ─ STORAGE

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

CHAPTER 35 STOCK AND RETAIL SALE OF POISONOUS OR TOXIC MATERIALS

3500 STORAGE AND DISPLAY ─ SEPARATION

3500.1 Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(a) Separating the poisonous or toxic materials by physically separating or partitioning by a wall or structure; [P] and

(b) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. [P]

VIII. ADDITIONAL REQUIREMENTS FOR VENDING, CATERING, AND RESIDENTIAL KITCHENS

CHAPTER 36 RESERVED

CHAPTER 37 MOBILE STRUCTURES & TEMPORARY STANDS

3700 LICENSE AND CERTIFICATION REQUIREMENTS – PREREQUISITE FOR OPERATION

3700.1 No person shall operate as a food vendor without a license issued by the Mayor in accordance with § 4300.1. [P]

3700.2 No person shall operate as a food vendor with an expired license. [Pf]

3700.3 No person shall operate as a food vendor with a suspended license. [Pf]

3700.4 No person shall operate as a food vendor without a Food Protection Manager Certificate and a Department of Health-issued (DOH-Issued) Certified Food Protection Manager Identification Card in accordance with § 203. [P]

3700.5 No person shall operate a mobile food unit without a valid Health Inspection Certificate issued by the Department in accordance with § 3706.1. [P]

3700.6 No person shall possess, prepare or vend any food requiring further processing from its original state aboard a mobile food unit without meeting the requirements of § 3700.4 and § 3701 and this Code. [P]

3700.7 No person shall operate a depot, commissary or service support facility that services a mobile food unit without a valid license to operate issued by the Mayor in accordance with § 4300.1. [P]

3700.8 No person shall operate as a food vendor, or operate a depot, commissary, or service support facility that services a mobile food unit with a license that has been suspended for violations of this Code. [P]

3701 PRE-OPERATIONAL ASSESSMENTS – TYPES OF FOOD AND FOOD SAFETY ANALYSES

3701.1 No vendor shall possess, prepare, sale, offer for sale, or give away any food requiring further processing from its original state without the submission of a HACCP Plan, Parasite Destruction Letter, or Risk Control Plan depending on the food and process as requested by the Department. [P]

3701.2 A vendor shall submit to the Department an original and one (1) copy of a "Hazard Analysis Work Sheet" and a "HACCP Plan" on forms provided by the Department. [P]

3701.3 A vendor shall submit to the Department a written HACCP Plan in accordance with this chapter, chapter 42, and all applicable provisions of this subtitle, including but not limited to the following analyses: [P]

(a) An assessment of any hazard in the flow of food;

(b) The identity of any critical control point where food is subject to such hazard;

(c) The establishment of standards and procedures of each critical control point;

(d) The establishment of a monitoring system for all critical control points;

(e) The establishment of corrective actions if such standards, procedures, or requirements are breached; and

(f) The establishment of a recordkeeping system to document every hazard, procedure, control point, and corrective action.

3701.4 HACCP Plans shall be reviewed every six (6) months in conjunction with the issuance of a vendor's Health Inspection Certificate. [P]

3701.5 Changes shall not be made to a HACCP Plan's operating procedures, menu, ingredients or other products, and shall not be implemented without the Department's approval. [P]

3702 ADDITIONAL PREREQUISITE FOR OPERATION – PROPANE PERMIT

3702.1 All food vendors who use propane shall: [P]

(a) Obtain a valid propane permit issued by the Fire Prevention Division of the Fire and Emergency Medical Services Department and post the permit on the vehicle at all times;

(b) Obtain direct written approval from the Fire Marshall of the District of Columbia to use propane cylinders in excess of sixty (60) pounds;

(c) Secure all propane compartments; and

(d) Post "No Smoking – Propane Gas" signs on the vehicle.

3703 ADDITIONAL PREREQUISITE FOR OPERATION – HOOD SUPPRESSION SYSTEM, APPROVAL

3703.1 No food vendor shall use a deep fryer or other cooking equipment that requires a hood suppression system, except with the written approval from the Fire Prevention Division District of Columbia Fire and Emergency Medical Services Department. [P]

3704 ADDITIONAL PREREQUISITE FOR OPERATION – MOTOR VEHICLE REGISTRATION

3704.1 No food vendor shall operate a mobile food unit without a current motor vehicle registration that is conspicuously displayed on the mobile food unit in accordance with § 3713.1(h). [P]

3705 APPLICATION PROCEDURE – LICENSE, PERIOD FOR SUBMISSION

3705.1 To qualify for a food vending license, an applicant shall: [P]

(a) Submit an application for a food vending license on a form provided by the Department as set out in the Department's Mobile Food Vending Information Packet at least thirty (30) calendar days before the date planned for opening a food establishment or the expiration date of the current license for an existing facility;

(b) Own a National Science Foundation (NSF) approved or its equivalent mobile food unit that has a valid Motor Vehicle Registration in accordance with §§ 3704.1, and 3713.1(h);

(c) Possess a Food Protection Manager Certificate and a Department-issued Certified Food Protection Manager Identification Card as specified in §§ 200.3, 200.4, 203.2, 203.3, and 3713.1(e) and (f);

(d) Possess a Health Inspection Certificate, required license, and applicable permit as specified in § 3713.1(a), (b), and (g);

(e) Possess a Depot Letter (service agreement) with a licensed and inspected depot, commissary, or service support facility that operates in compliance with §§ 3708, 3709, 3710, 3711, and §3714.1. A copy of the facility’s current license and inspection report shall be presented upon request;

(f) The licensee shall maintain a ledger that includes current information on the name, license number, and address of each food vendor and supplier doing business with the vendor in accordance with § 3714.3; and

(g) Pay the applicable licensing fees.

3706 APPLICATION APPROVAL – HEALTH INSPECTION CERTIFICATE, ISSUANCE

3706.1 The Department shall review an application for the issuance of a Health Inspection Certificate. The Department shall make a determination to approve or disapprove the application, including menus, plans, or standards approved or imposed as part of the issuance of the Health Inspection Certificate after conducting a thorough inspection of: [P]

(a) The mobile food unit, including but not limited to vending stands, carts, roadway vehicles, or other mobile food units in accordance with all applicable provisions of this Code;

(b) The storage facility, including but not limited to depots, commissaries, or service support facilities in accordance with § 4402 and all applicable provisions of this Code;

(c) Equipment and utensils in accordance with all applicable provisions of this Code;

(d) Records relating to source of food, including but not limited to food purchased, received, or used on the mobile food unit, in accordance with § 4402.1(c);

(e) The preparation and holding procedures for the food; and

(f) A determination that the HACCP Plan will prevent the growth of disease causing organisms or germs.

3706.2 Health Inspection Certificates are valid for six (6) months or until the next inspection, whichever is earlier. [P]

3707 FOOD VENDORS – PREOPERATIONAL INSPECTIONS, FREQUENCY

3707.1 The Department shall conduct one (1) or more preoperational inspections to verify that the mobile food unit is constructed and equipped in compliance with this chapter. [P]

3707.2 The Department shall inspect a mobile food unit once every six (6) months, or more frequently pursuant to complaints. [P]

3708 DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY – FOOD SUPPLIES, PREPARATION, PROTECTION, AND RESTRICTIONS

3708.1 Food shall be prepared and protected in a depot, commissary, or service support facility in accordance with this Code. [P]

3708.2 Food shall be obtained from approved sources, shall be in sound condition, and be safe for human consumption. Foods that do not comply with this Code shall not be served to the public. [P]

3708.3 Packaged foods shall meet the requirements in chapters 7 and 11.

3708.4 Food, utensils and equipment shall be stored in a manner to avoid contamination.

3708.5 Potentially hazardous foods shall not be: [P]

(a) Cooled and reheated prior to service; [P] or

(b) Subjected to hot holding for more than two (2) hours. [P]

3708.6 All food temperature requirements of this Code shall be met. Hot and cold holding equipment shall be provided to maintain potentially hazardous foods at temperatures required in chapters 7 through 13. [P]

3709 FOOD VENDORS, DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY – PERSONAL HEALTH AND HYGIENE

3709.1 Food vendors and food depot, commissary, or service support facilities shall comply with the employee health and hygiene requirements in chapters 3 and 4. [P]

3710 DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY – EQUIPMENT AND UTENSILS

3710.1 All equipment and utensils shall be constructed of safe materials and maintained in good repair.

3710.2 All food contact surfaces, counters, sinks, and work surfaces in the establishment shall be smooth, non-absorbent, and easily cleanable.

3710.3 Food-contact surfaces of equipment, tableware, and utensils shall be cleaned and sanitized prior to food preparation for the public and after each use in accordance with this Code.

3710.4 For manual cleaning and sanitizing of cooking equipment, utensils, and tableware, three (3) compartment sinks shall be provided and used, or a two (2) compartment sink may be used when an approved detergent sanitizer is used in accordance with §§ 1601 and 1813.

3711 DEPOT, COMMISSARY, OR SERVICE SUPPORT FACILITY – PHYSICAL FACILITIES, CONTROL OF REFUSE AND PESTS, AND PROHIBITION OF ANIMALS

3711.1 Food service preparation and storage areas shall be constructed and maintained to prevent the entry of pests and other vermin in accordance with §§ 3210, 3211, and 3213.[P]

3711.2 Impervious receptacles shall be provided for storage of garbage and refuse in accordance with chapter 27. [P]

3712 CONDITIONS OF LICENSE RETENTION ─ RESPONSIBILITIES OF THE FOOD VENDOR

3712.1 All food vendors shall comply with § 700 and all applicable provisions of this Code, including but not limited to the following: [P]

(a) Section 200, Responsibility ─ Assignment & Qualification of Person in Charge; [P]

(b) Section 201, Knowledge ─ Person in Charge; [P]

(c) Section 202, Duties ─ Person in Charge;

(d) Section 203, Certification and District-Issued ID Requirements ─ Food Protection Manager, Person in Charge;

(e) Section 3706, Department-issued Health Inspection Certificate, including any plans or standards approved or imposed as part of the issuance of the Health Inspection Certificate;

(f) Chapter 3, Food Employee/Applicant Health;

(g) Chapter 4, Personal Cleanliness of Food Employees;

(h) Section 712, Specifications for Receiving ─ Ice; [P]

(i) Section 807, Preventing Contamination from Ice Used as Exterior Coolant ─ Prohibited as an Ingredient;

(j) Section 809, Preventing Contamination from Equipment and Utensils ─ Food Contact with Equipment and Utensils; [P]

(k) Section 810, Preventing Contamination from Utensils ─ In-Use Utensils, Between-Use Storage;

(l) Section 812, Preventing Contamination from Wiping Cloths ─ Use Limitation;

(m) Section 816, Preventing Contamination from the Premises ─ Food Storage;

(n) Section 817, Preventing Contamination from the Premises ─ Food Storage, Prohibited Areas;

(o) Section 818, Preventing Contamination from the Premises ─ Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container;

(p) Section 819, Preventing Contamination from the Premises ─ Food Preparation;

(q) Section 821, Preventing Contamination by Consumers ─ Condiments, Protection;

(r) Section 906, Reheating ─ For Hot Holding; [P]

(s) Section 1005, Temperature and Time Control ─ Potentially Hazardous Food (Time/Temperature Control for Safety Food) Hot and Cold Holding; [P]

(t) Section 1009, Time as a Public Health Control; [P]

(u) Section 1536, Acceptability ─ Food Equipment, Certification and Classification;

(v) Subsection 4402.1, Access to Premises and Records;

(w) Sections 4302 through 4304, Application Procedure – Form of Submission, Qualifications and Responsibilities of Applicants, and Contents of the Application; and

(x) Chapter 34, Operational Supplies and Applications of Poisonous or Toxic Materials.

3713 CONDITIONS OF RETENTION ─ RESPONSIBILITIES OF THE FOOD VENDOR, DISPLAY OF REQUIRED DOCUMENTS

3713.1 A food vendor shall conspicuously display on the vending vehicle, vending cart, or vending stand, a valid: [P]

(a) Food Vending Business License;

(b) Vending Site Permit;

(c) Department of Consumer and Regulatory Affairs (DCRA)-Issued Vendor Identification Card;

(d) Propane permit issued by the Fire Prevention Division of the Fire and Emergency Medical Services Department, for use of propane;

(e) Food Protection Manager Certificate;

(f) Department-Issued Certified Food Protection Manager Identification Card;

(g) Health Inspection Certificate; and

(h) Motor Vehicle Registration.

3713.2 The items enumerated in § 3713.1 shall be considered to be properly displayed when they are firmly attached to the vending vehicle or stand and made clearly visible to the public.

3713.3 A food vendor or employee of a food vendor shall surrender all applicable licenses, permits, and certificates for examination upon demand by any authorized representative of the Department.

3713.4 No person shall alter, mutilate, forge, or illegally display any license, permit, or other certification issued by the Mayor pursuant to this Code.

3714 CONDITIONS OF RETENTION ─ RESPONSIBILITIES OF DEPOT, COMMISSARY OR SERVICE SUPPORT FACILITY

3714.1 A depot, commissary, or service support facility servicing mobile food units with Class A Vending Business Licenses shall provide the following services to a vendor:

(a) Storage of the mobile food unit;

(b) Food preparation;

(c) Basic maintenance and cleaning; and

(d) Proper disposal of trash and food waste.

3714.2 Such a facility shall comply with all applicable provisions of this Code, including but not limited to:

(a) Section 712, Specifications for Receiving ─ Ice; [P]

(b) Section 817, Preventing Contamination from the Premises ─ Food Storage, Prohibited Areas;

(c) Chapter 4, Personal Cleanliness of Food Employees; and

(d) Chapter 34, Operational Supplies and Applications of Poisonous or Toxic Materials.

3714.3 The operator of a depot, commissary or service support facility that services a mobile food unit shall maintain a ledger that includes current information on the name, license number, and address of each food vendor and supplier doing business with the vendor. This ledger shall be made available during regular business hours for inspection by any duly authorized representative of the Department.

CHAPTER 38 RESIDENTIAL KITCHENS IN BED AND BREAKFAST OPERATIONS

3800 RESIDENTIAL KITCHENS – LICENSE AND CERTIFICATION REQUIREMENTS, CODE APPLICABILITY

3800.1 No person shall operate a residential kitchen in a bed and breakfast operation without a valid license issued by the Mayor in accordance with § 4300.1. [P]

3800.2 No person shall operate a residential kitchen in a bed and breakfast operation without a Food Protection Manager Certificate and a Department-Issued Certified Food Protection Manager Identification Card in accordance with § 203. [P]

3800.3 No person shall operate a residential kitchen in a bed and breakfast operation with a license that has been suspended for violations of this Code. [P]

3800.4 Residential kitchens in bed and breakfast operations where the available guest bedrooms do not exceed (3) and the number of guests served does not exceed nine (9) are exempt from this Code, except that they must inform the consumer by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department.

3800.5 Residential kitchens in bed and breakfast operations where the available guest bedrooms are between four (4) and ten (10) and the number of guests served does not exceed eighteen (18) shall:

(a) Obtain a food establishment license;

(b) Comply with the requirements of this chapter as well as chapters 41 through 49;

(c) Be exempt from chapter 42, "Plan Submission and Approval" and only submit an intended menu with the application for a food establishment license; and

(d) Comply with all other District laws and regulations as to construction and renovations.

3800.6 Residential kitchens in bed and breakfast operations where the available guest bedrooms are ten (10) or more shall comply with all provisions of this Code, and shall obtain a food establishment license.

3801 RESIDENTIAL KITCHENS – FOOD SUPPLIES, PREPARATION, PROTECTION, AND RESTRICTIONS

3801.1 Food shall be prepared and protected in bed and breakfast operations in accordance with §3800.

3801.2 Food shall be obtained from approved sources, shall be in sound condition, and shall be safe for human consumption. Foods that do not comply with this Code shall not be served to the public and shall be discarded.

3801.3 Food intended for public consumption shall either be stored separately or labeled so as to distinguish it from food intended for private use. A separate shelf or portion of a shelf within a refrigerator shall be an acceptable form of separate storage. Packaged foods shall meet the requirements in chapters 7 and 11.

3801.4 Food, utensils, and equipment shall be stored in a manner to avoid contamination.

3801.5 Potentially hazardous foods shall not be:

(a) Cooled and reheated prior to service;

(b) Subjected to hot holding for more than two (2) hours; or

(c) Served as leftovers.

3801.6 All food temperature requirements of this Code shall be met. Hot and cold holding equipment shall be provided to maintain potentially hazardous foods at temperatures required in chapters 7 through 13.

3802 RESIDENTIAL KITCHENS – PERSONAL HEALTH AND HYGIENE

3802.1 Food employees shall conform to employee health and hygiene requirements in chapters 3 and 4.

3803 RESIDENTIAL KITCHENS – HANDWASHING AND TOILET ROOM FACILITIES

3803.1 A soap dispenser and disposable towels for use in handwashing shall be provided at the kitchen sink. This sink shall not be used for handwashing after toilet use but may be used for food preparation and warewashing provided it is cleaned and sanitized prior to and between uses.

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

3804 RESIDENTIAL KITCHENS – EQUIPMENT AND UTENSILS

3804.1 All equipment and utensils shall be constructed of safe materials and maintained in good repair.

3804.2 All food contact surfaces, counters, sinks, and work surfaces in the establishment shall be smooth, non-absorbent, and easily cleanable.

3804.3 Food-contact surfaces of equipment, tableware, and utensils shall be cleaned and sanitized prior to food preparation for the public and after each use in accordance with this Code.

3804.4 For manual cleaning and sanitizing of cooking equipment, utensils and tableware, three (3) compartment sinks shall be provided and used, or a two (2) compartment sink may be used if single service tableware is provided, or when an approved detergent sanitizer is used in accordance with §§ 1601 and 1813.

3804.5 A domestic or home-style dishwasher may be used, provided the following performance criteria are met:

(a) The dishwasher effectively removes physical soil from all surfaces of dishes, equipment, and utensils;

(b) On a daily basis, a maximum registering thermometer or a heat thermal label determines that the dishwasher's internal temperature meets the requirements as specified in chapter 18. Records of this testing shall be kept on file for thirty (30) days;

(c) The dishwasher is installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing utensils and tableware. A copy of the instructions must be available on the premises at all times;

(d) There is sufficient area or facilities such as portable dish tubs and drain boards for the proper handling of soiled utensils prior to washing and of cleaned utensils after sanitization; and

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

3805 RESIDENTIAL KITCHENS – PHYSICAL FACILITIES

3805.1 Food service preparation and storage areas shall be constructed and maintained to prevent the entry of pests and other vermin in accordance with chapter 32.

3805.2 Pets may be present on the premises, but shall be kept out of food preparation and dining areas during food preparation and service to the public.

3805.3 Laundry facilities may be present in the kitchen, but shall not be used during food preparation and service to the public.

3805.4 Cooking facilities in the kitchen shall not be available to guests.

3805.5 Impervious receptacles shall be provided for storage of garbage and refuse in accordance with chapter 27.

3805.6 Hot and cold water under pressure shall be provided in accordance with chapter 23.

3806 CONDITIONS OF LICENSE RETENTION ─ RESPONSIBILITIES OF LICENSEES OF RESIDENTIAL KITCHENS IN BED & BREAKFAST OPERATIONS

3806.1 Licensees of residential kitchens in bed & breakfast operations shall comply with § 700 and all applicable provisions of this Code, including but not limited to the following:

(a) Section 200, Responsibility ─ Assignment & Qualification of Person in Charge; [P]

(b) Section 201, Knowledge ─ Person in Charge; [P]

(c) Section 202, Duties ─ Person in Charge;

(d) Section 203, Certification and District-Issued ID Requirements ─ Food Protection Manager, Person in Charge;

(e) Section 3706, Department-issued Health Inspection Certificate, including any plans or standards approved or imposed as part of the issuance of the Health Inspection Certificate;

(f) Chapter 3, Food Employee/Applicant Health;

(g) Chapter 4, Personal Cleanliness of Food Employees;

(h) Section 712, Specifications for Receiving ─ Ice; [P]

(i) Section 807, Preventing Contamination from Ice Used as Exterior Coolant ─ Prohibited as an Ingredient;

(j) Section 809, Preventing Contamination from Equipment and Utensils ─ Food Contact with Equipment and Utensils; [P]

(k) Section 810, Preventing Contamination from Utensils ─ In-Use Utensils, Between-Use Storage;

(l) Section 812, Preventing Contamination from Wiping Cloths ─ Use Limitation;

(m) Section 816, Preventing Contamination from the Premises ─ Food Storage;

(n) Section 817, Preventing Contamination from the Premises ─ Food Storage, Prohibited Areas;

(o) Section 818, Preventing Contamination from the Premises ─ Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container;

(p) Section 819, Preventing Contamination from the Premises ─ Food Preparation;

(q) Section 821, Preventing Contamination by Consumers ─ Condiments, Protection;

(r) Section 906, Reheating ─ For Hot Holding; [P]

(s) Section 1005, Temperature and Time Control ─ Potentially Hazardous Food (Time/Temperature Control for Safety Food) Hot and Cold Holding; [P]

(t) Section 1009, Time as a Public Health Control; [P]

(u) Section 1536, Acceptability ─ Food Equipment, Certification and Classification;

(v) Section 4402, Access to premises and records;

(w) Sections 4302 through 4304, Application Procedure – Form of Submission, Qualifications and Responsibilities of Applicants, and Contents of the Application; and

(x) Chapter 34, Operational Supplies and Applications of Poisonous or Toxic Materials.

CHAPTER 39 CATERERS

3900 CATERERS ─ LICENSE AND CERTIFICATION REQUIREMENTS, PREREQUISITE FOR OPERATION

3900.1 No person shall operate as a caterer without a license issued by the Mayor in accordance with § 4300.1. [P]

3900.2 No person shall operate as a caterer with an expired license. [Pf]

3900.3 No person shall operate as a caterer with a license that has been suspended for violating of this Code. [P]

3900.4 No person shall operate as a caterer without a Food Protection Manager Certificate and a Department-Issued Certified Food Protection Manager Identification Card in accordance with §203. [P]

3900.5 An applicant for a license as a caterer shall provide the Department with information on the:

(a) Sources of the food as specified in chapter 7;

(b) Type and volume of food to be sold or otherwise provided;

(c) Transport containers capable of maintaining proper temperatures in accordance with chapters 7 through 13 that will be used in transporting and holding potentially hazardous food;

(d) A current copy of the applicant's catering license;

(e) A copy of the applicant's Food Protection Manager Certification and Department-Issued Certified Food Protection Manager Identification Card in accordance with § 203; and

(f) A current inspection report of the licensed food establishment used as the applicant's base of operation as specified in § 3901.

3901 CATERERS ─ BASE OF OPERATION

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

3901.2 A caterer whose base of operation is a food establishment located outside the District shall provide the Department with current copies of the food establishment's license and inspection report prior to serving meals in the District.

3902 CATERERS ─ NOTIFICATION TO THE DEPARTMENT

3902.1 Each caterer shall give written notice to the Department on a form that the Department will provide either prior to or within seventy-two (72) hours after serving food other than from its own food establishment.

3903 CONDITIONS OF LICENSE RETENTION ─ RESPONSIBILITIES OF CATERERS

3903.1 All caterers shall comply with § 700 and all applicable provisions of this Code, including but not limited to the following:

(a) Section 200, Responsibility ─ Assignment & Qualification of Person in Charge; [P]

(b) Section 201, Knowledge ─ Person in Charge; [P]

(c) Section 202, Duties ─ Person in Charge;

(d) Section 203, Certification and District-Issued ID Requirements ─ Food

Protection Manager, Person in Charge;

(e) Section 3706, Department-issued Health Inspection Certificate, including any plans or standards approved or imposed as part of the issuance of the Health Inspection Certificate;

(f) Chapter 3, Food Employee/Applicant Health;

(g) Chapter 4, Personal Cleanliness of Food Employees;

(h) Section 712, Specifications for Receiving ─ Ice; [P]

(i) Section 807, Preventing Contamination from Ice Used as Exterior Coolant ─ Prohibited as an Ingredient;

(j) Section 809, Preventing Contamination from Equipment and Utensils ─ Food Contact with Equipment and Utensils; [P]

(k) Section 810, Preventing Contamination from Utensils ─ In-Use Utensils, Between-Use Storage;

(l) Section 812, Preventing Contamination from Wiping Cloths ─ Use Limitation;

(m) Section 816, Preventing Contamination from the Premises ─ Food Storage;

(n) Section 817, Preventing Contamination from the Premises ─ Food Storage, Prohibited Areas;

(o) Section 818, Preventing Contamination from the Premises ─ Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container;

(p) Section 819, Preventing Contamination from the Premises ─ Food Preparation;

(q) Section 821, Preventing Contamination by Consumers ─ Condiments, Protection;

(r) Section 906, Reheating ─ For Hot Holding; [P]

(s) Section 1005, Temperature and Time Control ─ Potentially Hazardous Food (Time/Temperature Control for Safety Food) Hot and Cold Holding; [P]

(t) Section 1009, Time as a Public Health Control; [P]

(u) Section 1536, Acceptability ─ Food Equipment, Certification and Classification;

(v) Section 4402, Access to premises and records;

(w) Sections 4302 – 4304, Application Procedure – Form of Submission, Qualifications and Responsibilities of Applicants, and Contents of the Application; and

(x) Chapter 34, Operational Supplies and Applications of Poisonous or Toxic Materials.

CHAPTER 40 CATERED ESTABLISHMENTS

4000 CATERED ESTABLISHMENTS – CODE APPLICABILITY

4000.1 Catered establishments that receive food from a licensed caterer or licensed food establishment shall:

(a) Obtain a valid Food Establishment License as specified in § 4300.1, which shall exhibit proper notations as specified in §§ 4002 through and 4004; and

(b) Post a valid Certificate of Occupancy, a current license, and a current inspection report in a location within the food establishment that is conspicuous to consumers as specified in §§ 4306.3 and 4310.2;

4000.2 Catered establishments shall maintain a current copy of its contract with the licensed caterer or licensed food establishment on the premises for review by the Department, including but not limited to the following documentation: [P]

(a) The name, address, and hours of operation of the licensed caterer or licensed food establishment; [P]

(b) Current copies of the caterer's license or food establishment's license and inspection reports issued by the Mayor as specified in §4300.1; [P]

(c) Current copies of the caterer's license or food establishment's license, and inspection reports, issued to the caterer or food establishment by the responsible licensing agency of another state or municipality where the caterer or food establishment is incorporated; [P]

(d) Copies of the caterer's or food establishment's food protection manager certification recognized by the Department as specified in § 203.1; [P]

(e) Copies of current District-issued Certified Food Managers Identification Cards as specified in § 203.3 [P]; and

(f) Copies of the catered establishments' contract with the licensed caterer or licensed food establishment shall also document:

(1) Number of individuals to be served;

(2) Food sources as specified in chapter 7;

(3) Food safety assurance protocols;

(4) Menu production and serving schedules;

(5) Equipment to be used, including but not limited to utensils, linens, and temperature measuring devices in accordance with chapters 7 through 22;

(6) Food transport containers capable of maintaining proper temperatures in accordance with chapters 7 through 13 that will be used in transporting and holding potentially hazardous food;

(7) Delivery and routing information; and

(8) Copies of the caterer's or food establishment's District-licensed Pesticide Operator contract, District-licensed trash or solid waste contract, and District-licensed sewage or liquid waste transport contract, where applicable. [P]

4000.3 Catered establishments shall comply with the requirements of this chapter and chapters 41 through 49, and shall be exempt from chapter 42

4000.4 If a catered establishment also prepares and serves potentially hazardous foods (time/ temperature control for safety food) on the premises, it shall comply with all applicable provisions of this Code.

4001 CATERED ESTABLISHMENTS – STORAGE OF POTENTIALLY HAZARDOUS FOOD (TIME/ TEMPERATURE CONTROL FOR SAFETY FOOD)

4001.1 Catered establishments shall provide an approved refrigerator where potentially hazardous food (time/ temperature control for safety food) shall be stored. The food shall not remain stored in the transport containers until served. Potentially hazardous food (time/ temperature control for safety food) temporarily kept in the transport containers shall be maintained at proper temperatures in accordance with chapters 7 through 13. [P]

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

4002 CATERED ESTABLISHMENTS – RECEIPT OF TRANSPORTED INDIVIDUALLY PORTIONED SERVINGS

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

(a) A valid food establishment license with the notation "Catered Food Establishment – Receiving Transported Individually Portioned Servings, Serving Only;"

(b) A certified food protection manager on site during periods in which food is received and served;

(c) A copy of the contract with the caterer who is providing the food;

(d) A hand sink with running water or chemically treated towelettes;

(e) A mop sink located within the establishment;

(f) Approved food transport containers for hot or cold foods; and

(g) A thermometer and log for recording the temperatures of food upon receipt.

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

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

(a) A valid food establishment license with the notation "Catered Food Establishment –Receiving Hot or Cold Transported Ready-to-Serve Foods in Bulk Containers, Serving Only;"

(b) A certified food protection manager on site during periods in which food is received and served;

(c) A copy of the contract with the caterer who is providing the food;

(d) A hand sink with hot and cold or tempered running water;

(e) A mop sink located within the establishment;

(f) A single compartment general-purpose sink;

(g) A formica work surface or an equivalently durable table or counter surface;

(h) Hot water generation and distribution systems sufficient to meet the peak hot water demands throughout the establishment pursuant to §2305;

(i) Approved food transport containers for hot or cold foods; and

(j) A thermometer and log for recording the temperatures of food upon receipt.

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

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

(a) A valid food establishment license with the notation "Catered Food Establishment – Reheating Transported Cold Foods Received in Bulk Containers, Serving Only;"

(b) A certified food protection manager on site during periods in which food is received, reheated, and served;

(c) A copy of the contract with the caterer who is providing the food;

(d) A hand sink with hot and cold or tempered running water;

(e) A mop sink located within the establishment;

(f) A single compartment general-purpose sink;

(g) A formica work surface or equivalently durable table or counter surface;

(h) Hot water generation and distribution systems sufficient to meet the peak hot water demands throughout the establishment pursuant to § 2305;

(1) Approved food transport containers for hot or cold foods;

(j) An oven or microwave oven; and

(k) A thermometer and log for recording the temperatures of food upon receipt.

IX. COMPLIANCE, ENFORCEMENT AND DEFINITIONS

CHAPTER 41 CODE APPLICABILITY

4100 USE FOR INTENDED PURPOSE – PUBLIC HEALTH PROTECTION

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

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

(a) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;

(b) Whether food-contact surfaces comply with chapter 14;

(c) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with § 1600;

(d) Whether existing operating systems, equipment, and fixtures comply with this Code; and

(e) The existence of a documented agreement with the licensee that the operating systems, equipment, fixtures, or refrigeration equipment will be replaced as specified in § 4310.8.

4101 PREVENTING HEALTH HAZARDS – PROVISION FOR CONDITIONS NOT ADDRESSED

4101.1 If necessary to protect against public health hazards or nuisances, the Department may impose specific requirements in addition to the requirements contained in this Code that are authorized pursuant to An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 (2008 Repl. & 2011 Supp.)).

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

4102 VARIANCES – CRITERIA, MODIFICATIONS AND WAIVERS

4102.1 The Department may grant a variance from the provisions of this Code, as provided in § 4102.2.

4102.2 The Department may grant a variance if all of the following conditions are met, except as provided in § 4102.3:

(a) The variance was requested in the manner prescribed by § 4103; [Pf]

(b) The variance will have no adverse effect on public health, safety, or the environment; [Pf]

(c) The alternative measures to be taken, if any, are equivalent to or superior to those prescribed by this Code; [Pf] and

(d) Strict compliance with the provisions of this Code would impose an undue burden on the applicant if the variance were not granted.

4102.3 A variance shall not be granted for or from:

(a) Chapter 3, Food Employee/Applicant Health; [Pf]

(b) Chapter 4, Personal Cleanliness of Food Employees; [Pf]

(c) Chapter 5, Hygienic Practices of Employees and Food Employees; [Pf]

(d) Sections 3210 through3214, Physical Facilities – Controlling Pests; Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests; Storing Maintenance Tools; Maintaining Premises, Unnecessary Items and Litter; and Prohibiting Animals; [Pf]

(e) Chapter 33, Certifications, Labeling and Identification of Poisonous or Toxic Materials; Chapter 34, Operational Supplies and Applications of Poisonous or Toxic Materials; and Chapter 35, Stock and Retail Sale of Poisonous or Toxic Materials; Subtitle G, Poisonous or Toxic Materials; [Pf] and

(f) Chapter 37 Mobile Structures & Temporary Stands; chapter 38, Residential Kitchens in Bed and Breakfast Operations; chapter 39, Caterers; chapter 40, Catered Establishments; and subtitle H, Special Requirements. [Pf]

4103 VARIANCES – APPLICATION, JUSTIFICATION AND DOCUMENTATION

4103.1 A variance shall be requested in writing and be accompanied by the appropriate fee.

4103.2 A request for a variance shall contain the following information, which shall be retained in the Department's file on the food establishment:

(a) The specified provision(s) of this Code from which the variance is requested;

(b) The reasons why the requirements of the provision(s) cannot be met;

(c) Alternative measures that will be taken to ensure a comparable degree of protection to public health, safety, and the environment if a variance is granted;

(d) Whether a HACCP Plan, as specified in § 4202 is involved that includes information specified under § 4205 that is relevant to the variance request;

(e) The length of time for which the variance is requested; and

(f) A statement that the party applying for the variance will agree to comply with the terms of any variance, if one is granted.

4104 VARIANCES – ATTACHMENT OF CONDITIONS

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

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

(a) Comply with the HACCP Plan and procedures submitted and approved as the basis for the variance; [P] and

(b) Maintain, and provide to the Department upon request, records specified in § 4205.1(d) and (e) that demonstrate the following are routinely used:

(1) Procedures for monitoring critical control points; [Pf]

(2) The actual monitoring of the critical control points; [Pf]

(3) Verifications of the effectiveness of an operation or process; [Pf] and

(4) Necessary corrective actions if there is failure at a critical control point. [Pf]

4105 VARIANCES – EFFECT OF ALTERNATIVE MEASURES OR CONDITIONS

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

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

4106 VARIANCES – NOTIFICATION OF DECISION TO GRANT, DENY, OR CHANGE CONDITIONS

4106.1 The Department shall notify the applicant in writing of its decision to grant or deny the variance.

4106.2 If a variance is granted, the notification shall specify the period of time for which the variance shall be effective and the alternative measures or conditions, if any, the applicant shall meet.

4106.3 A licensee to whom a variance has been issued shall notify the Department in writing within thirty (30) calendar days of a material change in the conditions upon which the variance was granted.

4107 VARIANCES – RENEWAL

4107.1 A request for the renewal of a variance shall be submitted to the Department in writing thirty (30) calendar days before its expiration date.

4107.2 Renewal requests shall contain the information specified in § 4103.

4107.3 The Department shall renew a variance if the food establishment continues to satisfy the criteria specified in § 4102 or the conditions set forth in § 4104 and demonstrates compliance with the alternative measures or conditions imposed at the time the original variance was approved.

4107.4 A variance may not be renewed if there has been a material change in the conditions upon which the variance was granted or the licensee failed to comply with the approved variance. [Pf]

4108 VARIANCES – DENIAL, REVOCATION, OR REFUSAL TO RENEW

4108.1 The Department shall notify the applicant in writing of the denial, revocation or refusal to renew a variance if it determines that the criteria in § 4102 or the conditions in § 4104 are not met.

4108.2 The written notification denying, revoking, or refusing to renew a variance shall set out the applicant's right to a hearing in accordance with chapter 48.

CHAPTER 42 PLAN SUBMISSION AND APPROVAL

4200 FACILITY AND OPERATING PLANS – WHEN REQUIRED

4200.1 A license applicant or licensee shall submit to the Department for review and approval properly prepared plans and specifications before:

(a) The construction of a food establishment; [Pf]

(b) The conversion of an existing structure for use as a food establishment; [Pf] or

(c) Major renovation, remodeling, or alteration of a food establishment or a change of type of food establishment or food operation as specified in §§ 4304.3 through 4304.9(f) the Department determines that plans and specifications are necessary to ensure compliance with this Code. [Pf]

4200.2 Plans, specifications, an application form, and the applicable fee, shall be submitted at least thirty (30) calendar days before beginning construction, remodeling, or conversion of a food establishment.

4200.3 A license applicant or licensee operating at mass gathering or special event food stands and retail food vehicles, mobile facilities, or carts is not required to submit plans and specifications.

4200.4 The Department shall approve the completed plans and specifications if they meet the requirements of this Code, and the Department shall report its findings to the license applicant or licensee within thirty (30) days of the date the completed plans are received.

4200.5 Plans and specifications that are not approved as submitted shall be changed to comply or be deleted from the project.

4201 FACILITY AND OPERATING PLANS – CONTENTS AND SPECIFICATIONS

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

(a) Intended menu;

(b) Anticipated volume of food to be stored, prepared, and sold or served;

(c) Proposed layout, mechanical schematics, construction materials, and finish schedules;

(d) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;

(e) A complete set of elevations and drawings for all custom fabricated equipment;

(f) A functional flow plan indicating how food will be handled;

(g) Evidence that standard procedures that ensure compliance with the requirements of this Code are developed or are being developed;

(h) Evidence of an established food safety program such as an employee training manual, and standard operating procedures that ensure compliance with this Code; and

(i) Other information that may be required before the Department may approve proposed plans for the construction, conversion, or modification, including but not limited to approvals by other District agencies.

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

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

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

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

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

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

(b) A variance is required as specified in § 1010 for specialized processing;

(c) A variance is required as specified in § 1522.2 for operating and maintaining molluscan shellfish tanks;

(d) A variance is required as specified in § 1011 for reduced oxygen packaging;

(e) The Department determines that a food preparation or processing method requires a variance based on a plan submitted as specified in § 4201, or an inspectional finding, or a variance request.

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

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

(a) At the time of the license application and plan review, if a HACCP is required as specified by law; or

(b) At the time of the license application and plan review, if the Department determines that a HACCP Plan is required as specified in §§ 900.3(b), 1522.2, or 4202.1.

4204 FACILITY AND OPERATING PLANS – COMPLIANCE WITH HACCP PLAN

4204.1 Before engaging in an activity that requires a HACCP Plan, a license applicant or licensee shall submit to the Department for approval a properly prepared HACCP Plan as specified in § 4205 and the relevant provisions of this Code if:

(a) Submission is required according to law;

(b) A variance is required as specified in §§ 900.3, 1010, or 1522.2;

(c) The Department determines that a food preparation or processing method requires a variance based on a plan submittal specified in § 4201, an inspectional finding, or a variance request.

4204.2 A license applicant or licensee shall have properly prepared HACCP Plan as specified in § 1011.

4205 FACILITY AND OPERATING PLANS – CONTENTS OF A HACCP PLAN

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

(a) A categorization of the types of potentially hazardous foods (time/ temperature control for safety foods) that are specified in the menu including, but not limited to, soups and sauces, salads, and bulk, solid foods such as meat roasts or other foods that are specified by the Department; [Pf]

(b) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(1) Ingredients, materials, and equipment used in the preparation of that food; [Pf] and

(2) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved; [Pf]

(c) A food employee and supervisory training plan that addresses food safety concerns involved; [Pf]

(d) A statement of standard operating procedures for the plan under consideration, including clearly identifying:

(1) Each critical control point; [Pf]

(2) The critical limits for each critical control point; [Pf]

(3) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge; [Pf]

(4) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points; [Pf]

(5) Actions to be taken by the person in charge if the critical limits for each critical control point are not met; [Pf] and

(6) Records to be maintained by the person in charge to demonstrate that the HACCP Plan is properly operated and managed; [Pf] and

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

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

4206 CONFIDENTIALITY ─ TRADE SECRETS

4206.1 The Department shall treat as confidential information that meets the criteria specified in law for a trade secret and is contained in the plans and specifications submitted as specified in §§ 4201 and 4205.

4207 CONSTRUCTION, INSPECTION AND APPROVAL ─ PRE-OPERATIONAL INSPECTIONS

4207.1 The Department shall conduct one (1) or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, has

established standard operating procedures as specified in § 4201.1(g), and is in compliance with the law and this Code.

CHAPTER 43 LICENSE TO OPERATE

4300 LICENSE REQUIREMENT – PREREQUISITE FOR OPERATION

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

4300.2 No person shall operate a food establishment with an expired license. [Pf]

4300.3 No person shall operate a food establishment with a suspended license. [Pf]

4301 APPLICATION PROCEDURE – PERIOD FOR SUBMISSION

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

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

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

4302 APPLICATION PROCEDURE – FORM OF SUBMISSION

4302.1 An applicant shall submit a written application for a license on a form the Department will provide.

4303 APPLICATION PROCEDURE – QUALIFICATIONS AND RESPONSIBILITIES OF APPLICANTS

4303.1 To qualify for a license, an applicant shall:

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

(b) Comply with §§ 4302 through 4304 and all other requirements of this Code;

(c) Agree to allow access to the food establishment and to provide required information, as specified in § 4402; and

(d) Pay the applicable licensing fees.

4304 APPLICATION PROCEDURE – CONTENTS OF THE APPLICATION

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

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

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

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

(a) Only to order upon a consumer's request;

(b) In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency; or

(c) Using time as the public health control as specified in § 1009.

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

4304.6 An application shall include a statement specifying whether the food establishment prepares food as specified in § 4304.5 for delivery to and consumption at a location off the premises of the food establishment where it is prepared.

4304.7 An application shall include a statement specifying whether the food establishment prepares food under § 4304.5 for service to a highly susceptible population.

4304.8 An application shall include a statement specifying whether the food establishment prepares only food that is not potentially hazardous (time/temperature control for safety food).

4304.9 An application shall include a statement specifying whether the food establishment does not prepare, but offers for sale only prepackaged food that is not potentially hazardous (time/temperature control for safety food).

4304.10 An application shall include the name, title, address, and telephone number of the person directly responsible for the food establishment.

4304.11 An application shall include the name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified in § 4304.10 such as the zone, district, or regional supervisor.

4304.12 An application shall include the names, titles, and addresses of:

(a) The persons comprising the legal ownership as specified in § 4304.2 including the owners and officers; and

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

4304.13 An application shall include a statement signed by the applicant that attests to the accuracy of the information provided in the application, and affirms that the applicant will:

(a) Comply with this Code; and

(b) Allow the Department access to the establishment as specified in § 4402 and to the records specified in §§ 717 and 2416, and § 4205.1(d)(6).

4305 ISSUANCE – NEW, CONVERTED, OR REMODELED ESTABLISHMENTS

4305.1 For food establishments that are required to submit plans as specified in § 4200, the Department shall issue a license to the applicant after:

(a) A properly completed application is submitted;

(b) The required fee is submitted;

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

(d) A preoperational inspection as specified in § 4207 shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this Code.

4306 ISSUANCE REQUIREMENT – NOTICE OF OPENING, DISCONTINUANCE OF OPERATION, AND POSTING

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

4306.2 A food establishment shall provide notice to the Department of its intent to shut down permanently or temporarily at least fourteen (14) calendar days before discontinuing operations.

4306.3 All licenses, Certificate of Occupancy, and current inspection reports shall be conspicuously posted within the food establishment.

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

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

4308 ISSUANCE — DENIAL OF APPLICATION FOR LICENSE, NOTICE

4308.1 If an application for a license to operate is denied, the Department shall provide the applicant with written notice that includes:

(a) The specific reasons and legal authority for the license denial;

(b) The actions, if any, that the applicant must take to qualify for a license; and

(c) Notice of the applicant's right to appeal and the process and time frames for appeal as prescribed in chapter 48.

4309 CONDITIONS OF RETENTION — RESPONSIBILITIES OF THE DEPARTMENT

4309.1 The Department shall notify each license applicant how to obtain a copy of this Code so that the license applicant is aware of compliance requirements and the conditions of license retention as specified in § 4310.

4309.2 Failure to provide the information specified in § 4309.1 shall not prevent the Department from taking authorized action or seeking remedies if the licensee fails to comply with this Code or an order, warning, or directive from the Department.

4310 CONDITIONS OF RETENTION — RESPONSIBILITIES OF THE LICENSEE

4310.1 Upon acceptance of the license issued by the Department, the licensee, in order to retain the license, shall comply with § 4310.2 through 4310.12.

4310.2 The licensee shall post a current license, valid Certificate of Occupancy, and a current inspection reports in a location within the food establishment that is conspicuous to consumers as specified in §4306.3.

4310.3 The licensee shall comply with the provisions of this Code including the conditions of a granted variance as specified in § 4105 and approved plans as specified in § 4201.

4310.4 If a food establishment is required in § 4104 to operate under a HACCP Plan, the licensee shall comply with the plan as specified in § 4203.

4310.5 The licensee shall immediately contact the Department to report an illness of a food employee or conditional employee as specified in § 301.

4310.6 The licensee shall immediately discontinue operations and notify the Department if an imminent health hazard may exist as specified in § 4408.

4310.7 The licensee shall allow representatives of the Department access to the food establishment as specified in § 4402.

4310.8 The licensee shall replace existing operating systems, equipment, or fixtures approved for use before the effective date of this Code as specified in § 4100, with facilities and equipment that comply with this Code, except as specified in § 4310.9 if:

(a) The Department directs the replacement of existing operating systems, equipment, or fixtures because the operating systems, equipment, or fixtures constitute a public health hazard or nuisance or no longer comply with the criteria upon which the operating systems, equipment, or fixtures were accepted;

(b) The Department directs the replacement of the operating systems, equipment, or fixtures when there is a change of ownership; or

(c) The licensee replaces the operating systems, equipment, or fixtures in the normal course of operation.

4310.9 The licensee shall comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the licensee's food establishment or in response to community emergencies.

4310.10 The licensee shall accept notices issued and served by the Department according to law.

4310.11 The licensee shall be subject to the administrative, civil, injunctive, and criminal remedies, authorized by An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898, (30 Stat. 246; D.C. Official Code §§ 48-101, *et seq*. (2009 Repl. & 2011 Supp.)), for failure to comply with this Code or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

4311 CONDITIONS OF RETENTION ─ LICENSES NOT TRANSFERABLE

4311.1 A license shall not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another if the food operation changes from the type of operation stated in the application, as

specified in § 4304.3 through 4304.9, and the change in operation is not approved.

CHAPTER 44 INSPECTION AND CORRECTION OF VIOLATIONS

4400 FREQUENCY – RISK-BASED INSPECTION SCHEDULE

4400.1 The Department shall inspect a food establishment based on a written risk-based inspection schedule that is uniformly applied throughout the District. The Department shall determine, by telephone or other means, that the establishment, its management and the nature of its food operation are not changed.

4400.2 The Department shall characterize each food establishment, according to the following risks, for the purpose of inspection frequency:

(a) HIGH-RISK #5: Extensive handling of raw ingredients. Food processing at the retail level (such as, smoking and curing; reduced oxygen packaging for extended shelf-life);

(b) HIGH-RISK #4: Extensive handling of raw ingredients. Preparation processes include the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods. Food processes include advanced preparation for next-day service. This category would also include those facilities whose primary service population is immune-compromised;

(c) MODERATE-RISK #3: Extensive handling of raw ingredients. Preparation process includes the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous food. Advance preparation for next-day service is limited to two (2) or three (3) items. Retail food operations include deli and seafood departments, establishments doing food processing at retail;

(d) MODERATE-RISK #2: Limited menu (one (1) or two (2) main items)). Pre-packaged raw ingredients are cooked or prepared to order. Retail food operations exclude deli or seafood departments. Raw ingredients require minimal assembly. Most products are cooked/prepared and served immediately. Hot and cold holding of potentially hazardous foods is restricted to single meal service. Preparation processes requiring cooking, cooling, and reheating are limited to one (1) or two (2) potentially hazardous foods; and

(e) LOW-RISK #1: Primarily prepackaged not potentially hazardous foods. Limited preparation of hot dogs and frankfurters; and mobile ice cream operations.

4400.3 The Department may increase the interval between inspections if the food establishment is fully operating under an approved and validated HACCP Plan as specified in §§ 4104.2 and 4205.

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

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

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

(b) Has inexperienced food employees.

4401 FREQUENCY ─ PERFORMANCE AND RISK-BASED FACTORS

4401.1 Within the parameters specified in § 4400, the Department shall prioritize, and conduct more frequent inspections based upon its assessment of a food establishment's history of compliance with this Code and the establishment's potential as a vector of foodborne illness by evaluating:

(a) Past performance, for nonconformance with this Code or HACCP Plan requirements that are priority items or priority foundation items;

(b) Past performance, for numerous or repeat violations of this Code or HACCP Plan requirements that are core items;

(c) Past performance, for complaints investigated and found to be valid;

(d) The hazards associated with the particular foods that are prepared, stored, or served;

(e) The type of operation including the methods and extent of food storage, preparation, and service;

(f) The number of people served; and

(g) Whether the population served is a highly susceptible population.

4402 ACCESS AND COMPETENCY OF INSPECTORS ─ RIGHT OF ENTRY, DENIAL A MISDEMEANOR

4402.1 After representatives of the Department present official credentials and provide notice of the purpose of, and an intent to conduct an inspection in accordance

with this Code, the person in charge shall allow access to the Department during the food establishment's hours of operation and other reasonable times as determined by the Department, for one (1) or more of the following purposes:

(a) To determine if the food establishment is in compliance with this Code;

(b) To examine and sample the food; and

(c) To obtain information, and examine records on the premises relating to food purchased, received, or used by the food establishment.

4402.2 If a person denies access to the Department, the Department shall inform the person that:

(a) The licensee is required to allow access to the Department as specified in § 4402.1;

(b) Access is a condition of the acceptance and retention of a food establishment license to operate as specified in § 4310.7;

(c) If access is denied, an inspection order allowing access may be obtained in accordance with District law; and

(d) The Department is making a final request for access.

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

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

4402.5 An authorized representative of the Department who inspects a food establishment or conducts plan review for compliance with this Code shall have the knowledge, skills, and ability to adequately perform the required duties.

4403 REPORT OF FINDINGS – DOCUMENTING INFORMATION AND OBSERVATIONS

4403.1 The Department shall designate the form for each food establishment inspection.

4403.2 The Department shall document on an inspection report form:

(a) Administrative information about the food establishment's legal identity, street and mailing addresses, type of establishment and the nature of its operations as specified in § 4304, inspection date, and other information

such as type of water supply and sewage disposal, status of the license, and personnel certificates that may be required; and

(b) Specific factual observations of volatile conditions or other deviations from this Code that require correction by the licensee including:

(1) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of this Code specified in § 201;

(2) Failure of food employees, conditional employee, and the person in charge to report or demonstrate their knowledge of their responsibility to report a disease or medical condition as specified in §§ 300 and 303.1;

(3) Nonconformance with priority items or priority foundation items of this Code;

(4) Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the Department as specified in § 4104;

(5) Failure of the person in charge to provide records required by the Department for determining conformance with a HACCP Plan as specified in § 4205.1(d)(6); and

(6) Nonconformance with critical limits of a HACCP Plan.

4404 REPORT OF FINDINGS – SPECIFYING TIME FRAME FOR CORRECTIONS

4404.1 The Department shall specify on the inspection report form the time frame for correction of the violations as specified in §§ 4410 and 4412.

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

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

4406 REPORT OF FINDINGS – REFUSAL TO SIGN ACKNOWLEDGMENT

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

(a) An acknowledgment of receipt is not an agreement with finding;

(b) Refusal to sign an acknowledgment of receipt will not affect the licensee's obligation to correct the violations noted in the inspection report within the time frames specified; and

(c) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Department's historical record for the food establishment.

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

4407 REPORT OF FINDINGS – PUBLIC INFORMATION, RECORDS RETENTION

4407.1 The Department shall keep and maintain a record of each inspection report, complaint, inspector's sample reports, license suspension, and other correspondence made of any food establishment within the District for a period of one (1) year as an active file. After one (1) year, records are deemed inactive for a period of two (2) additional years and shall be destroyed at the end of the two (2)-year inactive period, except as specified in § 4407.2.

4407.2 In the case of an audit and or investigation, the Department shall keep all records until the audit and/or investigation has been completed.

4407.3 The Department shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it as provided in the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501, *et seq*. (2011 Repl.)), except as provided in §4206.

4407.4 The Department shall maintain the following information:

(a) Total number of licensed food establishments by category;

(b) Number of yearly inspections by category;

(c) Number of reinspections by category;

(d) Number of hearings;

(e) Number of license suspensions;

(f) Number of license revocations;

(g) Number of foodborne illness complaints investigated (including the number of cases involving more than two (2) persons and the total number of persons involved);

(h) Number of general complaints investigated;

(i) Number and types of variances issued;

(j) Total number of sanitarians; and

(k) Other information the Department may deem necessary.

4408 IMMINIENT HEALTH HAZARD – CEASING OPERATIONS AND EMERGENCY REPORTING

4408.1 A licensee shall immediately discontinue operations and notify the Department whenever any of the following conditions occur:

(a) Operating a food establishment with extensive fire damage that affects the establishment's ability to operate in compliance with this Code; [P]

(b) Operating a food establishment with a flood or serious flood damage that affects the establishment's ability to operate in compliance with this Code; [P]

(c) Operating a food establishment with an extended interruption of electrical services that affects the establishment's ability to operate in compliance with this Code; [P]

(d) Operating a food establishment with an interruption of water service resulting in insufficient capacity to meet water demands throughout the establishment; [P]

(e) Operating a food establishment with a sewage backup; [P]

(f) Misuse of poisonous or toxic materials; [P]

(g) Onset of an apparent foodborne illness outbreak; [P]

(h) Operating a food establishment with gross insanitary occurrence or condition or other circumstances that may endanger public health including but not limited to an infestation of vermin; [P]

(i) Operating without a valid Certificate of Occupancy; [P]

(j) Failing to minimize the presence of insects, rodents, or other pests on the premises in violation of § 3210.1(a) through (d); [P] or

(k) The Department determines through an inspection, or examination of records or other means as specified in § 4402.1(a) through (c) the existence of any other condition which endangers the public health, safety, or welfare, including but not limited to: [P]

(1) Operating a food establishment without a license in violation of § 4300.1; [P]

(2) Operating a food establishment with an expired license in violation of § 4300.2; [P]

(3) Operating a food establishment with a suspended license in violation of §§ 4300.3 and 4718; P

(4) Failure of licensee to employ a full-time person-in-charge who is a certified food protection manager recognized by the Department in violation of § 203.1 and 203.3; P

(5) Failure of licensee to employ a full-time person-in-charge who is a certified food protection manager recognized by the Department and who is present at the food establishment during all hours of operation in violation of §§ 200.3, 200.4, and 203; P

(6) Failure of licensee to employ a full-time person-in-charge who is a certified food protection manager recognized by the Department and who is able to demonstrate knowledge in violation of § 201; P

(7) Selling, exchanging or delivering, or having in his or her custody or possession with the intent to sell or exchange, or expose, or offer for sale or exchange, any article of food which is adulterated in violation of D.C. Official Code § 48-101 (2009 Repl.); P

(8) Operating a food establishment with no hot water in violation of § 2305; P

(9) Operating with incorrect hot or cold holding temperatures for potentially hazardous foods that do not comply with this Code and that cannot be corrected during the course of the inspection in violation of chapter 10; P

(10) Operating a food establishment with six (6) or more critical violations that cannot be corrected on site during the course of the inspection; P

(11) Failing to hire a D.C. licensed Pesticide Operator/contractor in violation of § 3210.2; P

(12) Failing to allow access to the Department's representatives during the food establishment's hours of operation and other reasonable times as determined by the Department in violation of § 4402.1; P

(13) Hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of D.C. Official Code § 48-108 (2009 Repl.); P or

(14) Failing to designate a non-smoking area in a restaurant with a capacity of 50 or more in violation of D.C. Official Code § 7-1703.01(a) or (b) (2008 Repl.). P

(l) The Department shall also determine through an inspection, or examination of records or other means as specified in § 4402.1(a) through (c) the

existence of additional conditions which endanger the public health, safety, or welfare, including but not limited to: P

(1) Operating as a food vendor without a license in violation of § 3700.1;

(2) Operating as a food vendor with an expired license in violation of § 3700.2; P

(3) Operating as a food vendor with a suspended license in violation of §§ 3700.3 and 4718; P

(4) Operating as a food vendor without a Food Protection Manager Certificate and a DOH-Issued Certified Food Protection Manager Identification Card in violation of §§ 203 and 3700.2; P

(5) Operating a mobile food unit without a valid Health Inspection Certificate issued by the Department in violation of § 3706.1; P

(6) Possessing, preparing or vending any food requiring further processing from its original state aboard a mobile food unit without meeting the requirements of §§ 3700.6 and 3701, and this Code; P

(7) Operating a depot, commissary or service support facility that services a mobile food unit without a valid license to operate issued by the Mayor in violation of §§ 3700.7 and 4300.1; P

(8) Operating a depot, commissary or service support facility that services a mobile food unit with a license that has been suspended for violations of this chapter and applicable provisions of this Code; P

(9) Using a deep fryer or other cooking equipment that requires a hood suppression system, except with the written approval of the District of Columbia Fire and Emergency Medical Services Department; P

(10) Possessing, preparing, selling, offering to sale, or giving away any food requiring further processing from its original state without the submission of a HACCP Plan, Parasite Destruction Letter, or Risk Control Plan depending on the food and/or process as requested by the Department; P

(11) Operating a mobile food unit without a current motor vehicle registration that is conspicuously displayed on the mobile food unit in violation of §3713.1(h). P

(12) Selling, exchanging or delivering, or having in his or her custody or possession with the intent to sell or exchange, or expose, or

offer for sale or exchange, any article of food which is adulterated in violation of D.C. Official Code § 48-101 (2009 Repl.); P

(13) Operating a mobile food unit, depot, commissary or service support facility that services a mobile food unit with no hot water in violation of § 2305; P

(14) Operating with incorrect hot or cold holding temperatures for potentially hazardous foods that do not comply with this Code and that cannot be corrected during the course of the inspection in violation of chapter 10; P or

(15) Hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of D.C. Official Code § 48-108 (2009 Repl.). P

(m) The Department shall also determine through an inspection, or examination of records or other means as specified in § 4402.1(a) through (c) the existence of additional conditions which endanger the public health, safety, or welfare, including but not limited to: P

(1) Operating as a caterer without a license in violation of § 3900.1;

(2) Operating as a caterer with an expired license in violation of § 3900.2; P

(3) Operating as a caterer with a suspended license in violation of §§ 3900.3 and 4718; P

(4) Failure of caterer to use transport containers capable of maintaining proper temperatures in accordance with chapters 6 through 13 when transporting and holding potentially hazardous food (time/ temperature control for safety food); P

(5) Failure of catered establishment that receives food from a licensed caterer or licensed food establishment to obtain a "Food Establishment License" with the proper licensure notations as specified in §§ 4000.1(a), 4002.1(a), 4003.1(a), 4004.1(a), and 4300.1 through 4300.3; P

(6) Failure of catered establishment to maintain a current copy of its contract with the licensed caterer or licensed food establishment on the premises for review by the Department as specified in § 4000.2(a) through (f); P

(7) Failure of catered establishment that prepares and serves potentially hazardous foods (time/ temperature control for safety food) on the premise to comply with this chapter and all applicable provisions of this Code;

(8) Failure of catered establishment that prepares and serves potentially hazardous foods (time/ temperature control for safety food) on the premises to comply with this chapter and all applicable provisions of this Code;

(9) Failure of catered establishment to remove potentially hazardous food (time/ temperature control for safety food) from transport containers and store in an approved refrigerator until served;

(10) Failure of catered establishment to maintain potentially hazardous food (time/ temperature control for safety food) kept in the transport containers at proper temperatures in accordance with chapters 6 through 13; [P]

(11) Failure of catered establishment to serve milk in original individual commercially filled containers received from the distributor, or from an approved bulk milk dispenser, or poured from a commercially filled container of not more than one gallon (1 gal.) capacity;

(12) Failure of catered establishment to immediately refrigerate milk served in original individual commercially filled containers received from the distributor, or from an approved bulk milk dispenser, or poured from a commercially filled container of not more than one gallon (1 gal.) capacity when not in use. [P]

(13) Failure of catered establishment to have a certified food protection manager on site during periods in which food is received and served; [P]

(14) Selling, exchanging or delivering, or having in his or her custody or possession with the intent to sell or exchange, or expose, or offer for sale or exchange, any article of food which is adulterated in violation of D.C. Official Code § 48-101 (2009 Repl.); [P]

(15) Operating a catered establishment with no hot water in violation of § 2305; [P]

(16) Operating a catered establishment with incorrect hot or cold holding temperatures for potentially hazardous foods that do not comply with this Code and that cannot be corrected during the course of the inspection in violation of chapter 10; [P]

(17) Failing to allow access to Department representatives during the food establishment's hours of operation and other reasonable times as determined by the Department in violation of § 4402.1; [P] or

(18) Hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of D.C. Official Code § 48-108 (2009 Repl.). [P]

4409 IMMINENT HEALTH HAZARD OR VIOLATIONS OF PRIORITY ITEMS OR PRIORITY FOUNDATION ITEMS – RESUMPTION OF OPERATIONS

4409.1 If operations are discontinued as specified in §4408, or because the operation was cited with six (6) or more violations of priority items, or of priority foundation items, or a combination thereof, which could not be corrected while the inspector is on site during the course of the inspection, or otherwise according to applicable D.C. laws and regulations, the licensee shall obtain approval from the Department before resuming operations as specified in § 4413.3.

4410 VIOLATIONS OF PRIORITY ITEMS OR PRIORITY FOUNDATION ITEMS – TIME FRAME FOR CORRECTION

4410.1 A licensee at the time of an inspection shall correct a violation of a priority item or priority foundation item of this Code and implement corrective actions for a HACCP Plan provision that is not in compliance with its critical limit, except as specified in § 4410.2.

4410.2 The Department may consider the nature of the potential hazard involved and the complexity of the corrective action needed and agree to or specify a longer time frame, not to exceed five (5) calendar days after the inspection, for the licensee to correct a violation of a priority item or priority foundation item of this Code or HACCP Plan deviations.

4410.3 Violations of this section may subject a licensee to an embargo order pursuant to § 4702, a condemnation order pursuant to § 4709, summary suspension of license pursuant to § 4714, revocation or suspension of license pursuant to § 4719, civil penalties pursuant to § 4720, and judicial remedies pursuant to § 4722.

4411 VIOLATIONS OF PRIORITY ITEMS OR PRIORITY FOUNDATION ITEMS – VERIFICATION AND DOCUMENTATION OF CORRECTION

4411.1 After observing at the time of inspection a correction of a violation of a priority item or priority foundation item or deviation, the Department shall enter the violation and information about the corrective action on the inspection report.

4411.2 After receiving notification that the licensee has corrected a violation of a priority item or priority foundation item or HACCP Plan deviation, or at the end of the specified period of time as stated in § 4410.2, the Department shall verify correction of the violation, document the information on an inspection report, and enter the report in the Department's records.

4412 VIOLATIONS OF CORE ITEMS – TIME FRAME FOR CORRECTION

4412.1 The licensee shall correct core items by a date and time agreed to or specified by the Department but no later than fourteen (14) calendar days after the inspection, except as specified in § 4412.2.

4412.2 The Department may approve a compliance schedule that extends beyond the time limits specified in § 4412.1 if the licensee submits a written schedule of compliance and no health hazard exists or will result from allowing an extended schedule for compliance.

4412.3 Violations of this section may subject a licensee to revocation or suspension of license pursuant to § 4719, civil penalties pursuant to § 4720, and judicial remedies pursuant to § 4722.

4413 REQUEST FOR REINSPECTION

4413.1 If a license is suspended pursuant to § 4714, Summary License Suspension or § 4719, License Revocation or Suspension because of violations of this Code, the licensee shall:

(a) Correct all violations cited in the Notice of Summary Suspension before requesting a reinspection;

(b) Submit a written request for reinspection;

(c) Pay the required reinspection fee; and

(d) Contact the Department to schedule a reinspection.

4413.2 Upon receipt of a request for reinspection, the Department shall perform the reinspection of the food establishment within three (3) calendar days of receipt of the request.

4413.3 A food establishment shall not resume operation or remove from public view any warning or most recent sanitation inspection results until such time as the Department has reinspected the food establishment and certified that it is in compliance with this Code.

CHAPTER 45 PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY FOOD EMPLOYEE

4500 INVESTIGATION AND CONTROL – OBTAINING INFORMATION, PERSONAL HISTORY OF ILLNESS, MEDICAL EXAMINATION, AND SPECIMEN ANALYSIS

4500.1 The Department shall, when it has probable cause to believe that a food employee or conditional employee has transmitted a disease; may be infected with a disease in a communicable form that is transmissible through food; may be carrier of an infectious agent that causes a disease that is transmissible through food; or is affected with a boil, an infected wound, or acute respiratory infection:

(a) Secure a confidential medical history of the food employee or conditional employee suspected of transmitting disease or making other investigations as deemed appropriate; and

(b) Require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food employee or conditional employee.

4501 INVESTIGATION AND CONTROL – RESTRICTION OR EXCLUSION OF FOOD EMPLOYEE OR SUMMARY SUSPENSION OF LICENSE

4501.1 Based on the findings of an investigation related to a food employee or conditional employee who is suspected of being infected or diseased, or a carrier of an infectious agent that causes a disease that is transmissible through food, the Department may issue an order to the suspected food employee or conditional employee or licensee instituting one (1) or more of the following control measures:

(a) Restricting the food employee or conditional employee;

(b) Excluding the food employee or conditional employee; or

(c) Closing the food establishment by summarily suspending a license to operate in accordance with this Code.

4502 INVESTIGATION AND CONTROL – RESTRICTION OR EXCLUSION ORDER WARNING OR HEARING NOT REQUIRED, INFORMATION REQUIRED IN ORDER

4502.1 Based on the findings of the investigation as specified in §4500 and to control disease transmission, the Department may issue an order of restriction or exclusion to a suspected food employee or the licensee without prior warning, notice of a hearing, or a hearing if the order:

(a) States the reasons for the restriction or exclusion that is ordered;

(b) States the evidence that the food employee or licensee shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;

(c) States that the suspected food employee or the licensee may request a hearing by submitting a timely request as provided in this Code; and

(d) Provides the name and address of the Department representative to whom a request for a hearing may be made.

4503 INVESTIGATION AND CONTROL ─ REMOVAL OF EXCLUSIONS AND RESTRICTIONS

4503.1 The Department shall release a food employee, or conditional employee from restriction or exclusion according to law and the conditions specified in § 307.

CHAPTER 46 NOTICES

4600 SERVICE OF NOTICE ─ PROPER METHODS

4600.1 A notice issued in accordance with this Code shall be deemed properly served if it is served by one (1) of the following methods:

(a) A Department representative, a law enforcement officer, or person authorized to serve a civil process personally services the notice and service is made to the licensee, the person in charge, or person operating a food establishment without a license;

(b) The Department sends the notice to the last known home or business address of the licensee or person operating a food establishment without a license in accordance with § 205 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C Official Code § 2-1802.05 (2011 Supp.)), or by other public means so that a written acknowledgment of receipt may be acquired; or

(c) For civil infraction penalties, the notice is provided by the Department in accordance with 16 DCMR § 3102.

4601 SERVICE OF NOTICE ─ RESTRICTION OR EXCLUSION, EMBARGO, CONDEMNATION, OR SUMMARY SUSPENSION ORDERS

4601.1 An employee restriction or exclusion order, embargo order, condemnation order, or a summary suspension order shall be:

(a) Served as specified in § 4600.1(a); or

(b) Clearly posted by the Department at a public entrance to the food establishment and a copy of the notice sent by first class mail to the licensee or the owner or custodian of the food, as appropriate.

4602 SERVICE OF NOTICE ─ WHEN NOTICE IS EFFECTIVE

4602.1 Service is effective at the time of the notice's receipt or if service is made as specified in § 4601.1(b), at the time of the notice's posting.

4603 SERVICE OF NOTICE ─ PROOF OF PROPER SERVICE

4603.1 Proof of proper service may be made by certificate of service signed by the person making service or by admission of a receipt, certificate of mailing or a written acknowledgment signed by the licensee, the person operating a food establishment without a license to operate, or an authorized agent.

CHAPTER 47 REMEDIES

4700 CRITERIA FOR SEEKING REMEDIES – CONDITIONS WARRANTING REMEDY

4700.1 The Department may seek an administrative or judicial remedy to achieve compliance with the provisions of this Code if a person operating a food establishment or food employee:

(a) Fails to have a valid license to operate a food establishment as specified in § 4300;

(b) Violates any term or condition of a license as specified in § 4310;

(c) Allows serious or repeat Code violations to remain uncorrected beyond time frames for correction approved, directed, or ordered by the Department as specified in §§ 4410 and 4412;

(d) Fails to comply with a Department order issued as specified in § 4501 concerning a food employee or conditional employee suspected of having a disease transmissible through food by an infected person;

(e) Fails to comply with an embargo or condemnation order as specified in this chapter;

(f) Fails to comply with a summary suspension order by the Department as specified in this chapter; or

(g) Fails to comply with an order issued as a result of an administrative hearing.

4700.2 The Department may simultaneously use one (1) or more of the remedies listed in this chapter to address a violation of this Code.

4701 ADMINISTRATIVE – EXAMINING, SAMPLING, AND TESTING FOOD

4701.1 The Department may collect, examine sample, and test food, without cost, as necessary to determine compliance with this Code.

4702 ADMINISTRATIVE – EMBARGO ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF FOOD

4702.1 The Department may embargo, forbid the sale of, or cause to be destroyed, any food that:

(a) May be unsafe, adulterated, or not honestly presented;

(b) Is not prepared, processed and handled, packaged, transported, or stored in compliance with this Code;

(c) Originated from an unapproved source;

(d) Is not labeled according to law, or if raw molluscan shellfish, is not tagged or labeled as specified in §§ 713.2 and 714.4; or

(e) Is otherwise not in compliance with this Code.

4703 ADMINISTRATIVE ─ EMBARGO ORDER, CONTENTS

4703.1 The embargo order notice shall:

(a) State that food subject to the order may not be used, sold, moved from the food establishment, or destroyed without a written release of the order from the Department;

(b) State the specific reasons for placing the food under the embargo order with reference to the applicable provisions of this Code and the hazard or adverse effect created by the observed condition;

(c) Completely identify the food subject to the embargo order by the common name, the label information, a container description, the quantity, the Department's tag or identification information, and location;

(d) State that the licensee has the right to a hearing and may request a hearing by submitting a timely request in accordance with chapter 48, which does not stay the Department’s imposition of the embargo;

(e) State that the Department may order the destruction of the food if a timely request for a hearing is not received; and

(f) Provide the name and address of the Department representative to whom a request for a hearing may be made.

4704 ADMINISTRATIVE ─ EMBARGO ORDER, OFFICIAL TAGGING OF FOOD

4704.1 The Department shall securely place an official tag or label on the food or containers or otherwise conspicuously identify food subject to the embargo order.

4704.2 The tag or other method used to identify a food that is the subject of an embargo order shall include a summary of the provisions specified in § 4703 and shall be signed and dated by the Department.

4705 ADMINISTRATIVE – EMBARGO ORDER, FOOD MAY NOT BE USED OR MOVED

4705.1 A food placed under an embargo order may not be used, sold, served, or moved from the establishment by any person, except as specified in § 4705.2.

4705.2 The Department may allow the licensee the opportunity to store the food in an area of the food establishment if the food is protected from subsequent deterioration and the storage does not restrict operations of the establishment.

4706 ADMINISTRATIVE – EMBARGO ORDER, REMOVING THE OFFICIAL TAG

4706.1 Only the Department may remove embargo order tags, labels, or other identification from food subject to an embargo order.

4707 ADMINISTRATIVE – EMBARGO ORDER, DESTROYING OR DENATURING FOOD

4707.1 If an embargo order is sustained pursuant to a hearing or if a timely request for a hearing is not filed, the Department may order the licensee or other person who owns or has custody of the food to bring the food into compliance with this Code or to destroy or denature the food under the Department's supervision.

4708 ADMINISTRATIVE – EMBARGO ORDER, WARNING OR HEARING NOT REQUIRED

4708.1 The Department may issue an embargo order to a licensee or to a person who owns or controls the food, as specified in § 4702.1 without prior warning, notice of a hearing, or a hearing on the embargo order.

4708.2 The licensee shall have a right to request a hearing within fifteen (15) days of receiving an embargo order. The Department shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. The request for a hearing shall not act as a stay of the embargo action.

4709 ADMINISTRATIVE – CONDEMNATION ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF EQUIPMENT, UTENSILS, AND LINENS

4709.1 The Department may condemn and cause to be removed any equipment, utensils or linens found in a food establishment, the use of which does not comply with this Code, or that is being used in violation of this Code, or that because of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

4710 ADMINISTRATIVE – CONDEMNATION ORDER, CONTENTS

4710.1 The condemnation order shall:

(a) State that the equipment, utensils, or linens subject to the order may not be used, sold, moved from the food establishment, or destroyed without a written release of the order from the Department;

(b) State the specific reasons for placing the equipment, utensils, or linens under the condemnation order with reference to the applicable provisions of this Code and the hazard or adverse effect created by the observed condition;

(c) Completely identify the equipment, utensils, or linens subject to the condemnation order by the common name, the label or manufacturer's information, description of the item, the quantity, the Department's tag or identification information, and location;

(d) State that the licensee has the right to a hearing and may request a hearing by submitting a timely request in accordance with chapter 48, which request does not stay the Department's imposition of the condemnation order;

(e) State that the Department may order the destruction, replacement or removal of the equipment, utensils or linens if a timely request for a hearing is not received; and

(f) Provide the name and address of the Department representative to whom a request for a hearing may be made.

4711 ADMINISTRATIVE – CONDEMNATION ORDER, OFFICIAL TAGGING OF EQUIPMENT, UTENSILS, AND LINENS

4711.1 The Department shall place a tag or other identification to indicate the condemnation of equipment, utensils, or linens that do not meet the requirements of this Code.

4711.2 The tag or other method used to identify equipment, utensils, or linens that are the subject of a condemnation order shall include a summary of the provisions specified in § 4710 and shall be signed and dated by the Department.

4712 ADMINISTRATIVE – CONDEMNATION ORDER, REMOVING THE OFFICIAL TAG

4712.1 No person shall remove the tag except under the direction of the Department as specified in § 4712.2.

4712.2 The Department shall issue a notice of release from a condemnation order and shall remove condemnation tags, labels, or other identification from equipment, utensils, and linens if:

(a) The condemnation order is vacated; or

(b) The licensee notifies the Department that the equipment, utensils and linens have been modified to meet the National Sanitation Foundation (NSF) or NSF equivalent standards and the requirements of this Code and after the Department has conducted a re-inspection.

4213 ADMINISTRATIVE – CONDEMNATION ORDER, WARNING OR HEARING NOT REQUIRED

4713.1 The Department may issue a condemnation order to a licensee or to a person who owns or controls the equipment, utensils or linens as specified in § 4709.1 without prior warning, notice of a hearing, or a hearing on the condemnation order.

4713.2 The licensee shall have the right to request a hearing within fifteen (15) days of receiving a Department condemnation order. The Department shall hold a hearing within seventy- two (72) hours of receipt of a timely request, and shall issue a decision within seventy- two (72) hours after the hearing. The request for a hearing shall not act as a stay of the condemnation action.

4714 ADMINISTRATIVE – SUMMARY LICENSE SUSPENSION CONDITIONS WARRANTING ACTION

4714.1 The Department may summarily suspend a license to operate a food establishment if it determines through an inspection, or examination of employees, food, food source, records, or other means as specified in this Code, that an imminent health hazard exists, or that the food establishment has been cited for six (6) or more violations of priority items, or of priority foundation items, or a combination thereof, and the food establishment is unable to correct them while the inspector is on site during the inspection.

4715 ADMINISTRATIVE – CONTENTS OF SUMMARY SUSPENSION NOTICE

4715.1 A summary suspension notice shall state:

(a) That the food establishment license is immediately suspended and that all operations shall immediately cease;

(b) The reasons for summary suspension with reference to the provisions of this Code that are in violation;

(c) The name and address of the Department representative to whom a written request for reinspection may be made and who may certify that reasons for the suspension are eliminated; and

(d) That the licensee may request a hearing by submitting a timely request in accordance with § 4716. The licensee's request does not stay the Department's imposition of the summary suspension notice.

4716 ADMINISTRATIVE – SUMMARY SUSPENSION, WARNING OR HEARING NOT REQUIRED

4716.1 The Department may summarily suspend a person's license as specified in § 4714 by providing written notice as specified in § 4601 of the summary suspension to the licensee or person in charge, without prior warning, notice of a hearing, or a hearing.

4716.2 The licensee shall have the right to request a hearing within fifteen (15) days of receiving the Department's summary suspension notice. The Department shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. The request for a hearing shall not act as a stay of the summary suspension action.

4717 ADMINISTRATIVE – SUMMARY SUSPENSION, TIMEFRAME FOR REINSPECTION

4717.1 After receiving a written request from the licensee stating that the conditions cited in the summary suspension order no longer exists, the Department shall conduct a reinspection of the food establishment for which the license was summarily suspended within three (3) business days during which the Department's office is open to the public.

4718 ADMINISTRATIVE – SUMMARY SUSPENSION, TERM OF SUSPENSION, REINSTATEMENT

4718.1 A summary suspension shall remain in effect until the conditions cited in the summary suspension order no longer exist and elimination of the cited conditions has been confirmed by the Department through re-inspection and other means, as appropriate.

4718.2 A license that has been summarily suspended shall be reinstated if the Department determines that the public health hazard or nuisance cited in the summary suspension order no longer exists. The Department shall provide the licensee or person in charge with a notice of reinstatement.

4719 ADMINISTRATIVE – LICENSE REVOCATION OR SUSPENSION

4719.1 Failure to comply with any of the provisions of this chapter shall be grounds for the revocation or suspension of any license issued for a food establishment pursuant to An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898, (30 Stat. 246; D.C. Official Code §§ 48-101, *et seq*. (2009 Repl. & 2011 Supp.)). When there is a history of repeated violations or where a license has been previously suspended, the Mayor may revoke a license, upon a showing of a subsequent violation.

4720 ADMINISTRATIVE ─ CIVIL PENALTIES, CIVIL FINES, AND NOTICES OF INFRACTIONS

4720.1 Civil fines, penalties, or related costs may be imposed against any food establishment, owner, or person in charge for violation of any provision of this Code.

4720.2 The Department may impose penalties for violations of any provision of this Code not to exceed ten thousand dollars ($10,000) for each violation. Each day of any failure to comply with this Code shall constitute a separate offense and the penalties prescribed in this section shall apply to each separate offense in accordance with An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898, (30 Stat. 246; D.C. Official Code §§ 48-101, *et seq*. (2009 Repl. & 2011 Supp.)).

4720.3 The Department may impose civil fines, penalties, and fees as alternative sanctions for violations of any provision of this Code pursuant to the Department of Consumer & Regulatory Affairs Civil Infractions Act of 1985, (Civil Infractions Act) effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01, *et seq*. (2007 Repl. & 2011 Supp.)).

4720.4 Civil fines or penalties imposed pursuant to § 4720.2 in an amount exceeding the Civil Infractions Schedule of Fines authorized by § 4720.3 shall be limited to egregious violations or flagrant violations involving gross negligence or carelessness, or violations involving the transmission of communicable diseases through foods that do not meet the criminal penalty standards in § 4721.1.

4721 JUDICIAL ─ CRIMINAL PENALTIES, INJUNCTIVE RELIEF, AND IMPRISONMENT

4721.1 Any person who knowingly violates any provision of this Code shall, upon conviction, be punished by a fine not to exceed ten thousand dollars ($10,000), imprisonment not to exceed one (1) year or both for each violation. Each day of any failure to comply with this Code shall constitute a separate offense and the penalties prescribed in this section shall apply to each separate offense in accordance with An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898, (30 Stat. 246; D.C. Official Code §§ 48-101, *et seq*. (2009 Repl. & 2011 Supp.)).

CHAPTER 48 HEARING ADMINISTRATION

4800 ADMINISTRATIVE ─ NOTICE REQUEST FOR HEARING, BASIS AND TIME FRAME

4800.1 A person who receives a notice of hearing for an administrative remedy as specified in chapter 47 and elects to respond to the notice shall file a response to the notice within seven (7) calendar days after service.

4800.2 A licensee subject to an adverse administrative action who wishes to challenge the action shall submit a written request for a hearing to the Department within fifteen (15) calendar days of the receipt of notice of adverse action.

4800.3 A hearing request does not stay the Department's restriction or exclusion of food employees or conditional employees specified in §§ 4501 to 4503, an embargo order as specified in § 4702, a condemnation order as specified in § 4709, or the imposition of a summary suspension as specified in § 4714.

4801 ADMINISTRATIVE ─ HEARINGS ADMINISTRATION – CONTENTS OF A RESPONSE TO HEARING NOTICE, OR HEARING REQUEST

4801.1 A response to a hearing notice shall be in writing and contain the following:

(a) An admission or denial of each allegation of fact;

(b) A statement as to whether the respondent waives the right to a hearing;

(c) A statement of defense, mitigation, or explanation concerning any allegation of fact if any;

(d) A request to the Department for a settlement of the proceeding by consent agreement, (if the Department provides this opportunity); and

(e) The name and address of the respondent’s or requester’s legal counsel, if any.

4801.2 A request for hearing shall be in writing and contain the following:

(a) An admission or denial of each allegation of fact;

(b) A statement of defense, mitigation, denial, or explanation concerning each allegation of fact; and

(c) The name and address of the respondent’s or requester’s legal counsel, if any.

4802 ADMINISTRATIVE ─ HEARINGS ADMINISTRATION, TIMELINESS

4802.1 The Department shall afford a hearing within seventy-two (72) hours after receiving a written request for a hearing from:

(a) A person who is excluded by the Department from working in a food establishment as specified in §§ 4501 to 4503;

(b) A licensee or person whose food is subject to an embargo order as specified in §§ 4702 to 4708; or a condemnation order as specified in §§ 4709 through 4713;

(c) A licensee whose license is summarily suspended as specified in §§ 4714 to 4718; or

(d) A licensee whose license is suspended or revoked as specified in § 4719.

4802.2 A licensee or person who submits a request for a hearing as specified in § 4801.2 may waive the expedited hearing in a written request to the Department.

CHAPTER 49 JUDICIAL REVIEW

4900 JUDICIAL REVIEW – APPEALS

4900.1 Any person aggrieved by a final order or decision of the Department may seek judicial review in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-510 (2011 Repl.)).

CHAPTER 99 DEFINITIONS

9900 GENERAL PROVISIONS

9900.1 The terms and phrases used in this title shall have the meanings set forth in this chapter, unless the text or context of the particular chapter, section, subsection, or paragraph provides otherwise.

9901 DEFINITIONS

9901.1 The following terms and phrases shall have the meanings ascribed:

Accredited program – consists of the following:

(a) A food protection manager certification program accredited by the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs;

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

(c) Does not refer to training functions or educational programs.

Additive (Color) – has the meaning stated in § 201(t) of the Federal Food, Drug and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. §§ 301, *et seq*.) (Federal Food Act), and 21 C.F.R. § 70.3(f).

Additive (Food) – has the meaning stated in § 201(s) of the Federal Food Act, and 21 C.F.R. § 170.3(e)(1).

Adulterated food – has the meaning stated in § 402 of the Federal Food Act.

Approved – acceptable to the Department of Health or other regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

Asymptomatic – includes but is not limited to the following:

(a) Without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice; or

(b) Not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

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

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

Bainmaries – a hot water-heated, food holding table.

Bed and breakfast operation – a facility where breakfast is included in the rent and is the only meal offered.

Beverage – a liquid for drinking, including water.

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

Calrod unit – an electric heating element.

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

Catered establishment – a facility that receives food from a licensed caterer or other licensed food establishment including but not limited to public schools, chartered schools, private schools, child development centers, adult day care establishments, nursing homes, schools, community residential establishments, or other institutions.

Caterer – any person who prepares food intended for individual portion service, transports and serves it at another location, or who prepares and serves food at a food establishment, other than one for which he or she holds a license, for service at a single meal, party, or similar gathering.

Certificate – a document issued by the Department, or another jurisdiction or private vendor that is accepted by the Department, which demonstrates that the person identified on the certificate has been determined to be a "certified food protection manager" or a "certified limited food protection manager."

Certification number – a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

Certified Food Protection Manager – food professional, trained and certified by an accredited program approved or provided by the Department, who meets specific food safety knowledge standards as to handling raw ingredients and the cooking, cooling and reheating of potentially hazardous foods in food establishments.

Child development center – as defined in the Child Development Facilities Regulations (29 DCMR chapter 3).

Child development home – as defined in the Child Development Facilities Regulations (29 DCMR chapter 3).

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

Code of Federal Regulations – the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government that is published annually by the U.S. Government Printing Office; and contains FDA rules in 21 C.F.R., USDA rules in 7 C.F.R. and 9 C.F.R., EPA rules in 40 C.F.R., and Wildlife and Fisheries rules in 50 C.F.R..

Commingle – consists of the following

(a) Combining shellstock harvested on different days or from different growing areas as identified on the tag or label; or

(b) Combining shucked shellfish from containers with different container codes or different shucking dates.

Comminuted – reduced in size by methods including chopping, flaking, grinding, or mincing, and includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage, and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

Community residential facility – as defined in the "Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983", effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 (2005 Repl. & 2011 Supp.).

Condemnation order – an administrative restriction or exclusion on the use of specific equipment, utensils or linens.

Conditional employee – a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food.

Confirmed disease outbreak – a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

Consumer – a person, who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

Core item – is:

(a) A provision in this Code that is not designated as a priority item or a priority foundation item; and

(b) An item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

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

Critical control point – a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

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

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

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

Department – Department of Health.

Director – the Director of the Department of Health or his or her designee.

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

Drinking water – water that meets 40 C.F.R. part 141 − National Primary Drinking Water Regulations standards and is traditionally known as "potable water," and includes the term "water," except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking water. "

Easily movable – portable; mounted on casters, gliders or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and having no utility connection, a utility connection that connects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

Egg – consists of the following:

(a) The shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites, or turkey.

(b) Egg does not include:

(1) A balut;

(2) The egg of a reptile species such as alligator; or

(3) An egg product.

Egg product – consists of the following:

(a) All, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen, or liquid eggs; and

(b) Does not include food which contains eggs only in a relatively small proportion such as cake mixes.

Embargo order – an administrative restriction or exclusion on the distribution of food or food products.

Employee – the license holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.

***Enterohemorrhagic Escherichia coli* (EHEC)** – *E. coli* which causes hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with *E. coli* that have the capacity to produce Shiga Toxins and to cause attaching and effacing lesions in the intestine. EHEC is a subset of *Shiga toxin-producing Escherichia coli* (STEC, whose members produce additional virulence factors. Infections with EHEC may be

asymptomatic but are classically associated with bloody diarrhea (hemorrhagic colitis) and hemolytic uremic syndrome (HUS) or thrombolic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; or *E. coli* O111:NM. *See also* Shiga Toxin-producing *E. coli*.

EPA – the United States Environmental Protection Agency.

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

Exclude – to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee.

FDA – the United States Food & Drug Administration.

Federal Food Act – the Federal Food, Drug and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. §§ 301, *et seq*.).

Fish – fresh or saltwater finfish, crustaceans, and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption including an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

Food – a raw, cooked, or processed edible substance, ice beverage, or ingredient used or intended for use in whole or in part for human consumption, or chewing gum.

Foodborne disease outbreak – the occurrence of two (2) or more cases of a similar illness resulting from the ingestion of a common food.

Food-contact surface – a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

Food employee – an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. This could include the owner, individual having supervisory or management duties, person on payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food establishment or catered establishment. In health care facilities, this includes those who set up trays for patients to eat, feed or assist patients in eating, give oral medications or give mouth or denture care. In child development facilities and long term care facilities, which are licensed food establishments, this includes those who prepare food for clients to eat, feed or assist clients in eating or give oral medications.

Food establishment –

(a) Includes but is not limited to an operation that stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as:

(1) A restaurant, grocery store, convenience store, bakery, delicatessen, hotel or bed and breakfast operation where food is provided;

(2) A satellite or catered feeding location;

(3) A catering operation where the operation provides food directly to a consumer or to a conveyance used to transport people such as trains or airplanes;

(4) A market; vending location; conveyance used to transport people such as trains or airplanes; institution; or food bank;

(5) An operation that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers:

(6) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location licensed by the Mayor;

(7) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food; and

(8) All restaurants, coffee shops, cafeterias, short-order cafés, luncheonettes, soda fountains, and all other eating and drinking establishments operated within the District of Columbia on premises owned or held under lease by the government of the United States or any federal department or agency, irrespective of whether such establishments are operated by the United States or any federal department or agency or by any other person, firm, association, or corporation, and also irrespective of whether such establishments are operated for profit or otherwise. *See* chapter 613 of An Act To Extend the health regulations of the District of Columbia to Government restaurants within the District of Columbia, approved December 20, 1944 (58 Stat. 826; D.C. Official Code § 7-2701(a) (2008 Repl.)).

(b) But does not include:

(1) An establishment that offers only prepackaged foods that are not potentially hazardous (time/temperature control for safety) foods;

(2) A produce stand that only offers whole, uncut, fresh fruits and vegetables;

(3) A food processing plant, including those that are located on the premises of a food establishment;

(4) A kitchen in a private home where only food that is not potentially hazardous (time/temperature control for safety) food, is prepared for sale or service at a function such as a religious or charitable organization's bake sale where the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Department;

(5) An area where food that is prepared as specified in paragraph (4) of this definition is sold or offered for human consumption;

(6) A kitchen in a private home, including a child development home; a community residential home; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner-occupied, the number of available guest bedrooms do not exceed three (3), breakfast is the only meal offered, the number of guests served does not exceed nine (9), and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department;

(7) A private home that receives catered or home-delivered food;

(8) A private club, or a church, which serves occasional meals at not more than twenty-four (24) events during a twelve (12) month period; and

(9) United States Senate and House of Representative's restaurants, as set forth in chapter 613 of An Act To Extend the health regulations of the District of Columbia to Government restaurants within the District of Columbia, approved December 20, 1944 (58 Stat. 826; D.C. Official Code § 7-2701(b) (2008 Repl.).

Food processing plant – a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

Game animal –

(a) An animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 C.F.R. § 301.2 (Definitions) or as poultry as fish.

(b) 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) But does not include ratites.

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

Hazard Analysis Critical Control Point (HACCP) Plan – a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Handwashing sink – a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of hands; and includes an automatic handwashing facility.

Hazard – a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

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

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

(a) Immune-compromised, preschool age children, or older adults; and

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

Imminent health hazard – a significant threat or danger to health that is considered to exist when there is sufficient evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operations to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury.

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

Juice – consists of the following:

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

(b) But does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

Kitchenware – food preparation and storage utensils.

License – a government authorization to operate a food establishment.

Licensee – a person who is legally responsible for the operation of the food establishment, such as the owner, the owner's agent, or other person, and who possesses the government authorization to operate a food establishment.

Linens – fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

Major food allergen –

(a) Consists of the following:

(1) Milk, egg, fish (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; and

(2) A food ingredient that contains protein derived from a food, as specified in subparagraph (a)(1) of this definition.

(b) Does not include:

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

(2) Any ingredient that is exempt under the petition or notification process specified in Inventory of Petitions Received under 21 U.S.C. § 343(w)(6) for Exemption from Food Allergen Labeling June 13, 2006.

Mass gathering – an actual or reasonably anticipated assembly of one thousand five hundred (1,500) or more persons that will continue, or may reasonably be expected to continue, for more than eight (8) consecutive hours and that is held in an open space or temporary structure especially constructed, erected, or assembled for the gathering.

Meat – the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals as specified under § 706.3 and 706.4 that is offered for human consumption.

Mechanically tenderized – consists of the following:

(a) Manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins needles or any mechanical device.

(b) But does not include processes by which solutions are injected into meat.

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

Mobile food unit – a structure used to vend food from public space such as a stand, truck, push cart, tow unit, including structures that use propane fuel or an electric generator.

Molluscan shellfish – any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, but does not mean any scallop product that consists only of the shucked adductor muscle.

Non-Continuous cooking – consists of the following:

(a) The cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(b) But does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

Packaged – bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant, but does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

Patio – terrace, courtyard, veranda, deck, by whatsoever name called, is an extension of a food establishment's dining area.

Person – an association, a corporation, individual, partnership, trustee, government, or governmental subdivision or agency, or other legal entity.

Person in charge – the individual present at a food establishment who is responsible for the food service operation.

Personal care items – items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance, including medicines, first aid supplies, cosmetics, toiletries, toothpaste, and mouthwash.

pH – the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

Physical facilities – the structure and interior surfaces of a food establishment, including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

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

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

Poisonous or toxic materials – substances not intended for ingestion that are included in four (4) categories:

(a) Cleaners and sanitizers, including cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(b) Pesticides except sanitizers, including insecticides and rodenticides;

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

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

Potentially hazardous food (Time/Temperature Control for Safety Food) – any of the following:

(a) A food that requires time/temperature for safety (TCS) to limit pathogenic microorganism growth or toxin formation; and

(b) Foods that include:

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

(2) Except as specified in subparagraph (c)(4) of this definition, a food that because of the interaction of its A_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

TABLE A. INTERACTION OF pH AND A_w FOR CONTROL OF SPORES IN FOOD HEAT-TREATED TO DESTROY VEGETATIVE CELLS AND SUBSEQUENTLY PACKAGED

A_w values	pH values		
	4.6 or less	> 4.6 – 5.6	> 5.6
≤0.92	Non-PHF*/non-TCS FOOD**	Non-PHF/non-TCS FOOD	Non-PHF/non-TCS FOOD
> 0.92 - .95	Non-PHF/non-TCS FOOD	Non-PHF/non-TCS FOOD	PA***
> 0.95	Non-PHF/non-TCS FOOD	PA	PA

* PHF means Potentially Hazardous Food
** TCS FOOD means Time/Temperature Control For Safety Food
*** PA means Product Assessment required

TABLE B. INTERACTION OF pH AND A_w FOR CONTROL OF VEGETATIVE CELLS AND SPORES IN FOOD NOT HEAT-TREATED BUT NOT PACKAGED				
A_w values	pH values			
	< 4.2	4.2 – 4.6	> 4.6 – 5.0 -	> 5.0
< 0.88	non-PHF*/non-TCS food**	non-PHF/ non-TCS food	non-PHF/ non- TCS food	non-PHF/ non –TCS food
0.88 – 0.90	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA***
> 0.90 – 0.92	non-PHF/non-TCS food	non-PHF/ non-TCS food	PA	PA
> 0.92	non-PHF/non-TCS food	PA	PA	PA
* PHF means Potentially Hazardous Food ** TCS FOOD means Time/Temperature Control For Safety Food *** PA means Product Assessment required				

(c) Potentially hazardous food (Time/Temperature Control for Safety Food) does not include:

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

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

(3) A food that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non-PH/non-TCS food in Table A or B of this definition;

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

(A) Intrinsic factors including added or natural characteristics of the food such as preservative, antimicrobials, humectants, acidulants, or nutrients;

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

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

(d) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the sections specified in subparagraphs (c)(1) through (c)(4) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

Poultry – any domesticated bird such as chickens, turkeys, ducks, geese, or guineas, ratites, or squabs, whether live or dead, as defined in 9 C.F.R. § 381.1 − Poultry Products Inspection Regulations Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 C.F.R. § 362.1 − Voluntary Poultry Inspection, Definitions.

Premises – the physical facility, its contents, and the contiguous land or property under the control of the licensee, or the physical facility, its contents, and the land or property if the facilities and contents are under the control of the licensee and may impact food establishment personnel, facilities, or operations, and a food establishment is only one (1) component of a larger operation such as a health care facility, hotel, motel, school, including public schools, chartered schools, private schools, recreational camp, or prison.

Primal cut – a basic, major cut into which carcasses and sides of meat are separated, including, but not limited to, beef round, pork loin, lamb flank, or veal breast.

Priority item – consists of the following:

(a) A provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, of hazards associated with foodborne illness or injury when there is no other provision that more directly controls the hazard;

(b) Items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing; and

(c) An item that is denoted in this Code with a superscript P-^{P}.

Priority foundation item – consists of the following:

(a) A provision in this Code where the application supports, facilitates or enables one (1) or more priority items;

(b) An item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or recordkeeping, and labeling; and

(c) An item that is denoted in this Code with a superscript Pf-^{Pf}.

Public water system – has the meaning stated in 40 C.F.R. § 141 National Primary Drinking Water Regulations.

Pull date – the date after which the food may not be sold, unless isolated and prominently labeled as being beyond the last date on which the food should be sold without a significant risk of spoilage, loss of palatability if stored by the consumer after that date and in the manner which the food can reasonably be expected to be stored.

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

Ready-to-eat food –

(a) Food that is:

(1) In a form that is edible without additional preparation to achieve food safety that has been prepared according to one of the following: § 900.1 or 900.2; § 901.1, or § 903, or as specified in § 900.4; or

(2) A raw or partially cooked animal food and the consumer is advised as specified in § 900.3(a); or

(3) Prepared in accordance with a variance that is granted as specified in § 900.3(c), and

(b) Notwithstanding subparagraph (a), ready-to-eat food may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(c) Ready-to-eat food also includes:

(1) Raw animal food that is cooked as specified in § 900 or § 901, or frozen as specified in § 903;

(2) Raw fruits and vegetables that are washed as specified in § 806,

(3) Fruits and vegetables that are cooked for hot holding, as specified in § 902;

(4) All potentially hazardous food (time/temperature control for safety food) that is cooked to the temperature and time required for the specific food as specified in chapter 9 and cooled as specified § 1003;

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

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

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

(8) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products,

such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(9) Foods manufactured as specified in 21 C.F.R. part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

Reduced oxygen packaging – the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, twenty-one percent (21%) oxygen, and a process as specified in this definition that involves a food for which *Clostridium botulinum or Listeria monosytogenes* require control in the final packaged form and includes any of the following:

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

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

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

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

(e) Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotropic pathogens.

Refuse – solid waste not carried by water through the sewage system.

Regulatory authority – the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment.

Residential kitchen – a kitchen in an owner-occupied home.

Restriction – Limits on the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food, including prohibiting the food employee from working with exposed food, clean equipment, utensils, linens, or wrapped single-service or single-use articles.

Restricted egg – any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 C.F.R. § 590.5 – Terms defined, eggs

Restricted use pesticide – a pesticide product that contains the active ingredients specified in 40 C.F.R. § 152.175 − Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

Risk – the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

Risk factors – improper practices or procedures, which have been identified by the Centers for Disease Control and Prevention (CDC), through epidemiological data as the most prevalent contributing factors of foodborne illness or injury. Risk factors include any of the following:

(a) Poor personal hygiene;

(b) Food from unsafe source;

(c) Inadequate cooking;

(d) Improper holding temperatures; and

(e) Contaminated equipment.

Safe material – any of the following:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(b) An additive that is used as specified in § 409; or

(c) Any other material that is not an additive and that is used in conformity with applicable regulations of the FDA.

Sanitization – the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred - ninety-nine thousandths of a percent (99.999%) reduction of representative disease microorganisms of public health importance.

Sealed – free of cracks or other openings that allow for the entry or passage of moisture.

Service animal – an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

Servicing area – an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and where food, food equipment, and supplies for the business are stored.

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

Shellstock – raw, in-shell molluscan shellfish.

Shiga toxin-producing *Escherichia coli* (STEC) – any *E. coli* capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). Examples of serotypes of STEC include both O157 and non-O157 *E. coli*. Also see Enterohemorrhagic *Escherichia coli*.

Shucked shellfish – molluscan shellfish that have one (1) or both shells removed.

Single-service articles – tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one-time, one-person use after which they are intended for discard.

Single-use articles – utensils and bulk food containers designed and constructed to be used once and discarded, including, but not limited to, wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number ten (10) cans that do not meet the materials, durability, strength, and cleanability specifications in §§1400, 1500 and 1502 for multiuse utensils.

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

Smooth – any of the following:

(a) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel;

(b) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

Snack – any non-potentially hazardous foods and pre-packaged foods that do not require preparation.

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

Temperature measuring device – a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

Temporary food establishment – a food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

USDA – the United States Department of Agriculture.

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

Variance – a written document the Department issues which authorizes a modification or waiver of one (1) or more requirements of this Code if, in the Department's opinion, a health hazard or nuisance will not result from the modification or waiver.

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

Vending machine location – the room, enclosure, space, or area where one (1) or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

"V" type threads – a non-sanitary, non-cleanable industrial thread.

Warewashing – the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

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