

Subtitle

C

Food

Chapters

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- 7 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS FOR FOOD**
- 8 PROTECTION OF FOODS FROM CONTAMINATION AFTER RECEIVING**

Chapter 6 CHARACTERISTICS OF FOOD

Section

600 Condition

600 CONDITION OF FOOD*

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

**Chapter 7 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS
AND RECORDS FOR FOOD**

Sections

700 – 706	Sources
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700 SOURCES – COMPLIANCE WITH FOOD LAW*

700.1 **Food** shall be obtained from sources that comply with:

- (a) United States Code, Title 21, Sections 70 to 471;
- (b) United States Code, Title 21, Sections 601 to 695;
- (c) Code of Federal Regulations, Title 7, Parts 56 to 57;
- (d) Code of Federal Regulations, Title 9, Parts 200 to end;
- (e) Code of Federal Regulations, Title 21, Parts 108 to 1299;
- (f) Code of Federal Regulations, Title 40, Parts 141 to 152;
- (g) Code of Federal Regulations, Title 50, Part 17; and
- (h) Food Regulation Amendment Act, effective May 2, 2002 (D.C. Law 14-116; D.C. Official Code §48-101 *et seq.*).

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**.

700.3 **Packaged food** shall be labeled as specified in law, including 21 CFR 101 – Food Labeling, 9 CFR 317 – Labeling, Marking Devices, and Containers, and 9 CFR 381.117, Subpart N – Labeling and Containers, and as specified in sections 713 and 714.

700.4 Fish, other than **molluscan shellfish**, that are intended for consumption in their raw form and allowed as specified in section 900.3 may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified in section 903, or frozen on the **premises** as specified in section 903 and records are retained as specified in section 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 packages the steaks and labels them to indicate that they meet the definition of **whole-muscle, intact beef**, or
 - (b) If individually cut in a **food establishment**:
 - (1) Cut from whole-muscle intact beef that is labeled by a **food processing plant** to indicate that the beef meets the definition of **whole-muscle, intact beef**;
 - (2) Prepared so they remain intact; and
 - (3) If **packaged** for undercooking in a **food establishment**, labeled to indicate that they meet the definition of **whole-muscle, intact beef**.

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 CFR 317.2(l) and 9 CFR 381.125(b).

700.7 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 CONTAINER*

701.1 **Food** in a **hermetically sealed container** shall be obtained from a **food processing plant** that is regulated by the United States Department of Agriculture (**USDA**).

702 SOURCES – FLUID MILK AND MILK PRODUCTS*

702.1 Fluid milk and milk products shall be obtained from sources that comply with **grade A standards** specified by the **USDA**.

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.
- 703.2 *Molluscan shellfish* that are recreationally caught may not be received for sale or service.

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 (1997). 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 (1987 and subsequent editions).

705 SOURCES – WILD MUSHROOMS*

- 705.1 Except as specified in section 705.3, 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.
- 705.2 The Department shall develop and maintain a list of all such approved sources.
- 705.3 This section does not apply to:
 - (a) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the *USDA*; or
 - (b) Wild mushroom species if they are in *packaged* form and are the product of a *food processing plant* that is regulated by the *USDA*.

706 SOURCES – GAME ANIMALS*

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

- (a) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the **USDA**; or
- (b) Under a routine inspection program conducted by the **USDA**; and raised, slaughtered, and processed according to:
 - (1) Laws governing **meat** and **poultry** as determined by the **USDA**; and
 - (2) Requirements which are developed by the **USDA** with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee.

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 CFR 352 – Exotic Animal; Voluntary Inspection, or rabbits that are "inspected and certified" in accordance with 9 CFR 354 – Voluntary Inspection of Rabbits And Edible Products Thereof.

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

- (a) Under a routine inspection program conducted by **USDA**; and
- (b) Slaughtered and processed according to:
 - (1) Laws governing **meat** and **poultry** as determined by the **USDA**; and
 - (2) Requirements, which are developed by the **USDA** with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee.

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

- (a) Receive a postmortem examination by an approved veterinarian or veterinarian's designee; or
- (b) Are field-dressed and transported according to requirements specified by the **USDA**; and are processed according to laws governing **meat** and **poultry** as determined by the **USDA**.

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 CFR 17 – Endangered and Threatened Wildlife and Plants.

707 SPECIFICATIONS FOR RECEIVING – TEMPERATURE *

- 707.1 Except as specified in section 707.2, refrigerated, *potentially hazardous food* shall be at a temperature of 5°C (41°F) or below when received.
- 707.2 If a temperature other than 5°C (41°F) for a *potentially hazardous food* is specified in law governing its distribution, such as laws governing milk, *molluscan shellfish*, and shell eggs, the *food* may be received at the specified temperature.
- 707.3 *Potentially hazardous food* that is cooked to a temperature and for a time specified in sections 900 - 902, and received hot shall be at a temperature of 60°C (140°F) or above.
- 707.4 A *food* that is labeled frozen and shipped frozen by a *food processing plant* shall be received frozen.
- 707.5 Upon receipt, *potentially hazardous food* shall be free of evidence of previous temperature abuse.

708 SPECIFICATIONS FOR RECEIVING – ADDITIVES*

- 708.1 *Food* shall not contain unapproved *food* additives or additives that exceed amounts specified in 21 CFR 170-180 – Relating to Food Additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) – Food ingredients and sources of radiation

709 SPECIFICATIONS FOR RECEIVING – SHELL EGGS*

- 709.1 Shell eggs shall be received clean and sound and may not exceed the *restricted egg* tolerances for U.S. Consumer Grade B as specified in 7 CFR Part 56 – Voluntary Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs, and 9 CFR Part 590 – Inspection of Eggs and Egg Products.

710 SPECIFICATIONS FOR RECEIVING – EGGS AND MILK PRODUCTS, PASTEURIZED*

- 710.1 Liquid, frozen, and dry eggs and egg products shall be obtained pasteurized.
- 710.2 Fluid and dry milk and milk products complying with *Grade A Standards* as specified by the *USDA* shall be obtained pasteurized.

710.3 Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 – Frozen Desserts.

710.4 Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 – Cheeses and Related Cheese Products, for curing certain cheese varieties.

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.

712 SPECIFICATIONS FOR RECEIVING – ICE*

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

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:

- (a) Name, address, and certification number of the shucker-packer or repacker of the *molluscan shellfish*; and
- (b) The "sell by" date for packages with a capacity of less than 1.87 L (one-half gallon) or the date shucked for packages with a capacity of 1.87 L (one-half gallon) or more.

713.2 A package of raw *shucked shellfish* that does not bear a label or which bears a label which does not contain all the information as specified in section 713.1 shall be subject to an embargo order, as allowed by section 4702, or seizure and destruction in accordance with 21 CFR Subpart D – Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

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 and each 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 sections 714.2 and 714.3.

- 714.2 Except as specified in section 714.5, the harvester's tag or label shall list the following information in the following order:
- (a) The harvester's identification number that is assigned by the shellfish control authority;
 - (b) The date of harvesting;
 - (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;
 - (d) The type and quantity of shellfish; 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."
- 714.3 Except as specified in section 714.6, the following information shall appear in the following order on each dealer's tag or label:
- (a) The dealer's name and address, and the certification number assigned by the **shellfish control authority**;
 - (b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested;
 - (c) The same information as specified for a harvester's tag in section 714.2; 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."
- 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 as specified in sections 714.1 - 714.3 shall be subject to an embargo order, as allowed by section 4702, or seizure and destruction in accordance with 21 CFR Subpart D – Specific Administrative Decisions Regarding Interstate Shipments, Section 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 section 714.3(a)-(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 sections 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 section 714 and recorded as specified in section 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 section 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.

717 ORIGINAL CONTAINERS AND RECORDS – SHELLSTOCK, MAINTAINING IDENTIFICATION*

717.1 Except as specified in section 717.3, shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.

717.2 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 the container is emptied by using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served.

- 717.3 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 using only one (1) tagged labeled container at a time, or using more than one (1) tagged or labeled container at a time and obtaining a variance from the Department as specified in section 4102 based on a **HACCP Plan** that:
- (a) Is submitted by the **licensee** and approved as specified in sections 4103 and 4104;
 - (b) Preserves source identification by using a record keeping system as specified in section 717.2; and
 - (c) Ensures that shellstock from one (1) tagged or labeled container are not commingled with shellstock from another container before being ordered by the consumer.

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 The pull date is 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.
- 718.3 The display area where the isolated items are kept shall be marked in a manner that will advise the consumer that the goods in the area have been isolated due to the passing of the pull date.
- 718.4 The Department shall publish a list, after a public hearing, of other **foods**, which must display a pull-date.
- 718.5 The pull date list established in accordance with sections 718.1 and 718.4 shall be reviewed annually and revised as necessary.
- 718.6 If any **food** that has a pull date is rewrapped, the new package shall retain the original pull dates and the package shall prominently displayed with the word "REWRAPPED."

Chapter 8 PROTECTION FROM CONTAMINATION AFTER RECEIVING

Sections

800 – 801	Preventing Contamination by Employees
802 – 806	Preventing Food and Ingredient Contamination
807	Preventing Contamination from Ice used as a Coolant
808 – 815	Preventing Contamination from Equipment, Utensils, and Linens
816 – 819	Preventing Contamination from the Premises
820 – 823	Preventing Contamination by Consumers
824 – 826	Preventing Contamination from Other Sources

800 PREVENTING CONTAMINATION BY EMPLOYEES – FROM HANDS*

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

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

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

800.4 *Food employees* may contact exposed, *ready-to-eat food* with their bare hands if:

- (a) The *licensee* complies with section 300 on *food employee*/applicant health status;
- (b) The *person in charge* demonstrates knowledge of section 201.3 (a)- (c) and (h) – Demonstration of Knowledge, and complies with section 202.6 – Duties of *Person in charge*, and sections 301 and 302 on employee health;

- (c) The **person in charge** maintains a documented plan in the **food establishment**, that is readily available at all times for use by employees and for the Department's review upon request, that specifies:
- (1) Why it is necessary for **food employees** to contact **ready-to-eat food** in specified situations;
 - (2) The **foods** that will be contacted by bare hands;
 - (3) That the **hazard** presented by bare-hand contact is the possible transfer of bacterial, viral, or parasitic pathogens from **food employees'** hands to the **food**;
 - (4) The establishment's procedures and practices that require employees to wash their hands before returning to their work stations;
 - (5) A training program for the **food employees** that specifies the program content, including instructions to **food employees** about the **hazard** as specified in section 800.4(c)(3), not to work when they are ill with any symptoms or diagnosis specified under section 300, good hygienic practices, proper handwashing, the principles of safe food preparation procedures, and how to preclude cross contamination; who is responsible for the training; and the frequency of the training including periodic refresher sessions;
 - (6) How **food employee** compliance with the plan will be monitored, documented, and verified; and
 - (7) Corrective actions to be taken when the plan is not followed, such as when an ill **food employee** is found preparing **food**;
- (d) The **person in charge** ensures compliance with the plan specified in section 800.4(c)(3) and amends it as required by the Department; and
- (e) **Food employees** comply with the plan specified in section 800.4(c), section 403 – When to Wash, and Chapter 5 – Hygienic Practices of Employees and Food Employees.

800.5

A **licensee** or **person in charge** electing to comply with section 800.3, may also implement one or more of the following:

- (a) Vaccination against hepatitis A for **food employees**, including initial and booster shots or medical evidence that a **food employee** has had a previous illness from hepatitis A virus;
- (b) Double handwashing;

- (c) Use of nailbrushes;
- (d) Use, after proper handwashing, of a hand sanitizer as specified under section 405; or
- (e) Motivation for *food employees* not to work when they are ill.

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 reserved.

802 PREVENTING CROSS CONTAMINATION – SEPARATION, PACKAGING AND SEGREGATION*

802.1 *Food* shall be protected from cross contamination by:

- (a) 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 vegetables; and
 - (2) Cooked *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; or
 - (2) Arranging each type of *food* in equipment so that cross contamination of one type with another is prevented, and preparing each type of *food* at different times or in separate areas;
- (c) Cleaning equipment and *utensils* as specified in section 1901 and sanitizing as specified in section 2002;
- (d) Except as specified in section 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 section 3103; and
- (h) Separating fruits and vegetables, before they are washed as specified in section 806 from ready-to-eat.

802.2 Section 802.1(d) does not apply to:

- (a) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require 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 section 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 shell eggs in the preparation of *foods* such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream, and egg-fortified beverages that are not:

- (a) Cooked as specified in sections 900.1(a) or (b); or
- (b) Included in section 900.3(a).

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 section 708:

- (a) Unsafe or unapproved **food** or color additives; and
- (b) Unsafe or unapproved levels of approved **food** and color additives.

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 B₁; or
- (b) Serve or sell **food** specified in section 805.2(a) that is treated with sulfiting agents before receipt by the **food establishment**, except that grapes need not meet this section.

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 section 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 section 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 may not be used as **food**.

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 sections 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 chicken 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 equipment and *utensils* that are cleaned as specified in Chapter 19 and sanitized as specified in Chapter 20.

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 section 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 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 sections 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; or
- (f) In a container of water if the water is maintained at a temperature of at least 60°C (140°F) and the container is cleaned at a frequency specified in section 1901.4.

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 shall be used for no other purpose.

812.2 Cloths used for wiping *food* spills shall be:

- (a) Dry and used for wiping *food* spills from *tableware* and carry-out containers; or
- (b) Wet and cleaned as specified in section 2101.4, stored in a chemical sanitizer at a concentration specified in section 1813, and used for wiping spills from *food*-contact and nonfood contact surfaces of equipment.

812.3 Dry or wet cloths that are used with raw animal *foods* shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal *foods* shall be kept in a separate sanitizing solution.

812.4 Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of *food* debris and visible soil.

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.

- 813.2 Except as specified in section 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 section 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 sections 1515.1, 1515.2, and 1515.4.

815 PREVENTING CONTAMINATION – REFILLING RETURNABLES

- 815.1 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** shall not use **tableware**, including **single-service articles** soiled by the consumer, to provide second portions or refills.
- 815.2 Except as specified in section 815.3, a take-home **food** container refilled with **food** that is not potentially hazardous shall be cleaned as specified in section 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 sections 1515.1, 1515.2 and 1515.4.

816 PREVENTING CONTAMINATION FROM THE PREMISES – FOOD STORAGE

- 816.1 Except as specified in sections 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 section 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, ORIGINAL CONTAINER

818.1 *Potentially hazardous 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.

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 paragraph 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.^N

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

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

823.1 Except as specified in section 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.

823.2 Except as specified in section 1300.1(c), a container of *food* that is not potentially hazardous may be transferred 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 sections 800 - 823.

**Chapter 9 DESTRUCTION OF ORGANISMS OF PUBLIC
HEALTH CONCERN**

Sections

900-902	Cooking
903-904	Freezing
905-906	Reheating

900 COOKING – RAW ANIMAL FOODS*

900.1 Except as specified in sections 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) 63°C (145°F) or above for fifteen (15) seconds for:
 - (1) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service; and
 - (2) Fish, *meat*, and pork including *game animals* commercially raised for *food* as specified in section 706.1(a) and *game animals* under a voluntary inspection program as specified in section 706.1(b); except as specified in sections 900.1(b) and 900.1(c), and section 900.2;
- (b) 68°C (155°F) for fifteen (15) seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, and *injected meats*; the following if they are comminuted: fish, *meat*, *game animals* commercially raised for *food* as specified in section 706.1(a), and *game animals* under a voluntary inspection program as specified in section 706.1(b); and raw eggs that are not prepared as specified in section 900.1(a)(1):

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

; or

- (c) 74°C (165°F) or above for fifteen (15) seconds for:
 - (1) **Poultry** and wild **game animals** as specified in section 706.3; and
 - (2) Stuffed fish, stuffed **meat**, stuffed pasta, stuffed **poultry**, stuffed ratites, or stuffing containing fish, **meat**, **poultry** or ratites.

900.2 Whole beef roasts, corned beef roasts, pork roasts, 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; 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.

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 Humidity¹	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.

CHART B – Internal Meat Temperatures

Temperature °C (°F)	Holding Time ¹ in Minutes	Temperature °C (°F)	Holding Time ¹ in Minutes	Temperature °C (°F)	Holding Time ¹ in Minutes
54 (130)	121	58 (136)	32	61 (142)	8
56 (132)	77	59 (138)	19	62 (144)	5
57 (134)	47	60 (140)	12	63 (145)	3

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, 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 section 900.4, may be served or offered for sale 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 section 1105 that to ensure the safety of the **food**, it should be cooked as specified in section 900.1 or 900.2; or
- (b) If the **food establishment** serves a population that is not a **highly susceptible population** and the Department grants a variance from sections 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 sections 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 section 700.5; and
- (c) The steak is cooked on both the top and bottom to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces.

901 COOKING – MICROWAVE COOKING*

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

- (a) Rotated during cooking, stirred throughout during 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 74° C (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 that are cooked for hot holding shall be cooked to a temperature of 60° C (140° F).

903 FREEZING – PARASITE DESTRUCTION *

903.1 Except as specified in section 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 frozen throughout to a temperature of:

- (a) -20° C (-4° F) or below for one hundred and sixty-eight (168) hours or seven (7) days in a freezer; or
- (b) -35° C (-31° F) or below for fifteen (15) hours in a blast freezer.

903.2 If the fish are 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), the fish may be served or sold in a raw, raw-marinated, or partially cooked, or marinated-partially cooked ready-to-eat form without freezing as specified under section 903.1.

904 FREEZING – RECORDS, CREATION, AND RETENTION

904.1 Except as specified in sections 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 the records at the **food establishment** for ninety (90) calendar days beyond the time of service or sale of the fish.

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 section 903 may substitute for the records specified in section 904.1.

905 REHEATING – 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 sections 906.2, 906.3 and 906.5, ***potentially hazardous food*** that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the ***food*** reach a temperature of at least 74° C (165° F) for fifteen (15) seconds.
- 906.2 Except as specified under section 906.3, ***potentially hazardous food*** reheated in a microwave oven for hot holding shall be reheated so that all parts of the ***food*** reach a temperature of at least 74° C (165° F) and the ***food*** is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.
- 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 60° C (140° F) for hot holding.
- 906.4 Reheating for hot holding shall be done rapidly and the time the ***food*** is between the temperature specified in sections 1005.1(b) and 1005.1(c) and 74° C (165° F) shall not exceed two (2) hours.
- 906.5 Remaining unsliced portions of roasts of beef that are cooked as specified in section 900.2 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified in section 900.2.

Chapter 10 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

Sections

1000 – 1009	Temperature and Time Control
1010 – 1011	Specialized Processing Methods

1000 TEMPERATURE AND TIME CONTROL – FROZEN FOOD

1000.1 Stored frozen *foods* shall be maintained frozen.

1001 TEMPERATURE AND TIME CONTROL – POTENTIALLY HAZARDOUS FOODS, SLACKING

1001.1 Frozen *potentially hazardous food* that is slacked to moderate the temperature shall be held:

- (a) Under refrigeration that maintains the *food* temperature at 5° C (41° F) or less, or at 7° C (45° F) or less as specified in section 1005.1(c); or
- (b) At any temperature if the *food* remains frozen.

1002 TEMPERATURE AND TIME CONTROL – THAWING

1002.1 *Potentially hazardous food* shall be thawed under refrigeration that maintains the *food* temperature at 5° C (41° F) or less, or at 7° C (45° F) or less as specified in section 1005.1(c).

1002.2 *Potentially hazardous food* shall be thawed completely submerged under running water:

- (a) At a water temperature of 21° C (70° F) or below;
- (b) With sufficient water velocity to agitate and float off loose particles in an overflow; and
- (c) For a period of time that does not allow thawed portions of *ready-to-eat food* to rise above 5° C (41° F), or 7° C (45° F) as specified in section 1005.1(c).

- 1002.3 **Potentially hazardous food** shall be thawed completely submerged under running water:
- (a) At a water temperature of 21° C (70° F) or below;
 - (b) With sufficient water velocity to agitate and float off loose particles in an overflow; and
 - (c) For a period of time that does not allow thawed portions of a raw animal **food** requiring cooking as specified in sections 900.1 and 900.2 to be above 5° C (41° F), or 7° C (45° F) as specified in section 1005.1(c), 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 5° C (41° F), or 7° C (45° F) as specified in section 1005.1(c).
- 1002.4 **Potentially hazardous food** shall be thawed as a part of a cooking process if the **food** that is frozen is:
- (a) Cooked as specified in sections 900.1, 900.2 or 901; or
 - (b) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process.
- 1002.5 Using any procedure in section 1002, **potentially hazardous food** may be thawed 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** shall be cooled:
- (a) Within two (2) hours, from 60° C (140° F) to 21° C (70° F); and
 - (b) Within four (4) hours, from 21° C (70° F) to 5° C (41° F) or less, or to 7° C (45° F) as specified in section 1005.1(c).
- 1003.2 **Potentially hazardous food** shall be cooled within four (4) hours to 5° C (41° F) or less, or to 7° C (45° F) as specified in section 1005.1(c) if prepared from ingredients at ambient temperature, such as reconstituted **foods** and canned tuna.
- 1003.3 Except as specified in section 1003.4, a **potentially hazardous food** received in compliance with laws allowing a temperature above 5° C (41° F) during shipment from the supplier as specified in 707.2, shall be cooled within four (4) hours to 5° C (41° F) or less, or 7° C (45° F) or less as specified in section 1005.1(c).

1003.4 Shell eggs need not comply with section 1003.3 if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining **food** at 5° C (41° F) or less, or 7° C (45° F) or less as specified in section 1005.1(c).

1004 TEMPERATURE AND TIME CONTROL – COOLING METHODS

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

- (a) Placing the **food** in shallow pans;
- (b) Separating the **food** into smaller or thinner portions;
- (c) Using rapid cooling equipment;
- (d) Stirring the **food** in a container placed in an ice water bath;
- (e) Using containers that facilitate heat transfer;
- (f) Adding ice as an ingredient; or
- (g) Other effective methods.

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 section 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, 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 section 1009, **potentially hazardous food** shall be maintained:

- (a) At 60° C (140° F) or above, except that roasts cooked to a temperature and for a time specified in section 900.2 or reheated as specified in section 906.5 may be held at a temperature of 54° C (130° F);

- (b) At 5°C (41°F) or less, except as specified in sections 1005.1(c), 1007, 1008 and 1523; or
- (c) At 7° C (45° F) or between 7° C (45° F) and 5° C (41° F) in existing refrigeration equipment that is not capable of maintaining the *food* at 5° C (41° F) or less if:
 - (1) The equipment is in place and in use in the *food establishment*; and
 - (2) The equipment is upgraded or replaced to maintain *food* at a temperature of 5° C (41° F) or less by December 30, 2009.

1006 TEMPERATURE AND TIME CONTROL – POTENTIALLY HAZARDOUS FOOD, DISPLAY*

1006.1 *Potentially hazardous 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 section 1005.1.

1006.2 If equipment in place does not maintain proper temperatures for *potentially hazardous food* identified in section 1006.1, the Department may order the repair, replacement or purchase of National Sanitation Foundation (NSF) approved or NSF equivalent equipment subject to section 1005.1(c).

1007 TEMPERATURE AND TIME CONTROL – READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD, DATE MARKING*

1007.1 Except as specified in section 1007.5, refrigerated, ready-to-eat, *potentially hazardous food* prepared and held refrigerated for more than twenty-four (24) hours in a *food establishment* shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed which is, including the day of preparation:

- (a) Seven (7) calendar days or less from the day that the food is prepared, if the food is maintained at 5° C (41° F) or less; or
- (b) Four (4) calendar days or less from the day the *food* is prepared, if the *food* is maintained at 7° C (45° F) or less as specified in section 1005.1(c).

1007.2 Except as specified in section 1007.5, a ready-to-eat, *potentially hazardous food* prepared in a *food establishment* and subsequently frozen, shall be clearly marked

- (a) When the *food* is thawed, to indicate that the *food* shall be consumed within twenty-four (24) hours; or

- (b) When the **food** is placed into the freezer, to indicate the length of time before freezing that the **food** is held refrigerated and which is, including the day of preparation:
 - (1) Seven (7) calendar days or less from the day of preparation, if the **food** is maintained at 5° C (41° F) or less; or
 - (2) Four (4) calendar days or less from the day of preparation, if the **food** is maintained at 7° C (45° F) or less as specified in section 1005.1(c); and
- (c) When the **food** is removed from the freezer, to indicate the date by which the **food** shall be consumed which is:
 - (1) Seven (7) calendar days or less after the **food** is removed from the freezer, minus the time before freezing, that the **food** is held refrigerated if the **food** is maintained at 5° C (41° F) or less before and after freezing; or
 - (2) Four (4) calendar days or less after the **food** is removed from the freezer, minus the time before freezing, that the **food** is held refrigerated if the **food** is maintained at 7° C (45° F) or less as specified in section 1005.1(c) before and after freezing.

1007.3 Except as specified in sections 1007.5 and 1007.6, a container of refrigerated, ready-to-eat **potentially hazardous 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**, to indicate the date by which the food shall be consumed which is, including the day the original container is opened:

- (a) Seven (7) calendar days or less after the original container is opened, if the food is maintained at 5° C (41° F) or less; or
- (b) Four (4) calendar days or less from the day the original container is opened, if the food is maintained at 7° C (45° F) or less as specified in section 1005.1(c).

1007.4 Except as specified in sections 1007.5 and 1007.6, a container of refrigerated, ready-to-eat, **potentially hazardous food** prepared and **packaged** by a **food processing plant** and subsequently opened and frozen in a **food establishment** shall be clearly marked:

- (a) When the **food** is thawed, to indicate that the **food** shall be consumed within twenty-four (24) hours; or
- (b) When the **food** is placed in the freezer, to indicate the time the **food** is held refrigerated between the opening of the original container and freezing which is, including the day of opening the original container:

- (1) Seven (7) calendar days or less, after opening the original container if the **food** is maintained at 5° C (41° F) or less; or
 - (2) Four (4) calendar days or less after opening the original container if the **food** is maintained at 7° C (45° F) or less as specified in section 1005.1(c); and
- (c) When the **food** is removed from the freezer, to indicate the date by which the **food** shall be consumed which is:
- (1) Seven (7) calendar days, minus the time before freezing, that the **food** is held refrigerated if the **food** is maintained at 5° C (41° F) or less before and after freezing; or
 - (2) Four (4) calendar days, minus the time before freezing, that the **food** is held refrigerated if the **food** is maintained at 7° C (45° F) or less as specified in section 1005.1(c) before and after freezing.

1007.5 Sections 1007.1 - 1007.4 do not apply to individual meal portions served or **repackaged** for sale from a bulk container upon a consumer's request.

1007.6 Sections 1007.3 and 1007.4 do not apply to whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing.

1008 TEMPERATURE AND TIME CONTROL – READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD, DISPOSITION*

1008.1 A **food** specified in section 1007.1 shall be discarded if not consumed within:

- (a) Seven (7) calendar days from the date of preparation if the **food** is maintained at 5° C (41° F) or less; or
- (b) Four (4) calendar days from the date of preparation if the **food** is maintained at 7° C (45° F) or less as specified in section 1005.1(c).

1008.2 A **food** specified in section 1007.2(a) or 1007.4(a) shall be discarded if not consumed within twenty-four (24) hours after thawing.

1008.3 A **food** specified in sections 1007.2(b) and 1007.2(c) or 1007.4(b) and 1007.4(c) shall be discarded on or before the most recent date marked on the **food** container or package if the **food** is not consumed by that date.

- 1008.4 A **food** specified in section 1007.3 shall be discarded if not consumed within, including the day of opening the original container:
- (a) Seven (7) calendar days after the date that the original package is opened in a **food establishment** if the **food** is maintained at 5° C (41° F) or less; or
 - (b) Four (4) calendar days after the date that the original package is opened in a **food establishment** if the **food** is maintained at 7° C (45° F) or less as specified in 1005.1(c).
- 1008.5 A **food** specified in sections 1007.1, 1007.2, 1007.3 or 1007.4 shall be discarded if the **food** is:
- (a) Marked with the date specified in sections 1007.1, 1007.2, 1007.3 or 1007.4 and the **food** is not consumed before the most recent date expires;
 - (b) In a container or package which does not bear a date or time; or
 - (c) Inappropriately marked with a date or time that exceeds the date or time specified in sections 1007.1, 1007.2, 1007.3 or 1007.4.
- 1008.6 Refrigerated, ready-to-eat, **potentially hazardous food** prepared in a **food establishment** and dispensed through a **vending machine** with an automatic shut-off control that is activated at a temperature of:
- (a) 5° C (41° F) shall be discarded if not sold within seven (7) days; or
 - (b) 7° C (45° F) shall be discarded if not sold within four (4) days.
- 1008.7 A refrigerated, potentially hazardous, **ready-to-eat food** ingredient or a portion of a refrigerated, potentially hazardous, **ready-to-eat food** that is subsequently combined with additional ingredients or portions of **food** shall retain the date marking of the earliest or first-prepared ingredient or portion and shall be discarded as specified in sections 1008.1 - 1008.6.

1009 TIME AS A PUBLIC HEALTH CONTROL*

- 1009.1 If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of **potentially hazardous food** before cooking, or for ready-to-eat **potentially hazardous food** that is displayed or held for service for immediate consumption:
- (a) 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;

- (b) The **food** shall be cooked and served, served if ready-to-eat, or discarded, within four (4) hours from the point in time when the **food** is removed from temperature control;
- (c) The **food** in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded; and
- (d) Written procedures shall be maintained in the **food establishment** and made available to the Department upon request, that ensures compliance with:
 - (1) This section; and
 - (2) Section 1003 for **food** that is prepared, cooked, and refrigerated before time is used as a public health control.

1009.2 In a **food establishment** that serves a **highly susceptible population**, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

1010 SPECIALIZED PROCESSING METHODS – VARIANCE REQUIREMENT *

1010.1 A **food establishment** shall obtain a variance from the Department as specified in sections 4102, 4103 and 4104 before smoking **food** as a method of flavor enhancement, curing **food**, brewing alcoholic beverages, 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.

1010.2 A **food establishment** shall obtain a variance from the Department as specified in sections 4102, 4103 and 4104 before packaging **food** using a reduced oxygen method of packaging **food** except as specified in section 1011 where a barrier to *Clostridium botulinum* in addition to refrigeration exists, custom processing animals that are for personal use as **food** and not for sale or service in a **food establishment**, or preparing **food** by another method that is determined by the Department to require a variance

1011 SPECIALIZED PROCESSING METHODS – REDUCED OXYGEN PACKAGING, CRITERIA*

1011.1 Except for a **food establishment** that obtains a variance as specified in section 1010, a **food establishment** that packages **food** using a **reduced oxygen packaging** method and *Clostridium botulinum* is identified as a microbiological **hazard** in the final **packaged** form shall ensure that there are at least two (2) barriers in place to control the growth and toxin formation of *Clostridium botulinum*.

1011.2 A **food establishment** that packages **food** using a **reduced oxygen packaging** method and *Clostridium botulinum* is identified as a microbiological **hazard** in the final **packaged** form shall have a **HACCP Plan** that contains the information specified in section 4205.1(d) and that:

- (a) Identifies the **food** to be **packaged**;
- (b) Limits the **food packaged** to a **food** that does not support the growth of *Clostridium botulinum* because it complies with one of the following:
 - (1) Has an a_w of 0.91 or less;
 - (2) Has a **pH** of 4.6 or less;
 - (3) Is a **meat** or **poultry** product cured at a **food processing plant** regulated by the **USDA** using substances specified in 9 CFR Subpart C Section 424.21(b) – Food ingredients and sources of radiation; or
 - (4) Is a **food** with a high level of competing organisms such as raw **meat** or raw **poultry**;
- (c) Specifies methods for maintaining **food** at 5° C (41° F) or below;
- (d) 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:
 - (1) Maintain the **food** at 5° C (41° F) or below; 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;
- (e) Limits the shelf life to no more than fourteen (14) calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;
- (f) Includes operational procedures that:
 - (1) Prohibit contacting **food** with bare hands;
 - (2) Identify a designated area and the method by which physical barriers or methods of separation of raw **foods** and **ready-to-eat foods** minimize cross contamination, and access to the processing equipment is restricted to

responsible trained personnel familiar with the potential *hazards* of the operation; and

- (3) Delineate cleaning and *sanitization* procedures for *food-contact surfaces*; and
- (g) Describes the training program that ensures that the individual responsible for the *reduced oxygen packaging* operation understands the:
 - (1) Concepts required for a safe operation;
 - (2) Equipment and facilities; and
 - (3) Procedures specified in section 1011.2(f) and section 4205.1(d).

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.

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

Sections

1100 – 1101	Accurate Representation
1102 – 1104	Labeling
1105	Consumer Advisory

1100 ACCURATE REPRESENTATION – STANDARDS OF IDENTITY

1100.1 *Packaged food* shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 – Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR 130 – Food Standards: General.

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 CFR 101 – Food Labeling, and 9 CFR 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 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; and
 - (e) Except as exempted in the ***Federal Food Act*** section 403(Q)(3)-(5), nutrition labeling as specified in 21 CFR 101 – Food Labeling and 9 CFR 317 Subpart B – Nutrition Labeling.
- 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 sections 1102.2(a), 1102.2(b), and 1102.2(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.

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 the provisions of 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*, which 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; shall not contain added water, binders, extenders, color additives, preservatives, or more than thirty percent (30%) fat.
- 1103.7 *Meats*, which 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*, which 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*, which 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 one-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**, which 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 (e.g., 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 one-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 noncomplying product which has been manufactured and **packaged** in a federally-inspected plant and shipped in interstate commerce into the District of Columbia 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 sections 900.4, 900.3, and 1300.1(d), if an animal **food** such as beef, eggs, fish, lamb, milk, pork, **poultry**, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw 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 potential health risks that may 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.”

Chapter 12 CONTAMINATED OR ADULTERATED FOOD

Section

1200

Disposition

1200 DISPOSITION – DISCARDING OR RECONDITIONING*

- 1200.1 A *food* that is unsafe, adulterated, or not honestly presented as specified in section 600 shall be reconditioned according to procedures approved by the Department or discarded.
- 1200.2 *Food* that is not from an approved source as specified in sections 700 - 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 section 301 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 HIGHLY SUSCEPTIBLE POPULATIONS

Section

1300

Additional Safeguards

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

1300.1 In a *food establishment* that serves a *highly susceptible population*:

- (a) Prepackaged juice or prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR, Section 101.17(g) – Food Labeling, shall not be served or offered for sale;
- (b) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:
 - (1) *Foods* such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, egg nog, ice cream, and egg-fortified beverages; and
 - (2) Recipes in which more than one egg is broken and the eggs are combined, except as specified in 1300.2 through 1300.4;
- (c) *Food* in an unopened original package shall not be re-served; and
- (d) The following *foods* shall not be served or offered for sale in a ready-to-eat form:
 - (1) Raw animal *food* such as raw, raw-marinated fish, raw *molluscan shellfish*, and steak tartare;
 - (2) 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
 - (3) Raw seed sprouts.

1300.2 Section 1300.1(b)(2) does not apply if the raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified in section 900.1(a), and served immediately, such as an omelet, soufflé, or scrambled eggs.

- 1300.3 Section 1300.1(b)(2) 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.
- 1300.4 Section 1300.1(b)(2) 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 section 900.1(a);
 - (d) Contains the information specified in section 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.