

Subtitle

B

Management and Personnel

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Chapter 2 SUPERVISION & TRAINING

Sections

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200 RESPONSIBILITY – ASSIGNMENT & QUALIFICATION OF PERSON IN CHARGE*

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

200.2 The *licensee* or *person in charge* shall designate an alternate person to be in charge at all times when they cannot be present. The alternate, when acting as the *person in charge*, shall be responsible for all duties specified in this Code, and must be adequately trained to ensure that the *food establishment* operates in compliance with this Code.

200.3 In addition to the requirements in sections 200.1 and 200.2, effective January 1, 2004, each *food establishment* that qualifies as a high to moderate risk establishment, as set out at section 4400.2 (a) - (d), shall employ at least one (1) full-time equivalent *person in*

charge, who is present at the *food establishment* during all hours of operation, and is a *certified food protection manager* who has shown proficiency of required information by passing a test that is part of an accredited program recognized by the *Department*, or provided by the *Department*.

200.4 In addition to the requirements in sections 200.1 and 200.2, effective January 1, 2004, each *food establishment* that qualifies as a low risk establishment, as set out at section 4400.2 (e), shall employ at least one (1) full-time equivalent *person in charge*, who is present at the *food establishment* during all hours of operation, and is a *certified limited food protection manager* who has shown proficiency of required information by passing a test that is part of an accredited program recognized by the *Department*, or provided by the *Department*.

200.5 Documentation that at least one (1) full-time equivalent *person in charge* is a *certified food protection manager* or a *certified limited food protection manager* with demonstrated knowledge of *food* safety, as specified in sections 200.3 and 200.4, shall be conspicuously posted in the *food establishment* next to the *food establishment license*. Such documentation shall be removed when the individual is no longer employed on-site by the establishment.

200.6 If a *person in charge*, after attending a training program, fails to pass the examination after two (2) attempts, the *licensee* may request a variance for this individual based on:

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

201 KNOWLEDGE – DEMONSTRATION BY PERSON IN CHARGE*

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

201.2 The *person in charge* shall demonstrate the knowledge required in section 201.1 by compliance with this Code, by being a *certified food protection manager* who has shown proficiency of required information through passing a test that is part of an accredited program, or by responding correctly to the inspector's questions as they relate to the specific *food operation*.

201.3

Areas of knowledge required by sections 201.1 and 201.2 include:

- (a) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a *food employee*;
- (b) Explaining the responsibility of the *person in charge* for preventing the transmission of foodborne disease by a *food employee* who has a disease or medical condition that may cause foodborne disease;
- (c) Describing the symptoms associated with the diseases that are transmissible through *food*;
- (d) Explaining the significance of the relationship between maintaining the time and temperature of *potentially hazardous food* and the prevention of foodborne illness;
- (e) Explaining the hazards involved in the consumption of raw or undercooked *meat, poultry, eggs, and fish*;
- (f) Stating the required *food* temperatures and times for safe cooking of potentially hazardous *food* including *meat, poultry, eggs, and fish*;
- (g) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of *potentially hazardous food*;
- (h) Describing the relationship between the prevention of foodborne illness and the management and control of cross contamination, hand contact with *ready-to-eat foods*, handwashing, and maintaining the *food establishment* in a clean condition and in good repair;
- (i) Explaining the relationship between *food* safety and providing *equipment* that is sufficient in number and capacity, and properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (j) Explaining correct procedures for cleaning and sanitizing *utensils and food-contact surfaces* of *equipment*;
- (k) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (l) Identifying *poisonous or toxic materials* in the *food establishment* and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to applicable District of Columbia law;

- (m) Identifying ***critical control points*** in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code;
- (n) Explaining the details of how the ***person in charge*** and ***food employees*** comply with the ***HACCP Plan*** if a plan is required by this Code, or an agreement between the ***Department*** and the establishment; and
- (o) Explaining the responsibilities, rights, and authorities assigned by this Code to the ***food employee, person in charge, and the Department.***

202 DUTIES – PERSON IN CHARGE

- 202.1 The ***person in charge*** shall ensure that ***food establishment*** operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in Chapter 29, section 2918.
- 202.2 The ***person in charge*** shall ensure that persons unnecessary to the ***food establishment*** operation are not allowed in the ***food*** preparation, ***food*** storage, or ***warewashing*** areas, except that brief visits and tours may be authorized by the ***person in charge*** if steps are taken to ensure that exposed ***food***; clean ***equipment, utensils, and linens***; and unwrapped single-service and ***single-use articles*** are protected from contamination.
- 202.3 The ***person in charge*** shall ensure that ***employees*** and other persons such as delivery and maintenance persons and pesticide applicators entering the ***food*** preparation, ***food*** storage, and ***warewashing*** areas comply with this Code.
- 202.4 The ***person in charge*** shall ensure that ***employees*** are effectively cleaning their hands, by routinely monitoring the ***employees'*** handwashing.
- 202.5 The ***person in charge*** shall ensure that ***employees*** are visibly observing ***foods*** as they are received to determine that they are from ***approved*** sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the ***employees'*** observations and periodically evaluating ***foods*** upon their receipt.
- 202.6 The ***person in charge*** shall ensure that ***employees*** are properly cooking ***potentially hazardous foods***, being particularly careful in cooking those ***foods*** known to cause severe foodborne illness and death, such as eggs and comminuted ***meats***, through daily oversight of the ***employees'*** routine monitoring of the cooking temperatures, using appropriate temperature measuring devices properly scaled and calibrated as specified under sections 1510 and 1816.2.

- 202.7 The *person* in charge shall ensure that *employees* are using proper methods to rapidly cool *potentially hazardous foods* that are not held hot or are not for consumption within four (4) hours, through daily oversight of the *employees'* routine monitoring of *food* temperatures during cooling.
- 202.8 The *person* in charge shall ensure that *consumers* who order raw or partially cooked *ready-to-eat foods* of animal origin are informed as specified in Chapter 11, section 1105 that the *food* is not cooked sufficiently to ensure its safety.
- 202.9 The *person* in charge shall ensure that *employees* are properly sanitizing cleaned multiuse *equipment* and *utensils* before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, *pH*, temperature, and exposure time for chemical sanitizing.
- 202.10 The *person* in charge shall ensure that *consumers* are notified that clean *tableware* is to be used when they return to self-service areas such as salad bars and buffets as specified in Chapter 8, section 814.
- 202.11 The *person* in charge shall ensure that *employees* are preventing cross-contamination of *ready-to-eat food* with bare hands by properly using suitable *utensils* such as deli tissue, spatulas, tongs, single-use gloves, or dispensing *equipment*.
- 202.12 The *person* in charge shall ensure that *employees* are properly trained in *food* safety as it relates to their assigned duties.

203 FOOD EMPLOYEE TRAINING – CERTIFICATION REQUIREMENTS

- 203.1 The *Department* shall issue or recognize a *certificate* that qualifies the *person* identified on the *certificate* to be a *certified food protection manager* or a *certified limited food protection manager* with specific knowledge, skills, and abilities necessary to operate a safe and sanitary *food establishment*.
- 203.2 A *licensee* or *person* in charge certified in *food* safety as a *certified food protection manager* or a *certified limited food protection manager* as required in sections 201.2 and 201.3 shall be re-certified every three (3) years.
- 203.3 The *Department* may recognize *food* protection manager *certificates* issued by another jurisdiction or a private vendor, if the *licensee* or *person* in charge has also passed an examination *approved* by the *Director*.
- 203.4 The *Department* shall recognize as valid, until December 31, 2003, all advanced and basic *food* supervisor certification cards issued by the *Director*.

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

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

Chapter 3 FOOD EMPLOYEE/APPLICANT HEALTH

Sections

300– 304 Disease or Medical Condition

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

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

300.2 A *food employee* or *food employee* applicant shall report the information in a manner that allows the *person* in charge to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified in section 300.3 of this Chapter.

300.3 A *food employee* or *food employee* applicant shall report to the *person* in charge a diagnosis of illness due to:

- (a) *Salmonella Typhi*;
- (b) *Shigella* spp.;
- (c) *Escherichia coli* O157:H7; or
- (d) Hepatitis A virus.

300.4 A *food employee* or *food employee* applicant shall report to the *person* in charge a symptom caused by illness, infection, or other source that is associated with an acute gastrointestinal illness such as: diarrhea, fever, vomiting, jaundice, or sore throat with

fever, or a lesion containing pus such as a boil or infected wound that is open or draining and is:

- (a) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover;
- (b) On exposed portions of the arms, unless the lesion is protected by an impermeable cover; or
- (c) On other parts of the body, unless the lesion is covered by a dry, durable, tight fitting bandage.

300.5 A **food employee** or **food employee** applicant shall report to the **person** in charge a past illness from an infectious agent specified in section 300.3 of this Chapter.

300.6 A **food employee** or **food employee** applicant shall report to the **person** in charge whether he/she meets one or more of the following high-risk conditions:

- (a) Is suspected of causing, or being exposed to, a **confirmed disease outbreak** caused by *S. Typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus including an outbreak at an event such as a family meal, church supper, or festival because the **food employee** or applicant:
 - (1) Prepared **food** implicated in the outbreak;
 - (2) Consumed **food** implicated in the outbreak; or
 - (3) Consumed **food** at the event prepared by a **person**, who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent;
- (b) Lives in the same household as a **person** who is diagnosed with a disease caused by *S. Typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus; or
- (c) Lives in the same household as a **person** who attends or works in a setting where there is a **confirmed disease outbreak** caused by *S. Typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus.

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

- 301.1 The *person* in charge shall exclude a *food employee* from a *food establishment* if the *food employee* is diagnosed with an infectious agent specified in section 300.3 of this Chapter.
- 301.2 Except as specified in section 301.3 or 301.4 of this Chapter, the *person in charge* shall restrict a *food employee* from working with exposed *food*; clean *equipment*, *utensils*, and *linens*; and unwrapped single-service and *single-use articles*, in a *food establishment* if the *food employee* is:
- (a) Suffering from a symptom specified in section 300.4; or
 - (b) Not experiencing a symptom of acute gastroenteritis specified in section 300.4 but has a stool that yields a specimen culture that is positive for *Salmonella Typhi*, *Shigella* spp., or *Escherichia coli* O157:H7.
- 301.3 If the population served is a *highly susceptible population*, the *person in charge* shall exclude a *food employee* who:
- (a) Is experiencing a symptom of acute gastrointestinal illness specified in section 300.4 and meets a high-risk condition specified in section 300.6;
 - (b) Is not experiencing a symptom of acute gastroenteritis specified in section 300.4 but has a stool that yields a specimen culture that is positive for *S. Typhi*, *Shigella* spp., or *E. coli* O157:H7;
 - (c) Had a past illness from *S. Typhi* within the last three (3) months; or
 - (d) Had a past illness from *Shigella* spp. or *E. coli* O157:H7 within the last month.
- 301.4 If the *food employee* is jaundiced, the *person in charge* shall:
- (a) Exclude the *food employee* from the *food establishment* if the onset of jaundice occurred within the last seven (7) calendar days;
 - (b) Exclude the *food employee* from a *food establishment* that serves a *highly susceptible population* if the onset of jaundice occurred more than seven (7) calendar days before; or
 - (c) Restrict the *food employee* from activities specified in section 301.2, if the *food establishment* does not serve a *highly susceptible population*.

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

- 302.1 The *person in charge* may remove an exclusion specified in section 301.1 if:
- (a) The *person in charge* obtains approval from the *Department*; and
 - (b) The person excluded as specified in section 301.1 provides to the *person in charge* written medical documentation from a physician licensed to practice medicine that specifies that the excluded person may work in an unrestricted capacity in a *food establishment*, including an establishment that serves a *highly susceptible population*, because the person is free of the infectious agent of concern as specified in Chapter 45, section 4503.
- 302.2 The *person in charge* may remove a restriction specified in section 301.2(a) if the restricted person:
- (a) Is free of the symptoms as specified in section 300.4 and no foodborne illness occurs that may have been caused by the restricted person;
 - (b) Is suspected of causing foodborne illness but is free of the symptoms specified in section 300.4, and provides written medical documentation from a physician licensed to practice medicine stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in Chapter 45, section 4503; or
 - (c) Provides written medical documentation from a physician licensed to practice medicine stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.
- 302.3 The *person in charge* may remove a restriction specified in section 301.2(b) if the restricted person provides written medical documentation from a physician, licensed to practice medicine, according to the criteria specified in Chapter 45, section 4503 that indicates the stools are free of *Salmonella Typhi*, *Shigella* spp., or *E. coli* O157:H7, whichever is the infectious agent of concern.
- 302.4 The *person in charge* may remove an exclusion specified in section 301.3 if the excluded person provides written medical documentation from a physician licensed to practice medicine:
- (a) That specifies that the person is free of the infectious agent of concern as specified in section 4503, or jaundice as specified in section 302.5 if hepatitis A virus is the infectious agent of concern; or

- (b) If the person is excluded in section 301.3 (a), stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

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

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

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

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

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

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

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

Chapter 4 PERSONAL CLEANLINESS

Sections

400 – 405	Hands and Arms
406	Fingernails
407	Jewelry
408	Outer Clothing

400 HANDS AND ARMS – CLEAN CONDITION *

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

401 HANDS AND ARMS – CLEANING PROCEDURE*

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

401.2 If *approved* and capable of removing the types of soils encountered in the *food operations* involved, an automatic handwashing facility may be used by *food employees* to clean their hands.

402 HANDS AND ARMS – SPECIAL HANDWASH PROCEDURE*

Reserved.

403 HANDS AND ARMS – WHEN TO WASH*

403.1 *Food employees* shall clean their hands and exposed portions of their arms as specified in section 401 immediately before engaging in *food* preparation including working with

exposed *food*, clean *equipment* and *utensils*, and unwrapped single-service and *single-use articles* and:

- (a) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (b) After using the toilet room;
- (c) After caring for or handling service or aquatic animals as specified in section 503.2;
- (d) Except as specified in section 500.2, after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- (e) After handling soiled *equipment* or *utensils*;
- (f) Immediately before engaging in *food* preparation including working with exposed *food*, clean *utensils*, and unwrapped single-service and *single-use articles* in the *food* preparation area;
- (g) During *food* preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
- (h) When switching between working with raw *food* and working with ready-to-eat *food*; and
- (i) After engaging in other activities that contaminate the hands such as handling waste containing fecal matter, body fluids, or body discharges.

404 HANDS AND ARMS – WHERE TO WASH

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

405 HANDS AND ARMS – HAND SANITIZERS

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

- (a) Comply with one of the following:

- (1) Be an **approved** drug that is listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an **approved** drug based on safety and effectiveness; or
 - (2) Have active antimicrobial ingredients that are listed in: the FDA monograph for OTC (over-the-counter) Health-Care Antiseptic Drug Products as an antiseptic handwash, or the **USDA List of Proprietary Substances and Nonfood Compounds**, Miscellaneous Publication No. 1419;
- (b) Comply with one of the following:
- (1) Have components that are exempt from the requirements of being listed in the federal food additive regulations as specified in 21 **CFR** 170.39 – Threshold of regulation for substances used in food-contact articles; or
 - (2) Comply with and be listed in: 21 **CFR** 178 – Indirect Food Additives: Adjuvants: Production Aids, and Sanitizers as regulated for use as a **food** additive with conditions of safe use, 21 **CFR** 182 – Substances Generally Recognized as Safe, 21 **CFR** 184 – Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 **CFR** 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with **food**; and
- (c) Be applied only to hands that are cleaned as specified in section 401.

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

- (a) Followed by thorough hand rinsing in clean water before hand contact with **food** or by the use of gloves; or
- (b) Limited to situations that involve no direct contact with **food** by the bare hands.

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

406 FINGERNAILS – MAINTENANCE

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

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

407 JEWELRY – PROHIBITION

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

408 OUTER CLOTHING – CLEAN CONDITION

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

Chapter 5	HYGIENIC PRACTICES
	Sections
	500 – 501 Food Contamination Prevention
	502 Hair Restraints
	503 Animals

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

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

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

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

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

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

502 HAIR RESTRAINTS – EFFECTIVENESS

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

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

503 ANIMALS – PROHIBITION ON HANDLING *

503.1 *Food employees* may not care for or handle animals that may be present such as patrol dogs, *service animals*, or pets that are allowed as specified in section 3214.2(b)-(e).

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