

Subtitle

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# Poisonous or Toxic Materials

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### Chapter 33 LABELING AND IDENTIFICATION

#### Sections

- 3300 Original Containers
- 3301 Working Containers

#### **3300 ORIGINAL CONTAINERS – IDENTIFYING INFORMATION, PROMINENCE\***

3300.1 Containers of *poisonous or toxic materials* and *personal care items* shall bear a legible manufacturer's label.

#### **3301 WORKING CONTAINERS – COMMON NAME\***

3301.1 Working containers used for storing *poisonous or toxic materials*, such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

## Chapter 34 OPERATIONAL SUPPLIES AND APPLICATIONS

### Sections

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### 3400 STORAGE – SEPARATION\*

- 3400.1 *Poisonous or toxic materials* shall be stored so they cannot contaminate *food, equipment, utensils, linens, and single-service and single-use articles* by:
- (a) Separating the *poisonous or toxic materials* by physically separating or partitioning by a wall or structure; and
  - (b) Locating the *poisonous or toxic materials* in an area that is not above *food, equipment, utensils, linens, and single-service or single-use articles*. This paragraph does not apply to *equipment and utensil* cleaners and sanitizers that are stored in *warewashing* areas for availability and convenience if the materials are stored to prevent contamination of *food, equipment, utensils, linens, and single-service and single-use articles*.

### 3401 PRESENCE AND USE – RESTRICTION\*

- 3401.1 Only those *poisonous or toxic materials* that are required for the operation and maintenance of a *food establishment*, such as for the cleaning and sanitizing of *equipment and utensils* and the control of insects and rodents, shall be allowed in a *food establishment*.
- 3401.2 Section 3401.1 does not apply to packaged *poisonous or toxic materials* that are for retail sale.

## 3402 PRESENCE AND USE – CONDITIONS OF USE\*

3402.1 *Poisonous or toxic materials* shall be used according to:

- (a) The Pesticide Operations Act of 1977 (DC Law 2-70; 20 DCMR Chapters 22-25), and this Code;
- (b) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state use is allowed in a *food establishment*; and
- (c) The conditions of *certification*, if *certification* is required, for use of the pest control materials.

3402.2 *Poisonous or toxic materials* shall be applied so that:

- (a) A hazard to *employees* or other persons is not constituted;
- (b) Contamination including toxic residues due to drip, drain, fog, splash, or spray on *food, equipment, utensils, linens, and single-service and single-use articles* is prevented; and
- (c) For *restricted-use pesticide* contamination is prevented by:
  - (1) Removing items listed in paragraph (b);
  - (2) Covering items listed in paragraph (b) with impermeable covers;
  - (3) Taking other appropriate preventive actions; and
  - (4) Cleaning and sanitizing *equipment* and *utensils* after the application.

3402.3 *Restricted-use pesticides* shall be applied only by a certified applicator as defined in the Pesticide Operations Act of 1977 (DC Law 2-70; 20 DCMR Chapters 22-25).

## 3403 CONTAINER PROHIBITIONS – POISONOUS OR TOXIC MATERIAL CONTAINERS\*

3403.1 A container previously used to store *poisonous or toxic materials* shall not be used to store, transport, or dispense *food*.

**3404 CHEMICALS – SANITIZERS, CRITERIA\***

3404.1 Chemical sanitizers and other chemical antimicrobials applied to *food-contact surfaces* shall meet the requirements of 21 CFR 178.1010 – Sanitizing Solutions.

**3405 CHEMICALS FOR WASHING FRUITS AND VEGETABLES, CRITERIA\***

3405.1 Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements of 21 CFR 173.315 – Chemicals used in washing or to assist in the peeling of fruits and vegetables.

**3406 CHEMICALS – BOILER WATER ADDITIVES, CRITERIA\***

3406.1 Chemicals used as boiler water *additives* shall meet the requirements of 21 CFR 173.310 – Boiler Water Additives.

**3407 CHEMICALS – DRYING AGENTS, CRITERIA\***

3407.1 Drying agents used in conjunction with sanitization shall contain only components that are listed as one of the following:

- (a) Generally recognized as safe for use in *food* as specified in 21 CFR Part 182 – Substances Generally Recognized as Safe or 21 CFR Part 184 – Direct Food Substances Affirmed as Generally Recognized as Safe;
- (b) Generally recognized as safe for the intended use as specified in 21 CFR Part 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe;
- (c) *Approved* for use as a drying agent under a prior sanction specified in 21 CFR Part 181 – Prior-Sanctioned Food Ingredients;
- (d) Specifically regulated as an indirect *food additive* for use as a drying agent as specified in 21 CFR Parts 175-178; or
- (e) *Approved* for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 – Threshold of regulation for substances used in *food*-contact articles.

3407.2 When sanitization is used with chemicals, the approval required in section 3407.1(c) or 3407.1(e) or the regulation as an indirect *food additive* required in section 3407.1(d) shall be specifically for use with chemical sanitizing solutions.

**3408 LUBRICANTS – INCIDENTAL FOOD CONTACT, CRITERIA\***

3408.1 Lubricants shall meet the requirements specified in 21 CFR 178.3570 – Lubricants with incidental *food* contact if they are used on *food-contact surfaces*, on bearings and gears located on or within *food-contact surfaces*, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into *food* or onto *food-contact surfaces*.

**3409 PESTICIDES – RESTRICTED USE PESTICIDES, CRITERIA\***

3409.1 *Restricted use pesticides* specified in section 3402.3 shall meet the requirements specified in 40 CFR Part 152 Subpart I – Classification of Pesticides.

**3410 PESTICIDES – RODENT BAIT STATIONS\***

3410.1 Rodent bait shall be contained in a covered, tamper-resistant bait station.

**3411 PESTICIDES – TRACKING POWDERS, PEST CONTROL AND MONITORING\***

3411.1 A tracking powder pesticide may not be used in a *food establishment*.

3411.2 A nontoxic tracking powder such as talcum or flour may be used in a *food establishment* if its use does not contaminate *food, equipment, utensils, linens*, and *single-service* and *single-use articles*.<sup>N</sup>

**3412 MEDICINES – RESTRICTION AND STORAGE\***

3412.1 Only those medicines that are necessary for the health of *employees* shall be allowed in a *food establishment*. This section does not apply to medicines that are stored or displayed for retail sale.

3412.2 Medicines that are in a *food establishment* for the *employees'* use shall be labeled as specified in section 3300 and located to prevent the contamination of *food, equipment, utensils, linens*, and *single-service* and *single-use articles*.

**3413 MEDICINES – REFRIGERATED MEDICINES, STORAGE\***

3413.1 Medicines belonging to *employees* or to children in a day care center that require refrigeration and are stored in a *food* refrigerator shall be:

- (a) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and
- (b) Located so they are inaccessible to children.

**3414 FIRST AID SUPPLIES – STORAGE\***

3414.1 First aid supplies that are in a *food establishment* for the *employees'* use shall be:

- (a) Labeled as specified in section 3300; and
- (b) Stored in a kit or a container that is located to prevent the contamination of *food, equipment, utensils, and linens, and single-service and single-use articles.*

**3415 OTHER PERSONAL CARE ITEMS – STORAGE**

3415.1 *Employees* shall store their *personal care items* in separate cabinets or storage lockers specified in section 3010.2, except as specified in sections 3413 and 3414.

<b>Chapter 35</b>	<b>STOCK AND RETAIL SALE</b>
<b>Section</b>	
<b>3500</b>	<b>Storage and Display</b>

**3500 STORAGE AND DISPLAY – SEPARATION\***

3500.1 *Poisonous or toxic materials* shall be stored and displayed for retail sale so they cannot contaminate *food, equipment, utensils, linens, and single-service and single-use articles* by:

- (a) Separating the *poisonous or toxic materials* by physically separating or partitioning by a wall or structure; and
- (b) Locating the *poisonous or toxic materials* in an area that is not above *food, equipment, utensils, linens, and single-service or single-use articles.*