



# Ohio Uniform Food Safety Code



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3717-1-01 State of Ohio Uniform Food Safety Code and definitions. _____	4
3717-1-02 Determination of the primary business of a facility for purpose of licensure. _____	21
3717-1-02.1 Management and personnel: employee health. _____	22
3717-1-02.2 Management and personnel: personal cleanliness. _____	24
3717-1-02.3 Management and personnel: hygienic practices. _____	27
3717-1-02.4 Management and personnel: supervision. _____	28
3717-1-03 Food - safe, unadulterated, and honestly presented. _____	31
3717-1-03.1 Food: sources, specifications, and original containers. _____	31
3717-1-03.2 Food: protection from contamination after receiving. _____	38
3717-1-03.3 Food: destruction of organisms of public health concern. _____	48
3717-1-03.4 Food: limitation of growth of organisms of public health concern. _	52
3717-1-03.5 Food: food identity, presentation, and on premises labeling. _____	63
3717-1-03.6 Food: discarding or reconditioning unsafe, adulterated or contaminated food. _____	66
3717-1-03.7 Food: special requirements for highly susceptible populations. _____	66
3717-1-04 Equipment, utensils, and linens: materials for construction and repair. _____	68
3717-1-04.1 Equipment, utensils, and linens: design and construction. _____	70
3717-1-04.2 Equipment, utensils, and linens: numbers and capacities. _____	79
3717-1-04.3 Equipment, utensils, and linens: location and installation. _____	81
3717-1-04.4 Equipment, utensils, and linens: maintenance and operation. _____	83
3717-1-04.5 Equipment, utensils, and linens: cleaning of equipment and utensils. _____	87
3717-1-04.6 Equipment, utensils, and linens: sanitizing of equipment and utensils. _____	92
3717-1-04.7 Equipment, utensils, and linens: laundering. _____	93
3717-1-04.8 Equipment, utensils, and linens: protection of clean items. _____	94
3717-1-05 Water, plumbing, and waste: water. _____	96
3717-1-05.1 Water, plumbing, and waste: plumbing system. _____	98
3717-1-05.2 Mobile water tanks. _____	102
3717-1-05.3 Water, plumbing, and waste: sewage, other liquid waste, and rainwater. _____	104
3717-1-05.4 Water, plumbing, and waste: refuse, recyclables, and returnables. _____	105
3717-1-06 Physical facilities: materials for construction and repair. _____	108
3717-1-06.1 Physical facilities: design, construction, and installation. _____	109

<b>3717-1-06.2 Physical facilities: numbers and capacities. _____</b>	<b>113</b>
<b>3717-1-06.3 Physical facilities: location and placement. _____</b>	<b>115</b>
<b>3717-1-06.4 Physical facilities: maintenance and operation. _____</b>	<b>116</b>
<b>3717-1-07 Poisonous or toxic materials: labeling and identification. _____</b>	<b>118</b>
<b>3717-1-07.1 Poisonous or toxic materials: operational supplies and applications. _____</b>	<b>119</b>
<b>3717-1-07.2 Poisonous or toxic materials: storage and display - separation. ____</b>	<b>122</b>
<b>3717-1-08 Special requirements: fresh juice production. _____</b>	<b>122</b>
<b>3717-1-08.1 Special requirements: heat treatment dispensing freezers. _____</b>	<b>123</b>
<b>3717-1-08.2 Special requirements: custom processing. _____</b>	<b>124</b>
<b>3717-1-08.3 Special requirements: bulk water machine criteria. _____</b>	<b>125</b>
<b>3717-1-08.4 Special requirements: acidified white rice preparation criteria. ____</b>	<b>126</b>
<b>3717-1-09 Criteria for reviewing facility layout and equipment specifications. _</b>	<b>127</b>
<b>3717-1-20 Existing facilities and equipment. _____</b>	<b>128</b>

### **3717-1-01 State of Ohio Uniform Food Safety Code and definitions.**

[Comment: For publication dates of the Code of Federal Regulations (C.F.R.) referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

(A) "The State of Ohio Uniform Food Safety Code."

Chapter 3717-1 of the Administrative Code shall also be known as "The State of Ohio Uniform Food Safety Code."

(B) Definitions.

For the purposes of Chapter 3717-1 of the Administrative Code:

(1) Additive.

(a) "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, section 201(t) (as amended on August 2, 2004) and 21 C.F.R. 70.3 (f).

(b) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, section 201(s) (as amended on August 2, 2004) and 21 C.F.R. 170.3 (e)(1).

(2) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.

(3) "Approved" means acceptable to the appropriate regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(4) "Approved source" means a food is from:

(a) A processor that is inspected by a federal food safety regulatory agency or equivalent, the Ohio department of agriculture under Chapter 3715., 911., 913., 915., 917., 918. whether mandatory or voluntary, or 925. of the Revised Code, or other recognized food regulatory agency of another state responsible for food safety; or

(b) A cottage food production operation as defined in division (A) of section 3715.01 of the Revised Code, or an exempt processor of maple syrup, honey, or sorghum as specified in division (A) of section 3715.021 of the Revised Code; and that is in compliance with the provisions of Chapter 3715. of the Revised Code and any applicable rules adopted thereunder; or

(c) A food service operation or retail food establishment as defined and licensed in accordance with Chapter 3717. of the Revised Code provided the processing is not subject to regulation as stated in paragraphs (B)(4)(a) and (B)(4)(b) of this rule.

(d) The term "approved source" is not applicable to fresh unprocessed fruits and vegetables with the exception of mushrooms and sprouts.

(5) "ANSI" means the American national standards institute.

- (6) "Asymptomatic" means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided.
- (7) " $a_w$ " means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol  $a_w$ .
- (8) "Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.
- (9) "Beverage" means a liquid for drinking, including water.
- (10) "Board of health" means the board of health of any city or general health district, or the authority having the duties of a board of health as authorized by section 3709.05 of the Revised Code.
- (11) "Bottled drinking water" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.
- (12) "Bulk water machine" means a self-service device used for the filling of containers with water. The device includes a water treatment process, does not require replenishing after each use, and does not require prior payment by the user for activation of the machine.
- (13) "Casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material.
- (14) "Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the national shellfish sanitation program.
- (15) "C.F.R." means Code of Federal Regulations which is the compilation of the general and permanent rules published in the federal register by the executive departments and agencies of the federal government which:
  - (a) Is published annually by the United States government printing office;
  - (b) Contains FDA rules in 21 C.F.R. (as published on April 1, 2006), USDA rules in 7 C.F.R. and 9 C.F.R. (as published on January 1, 2006), EPA rules in 40 C.F.R. (as published on July 1, 2006), and wildlife and fisheries rules in 50 C.F.R. (as published on October 1, 2006); and
  - (c) Citations in this chapter to the C.F.R. refer sequentially to the title, part, and section numbers, such as 40 C.F.R. 180.194 refers to Title 40, Part 180, Section 194.
- (16) "CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and

sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. "CIP" does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

- (17) "Commingle" means:
- (a) To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or
  - (b) To combine shucked shellfish from containers with different container codes or different shucking dates.
- (18) "Comminuted":
- (a) Means reduced in size by methods including chopping, flaking, grinding, or mincing; and
  - (b) Includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.
- (19) "Conditional employee" means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.
- (20) "Confirmed disease outbreak" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.
- (21) "Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food service operation, retail food establishment or food processing plant, and does not offer the food for resale.
- (22) "Corrosion-resistant material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
- (23) "Cottage food production operation" means a person who, in the person's home, produces food items that are not potentially hazardous foods, including bakery products, jams, jellies, candy, fruit butter, and similar products specified in rules adopted pursuant to section 3715.025 of the Revised Code.
- (24) "Counter-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.
- (25) "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

- (26) "Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.
- (27) "Dealer" means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the national shellfish sanitation program.
- (28) "Disclosure" means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.
- (29) "Drinking water" means water that meets criteria as specified in 40 C.F.R. 141.

"Drinking water" is traditionally known as "potable water."

"Drinking water" includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

- (30) "Dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature controlled for safety and dry goods such as single-service items.
- (31) "Easily cleanable":
  - (a) Means a characteristic of a surface that:
    - (i) Allows effective removal of soil by normal cleaning methods;
    - (ii) Is dependent on the material, design, construction, and installation of the surface; and
    - (iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.
  - (b) Includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under paragraph (B)(31)(a) of this rule to different situations in which varying degrees of cleanability are required such as:
    - (i) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
    - (ii) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

- (32) "Easily movable" means:
- (a) Portable, weighing thirty pounds (fourteen kilograms) or less; mounted on casters, gliders, or rollers; or provided with a mechanical means requiring no more than thirty pounds (fourteen kilograms) to safely tilt a unit of equipment for cleaning; and
  - (b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.
- (33) "Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. It does not include a balut; the egg of reptile species such as alligator; or an egg product.
- (34) "Egg product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food which contains eggs only in a relatively small proportion such as cake mixes.
- (35) "Employee" means the license holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service operation or retail food establishment.
- (36) "Enterohemorrhagic Escherichia coli" or EHEC means E. coli which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with E. coli that have the capacity to produce Shiga toxins and to cause attaching and effacing lesions in the intestine. EHEC is a subset of STEC, whose members produce additional virulence factors. Infections with EHEC may be asymptomatic but are classically associated with bloody diarrhea (hemorrhagic colitis) and hemolytic uremic syndrome (HUS) or thrombotic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: E. coli O157:H7; E. coli O157:NM; E. coli O26:H11; E. coli O145:NM; E. coli O103:H2; or E. coli O111:NM.
- (37) "EPA" means the United States environmental protection agency.
- (38) "Equipment" means an article that is used in the operation of a food service operation or retail food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, bulk water machine, or warewashing machine. "Equipment" does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, or skids.
- (39) "Exclude" means to prevent a person from working as an employee in a food service operation or retail food establishment, or entering a food service operation or retail food establishment as an employee.
- (40) "FDA" means the United States food and drug administration.

- (41) "Fish":
- (a) Means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.
  - (b) Includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.
- (42) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (43) "Foodborne disease outbreak" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.
- (44) "Food-contact surface" means:
- (a) A surface of equipment or a utensil with which food normally comes into contact; or
  - (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
    - (i) Into a food; or
    - (ii) Onto a surface normally in contact with food.
- (45) "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.
- (46) "Food processing plant" means a commercial business or that portion of a business that manufactures, packages, labels, or stores food for human consumption, and is under regulation of the federal government or the Ohio department of agriculture under Chapter 3715., 911., 913., 915., 917., 918., or 925. of the Revised Code.
- (47) "Food service operation":
- (a) Means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this definition, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received;
  - (b) Includes a catering food service operation, a food delivery sales operation, a mobile food service operation, temporary food service operation, seasonal food service operation, and a vending machine location; and

- (c) Does not include those operations exempted in section 3717.42 of the Revised Code.
- (48) "Food service operation sales volume" means the annual sales, minus sales tax, for individual portions of food that are prepared or served by the operation for on premise consumption or individual portions of food served for carry-out or delivery and that are edible without further washing, cooking, or additional preparation.
- (49) "Game animal":
  - (a) Means an animal, the products of which are food, that is not classified as cattle, sheep, swine, goat, horse, mule or other equine in 9 C.F.R. 301.2, or as poultry, or fish.
  - (b) Includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
  - (c) Does not include ratites.
- (50) "General use pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 C.F.R. 152.175.
- (51) "Grade A standards" means the requirements of the United States public health service/FDA "Grade A Pasteurized Milk Ordinance" with which certain fluid and dry milk and milk products comply.
- (52) "HACCP plan" means a written document that delineates the formal procedures for following the hazard analysis and critical control point (HACCP) principles developed by the national advisory committee on microbiological criteria for foods.
- (53) "Handwashing sink" means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands. The term includes an automatic handwashing facility.
- (54) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- (55) "Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.
- (56) "Highly susceptible population" means persons who are more likely than other people in the general population to experience foodborne disease because they are:
  - (a) Immunocompromised; preschool age children, or older adults; and
  - (b) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care

center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

- (57) "Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping."
- (58) "Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. Juice includes juice as a whole beverage, an ingredient of a beverage and a puree as an ingredient of a beverage.
- (59) "Kitchenware" means food preparation and storage utensils.
- (60) "Law" means applicable local, state, and federal statutes, regulations, and ordinances.
- (61) "License" means the document issued by the licensor that authorizes a person to operate a food service operation or retail food establishment.
- (62) "License holder" means the entity that:
- (a) Is legally responsible for the operation of the food service operation or retail food establishment such as the owner, the owner's agent, or other person; and
  - (b) Possesses a valid license to operate a food service operation or retail food establishment.
- (63) "Licensor" means one of the following:
- (a) A board of health or the authority having the duties of a board of health approved under section 3717.11 of the Revised Code;
  - (b) The director of agriculture acting under section 3717.11 of the Revised Code or 3717.111 of the Revised Code with respect to licensing retail food establishments; or
  - (c) The director of health acting under section 3717.11 of the Revised Code or 3717.111 of the Revised Code with respect to licensing food service operations.
- (64) "Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- (65) "Major food allergen" means:
- (a) Milk, egg, fish (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or
  - (b) A food ingredient that contains protein derived from a food, as specified in paragraph (B)(65)(a) of this rule.

- (c) The term does not include:
  - (i) Any highly refined oil derived from a food specified in paragraph (B)(65)(a) of this rule and any ingredient derived from such highly refined oil; or
  - (ii) Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).
- (66) "Meat" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish and poultry.
- (67) "mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- (68) "Mobile food service operation" means a food service operation that is operated from a movable vehicle, portable structure, or watercraft and that routinely changes location, except that if the operation remains at any one location for more than forty consecutive days, the operation is no longer a mobile food service operation. "Mobile food service operation" includes a food service operation that does not remain at any one location for more than forty consecutive days and serves, in a manner consistent with division (F) of section 3717.01 of the Revised Code.
- (69) "Mobile retail food establishment" means a retail food establishment that is operated from a movable vehicle or other portable structure, and that routinely changes location, except that if the establishment operates from any one location for more than forty consecutive days, the establishment is no longer a mobile retail food establishment.
- (70) "Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.
- (71) "NSF" means the national sanitation foundation or NSF international.
- (72) "Packaged":
  - (a) Means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food service operation, retail food establishment or a food processing plant; and
  - (b) Does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
- (73) "Person" means an association, corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.
- (74) "Person in charge" means the individual present at a food service operation or retail food establishment who is responsible for the operation at the time of inspection.

- (75) "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance. Personal care items include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.
- (76) "pH" is the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and fourteen indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.
- (77) "Physical facilities" means the structure and interior surfaces of a food service operation or retail food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.
- (78) "Plumbing fixture" means a receptacle or device that:
- (a) Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or
  - (b) Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.
- (79) "Plumbing system" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.
- (80) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in four categories:
- (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
  - (b) Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;
  - (c) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
  - (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.
- (81) "Potentially hazardous food" means time/temperature controlled for safety food as defined in paragraph (B)(119) of this rule.
- (82) "Poultry" means:

- (a) Any domesticated bird (chickens, ducks, geese, guineas, ratites, squabs or turkeys), whether live or dead, as defined in 9 C.F.R. 381.1; and
  - (b) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 C.F.R. 362.1.
- (83) "Premises" means:
- (a) The physical facility, its contents, and the contiguous land or property under the control of the license holder; or
  - (b) The physical facility, its contents, and the land or property not described under paragraph (B)(83)(a) of this rule if its facilities and contents are under the control of the license holder and may impact food service operation or retail food establishment personnel, facilities, or operations, and a food service operation or retail food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.
- (84) "Primal cut" means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.
- (85) "Public water system" has the meaning stated in paragraph (AAA) of rule 3745-81-01 of the Administrative Code.
- (86) "Ratite" means a flightless bird such as an emu, ostrich, or rhea.
- (87) "Ready-to-eat food":
- (a) Means food that:
    - (i) Is in a form that is edible without additional preparation to achieve food safety, as specified under one of the following paragraphs (A)(1)(a) to (A)(1)(c) or (A)(2), (B), or (D) of rule 3717-1-03.3 of the Administrative Code or as specified in paragraph (A)(1)(d) of rule 3717-1-03.3 of the Administrative Code; or
    - (ii) Is a raw or partially cooked animal food and the consumer is advised as specified under paragraphs (A)(1)(e)(i) and (A)(1)(e)(ii) of rule 3717-1-03.3 of the Administrative Code; or
    - (iii) Is prepared in accordance with a variance that is granted as specified under paragraphs (A)(1)(e)(i) and (A)(1)(e)(iii) of rule 3717-1-03.3 of the Administrative Code; and
    - (iv) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.
  - (b) Includes:
    - (i) Raw animal food that is cooked as specified under paragraph (A) or (B) or frozen as specified under paragraph (D) of rule 3717-1-03.3 of the Administrative Code;

- (ii) Raw, fruits and vegetables that are washed as specified under paragraph (G) of rule 3717-1-03.2 of the Administrative Code;
- (iii) Fruits and vegetables that are cooked for hot holding, as specified under paragraph (C) of rule 3717-1-03.3 of the Administrative Code;
- (iv) All time/temperature controlled for safety food that is cooked to the temperature and time required for the specific food under paragraphs (A) to (C) of rule 3717-1-03.3 of the Administrative Code and cooled as specified in paragraph (D) of rule 3717-1-03.4 of the Administrative Code;
- (v) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- (vi) Substances derived from plants such as spices, seasonings, and sugar;
- (vii) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;
- (viii) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and
- (ix) Foods manufactured as specified in 21 C.F.R. 113, thermally processed low-acid foods packaged in hermetically sealed containers.

(88) "Reduced oxygen packaging":

- (a) Means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding atmosphere, which is approximately twenty-one per cent at sea level; and
- (b) Is a process as specified in paragraph (B)(88)(a) of this rule that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.
- (c) Includes:
  - (i) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;
  - (ii) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the

permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

- (iii) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;
  - (iv) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of pathogens; or
  - (v) Sous vide packaging, in which raw or partially cooked food is place in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of pathogens.
- (89) "Refuse" means solid waste not carried by water through the sewage system.
- (90) "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the process or facility.
- (91) "Reminder" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.
- (92) "Re-service" means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.
- (93) "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food; clean equipment, utensils, linens; or unwrapped single-service or single-use articles.
- (94) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 7 C.F.R. 57.1.
- (95) "Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 C.F.R. 152.175 and that is limited to use by or under the direct supervision of a certified applicator.
- (96) "Retail food establishment" means a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Except when expressly provided otherwise, retail food establishment includes a mobile retail food establishment, seasonal retail food establishment and temporary retail food establishment. It does not include those operations exempted in section 3717.22 of the Revised Code.

As used in this definition:

- (a) "Retail" means the sale of food to a person who is the ultimate consumer of the food.
  - (b) "Prepared" means any action that affects a food, including receiving and maintaining it at the temperature at which it was received.
- (97) "Retail food establishment sales volume" means the annual sales, minus sales tax, for food, that is sold in bulk or multiple portions by the establishment for off premise consumption that may require further washing, cooking, or additional preparation; or in individual portions that are not consumed on the premise and that either require further washing, cooking or additional preparation before consumption or are ingredient labeled for self service.
- (98) "Risk" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.
- (99) "Safe material" means:
- (a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;
  - (b) An additive that is used as specified in section 409 of the Federal Food, Drug, and Cosmetic Act (as amended on November 21, 1997) or section 706 of the Federal Food, Drug, and Cosmetic Act (as amended on August 13, 1993); or
  - (c) Other materials that are not additives and that are used in conformity with applicable regulations of the food and drug administration.
- (100) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999 per cent reduction, of representative disease microorganisms of public health importance.
- (101) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.
- (102) "Seasonal food service operation" means a food service operation, other than a mobile food service operation, that is operated for not more than six months in a licensing period.
- (103) "Seasonal retail food establishment" means a retail food establishment, other than a mobile retail food establishment, that is operated for not more than six months in a licensing period.
- (104) "Service animal" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

- (105) "Servicing area" means an operating base location to which a mobile food service operation, mobile retail food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
- (106) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (107) "Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.
- (108) "Shellstock" means raw, in-shell molluscan shellfish.
- (109) "Shiga toxin-producing Escherichia coli" or STEC means any E. coli capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). Examples of serotypes of STEC include both O157 and non-O157 E. coli.
- (110) "Shucked shellfish" means molluscan shellfish that have one or both shells removed.
- (111) "Single-service articles" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.
- (112) "Single-use articles":
- (a) Means utensils and bulk food containers designed and constructed to be used once and discarded; and
  - (b) Includes, but are not limited to, items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number ten cans which do not meet the materials, durability, strength, and cleanability specifications under paragraph (A) of rule 3717-1-04 of the Administrative Code, and paragraphs (A) and (C) of rule 3717-1-04.1 of the Administrative Code for multiuse utensils.
- (113) "Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of minus ten degrees Fahrenheit (minus twenty-three degrees Celsius) to twenty-five degrees Fahrenheit (minus four degrees Celsius) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food.
- (114) "Smooth" means:
- (a) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (one hundred grit) number three stainless steel;

- (b) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; or
  - (c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.
- (115) "Tableware" means eating, drinking, and serving utensils for table use such as plates; flatware including forks, knives, and spoons; and hollowware including bowls, cups, serving dishes, and tumblers.
- (116) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.
- (117) "Temporary food service operation" means a food service operation that is operated at an event for no more than five consecutive days, except when operated for more than five consecutive days under division (E)(2) of section 3717.43 of the Revised Code.
- (118) "Temporary retail food establishment" means a retail food establishment that is operated at an event for not more than five consecutive days, except when operated for more than five consecutive days pursuant to division (E)(2) of section 3717.23 of the Revised Code.
- (119) "Time/temperature controlled for safety food" or "TCS food" means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
- (a) TCS food includes:
    - (i) An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and
    - (ii) Except as specified in paragraph (B)(119)(b)(iv) of this rule, a food that because of the interaction of its  $a_w$  and pH values is designated as product assessment required (PA) in table A or B of this rule.

Table A. Interaction of pH and  $a_w$  for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged.

	pH 4.6 or less	pH greater than 4.6 to 5.6	pH greater than 5.6
$a_w$ less than or equal to 0.92	non-TCS food	non-TCS food	non-TCS food
$a_w$ greater than 0.92 to 0.95	non-TCS food	non-TCS food	PA
$a_w$ greater than 0.95	non-TCS food	PA	PA

Table B. Interaction of pH and  $a_w$  for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged.

	pH less than 4.2	pH 4.2 to 4.6	pH greater than 4.6 to 5.0	pH greater than 5.0
$a_w$ less than 0.88	non-TCS food	non-TCS food	non-TCS food	non-TCS food
$a_w$ 0.88 to 0.90	non-TCS food	non-TCS food	non-TCS food	PA
$a_w$ greater than 0.90 to 0.92	non-TCS food	non-TCS food	PA	PA
$a_w$ greater than 0.92	non-TCS food	PA	PA	PA

(b) TCS food does not include:

- (i) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;
- (ii) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- (iii) A food that because of its pH or  $a_w$  value, or interaction of  $a_w$  and pH values, is designated as a non-TCS food in table A or B of paragraph (B)(119)(a) of this rule;
- (iv) A food that is designated as product assessment required (PA) in table A or B of paragraph (B)(119)(a) of this rule and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
  - (a) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
  - (b) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
  - (c) A combination of intrinsic and extrinsic factors; or
- (v) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with either paragraph (B)(119)(b)(i), (B)(119)(b)(ii), (B)(119)(b)(iii), or (B)(119)(b)(iv) of this rule even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(120) "USDA" means the United States department of agriculture.

- (121) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.
- (122) "Variance" means a written document issued by the regulatory authority that authorizes a modification or waiver of one or more requirements of this chapter if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.
- (123) "Vending machine" means a self-service device that automatically dispenses on the insertion of currency, tokens, or similar means a predetermined unit serving of food, either in bulk or in package, without having to be replenished after each use.
- (124) "Vending machine location" means an area or room where one or more vending machines are installed and operated, except that if the machines within an area are separated by more than one hundred fifty feet, each area separated by that distance constitutes a separate vending machine location.
- (125) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.
- (126) "Whole-muscle, intact beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

**3717-1-02 Determination of the primary business of a facility for purpose of licensure.**

- (A) When the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or government entity, the licensor shall determine whether the person or government entity must be licensed as a retail food establishment or food service operation according to the primary business of the person or government entity.
- (B) The licensor shall consult with the person or government entity to obtain the necessary information about whether:
  - (1) The facility's food service operation sales volume is greater than its retail food establishment sales volume, in which case its primary business is a food service operation, or
  - (2) The facility's retail food establishment sales volume is greater than its food service operation sales volume, in which case its primary business is a retail food establishment.

When sales volume information does not exist, the licensor shall determine the primary business in consultation with the person or government entity based on the anticipated sales volume.

- (C) If the licensors of a food service operation and a retail food establishment are not the same, the licensors shall jointly determine the primary business in consultation with the person or government entity.

**3717-1-02.1 Management and personnel: employee health.**

- (A) The license holder shall require food employees and conditional employees to report to the person in charge information about their health as it relates to diseases that are transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:

- (1) Has any of the following symptoms:

- (a) Vomiting;
- (b) Diarrhea;
- (c) Jaundice;
- (d) Sore throat with fever; or,
- (e) A lesion containing pus such as a boil or infected wound that is open or draining and is:
  - (i) 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,
  - (ii) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
  - (iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage.

- (2) Has an illness diagnosed by a health care provider due to:

- (a) Campylobacter;
- (b) Cryptosporidium;
- (c) Cyclospora;
- (d) Entamoeba histolytica;
- (e) Enterhemorrhagic or shiga toxin-producing Esherichia coli;
- (f) Giardia;
- (g) Hepatitis A;
- (h) Norovirus;

- (i) Salmonella spp;
  - (j) Salmonella Typhi;
  - (k) Shigella;
  - (l) Vibrio cholerae; or,
  - (m) Yersinia.
- (3) Had a previous illness, diagnosed by a health care provider, within the past three months due to Salmonella Typhi, without having received antibiotic therapy, as determined by a health care provider;
- (4) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared by a person who is infected or ill with:
- (a) Norovirus within the past forty-eight hours of the last exposure;
  - (b) Enterhemorrhagic or Shiga toxin-producing Esherichia coli, or Shigella spp. within the past three days of the last exposure;
  - (c) Salmonella Typhi within the past fourteen days of the last exposure;
  - (d) Hepatitis A virus within the past thirty days of the last exposure; or,
- (5) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:
- (a) Norovirus within the past forty-eight hours of the last exposure;
  - (b) Enterhemorrhagic or Shiga toxin-producing Esherichia coli, or Shigella spp. within the past three days of the last exposure;
  - (c) Salmonella Typhi within the past fourteen days of the last exposure;
  - (d) Hepatitis A virus within the past thirty days of the last exposure.
- (B) The person in charge shall notify the licenser when a food employee is diagnosed with an illness due to a pathogen specified under paragraph (A) (2) of this rule.
- (C) The person in charge shall ensure that a conditional employee:
- (1) Who exhibits or reports a symptom as specified under paragraph (A) (1) of this rule, or who reports a diagnosed illness as specified under paragraphs (A) (2) or (A) (3) of this rule, is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under paragraph (E) of this rule; and

- (2) Who will work as a food employee in a food service operation or retail food establishment that serves as a highly susceptible population and reports a history of exposure as specified under paragraphs (A) (4) and (A) (5) of this rule, is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under paragraph (E) of this rule.
- (D) Conditions of exclusion and restriction - exclusions and restrictions.
  - (1) The person in charge shall restrict the duties of a food employee of a food service operation or retail food establishment that has any of the symptoms listed in paragraph (A) (1) of this rule; and
  - (2) The person in charge shall restrict the duties of a food employee or exclude a food employee diagnosed with illnesses listed in paragraph (A) (2) of this rule from a food service operation or retail food establishment in accordance with rule 3701-3-13 of the Administrative Code.
- (E) Removal of exclusions and restrictions.

The person in charge may remove an exclusion or restriction specified under paragraph (D) of this rule if the food employee is released by a health care provider or by approval of the licenser. This provision does not prohibit a person in charge from removing the restriction of a food employee if the restriction was due to symptoms listed in paragraph (A) (1) of this rule, the symptoms have ceased, and the illness was not from an infectious disease agent listed in paragraph (A) (2) of this rule.

### **3717-1-02.2 Management and personnel: personal cleanliness.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

- (A) Hands and arms - clean condition.

Food employees shall keep their hands and exposed portions of their arms clean.
- (B) Hands and arms - cleaning procedure.
  - (1) Food employees shall clean their hands and exposed portions of their arms including surrogate prosthetic devices for hands or arms for at least twenty seconds, using a hand cleaner in a handwashing sink that is equipped as specified under paragraph (C) of rule 3717-1-05.1 of the Administrative Code and paragraphs (A) to (F) of rule 3717-1-06.2 of the Administrative Code.
  - (2) Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:
    - (a) Rinse under clean, running warm water;
    - (b) Apply an amount of hand cleaner recommended by the product manufacturer;
    - (c) Rub together vigorously for at least ten to fifteen seconds while:

- (i) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, and
    - (ii) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;
  - (d) Thoroughly rinse under clean, running warm water; and
  - (e) Immediately follow the cleaning procedure with thorough drying using a method as specified under paragraph (C) of rule 3717-1-06.2 of the Administrative Code.
- (3) To avoid recontaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.
- (4) 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 or surrogate prosthetic devices.
- (C) Hands and arms - when to wash.

Food employees shall clean their hands and exposed portions of their arms as specified under paragraph (B) of this rule immediately before engaging in food preparation including working with exposed food; clean equipment or utensils; or unwrapped single-service or single-use articles and:

- (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (2) After using the toilet room;
- (3) After caring for or handling service animals or aquatic animals as specified in paragraph (D) of rule 3717-1-02.3 of the Administrative Code;
- (4) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking except as specified in paragraph (A) of rule 3717-1-02.3 of the Administrative Code for a food employee drinking from a closed beverage container;
- (5) After handling soiled equipment or utensils;
- (6) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
- (7) When switching between working with raw food and working with ready-to-eat food;
- (8) Before donning gloves for working with food; and
- (9) After engaging in any other activities that contaminate the hands.

(D) Hands and arms - where to wash.

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

(E) Hand antiseptics.

(1) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(a) Comply with one of the following:

- (i) Be an approved drug that is listed in the FDA publication "Approved Drug Products with Therapeutic Equivalence Evaluations" (as published in 2005) as an approved drug based on safety and effectiveness; or
- (ii) Have active antimicrobial ingredients that are listed in the FDA monograph for over-the-counter health-care antiseptic drug products as an antiseptic handwash (as published on June 17, 1994); and

(b) Comply with one of the following:

- (i) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39; or
- (ii) Comply with and be listed in:
  - (a) 21 CFR 178 as regulated for use as a food additive with conditions of safe use, or
  - (b) 21 CFR 182, 21 CFR 184 or 21 CFR 186 for use in contact with food, and
  - (c) Be applied only to hands that are cleaned as specified under paragraph (B) of this rule.

(2) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under paragraph (E)(1)(b) of this rule, 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.

(3) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred parts per million (mg/L) chlorine.

- (F) Fingernails - maintenance.
- (1) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
  - (2) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- (G) Jewelry - prohibition.
- (1) Except as provided in paragraphs (G)(2) and (G)(3) of this rule, while preparing food, food employees may not wear jewelry on their arms or hands.
  - (2) A medical alert bracelet is permitted when a reasonable accommodation is made, such as wearing the bracelet high on the arm or secured in a manner that does not pose a risk to the food but provides emergency medical information if it is needed.
  - (3) A plain ring such as a wedding band may be worn.
- (H) Outer clothing - clean condition.

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

**3717-1-02.3 Management and personnel: hygienic practices.**

- (A) Food contamination prevention - eating, drinking, or using tobacco.
- An employee shall eat, drink, or use tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, or linens; unwrapped single-service or single-use articles; or other items needing protection can not result. This does not prohibit a food employee from drinking from a closed beverage container if the container is handled to prevent contamination of:
- (1) The employee's hands;
  - (2) The container; and
  - (3) Exposed food; clean equipment, utensils, or linens; or unwrapped single-service or single-use articles.
- (B) Food contamination prevention - discharges from the eyes, nose, and mouth.
- Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, or linens; or unwrapped single-service or single-use articles.
- (C) Hair restraints - effectiveness.
- Food employees shall effectively restrain hair or 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, or linens; or unwrapped single-service or single-use articles. This provision 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, or linens; or unwrapped single-service or single-use articles.

(D) Animals - handling prohibition.

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 paragraphs (O)(2) to (O)(5) of rule 3717-1-06.4 of the Administrative Code. If food employees wash their hands as specified under paragraphs (B) and (C)(3) of rule 3717-1-02.2 of the Administrative Code, they may handle or care for their own service animals; fish in aquariums; or molluscan shellfish or crustacea in display tanks.

**3717-1-02.4 Management and personnel: supervision.**

(A) Person in charge - assignment of responsibility.

The license holder shall be the person responsible for the food service operation or retail food establishment. The license holder may be the person in charge or shall designate a person or persons in charge and shall ensure that a person in charge with applicable knowledge is present at the food service operation or retail food establishment during all hours of operation.

(B) Person in charge - demonstration of knowledge.

Based on the risks inherent to the food operation, during inspections and upon request the person in charge shall demonstrate to the licensor the applicable knowledge of foodborne disease prevention, application of the hazard analysis and critical control point principles, and the requirements of this chapter as they relate to the food service operation or retail food establishment at the time of inspection. The person in charge shall demonstrate this knowledge by compliance with this chapter by having no critical violations during the current inspection, or by being certified in food protection as specified in rule 3701-21-25 of the Administrative Code, or by responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include:

- (1) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
- (2) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
- (3) Describing the symptoms associated with the diseases that are transmissible through food;
- (4) Explaining the significance of the relationship between maintaining the time and temperature of time/temperature controlled for safety food and the prevention of foodborne illness;

- (5) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
- (6) Stating the required food temperatures and times for safe cooking of time/temperature controlled for safety food including eggs, fish, meat, and poultry;
- (7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of time/temperature controlled for safety food;
- (8) Describing the relationship between the prevention of foodborne illness and the management and control of the following:
  - (a) Cross contamination,
  - (b) Hand contact with ready-to-eat foods,
  - (c) Handwashing, and
  - (d) Maintaining the food service operation or retail food establishment in a clean condition and in good repair;
- (9) Identifying major food allergens including milk, egg, fish, tree nuts, wheat, peanuts, and soybeans as specified in paragraph (B)(65) of rule 3717-1-01 of the Administrative Code;
- (10) Explaining the relationship between food safety and providing equipment that is:
  - (a) Sufficient in number and capacity, and
  - (b) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (11) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- (12) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (13) Identifying poisonous or toxic materials in the food service operation or retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of properly;
- (14) Explaining the details of how the person in charge and food employees comply with the HACCP plan that includes identifying the critical control points in the operation and associated critical limits, if a plan is required by this chapter, or an agreement between the licenser and the food service operation or retail food establishment;

- (15) Explaining the responsibilities, rights, and authorities assigned by this chapter to the:
    - (a) Food employee,
    - (b) Conditional employee,
    - (c) Person in charge,
    - (d) Licensor; and
  - (16) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.
- (C) Person in charge - duties.

The person in charge shall ensure that:

- (1) Food service or retail food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under paragraphs (S) and (T) of rule 3717-1-06.1 of the Administrative Code;
- (2) Persons unnecessary to the food service operation or retail food establishment 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;
- (3) 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 chapter;
- (4) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
- (5) 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;
- (6) Employees are properly cooking time/temperature controlled for safety food, 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 paragraph (K) of rule 3717-1-04.1 of the Administrative Code and paragraph (Q)(2) of rule 3717-1-04.4 of the Administrative Code;

- (7) Employees are using proper methods to rapidly cool time/temperature controlled for safety foods that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- (8) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under paragraph (E) of rule 3717-1-03.5 of the Administrative Code that the food is not cooked sufficiently to ensure its safety;
- (9) 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;
- (10) 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 under paragraph (O) of rule 3717-1-03.2 of the Administrative Code;
- (11) Except when approved as specified in paragraph (A)(3) of rule 3717-1-03.2 of the Administrative Code, 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;
- (12) Employees are properly trained in food safety as it relates to their assigned duties; and
- (13) Food employees and conditional employees are informed of their responsibility to report in accordance with this chapter, to the person in charge, information about their health as it relates to diseases that are transmissible through food as specified under paragraph 3717-1-02.1 (A) of the Administrative Code.

**3717-1-03 Food - safe, unadulterated, and honestly presented.**

Food shall be safe, unadulterated, and, as specified under paragraph (B) of rule 3717-1-03.5 of the Administrative Code, honestly presented.

**3717-1-03.1 Food: sources, specifications, and original containers.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

- (A) Sources - compliance with food law.
  - (1) Food shall be obtained from sources that comply with law.
  - (2) Except for products obtained from a home bakery registered by the Ohio department of agriculture, products from cottage food production operations, and maple syrup, honey, or sorghum products produced as provided in section 3715.021 of the Revised Code; food prepared in a private home may

not be used or offered for human consumption in a food service operation or retail food establishment.

- (3) Packaged food shall be labeled as specified in law, including 21 CFR 101, 9 CFR 317, 9 CFR 381 subpart N, and as specified under paragraphs (N) and (O) of this rule.
- (4) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in paragraph (A)(1)(e)(i) of rule 3717-1-03.3 of the Administrative Code may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified under paragraph (D) of rule 3717-1-03.3 of the Administrative Code; or frozen on the premises as specified under paragraph (D) of rule 3717-1-03.3 of the Administrative Code and records are retained as specified under paragraph (E) of rule 3717-1-03.3 of the Administrative Code.
- (5) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in paragraph (A)(1)(d) of rule 3717-1-03.3 of the Administrative Code shall be:
  - (a) Obtained from a food processing plant that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of whole-muscle, intact beef, or
  - (b) Deemed acceptable by the licenser based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef, and
  - (c) If individually cut in a food service operation or retail food establishment:
    - (i) Cut from whole-muscle intact beef that is labeled by a food processing plant as specified in paragraph (A)(5)(a) of this rule or identified as specified in paragraph (A)(5)(b) of this rule,
    - (ii) Prepared so they remain intact, and
    - (iii) If packaged for undercooking in a food service operation or retail food establishment, labeled as specified in paragraph (A)(5)(a) of this rule or identified as specified in paragraph (A)(5)(b) of this rule.
- (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 9 CFR 317.2(l) and 9 CFR 381.125(b).
- (7) A food service operation or retail food establishment that sells or serves horse meat as defined in section 919.01(H) of the Revised Code shall comply with all applicable provisions of Chapter 919. of the Revised Code.

(8) Eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in 21 CFR 101.17(h).

(B) Food in a hermetically sealed container - source.

Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(C) Fluid milk and milk products - source.

Fluid milk and milk products shall be obtained from sources that comply with grade A standards and manufactured milk standards as specified in Chapter 917. of the Revised Code and the rules adopted thereunder.

(D) Fish - source.

(1) Fish that are received for sale or service shall be:

- (a) Commercially and legally caught or harvested; or
- (b) Approved for sale or service.

(2) Molluscan shellfish that are recreationally caught may not be received for sale or service.

(E) Molluscan shellfish - source.

(1) Molluscan shellfish shall be obtained from sources according to the requirements specified in the United States department of health and human services, public health service, food and drug administration, national shellfish sanitation program guide for the control of molluscan shellfish.

(2) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the interstate certified shellfish shippers list.

(F) Wild mushrooms - source.

Mushroom species picked in the wild are prohibited for sale or service in a food service operation or retail food establishment. This prohibition does not apply to:

- (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or
- (2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(G) Game animals.

(1) If game animals are received for sale or service they shall be:

- (a) Commercially raised for food, and:
  - (i) Raised, slaughtered, and processed under a voluntary inspection program that is conducted under Chapter 918. of the Revised Code, 9 CFR 352, or an equivalent program as determined by the director of agriculture; or
  - (ii) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction.
- (b) 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 or rabbits that are "inspected and certified" in accordance with 9 CFR 354 or Chapter 918. of the Revised Code;
- (2) Wild game animals shall not be received for sale or service by a food service operation or retail food establishment.
- (3) 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.
- (H) Temperature - specifications for receiving.
  - (1) Refrigerated, time/temperature controlled for safety food shall be at a temperature of forty-one degrees Fahrenheit (five degrees Celsius) or below when received. This provision does not apply to raw eggs which must be received in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit (seven degrees Celsius) or less, milk which may be received at an internal temperature of not more than forty-five degrees Fahrenheit (seven degrees Celsius), or to any other time/temperature controlled for safety food for which another temperature is specified by law governing its distribution, such as red meat and molluscan shellfish.
  - (2) Time/temperature controlled for safety food that is cooked to a temperature and for a time specified under paragraph (A), (B), or (C) of rule 3717-1-03.3 of the Administrative Code and received hot shall be at a temperature of one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) or above.
  - (3) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.
  - (4) Upon receipt, time/temperature controlled for safety food shall be free of evidence of previous temperature abuse.
- (I) Additives - specifications for receiving.

Food may 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 424.21(b), or pesticide residues that exceed provisions specified in 40 CFR 180.

(J) Eggs - specifications for receiving.

Eggs shall be received clean and sound and may not exceed the restricted egg tolerances for United States consumer grade B as specified in United States standards, grades, and weight classes for shell eggs, AMS 56.200 et seq., (as published on December 31, 1981) administered by the agricultural marketing service of the USDA.

(K) Eggs and milk products - pasteurized.

- (1) Egg products shall be obtained pasteurized.
- (2) Fluid and dry milk and milk products shall:
  - (a) Be obtained pasteurized; and
  - (b) Comply with grade A or manufactured milk standards as specified in Chapter 917. of the Revised Code and the rules adopted thereunder.
- (3) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135.
- (4) Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 for curing certain cheese varieties.

(L) Package integrity - specifications for receiving.

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.

(M) Ice - specifications.

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

(N) Shucked shellfish - packaging and identification.

- (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" or "best if used by" date for packages with a capacity of less than one-half gallon (1.89 liter) or the date shucked for packages with a capacity of one-half gallon (1.89 liter) or more.
- (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 under paragraph (N)(1) of this rule shall be subject to embargo, as allowed by rules

adopted pursuant to section 3715.551 of the Revised Code, or seizure and destruction in accordance with 21 CFR 1240.60(d).

- (O) Shellstock identification - specification for receiving.
- (1) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester or dealer that depurates, ships, or reships the shellstock, as specified in the national shellfish sanitation program guide for the control of molluscan shellfish, and that list:
- (a) Except as specified under paragraph (O)(3) of this rule, on the harvester's tag or label, the following information in the following order:
- (i) The harvester's identification number that is assigned by the shellfish control authority,
  - (ii) The date of harvesting,
  - (iii) 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,
  - (iv) The type and quantity of shellfish, and
  - (v) 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 ninety days;" and
- (b) On each dealer's tag or label, the following information in the following order:
- (i) The dealer's name and address, and the certification number assigned by the shellfish control authority,
  - (ii) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested,
  - (iii) The same information as specified for a harvester's tag under paragraphs (O)(1)(a)(ii) to (O)(1)(a)(iv) of this rule; and
  - (iv) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for ninety days."

If the harvester's tag or label is designed to accommodate each dealer's identification as specified under paragraphs (O)(1)(b)(i) and (O)(1)(b)(ii) of this rule, individual dealer tags or labels need not be provided.

- (2) 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 under paragraph (O)(1) of this rule shall be subject to embargo, as allowed by rules adopted pursuant to section 3715.551 of the Revised Code, or seizure, and destruction in accordance with 21 CFR 1240.60(d).
- (3) 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.

(P) Shellstock - condition upon receipt.

When received by a food service operation or retail 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.

(Q) Molluscan shellfish - original container.

Molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service except as provided in paragraphs (Q)(1), (Q)(2) and (Q)(3) of this rule.

- (1) For display purposes, 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 under paragraph (O) of this rule and recorded as specified under paragraph (R) of this rule; and
  - (b) The shellstock are protected from contamination.
- (2) 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 under paragraph (N) of this rule 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.
- (3) Shucked shellfish may be removed from the container in which they were received and repacked in consumer self service containers if:
  - (a) The labeling information for the shellfish is on each consumer self service container as specified under paragraph (N) of this rule and paragraphs (C)(1), (C)(2)(a) to (C)(2)(e) of rule 3717-1-03.5 of the Administrative Code;

- (b) The labeling information as specified under paragraph (N) of this rule is retained and correlated with the date when, or dates during which, the shellfish are sold or served;
  - (c) The labeling information and dates specified under paragraph (Q)(3)(b) of this rule are maintained for ninety days; and
  - (d) The shellfish are protected from contamination.
- (R) Shellstock - maintaining identification.
- (1) Except as specified under paragraph (R)(3)(b) of this rule, shellstock tags or labels shall remain attached to the container in which the shellstock are received until the container is empty.
  - (2) The date when the last shellstock from the container is sold or served shall be recorded on the tag or label.
  - (3) The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety calendar days from the date that is recorded on the tag or label, as specified under paragraph (R)(2) of this rule, by:
    - (a) Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under paragraph (R)(2) of this rule; and
    - (b) If shellstock are removed from their tagged or labeled container:
      - (i) Preserving source identification by using a record keeping system as specified under paragraph (R)(3)(a) of this rule, and
      - (ii) Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer.
- (S) Pre-packaged juice shall:
- (1) Be obtained from a processor with a HACCP system as specified in 21 CFR 120; and
  - (2) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR 120.24.

**3717-1-03.2 Food: protection from contamination after receiving.**

- (A) Preventing contamination from hands.
  - (1) Food employees shall wash their hands as specified under paragraph (B) of rule 3717-1-02.2 of the Administrative Code.

- (2) Except when washing fruits and vegetables as specified under paragraph (G) of this rule or as specified in paragraph (A)(3) of this rule, 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.
- (3) Food employees not serving a highly susceptible population, may contact exposed ready-to-eat food with their bare hands if:
  - (a) The license holder obtains prior approval from the licensor;
  - (b) Written procedures are maintained in the food service operation or retail food establishment and made available to the licensor upon request that include:
    - (i) For each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands,
    - (ii) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under paragraphs (G), (L), and (O) of rule 3717-1-05.1 of the Administrative Code, and paragraphs (B), (C), and (E) of rule 3717-1-06.2 of the Administrative Code are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;
  - (c) A written employee health policy that details how the food service operation or retail food establishment complies with rule 3717-1-02.1 of the Administrative Code including:
    - (i) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health as it relates to gastrointestinal symptoms and diseases that are transmittable through food as specified under paragraph (A) of rule 3717-1-02.1 of the Administrative Code,
    - (ii) Documentation that food employees and conditional employees acknowledge their responsibilities as specified under paragraph (A) of rule 3717-1-02.1 of the Administrative Code, and
    - (iii) Documentation that the person in charge acknowledges the responsibilities as specified under paragraphs (B), (C), (D), and (E) of rule 3717-1-02.1 of the Administrative Code;
  - (d) Documentation that food employees acknowledge that they have received training in:
    - (i) The risks of contacting the specific ready-to-eat foods with bare hands,
    - (ii) Proper handwashing as specified under paragraph (B) of rule 3717-1-02.2 of the Administrative Code,

- (iii) When to wash their hands as specified under paragraph (C) of rule 3717-1-02.2 of the Administrative Code,
  - (iv) Where to wash their hands as specified under paragraph (D) of rule 3717-1-02.2 of the Administrative Code,
  - (v) Proper fingernail maintenance as specified under paragraph (F) of rule 3717-1-02.2 of the Administrative Code,
  - (vi) Prohibition of jewelry as specified under paragraph (G) of rule 3717-1-02.2 of the Administrative Code, and
  - (vii) Good hygienic practices as specified under paragraphs (A) and (B) of rule 3717-1-02.3 of the Administrative Code;
- (e) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food employees as specified under paragraphs (A), (B), (C), and (D) of rule 3717-1-02.2 of the Administrative Code during all hours of operation when the specific ready-to-eat foods are prepared;
- (f) Documentation that food employees contacting ready-to-eat food with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact;
- (i) Double handwashing,
  - (ii) A hand antiseptic after handwashing as specified under paragraph (E) of rule 3717-1-02.2 of the Administrative Code,
  - (iii) Incentive programs such as paid sick leave that assist or encourage food employees not to work when they are ill, or
  - (iv) Other control measures approved by the licensor; and
- (g) Documentation that corrective action is taken when paragraphs (A)(3)(a) to (A)(3)(f) of this rule are not followed.
- (4) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (B) Preventing contamination when tasting.
- A food employee may not use a utensil more than once to taste food that is to be sold or served.
- (C) Packaged and unpackaged food - preventing contamination by separation, packaging, and segregation.

Food shall be protected from cross contamination by:

- (1) Separating raw animal foods during storage, preparation, holding, and display from:
  - (a) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables, and
  - (b) Cooked ready-to-eat food;
- (2) 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:
  - (a) Using separate equipment for each type, or
  - (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented, and
  - (c) Preparing each type of food at different times or in separate areas;
- (3) Cleaning equipment and utensils as specified under paragraph (B)(1) of rule 3717-1-04.5 of the Administrative Code and sanitizing as specified under paragraph (C) of rule 3717-1-04.6 of the Administrative Code;
- (4) Cleaning hermetically sealed containers of food of visible soil before opening;
- (5) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
- (6) Storing damaged, spoiled, or recalled food being held in the food service operation or retail food establishment as specified under paragraph (D) of rule 3717-1-06.3 of the Administrative Code;
- (7) Separating fruits and vegetables, before they are washed as specified under paragraph (G) of this rule from ready-to-eat food; and
- (8) Storing the food in packages, covered containers, or wrappings. This provision 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 under paragraph (E)(2)(b) of rule 3717-1-03.4 of the Administrative Code; or
  - (e) Shellstock.

- (D) Food storage containers - identified with common name of food.

Working containers holding food or food ingredients that are removed from their original packages for use in a food service operation or retail 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.

- (E) Pasteurized eggs - substitute for raw eggs for certain recipes.

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

- (1) Cooked as specified under paragraph (A)(1)(a) or (A)(1)(b) of rule 3717-1-03.3 of the Administrative Code; or
- (2) Included in paragraph (A)(1)(e) of rule 3717-1-03.3 of the Administrative Code.

- (F) Protection from unapproved additives.

(1) Food shall be protected from contamination that may result from the addition of, as specified in paragraph (I) of rule 3717-1-03.1 of the Administrative Code:

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

(2) A food employee may not:

- (a) Apply sulfiting agents to fresh fruits or vegetables intended for raw consumption or to a food considered to be a good source of vitamin B-1; or
- (b) Serve or sell food specified under paragraph (F)(2)(a) of this rule that is treated with sulfiting agents before receipt by the food service operation or retail food establishment, except that grapes need not meet this provision.

- (G) Washing fruits and vegetables.

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:

- (1) Fruits and vegetables may be washed by using chemicals as specified under paragraph (F) of rule 3717-1-07.1 of the Administrative Code; and
- (2) Whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

- (H) Ice used as exterior coolant - prohibited as ingredient.

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.

- (I) Storage or display of food in contact with water or ice.

- (1) Packaged food may 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.
- (2) Unpackaged food may not be stored in direct contact with undrained ice, except that:
  - (a) 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; or
  - (b) Raw poultry and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

- (J) Food contact with equipment and utensils.

Food shall only contact the surfaces of:

- (1) Equipment and utensils that are cleaned as specified under rule 3717-1-04.5 of the Administrative Code and sanitized as specified under rule 3717-1-04.6 of the Administrative Code; or
- (2) Single-service and single-use articles.

- (K) In-use utensils - between-use storage.

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

- (1) Except as specified under paragraph (K)(2) of this rule, in the food with their handles above the top of the food and the container;
- (2) In food that is not time/temperature controlled for safety 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;
- (3) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under paragraphs (A) and (B) of rule 3717-1-04.5 of the Administrative Code and paragraph (B) of rule 3717-1-04.6 of the Administrative Code;
- (4) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;

- (5) In a clean, protected location if the utensils, such as an ice scoops, are used only with a food that is not time/temperature controlled for safety; or
- (6) In a container of water if the water is maintained at a temperature of at least one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) and the container is cleaned at a frequency specified under paragraph (B)(2)(g) of rule 3717-1-04.5 of the Administrative Code.

(L) Linens and napkins - use limitation.

Linens and napkins may not be used in contact with food unless they are used in the dough raising process or to line a container for the service of foods, and the linens and napkins are maintained clean and replaced after each use.

(M) Wiping cloths - use limitation.

- (1) Cloths that are in use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:
  - (a) Maintained dry; and
  - (b) Used for no other purpose.
- (2) Cloths that are in use for wiping counters and other equipment surfaces shall be:
  - (a) Held between uses in a chemical sanitizer solution at a concentration specified under paragraph (N) of rule 3717-1-04.4 of the Administrative Code; and
  - (b) Laundered daily as specified under paragraph (B)(4) of rule 3717-1-04.7 of the Administrative Code.
- (3) Cloths that are in use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
- (4) Dry wiping cloths and the chemical sanitizing solutions specified in paragraph (M)(2)(a) of this rule in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
- (5) Containers of chemical sanitizing solutions specified in paragraph (M)(2)(a) of this rule in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service articles, or single-use articles.
- (6) Single-use disposable sanitizer wipes shall be used in accordance with EPA - approved manufacturer's label use instructions.

(N) Gloves - use limitation.

- (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.

- (2) 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 under rule 3717-1-03.3 of the Administrative Code such as frozen food or a primal cut of meat. This does not prohibit the use of slash-resistant gloves 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.
  - (3) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under rule 3717-1-03.3 of the Administrative Code such as frozen food or a primal cut of meat.
- (O) Using clean tableware for second portions and refills.
- (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.
  - (2) Self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment; except that drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under paragraphs (P)(1), (P)(2), and (P)(4) of rule 3717-1-04.1 of the Administrative Code.
- (P) Refilling returnables.
- (1) A take-home food container returned to a food service operation or retail food establishment may not be refilled at a food service operation or retail food establishment with a time/temperature controlled for safety food.
  - (2) A take-home food container refilled with food that is not time/temperature controlled for safety shall be cleaned as specified under paragraph (K)(1) of rule 3717-1-04.5 of the Administrative Code. This paragraph does not apply to personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional beverage glasses, that may be refilled by employees or the consumer if refilling is a contamination-free process as specified under paragraphs (P)(1), (P)(2), and (P)(4) of rule 3717-1-04.1 of the Administrative Code.
- (Q) Food storage - preventing contamination from the premises.

Except as hereinafter provided in this rule, food shall be protected from contamination by storing the food:

- (1) In a clean, dry location;
- (2) Where it is not exposed to splash, dust, or other contamination; and

- (3) At least six inches (fifteen centimeters) above the floor.

Food in packages and working containers may be stored less than six inches (fifteen centimeters) above the floor on case lot handling equipment as specified under paragraph (II) of rule 3717-1-04.1 of the Administrative Code; and 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.

- (R) Food storage - prohibited areas.

Food may not be stored:

- (1) In locker rooms;
- (2) In toilet rooms;
- (3) In dressing rooms;
- (4) In garbage rooms;
- (5) In mechanical rooms;
- (6) Under sewer lines that are not shielded to intercept potential drips;
- (7) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (8) Under open stairwells; or
- (9) Under other sources of contamination.

- (S) Vended time/temperature controlled for safety food - original container.

Time/temperature controlled for safety food dispensed through a vending machine shall be in the package in which it was placed at the food service operation, retail food establishment, or food processing plant at which it was prepared.

- (T) Food preparation - preventing contamination from the premises.

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

- (U) Food display - preventing contamination by consumers.

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.

- (V) Condiments - protection.

- (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 individual packages or portions.
- (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 service operation or retail food establishment that provides food to the vending machine location on its premises, a food processing plant, or a properly equipped facility that is located on the site of the vending machine location.

(W) Consumer self-service operations.

- (1) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to:
  - (a) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;
  - (b) 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
  - (c) Raw, frozen, shell-on shrimp or lobster.
- (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.
- (3) Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.

(X) Returned food and re-service of food.

After being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption; except a container of food that is not time/temperature controlled for safety may be re-served from one consumer to another if:

- (1) The population served is not as specified in paragraphs (F)(1) and (F)(2) of rule 3717-1-03.7 of the Administrative Code; and
- (2) 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
- (3) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

(Y) Miscellaneous sources of contamination.

Food shall be protected from contamination that may result from a factor or source not specified under paragraphs (A) to (X) of this rule.

**3717-1-03.3 Food: destruction of organisms of public health concern.**

(A) Raw animal foods - cooking.

(1) Except as provided under paragraphs (A)(1)(d), (A)(1)(e), and (A)(2) of this rule, 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) One-hundred forty-five degrees Fahrenheit (sixty-three degrees Celsius) or above for fifteen seconds for:

(i) Raw eggs that are broken and prepared in response to a consumer's order and for immediate service, and

(ii) Except as specified under paragraphs (A)(1)(b), (A)(1)(c), (A)(1)(d) and (A)(2) of this rule, fish and meat including game animals commercially raised for food as specified under paragraph (G)(1)(a) of rule 3717-1-03.1 of the Administrative Code and game animals under a voluntary inspection program as specified under paragraph (G)(1)(b) of rule 3717-1-03.1 of the Administrative Code;

(b) One-hundred fifty-five degrees Fahrenheit (sixty-eight degrees Celsius) for fifteen 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 under paragraph (G)(1)(a) of rule 3717-1-03.1 of the Administrative Code; and game animals under a voluntary inspection program as specified under paragraph (G)(1)(b) of rule 3717-1-03.1 of the Administrative Code; and raw eggs that are not prepared as specified under paragraph (A)(1)(a)(i) of this rule:

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

; or

(c) One-hundred sixty-five degrees Fahrenheit (seventy-four degrees Celsius) or above for fifteen seconds for poultry, baluts, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites.

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

- (i) The food service operation or retail food establishment serves a population that is not a highly susceptible population,
  - (ii) The steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five degrees Fahrenheit (sixty-three degrees Celsius) or above and a cooked color change is achieved on all external surfaces, and
  - (iii) The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as specified under paragraph (A)(5) of rule 3717-1-03.1 of the Administrative Code.
- (e) A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in paragraph (A)(1)(d) of this rule, may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:
- (i) As specified under paragraphs (C)(1) and (C)(2) of rule 3717-1-03.7 of the Administrative Code, the food service operation or retail food establishment serves a population that is not a highly susceptible population; and
  - (ii) The consumer is informed as specified under paragraph (E) of rule 3717-1-03.5 of the Administrative Code that to ensure its safety, the food should be cooked as specified under paragraph (A)(1)(a), (A)(1)(b), (A)(1)(c) or (A)(2) of this rule; or
  - (iii) The Ohio department of agriculture or the Ohio department of health grants a variance from the requirements of paragraph (A)(1)(a), (A)(1)(b), (A)(1)(c), or (A)(2) of this rule based on a HACCP plan that:
    - (a) Is submitted by the license holder and approved by the Ohio department of agriculture or the Ohio department of health as applicable.
    - (b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food, and
    - (c) Verifies that equipment and procedures for food preparation and training of food employees at the food service operation or retail food establishment meet the conditions of the variance.
- (2) Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked:
- (a) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs (4.5 kg)	10 lbs (4.5 kg) or more
Still Dry	350°F (177°C) or more	250°F (121°C) or more
Convection	325°F (163°C) or more	250°F (121°C) or more
High humidity <sup>1</sup>	250°F (121°C) or less	250°F (121°C) or less

<sup>1</sup>Relative humidity greater than ninety per cent for at least one hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides one hundred per cent humidity.

; and

(b) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

Temperature F°(C°)	Time <sup>1</sup> in Minutes	Temperature F°(C°)	Time <sup>1</sup> in Seconds
130 (54.4)	112	147 (63.9)	134
131 (55)	89	149 (65)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60)	12	158 (70)	0
142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		

<sup>1</sup>Holding time may include post-oven heat rise

; or

(c) Using acceptable Ohio department of agriculture methods under Chapter 918. of the Revised Code or USDA methods as permitted through a variance granted by the Ohio department of health or the Ohio department of agriculture, as applicable.

(B) Microwave cooking.

Raw animal foods cooked in a microwave oven shall be:

- (1) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (2) Covered to retain surface moisture;
- (3) Heated to a temperature of at least one hundred sixty-five degrees Fahrenheit (seventy-four degrees Celsius) in all parts of the food; and
- (4) Allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

(C) Plant food cooking for hot holding.

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius).

(D) Parasite destruction - freezing.

- (1) Except as specified in paragraph (D)(2) of this rule, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:
  - (a) Frozen and stored at a temperature of minus four degrees Fahrenheit (minus twenty degrees Celsius) or below for a minimum of one hundred sixty-eight hours (seven days) in a freezer;
  - (b) Frozen at minus thirty-one degrees Fahrenheit (minus thirty-five degrees Celsius) or below until solid and stored at minus thirty-one degrees Fahrenheit (minus thirty-five degrees Celsius) or below for a minimum of fifteen hours; or
  - (c) Frozen at minus thirty-one degrees Fahrenheit (minus thirty-five degrees Celsius) or below until solid and stored at minus four degrees Fahrenheit (minus twenty degrees Celsius) or below for a minimum of twenty-four hours.
- (2) The provisions of paragraph (D)(1) of this rule do not apply to:
  - (a) Molluscan shellfish;
  - (b) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (bluefin tuna, southern), *Thunnus obesus* (bigeye tuna), or *Thunnus thynnus* (bluefin tuna, northern); or
  - (c) Aquacultured fish, such as salmon, that:
    - (i) If raised in open water, are raised in net-pens, or
    - (ii) Are raised in land-based operations such as ponds or tanks, and
    - (iii) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.

(E) Records, creation and retention - freezing.

- (1) Except as specified in paragraph (D)(2) of this rule, 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 service operation or retail food establishment for ninety calendar days beyond the time of service or sale of the fish. 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 under

paragraph (D)(1) of this rule may substitute for the records required by this paragraph.

- (2) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in paragraph (D)(2)(c) of this rule, a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in paragraph (D)(2)(c) of this rule shall be obtained by the person in charge and retained in the records of the food service operation or retail food establishment for ninety calendar days beyond the time of service or sale of the fish.

- (F) Preparation for immediate service - reheating.

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.

- (G) Reheating for hot holding.

- (1) Except as specified under paragraphs (G)(2) and (G)(3) of this rule, time/temperature controlled for safety food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five degrees Fahrenheit (seventy-four degrees Celsius) for fifteen seconds. Remaining unsliced portions of meat roasts that are cooked as specified under paragraph (A)(2) of this rule may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under that paragraph.
- (2) Except as specified under paragraph (G)(3) of this rule, time/temperature controlled for safety food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five degrees Fahrenheit (seventy-four degrees Celsius) and the food is rotated or stirred, covered, and allowed to stand covered for two minutes after reheating.
- (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 one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) for hot holding.
- (4) Reheating for hot holding as specified under paragraphs (G)(1), (G)(2) and (G)(3) of this rule shall be done rapidly and the time the food is between forty-one degrees Fahrenheit (five degrees Celsius) and the temperatures specified under paragraphs (G)(1), (G)(2), and (G)(3) of this rule may not exceed two hours.

#### **3717-1-03.4 Food: limitation of growth of organisms of public health concern.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

(A) Frozen food - temperature and time control.

Stored frozen foods shall be maintained frozen.

(B) Time/temperature controlled for safety food - slacking.

Frozen time/temperature controlled for safety food that is slacked to moderate the temperature shall be held:

(1) Under refrigeration that maintains the food temperature at forty-one degrees Fahrenheit (five degrees Celsius) or less; or

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

(C) Thawing - temperature and time control.

Except as specified in paragraph (C)(4) of this rule, time/temperature controlled for safety food shall be thawed:

(1) Under refrigeration that maintains the food temperature at forty-one degrees Fahrenheit (five degrees Celsius) or less; or

(2) Completely submerged under running water:

(a) At a water temperature of seventy degrees Fahrenheit (twenty-one degrees Celsius) 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 forty-one degrees Fahrenheit (five degrees Celsius), or

(d) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under paragraph (A)(1)(a), (A)(1)(b), (A)(1)(c) or (A)(2) of rule 3717-1-03.3 of the Administrative Code to be above forty-one degrees Fahrenheit (five degrees Celsius), for more than four hours including:

(i) The time the food is exposed to the running water and the time needed for preparation for cooking, or

(ii) The time it takes under refrigeration to lower the food temperature to forty-one degrees Fahrenheit (five degrees Celsius);

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

(a) Cooked as specified under paragraph (A)(1)(a), (A)(1)(b), (A)(1)(c) or (A)(2) of rule 3717-1-03.3 of the Administrative Code or paragraph (B) of rule 3717-1-03.3 of the Administrative Code, or

- (b) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process;  
or
  - (4) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.
- (D) Cooling - temperature and time control.
  - (1) Cooked time/temperature controlled for safety food shall be cooled:
    - (a) Within two hours from one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) to seventy degrees Fahrenheit (twenty-one degrees Celsius); and
    - (b) Within a total of six hours from one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) to forty-one degrees Fahrenheit (five degrees Celsius) or less.
  - (2) Time/temperature controlled for safety food shall be cooled within four hours to forty-one degrees Fahrenheit (five degrees Celsius) or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
  - (3) Except as specified under paragraph (D)(4) of this rule, time/temperature controlled for safety food received in compliance with laws allowing a temperature above forty-one degrees Fahrenheit (five degrees Celsius) during shipment from the supplier as specified in paragraph (H)(1) of rule 3717-1-03.1 of the Administrative Code, shall be cooled within four hours to forty-one degrees Fahrenheit (five degrees Celsius) or less.
  - (4) Raw eggs shall be received as specified under paragraph (H)(1) of rule 3717-1-03.1 of the Administrative Code and immediately placed in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit (seven degrees Celsius) or less.
- (E) Cooling methods - temperature and time control.
  - (1) Cooling shall be accomplished in accordance with the time and temperature criteria specified under paragraph (D) of this rule 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.
- (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 under paragraph (Q)(2) of rule 3717-1-03.2 of the Administrative Code, during the cooling period to facilitate heat transfer from the surface of the food.
- (F) Time/temperature controlled for safety food - hot and cold holding.
    - (1) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under paragraph (I) of this rule, and except as specified under paragraph (F)(2) and in paragraph (F)(3) of this rule, time/temperature controlled for safety food shall be maintained at a temperature specified as follows:
      - (a) At one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) or above, except that roasts cooked to a temperature and for a time specified in paragraph (A)(2) of rule 3717-1-03.3 of the Administrative Code or reheated as specified in paragraph (G)(1) of rule 3717-1-03.3 of the Administrative Code may be held at a temperature of one hundred thirty degrees Fahrenheit (fifty-four degrees Celsius) or above; or
      - (b) At forty-one degrees Fahrenheit (five degrees Celsius) or less.
    - (2) Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit (seven degrees Celsius) or less.
    - (3) Time/temperature controlled for safety food in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified under paragraph (F)(1) of this rule, while contained within specially designed equipment that complies with the design and construction requirements as specified under paragraph (P)(5) of rule 3717-1-04.1 of the Administrative Code.
- (G) Ready-to-eat, time/temperature controlled for safety food - date marking.
    - (1) Except when packaging food using a reduced oxygen packaging method as specified under paragraph (K) of this rule, and except as specified in paragraphs (G)(4) and (G)(5) of this rule, refrigerated, ready-to-eat, time/temperature controlled for safety food prepared in a food service operation or in a retail food establishment and held at a temperature of forty-one degrees Fahrenheit (five degrees Celsius) or less for more than twenty-four hours, shall be clearly marked to indicate the date or day, that is a maximum of seven days, by which the food shall be consumed on the

premises, sold, or discarded. The day of preparation shall be counted as day one.

- (2) Except as specified in paragraphs (G)(4) to (G)(6) of this rule; refrigerated, ready-to-eat time/temperature controlled for safety food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food service operation or retail food establishment and held at a temperature of forty-one degrees Fahrenheit (five degrees Celsius) or less for more than twenty-four hours, to indicate the date or day, that is a maximum of seven days, by which the food shall be consumed on the premises, sold, or discarded, and:
  - (a) The day the original container is opened in the food service operation or retail food establishment shall be counted as day one; and
  - (b) The day or date marked by the food service operation or retail food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.
- (3) A refrigerated, ready-to-eat, time/temperature controlled for safety food ingredient or a portion of a refrigerated, ready-to-eat, time/temperature controlled for safety food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
- (4) A date marking system that meets the criteria stated in paragraphs (G)(1) and (G)(2) of this rule may include:
  - (a) Using a method approved by the licensor for refrigerated, ready-to-eat time/temperature controlled for safety food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
  - (b) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under paragraph (G)(1) of this rule;
  - (c) Marking the date or day the original container is opened in a food service operation or retail food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under paragraph (G)(2) of this rule; or
  - (d) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the licensor upon request.
- (5) Paragraphs (G)(1) and (G)(2) of this rule do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

- (6) Paragraph (G)(2) of this rule does not apply to the following foods prepared and packaged by a food processing plant under inspection:
  - (a) Deli salads manufactured in accordance with 21 CFR 110, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad;
  - (b) Hard cheeses containing not more than thirty-nine per cent moisture as defined in 21 CFR 133, such as cheddar, gruyere, parmesan and reggiano, and romano;
  - (c) Semi-soft cheeses containing more than thirty-nine per cent moisture, but not more than fifty per cent moisture, as defined in 21 CFR 133, such as blue, edam, gorgonzola, gouda, and monterey jack;
  - (d) Cultured dairy products as defined in 21 CFR 131, such as yogurt, sour cream, and buttermilk ;
  - (e) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114;
  - (f) Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317, and which retain the original casing on the product; and
  - (g) Shelf stable salt-cured products such as prosciutto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 CFR 317.
  
- (H) Ready-to-eat, time/temperature controlled for safety food - disposition.
  - (1) A food specified under paragraph (G)(1) or (G)(2) of this rule shall be discarded if it:
    - (a) Exceeds the temperature or time specified in paragraphs (G)(1) and (G)(2) of this rule, except time that the product is frozen;
    - (b) Is in a container or package that does not bear a date or day; or
    - (c) Is appropriately marked with a date or day that exceeds the temperature and time combination as specified in paragraphs (G)(1) and (G)(2) of this rule.
  - (2) Refrigerated, ready-to-eat, time/temperature controlled for safety food, dispensed through a vending machine with an automatic shut-off control, shall be discarded if the automatic shut-off control is activated as specified in paragraph (X)(2) of rule 3717-1-04.1 of the Administrative Code.
  
- (I) Time as a public health control.
  - (1) If time without temperature control is used as the public health control for a working supply of time/temperature controlled for safety food before cooking, or for ready-to-eat time/temperature controlled for safety food that is displayed or held for sale or service, written procedures shall be prepared in

advance, maintained in the food service operation or retail food establishment and made available to the licensor upon request that specify:

- (a) Methods of compliance with paragraphs (I)(2)(a) to (I)(2)(d), or paragraphs (I)(3)(a) to (I)(3)(e) of this rule; and
  - (b) Methods of compliance with paragraph (D) of this rule for food that is prepared, cooked, and refrigerated before time is used as a public health control.
- (2) If time without temperature control is used as the public health control up to a maximum of four hours:
- (a) The food shall have an initial temperature of forty-one degrees Fahrenheit (five degrees Celsius) or less when removed from cold holding temperature control, or one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) or greater when removed from hot holding temperature control;
  - (b) The food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
  - (c) The food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within four hours from the point in time when the food is removed from temperature control; and
  - (d) The food in unmarked containers or packages, or marked to exceed a four-hour limit shall be discarded.
- (3) If time without temperature control is used as the public health control up to a maximum of six hours:
- (a) The food shall have an initial temperature of forty-one degrees Fahrenheit (five degrees Celsius) or less when removed from temperature control and the food temperature may not exceed seventy degrees Fahrenheit (twenty-one degrees Celsius) within a maximum time period of six hours;
  - (b) The food shall be monitored to ensure the warmest portion of the food does not exceed seventy degrees Fahrenheit (twenty-one degrees Celsius) during the six-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed seventy degrees Fahrenheit (twenty-one degrees Celsius) during the six-hour holding period;
  - (c) The food shall be marked or otherwise identified to indicate:
    - (i) The time when the food is removed from forty-one degrees Fahrenheit (five degrees Celsius) or less cold holding temperature control, and

- (ii) The time that is six hours past the point in time when the food is removed from cold holding temperature control;
- (d) The food shall be:
  - (i) Discarded if the temperature of the food exceeds seventy degrees Fahrenheit (twenty-one degrees Celsius), or
  - (ii) Cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of six hours from the point in time when the food is removed from forty-one degrees Fahrenheit (five degrees Celsius) or less cold holding temperature control; and
- (e) The food in unmarked containers or packages, or marked with a time that exceeds the six-hour limit shall be discarded.
- (4) A food service operation or a retail food establishment that serves a highly susceptible population, may not use time as specified under paragraphs (I)(1), (I)(2) or (I)(3) of this rule as the public health control for raw eggs that are for service to a highly susceptible population.
- (J) Variance requirement.

The license holder shall obtain a variance from the Ohio department of health if an operation is a food service operation, or from the Ohio department of agriculture if an operation is a retail food establishment before:

- (1) Smoking food as a method of food preservation rather than as a method of flavor enhancement;
- (2) Curing food;
- (3) Except as provided in rule 3717-1-08.4 of the Administrative Code, 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 a time/temperature controlled for safety food;
- (4) Packaging food using a reduced oxygen packaging method except as specified under paragraph (K) of this rule where a barrier to *Clostridium botulinum* in addition to refrigeration exists;
- (5) Operating a molluscan shellfish life-support system display tank used to store and display shellfish that are offered for human consumption;
- (6) Custom processing of animals that are for personal use as food and not for sale or service in a food service operation or retail food establishment if the processing is not done in compliance with rule 3717-1-08.2 of the Administrative Code;
- (7) Pressing or bottling juice unless the processing is done in compliance with rule 3717-1-08 of the Administrative Code;

- (8) Use of a heat treatment dispensing freezer in a manner other than as specified in rule 3717-1-08.1 of the Administrative Code;
  - (9) Preparing food by another method that is determined by the Ohio department of health or Ohio department of agriculture to require a variance; or
  - (10) Sprouting seeds or beans, or the harvesting of seed or bean sprouts.
- (K) Reduced oxygen packaging - criteria.
- (1) Except for a food service operation or retail food establishment that obtains a variance as specified under paragraph (J) of this rule and except as specified under paragraphs (K)(3) and (K)(5) of this rule and as specified in paragraph (K)(4) of this rule, a food service operation or retail food establishment that packages time/temperature controlled for safety food using a reduced oxygen packaging method shall ensure that there are at least two barriers in place to control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.
  - (2) A food service operation or retail food establishment that packages time/temperature controlled for safety food using a reduced oxygen packaging method shall have a HACCP plan that:
    - (a) Identifies the food to be packaged;
    - (b) Except as specified under paragraphs (K)(3) and (K)(5) of this rule and as specified in paragraph (K)(4) of this rule, requires that the packaged food shall be maintained at forty-one degrees Fahrenheit (five degree Celsius) or less and meet at least one of the following criteria:
      - (i) Has an aw of 0.91 or less,
      - (ii) Has a pH of 4.6 or less,
      - (iii) Is a meat or poultry product cured at a food processing plant regulated by the Ohio department of agriculture under Chapter 918. of the Revised Code or USDA using substances specified in 9 CFR 424.21, and is received in an intact package, or
      - (iv) Is a food with a high level of competing organisms such as raw meat or raw poultry;
    - (c) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
      - (i) Maintain the food at forty-one degrees Fahrenheit (five degrees Celsius) or below, and
      - (ii) Discard the food if within fourteen calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;

- (d) Limits the refrigerated shelf life to no more than fourteen calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;
  - (e) Includes operational procedures that:
    - (i) Prohibit contacting food with bare hands,
    - (ii) Identify a designated work area and the method by which:
      - (a) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and
      - (b) Access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation, and
    - (iii) Delineate cleaning and sanitization procedures for food-contact surfaces; and
  - (f) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
    - (i) Concepts required for a safe operation,
    - (ii) Equipment and facilities, and
    - (iii) Procedures specified under paragraph (K)(2)(e) of this rule and the HACCP plan for the operation.
- (3) Except for fish that is frozen before, during, and after packaging, a food service operation or retail food establishment may not package fish using a reduced oxygen packaging method.
- (4) Except as specified under paragraph (K)(3) of this rule, a food service operation or retail food establishment may package food using a cook-chill or sous vide process without obtaining a variance if:
- (a) The food service operation or retail food establishment implements a HACCP plan;
  - (b) The food is:
    - (i) Prepared and consumed on the premises with no distribution or sale of the bagged product to another business location or the consumer,
    - (ii) Cooked to heat all parts of the food to a temperature and for a time as specified under paragraph (A) of rule 3717-1-03.3 of the Administrative Code,

- (iii) Protected from contamination after cooking as specified under rule 3717-1-03.2 of the Administrative Code,
- (iv) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a package or bag and sealed immediately after cooking, and before reaching a temperature below one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius),
- (v) Cooled to forty-one degrees Fahrenheit (five degrees Celsius) in the sealed package or bag as specified under paragraph (D) of this rule, and subsequently:
  - (a) Cooled to thirty-four degrees Fahrenheit (one degree Celsius) within forty-eight hours of reaching forty-one degrees Fahrenheit (five degrees Celsius) and held at that temperature until consumed or discarded within thirty days after the date of preparation;
  - (b) Cooled to thirty-four degrees Fahrenheit (one degree Celsius) within forty-eight hours of reaching forty-one degrees Fahrenheit (five degrees Celsius), removed from refrigeration equipment that maintains thirty-four degrees Fahrenheit (one degree Celsius) food temperature and then held at forty-one degrees Fahrenheit (five degrees Celsius) or less for no more than seventy-two hours, at which time the food must be consumed or discarded;
  - (c) Cooled to thirty-eight degrees Fahrenheit (three degrees Celsius) or less within twenty-four hours of reaching forty-one degrees Fahrenheit (five degrees Celsius) and held there no more than seventy-two hours from packaging, at which time the food must be consumed or discarded; or
  - (d) Held frozen with no shelf life restriction while frozen until consumed or used.
- (vi) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily, and
- (vii) Labeled with the product name and the date packaged; and
- (c) The records required to confirm that cooling and cold holding refrigeration time/temperature parameters that are required as part of the HACCP plan, are maintained and are:
  - (i) Made available to the licensor upon request, and
  - (ii) Held for six months; and

- (d) Written operational procedures as specified under paragraph (K)(2)(e) of this rule and a training program as specified under paragraph (K)(2)(f) of this rule are implemented.
- (5) A food service operation or retail food establishment may package cheese using a reduced oxygen packaging method without obtaining a variance if it:
- (a) Limits the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added in the food service operation or retail food establishment and that meet the standards of identity as specified in 21 CFR 133.150, 21 CFR 133.169 or 21 CFR 133.187;
  - (b) Has a HACCP plan;
  - (c) Except as specified under paragraphs (K)(2)(b), (K)(2)(c)(ii), and (K)(2)(d) of this rule, complies with paragraph (K)(2) of this rule;
  - (d) Labels the package on the principal display panel with a "use by" date that does not exceed thirty days or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and
  - (e) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within thirty calendar days of its packaging.

**3717-1-03.5 Food: food identity, presentation, and on premises labeling.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

(A) Standards of identity.

Packaged food shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319, and the general requirements in 21 CFR 130 and 9 CFR 319 Subpart A.

(B) Honestly presented.

- (1) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
- (2) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- (3) The sale of kosher foods shall be in accordance with section 1329.29 of the Revised Code.

(C) Food labels.

- (1) Food packaged in a food service operation or retail food establishment, shall be labeled as specified in 21 CFR 101 and 9 CFR 317.

- (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) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.
    - (f) Except as exempted in the Federal Food, Drug, and Cosmetic Act Section 403(q)(3)-(5) (as amended on August 2, 2004), nutrition labeling as specified in 21 CFR 101 and 9 CFR 317 Subpart B.
    - (g) For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin.
  - (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 under paragraphs (C)(2)(a), (C)(2)(b), and (C)(2)(e) of this rule.
  - (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 service operation or retail food establishment or at another food service operation or retail 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.
- (D) Other forms of information.
- (1) Consumer warnings shall be provided as required by this chapter.

- (2) Except as permitted in paragraphs (D)(3), (D)(4), and (D)(5) of this rule, a food service operation, retail food establishment or manufacturers' dating information on foods may not be concealed or altered.
  - (3) A retail food establishment is permitted to repackage and revise the dating of fresh meat after determining that the meat shows no indications of compromised quality.
  - (4) A retail food establishment that receives packaged fresh meat from other companies is permitted to repackage the meat under their own label.
  - (5) The label of meat or product packaged under federal or state meat inspection shall not be modified without removing the federal or state legend.
- (E) Consumption of animal foods that are raw, undercooked, or not otherwise processed to eliminate pathogens - consumer advisory.
- (1) Except as specified in paragraphs (A)(1)(d) and (A)(1)(e)(iii) of rule 3717-1-03.3 of the Administrative Code, and under paragraph (C) of rule 3717-1-03.7 of the Administrative Code, if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the license holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in paragraphs (E)(2) and (E)(3) of this rule, using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.
  - (2) Disclosure shall include:
    - (a) A description of the animal-derived foods, such as "oysters on the half shell (raw oysters)," "raw-egg Caesar salad," and "hamburgers (can be cooked to order);" or
    - (b) Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.
  - (3) Reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:
    - (a) Regarding the safety of these items, written information is available upon request;
    - (b) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; or
    - (c) Consuming raw or undercooked meats , poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

**3717-1-03.6 Food: discarding or reconditioning unsafe, adulterated or contaminated food.**

- (A) A food that is unsafe, adulterated, or not honestly presented as specified under rule 3717-1-03 of the Administrative Code shall be discarded or reconditioned according to an approved procedure.
- (B) Food that is not from an approved source as specified under paragraphs (A) to (G) of rule 3717-1-03.1 of the Administrative Code shall be discarded.
- (C) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under paragraph (D) of rule 3717-1-02.1 of the Administrative Code shall be discarded.
- (D) 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.

**3717-1-03.7 Food: special requirements for highly susceptible populations.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(14)(b) of rule 3717-1-01 of the Administrative Code.]

In a food service operation or retail food establishment that serves a highly susceptible population:

- (A) The following criteria apply to juice:
  - (1) For the purposes of paragraph (A) of this rule, children who are nine years of age or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;
  - (2) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR 101.17(g), that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a packaged juice or beverage containing juice, that bears a warning label as specified in rule 3717-1-08 of the Administrative Code, may not be served or offered for sale; and
  - (3) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan and as specified in 21 CFR 120.24. This is not intended to include freshly prepared fruit or vegetable purees that are prepared on-site that are not beverages or ingredients of beverages.
- (B) Food employees may not contact ready-to-eat food as specified under paragraph (A)(2) of rule 3717-1-03.2 of the Administrative Code.
- (C) The following foods may not be served or offered for sale in a ready-to-eat form:

- (1) Raw animal foods such as raw fish, 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 eggs, and meringue, and
  - (3) Raw seed sprouts.
- (D) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of:
- (1) Foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages; and
  - (2) Recipes in which more than one egg is broken and the eggs are combined, unless:
    - (a) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under paragraph (A)(1)(a) of rule 3717-1-03.3 of the Administrative Code, and served immediately, such as an omelet, souffle, or scrambled eggs;
    - (b) 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; or
    - (c) The preparation of the food is conducted under a HACCP plan that:
      - (i) Identifies the food to be prepared,
      - (ii) Prohibits contacting ready-to-eat food with bare hands,
      - (iii) Includes specifications and practices that ensure:
        - (a) Salmonella Enteritidis growth is controlled before and after cooking, and
        - (b) Salmonella Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in paragraph (A)(1)(b) of rule 3717-1-03.3 of the Administrative Code,
      - (iv) Contains HACCP information and includes procedures that:
        - (a) Control cross contamination of ready-to-eat food with raw eggs, and
        - (b) Delineate cleaning and sanitization procedures for food-contact surfaces, and
      - (v) Describes the training program that ensures that the food employee responsible for the preparation of the food

understands the procedures to be used.

- (E) Time only, as the public health control as specified under paragraph (I)(4) of rule 3717-1-03.4 of the Administrative Code, may not be used for raw eggs.
- (F) Food may be re-served as specified under paragraphs (X)(2) and (X)(3) of rule 3717-1-03.2 of the Administrative Code, except that:
  - (1) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.
  - (2) Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation.

**3717-1-04 Equipment, utensils, and linens: materials for construction and repair.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

- (A) Multiuse utensils and food contact surfaces - material characteristics.

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

- (1) Safe;
- (2) Durable, corrosion-resistant, and nonabsorbent;
- (3) Sufficient in weight and thickness to withstand repeated warewashing;
- (4) Finished to have a smooth, easily cleanable surface; and
- (5) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

- (B) Cast iron - use limitation.

Cast iron may not be used for utensils or food-contact surfaces of equipment except when used in the following manner,

- (1) As a surface for cooking; or
- (2) In utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

- (C) Lead, use limitation.

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

Utensil Category	Ceramic Article Description	Maximum Lead mg/L
Beverage Mugs, Cups, Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls greater than or equal to 1.16 quart (1.1 liter)	1.0
Small Hollowware (excluding cups and mugs)	Bowls less than 1.16 quart (1.1 liter)	2.0
Flat Tableware	Plates, Saucers	3.0

- (2) Pewter alloys containing lead in excess of 0.05 per cent may not be used as a food-contact surface.
- (3) Solder and flux containing lead in excess of 0.2 per cent may not be used as a food-contact surface.

(D) Copper - use limitation.

Copper and copper alloys such as brass may not be used in contact with a food that has a pH below six such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator. This prohibition does not apply to copper and copper alloys that may be used in contact with beer brewing ingredients that have a pH below six in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

(E) Galvanized metal - use limitation.

Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

(F) Sponges - use limitation.

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

(G) Wood - use limitation.

Wood and wood wicker may not be used as a food-contact surface. This provision does not apply to:

- (1) Hard maple or an equivalently hard, close-grained wood that may be used for:
  - (a) Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and
  - (b) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of two hundred thirty degrees Fahrenheit (one hundred ten degrees Celsius) or above.
- (2) Wood shipping containers in which whole, uncut, raw fruits, and vegetables, and nuts in the shell are received if the fruits, vegetables, or nuts are kept in them until used.

(3) Untreated wood containers or wood containers treated with a preservative that meets the requirements specified in 21 CFR 178.3800, and the food that is stored in them is whole, uncut, raw food that requires removal of rinds, peels, husks, or shells before consumption.

(H) Nonstick coatings - use limitation.

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

(I) Nonfood-contact surfaces - materials.

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

(J) Single-service and single-use articles - characteristics.

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

(1) May not:

(a) Allow the migration of deleterious substances, or

(b) Impart colors, odors, or tastes to food; and

(2) Shall be:

(a) Safe, and

(b) Clean.

#### **3717-1-04.1 Equipment, utensils, and linens: design and construction.**

(A) Equipment and utensils - durability and strength.

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

(B) Food temperature measuring devices - construction.

Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.

(C) Food-contact surfaces - cleanability.

Multiuse food-contact surfaces shall be:

(1) Smooth;

- (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
  - (3) Free of sharp internal angles, corners, and crevices;
  - (4) Finished to have smooth welds and joints; and
  - (5) Except for cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes; accessible for cleaning and inspection by one of the following methods:
    - (a) Without being disassembled;
    - (b) By disassembling without the use of tools; or
    - (c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.
- (D) CIP equipment - cleanability.
- (1) CIP equipment shall meet the characteristics specified under paragraph (C) of this rule and shall be designed and constructed so that:
    - (a) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces, and
    - (b) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and
  - (2) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.
- (E) "V" threads - use limitation.
- Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.
- (F) Hot oil filtering equipment - cleanability.
- Hot oil filtering equipment shall meet the characteristics specified under paragraph (C) or paragraph (D) of this rule and shall be readily accessible for filter replacement and cleaning of the filter.
- (G) Can openers - cleanability.
- Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.
- (H) Nonfood-contact surfaces - cleanability.

Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(I) Kick plates - removable.

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

- (1) Removable by one of the methods specified under paragraph (C)(5) of this rule or capable of being rotated open; and
- (2) Removable or capable of being rotated open without unlocking equipment doors.

(J) Ventilation hood systems - filters.

Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(K) Food temperature measuring devices - accuracy.

- (1) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to plus or minus one degree Celsius in the intended range of use.
- (2) Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus two degrees Fahrenheit in the intended range of use.

(L) Ambient air and water temperature measuring devices - accuracy.

- (1) Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to plus or minus 1.5 degrees Celsius in the intended range of use.
- (2) Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus three degrees Fahrenheit in the intended range of use.

(M) Pressure measuring devices for mechanical warewashing equipment - accuracy.

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of one pound per square inch (seven kilopascals) or smaller and shall be accurate to plus or minus two pounds per square inch (plus or minus fourteen kilopascals) in the range indicated on the manufacturer's data plate.

(N) Ventilation hood systems - drip prevention.

Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to

prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, single-service articles, and single-use articles.

(O) Equipment openings - closures and deflectors.

- (1) A cover or lid for equipment shall overlap the opening and be sloped to drain.
- (2) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least two-tenths of an inch (five millimeters).
- (3) Except as specified under paragraph (O)(4) of this rule, fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.
- (4) If a watertight joint is not provided:
  - (a) The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and
  - (b) The opening shall be flanged as specified under paragraph (O)(2) of this rule.

(P) Dispensing equipment - protection of equipment and food.

In equipment that dispenses or vends liquid food or ice in unpackaged form:

- (1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;
- (2) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;
- (3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:
  - (a) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
  - (b) Available for self-service during hours when it is not under the full-time supervision of a food employee; and
- (4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to

prevent contact with the lip-contact surface of glasses or cups that are refilled.

- (5) Dispensing equipment in which time/temperature controlled for safety food in a homogenous liquid form is maintained outside of the temperature control requirements as specified under paragraph (F)(1) of rule 3717-1-03.4 of the Administrative Code shall:
  - (a) Be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form for a specified duration from the time of opening the packaging within the equipment; and
  - (b) Conform to the requirements for this equipment as specified in NSF/ANSI 18-2006-manual "Food and Beverage Dispensing Equipment".

- (Q) Vending machine - vending stage closure.

The dispensing compartment of a vending machine shall be equipped with a self-closing door or cover if the machine is:

- (1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
- (2) Available for self-service during hours when it is not under the full-time supervision of a food employee.

- (R) Bearings and gear boxes - leakproof.

Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant can not leak, drip, or be forced into food or onto food-contact surfaces.

- (S) Beverage tubing - separation.

Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice. This paragraph does not apply to cold plates that are constructed integrally with an ice storage bin.

- (T) Ice units - separation of drains.

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

- (U) Condenser unit - separation.

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

- (V) Can openers on vending machines.

Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.

(W) Molluscan shellfish tanks.

- (1) Except as specified under paragraph (W)(2) of this rule, molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.
- (2) Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the Ohio department of agriculture or the Ohio department of health as applicable, and a HACCP plan that:
  - (a) Is submitted by the license holder and approved by the Ohio department of agriculture or the Ohio department of health as applicable; and
  - (b) Ensures that:
    - (i) Water used with fish other than molluscan shellfish does not flow into the molluscan tank,
    - (ii) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
    - (iii) The identity of the source of the shellstock is retained as specified under paragraph (R) of rule 3717-1-03.1 of the Administrative Code.

(X) Vending machines - automatic shutoff.

- (1) A machine vending time/temperature controlled for safety food shall have an automatic control that prevents the machine from vending food:
  - (a) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified under rule 3717-1-03.4 of the Administrative Code; and
  - (b) If a condition specified under paragraph (X)(1)(a) of this rule occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under rule 3717-1-03.4 of the Administrative Code.
- (2) When the automatic shutoff within a machine vending time/temperature controlled for safety food is activated:
  - (a) In a refrigerated vending machine, the ambient temperature may not exceed forty-one degrees Fahrenheit (five degrees Celsius) for more

than thirty minutes immediately after the machine is filled, serviced, or restocked; or

- (b) In a hot holding vending machine, the ambient temperature may not be less than one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) for more than one hundred twenty minutes immediately after the machine is filled, serviced, or restocked.

(Y) Temperature measuring devices.

- (1) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.
- (2) Cold or hot holding equipment used for time/temperature controlled for safety food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display. This requirement does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air temperature surrounding the food because of the design, type, and use of the equipment, such as calorimeter units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.
- (3) Temperature measuring devices shall be designed to be easily readable.
- (4) Water temperature measuring devices on warewashing machines and food temperature measuring devices shall have a numerical scale, printed record, or digital readout in increments no greater than two degrees Fahrenheit or one degree Celsius in the intended range of use.

(Z) Warewashing machine - data plate operating specifications.

A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

- (1) Temperatures required for washing, rinsing, and sanitizing;
- (2) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and
- (3) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

(AA) Warewashing machines - internal baffles.

Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

(BB) Warewashing machines - temperature measuring devices.

A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

- (1) In each wash and rinse tank; and
- (2) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

(CC) Manual warewashing equipment - heaters and baskets.

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

- (1) Designed with an integral heating device that is capable of maintaining water at a temperature not less than one hundred seventy-one degrees Fahrenheit (seventy-seven degrees Celsius); and
- (2) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(DD) Warewashing machines - automatic dispensing of detergents and sanitizers.

A warewashing machine installed after March 1, 2005, shall be equipped to:

- (1) Automatically dispense detergents and sanitizers; and
- (2) Incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

(EE) Warewashing machines - flow pressure device.

Except for machines that use only a pumped or recirculated sanitizing rinse, warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with:

- (1) A pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and
- (2) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a one-fourth inch or 6.4 millimeter iron pipe size (IPS) valve.

(FF) Warewashing sinks and drainboards - self-draining.

Sinks and drainboards of warewashing sinks and machines shall be self-draining.

(GG) Equipment compartments - drainage.

Equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

(HH) Vending machines and bulk water machines - liquid waste products.

- (1) Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.
- (2) Vending machines that dispense liquid food in bulk or bulk water machines shall be:
  - (a) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and
  - (b) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.
- (3) Shutoff devices specified under paragraph (HH)(2)(b) of this rule shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

(II) Case lot handling apparatuses - movability.

Apparatuses, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available apparatuses such as hand trucks and forklifts.

(JJ) Vending machine and bulk water machine doors, and openings.

- (1) Vending machine or bulk water machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one-sixteenth inch or 1.5 millimeters by:
  - (a) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth inch or 1.5 millimeters. Screening of twelve or more mesh to one inch (2.5 centimeters) meets this requirement;
  - (b) Being effectively gasketed;
  - (c) Having interface surfaces that are at least one-half inch or thirteen millimeters wide; or
  - (d) Jambs or surfaces used to form an L-shaped entry path to the interface.

- (2) Vending machine or bulk water machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth inch or 1.5 millimeters.

(KK) Food equipment - certification and classification.

- (1) Except as provided in paragraph (KK)(2) of this rule, food equipment that is acceptable for use in a food service operation or retail food establishment shall be approved by a recognized food equipment testing agency.
- (2) The Ohio department of agriculture, the Ohio department of health, or the licenser may approve the use of food equipment, other than vending machines and bulk water machines, that have not been approved by a recognized testing agency if the equipment demonstrates compliance with this chapter.

**3717-1-04.2 Equipment, utensils, and linens: numbers and capacities.**

(A) Equipment - cooling, heating, and holding capacities.

Equipment for cooling, heating, or holding cold or hot time/temperature controlled for safety food, shall be sufficient in number and capacity to provide food at the food temperatures specified under rule 3717-1-03.3 of the Administrative Code and rule 3717-1-03.4 of the Administrative Code.

(B) Manual warewashing - sink compartment requirements.

- (1) Except as specified in paragraph (B)(3) of this rule, a sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.
- (2) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in paragraph (B)(3) of this rule shall be used.
- (3) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:
  - (a) High-pressure detergent sprayers;
  - (b) Low- or line-pressure spray detergent foamers;
  - (c) Other task-specific cleaning equipment;
  - (d) Brushes or other implements;
  - (e) Two-compartment sinks as specified under paragraphs (B)(4) and (B)(5) of this rule; or

- (f) Receptacles that substitute for the compartments of a multicompartment sink.
- (4) Before a two-compartment sink is used:
- (a) The license holder shall have its use approved by the licensor; and
  - (b) The license holder shall limit the number of kitchenware items cleaned and sanitized in the two compartment sink, and shall limit warewashing to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another or cleanup at the end of a shift, and shall:
    - (i) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use, and
    - (ii) Use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under paragraph (O) of rule 3717-1-04.4 of the Administrative Code, or
    - (iii) Use a hot water sanitization immersion step as specified under paragraph (J)(3) of rule 3717-1-04.5 of the Administrative Code.
- (5) A two-compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

(C) Drainboards.

Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

(D) Ventilation hood systems - adequacy.

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(E) Clothes washers and dryers.

If work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used, however if on premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under paragraph (B) of rule 3717-1-04.8 of the Administrative Code, a mechanical clothes washer and dryer need not be provided.

(F) Utensils - consumer self-service.

A food dispensing utensil shall be available for each container displayed at a consumer self-service unit such as a buffet or salad bar.

- (G) Food temperature measuring devices.
- (1) Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under this chapter.
  - (2) A temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.
- (H) Temperature measuring devices - manual warewashing.
- In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.
- (I) Sanitizing solutions - testing devices.
- A test kit or other device that accurately measures the concentration in ppm (mg/L) of sanitizing solutions shall be provided.

**3717-1-04.3 Equipment, utensils, and linens: location and installation.**

- (A) Equipment, clothes washers and dryers, and storage cabinets - contamination prevention by properly locating.
- (1) Equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, single-service articles, or single-use articles may not be located:
    - (a) In toilet rooms;
    - (b) In garbage rooms;
    - (c) In mechanical rooms;
    - (d) Under sewer lines that are not shielded to intercept potential drips;
    - (e) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
    - (f) Under open stairwells;
    - (g) In locker rooms unless it is a storage cabinet used only for linens, single-service articles, or single-use articles; or
    - (h) Under other sources of contamination.
  - (2) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and located where there is no exposed food; clean equipment, utensils, or linens; or unwrapped single-service or single-use articles.

- (B) Fixed equipment installation - spacing or sealing.
  - (1) Equipment that is fixed because it is not easily movable shall be installed so that it is:
    - (a) Spaced to allow access for cleaning along the sides, behind, and above the equipment;
    - (b) Spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second inch or one millimeter; or
    - (c) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.
  - (2) Counter-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
    - (a) Sealed; or
    - (b) Elevated on legs as specified under paragraph (C)(2) of this rule.
- (C) Fixed equipment installation: elevation or sealing.
  - (1) Floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six inch (fifteen centimeter) clearance between the floor and the equipment. This paragraph does not apply:
    - (a) If no part of the floor under the floor-mounted equipment is more than six inches (fifteen centimeters) from the point of cleaning access, the clearance space may be only four inches (ten centimeters).
    - (b) To display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a food service operation or retail food establishment, if the floor under the units is maintained clean.
  - (2) Counter-mounted equipment that is not easily movable shall be elevated on legs that provide at least a four inch (ten centimeter) clearance between the counter and the equipment, unless the horizontal distance of the counter top under the equipment from the point of access for cleaning is no more than:
    - (a) Twenty inches (fifty centimeters) and the clearance space is at least three inches (7.5 centimeters); or
    - (b) Three inches (7.5 centimeters) and the clearance space is at least two inches (five centimeters).

#### **3717-1-04.4 Equipment, utensils, and linens: maintenance and operation.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

(A) Equipment - good repair and proper adjustment.

- (1) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under rule 3717-1-04 of the Administrative Code and rule 3717-1-04.1 of the Administrative Code.
- (2) Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (3) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

(B) Cutting surfaces.

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

(C) Microwave ovens.

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10.

(D) Warewashing equipment - cleaning frequency.

A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under paragraph (C) of rule 3717-1-04.2 of the Administrative Code shall be cleaned:

- (1) Before use;
- (2) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and
- (3) If used, at least every twenty-four hours.

(E) Warewashing machines - manufacturers' operating instructions.

- (1) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

- (2) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

(F) Warewashing sinks - use limitation.

- (1) A warewashing sink may not be used for handwashing as specified under paragraph (D) of rule 3717-1-02.2 of the Administrative Code.
- (2) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under paragraph (D) of this rule before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under rule 3717-1-04.6 of the Administrative Code before and after using the sink to wash produce or thaw food.

(G) Warewashing equipment - cleaning agents.

When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in paragraph (B)(3) of rule 3717-1-04.2 of the Administrative Code, shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

(H) Warewashing equipment - clean solutions.

The wash, rinse, and sanitize solutions shall be maintained clean.

(I) Manual warewashing equipment - wash solution temperature.

The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than one hundred ten degrees Fahrenheit (forty-three degrees Celsius) or the temperature specified on the cleaning agent manufacturer's label instructions.

(J) Mechanical warewashing equipment - wash solution temperature.

- (1) The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:
  - (a) For a stationary rack, single temperature machine, one hundred sixty-five degrees Fahrenheit (seventy-four degrees Celsius);
  - (b) For a stationary rack, dual temperature machine, one hundred fifty degrees Fahrenheit (sixty-six degrees Celsius);
  - (c) For a single tank, conveyor, dual temperature machine, one hundred sixty degrees Fahrenheit (seventy-one degrees Celsius); or
  - (d) For a multitank, conveyor, multitemperature machine, one hundred fifty degrees Fahrenheit (sixty-six degrees Celsius).

(2) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than one hundred twenty degrees Fahrenheit (forty-nine degrees Celsius).

(K) Manual warewashing equipment - hot water sanitization temperatures.

If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at one hundred seventy-one degrees Fahrenheit (seventy-seven degrees Celsius) or above.

(L) Mechanical warewashing equipment - hot water sanitization temperatures.

In a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than one hundred ninety-four degrees Fahrenheit (ninety degrees Celsius), or less than:

(1) For a stationary rack, single temperature machine, one hundred sixty-five degrees Fahrenheit (seventy-four degrees Celsius); or

(2) For all other machines, one hundred eighty degrees Fahrenheit (eighty-two degrees Celsius).

The maximum temperatures specified in this paragraph do not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

(M) Mechanical warewashing equipment - sanitization pressure.

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine, as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve, shall be within the range specified on the machine manufacturer's data plate and may not be less than five pounds per square inch (thirty-five kilopascals) or more than thirty pounds per square inch (two hundred kilopascals).

(N) Manual and mechanical warewashing equipment, using chemical sanitization - temperature, pH, concentration, and hardness.

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified under paragraph (C)(3) of rule 3717-1-04.6 of the Administrative Code shall meet the criteria specified under paragraph (E) of rule 3717-1-07.1 of the Administrative Code, shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

(1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

Minimum concentration ppm (mg/L)	Minimum temperature	
	pH 10 or less °F (°C)	pH 8 or less °F (°C)
25	120 (49)	120 (49)
50	100 (38)	75 (24)
100	55 (13)	55 (13)

- (2) An iodine solution shall have a:
    - (a) Minimum temperature of seventy-five degrees Fahrenheit (twenty-four degrees Celsius),
    - (b) pH of five or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
    - (c) Concentration between 12.5 ppm (mg/L) and twenty-five ppm (mg/L);
  - (3) A quaternary ammonium compound solution shall:
    - (a) Have a minimum temperature of seventy-five degrees Fahrenheit (twenty-four degrees Celsius),
    - (b) Have a concentration as specified under paragraph (E) of rule 3717-1-07.1 of the Administrative Code and as indicated by the manufacturer's use directions included in the labeling, and
    - (c) Be used only in water with five hundred ppm (mg/L) hardness or less or in water having a hardness no greater than specified by the manufacturer's label;
  - (4) If another solution of a chemical specified under paragraphs (N)(1) to (N)(3) of this rule is used, the license holder shall demonstrate to the licensor that the solution achieves sanitization and the use of the solution shall be approved; or
  - (5) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.
- (O) Manual warewashing equipment - chemical sanitization using detergent-sanitizers.
- If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.
- (P) Warewashing equipment - determining chemical sanitizer concentration.
- Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.
- (Q) Utensils, temperature and pressure measuring devices - good repair and calibration.
- (1) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under rule 3717-1-04 of the Administrative Code and rule 3717-1-04.1 of the Administrative Code or shall be discarded.
  - (2) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

- (3) Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

- (R) Single-service and single-use articles - required use.

A food service operation or retail food establishment without facilities specified under rule 3717-1-04.5 of the Administrative Code and rule 3717-1-04.6 of the Administrative Code for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

- (S) Single-service articles and single-use articles - use limitation.

- (1) Single-service articles and single-use articles may not be reused.
- (2) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

- (T) Shells - use limitation.

Mollusk and crustacea shells may not be used more than once as serving containers.

**3717-1-04.5 Equipment, utensils, and linens: cleaning of equipment and utensils.**

- (A) Equipment, food-contact surfaces, nonfood-contact surfaces, and utensils.

- (1) Equipment food-contact surfaces and utensils shall be clean to sight and touch.
- (2) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.
- (3) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

- (B) Equipment food-contact surfaces and utensils - cleaning frequency.

- (1) Equipment food-contact surfaces and utensils shall be cleaned:
  - (a) Before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
  - (b) Each time there is a change from working with raw foods to working with ready-to-eat foods;
  - (c) Between uses with raw fruits and vegetables and with time/temperature controlled for safety food;
  - (d) Before using or storing a food temperature measuring device; and
  - (e) At any time during the operation when contamination may have occurred.

- (2) Equipment food-contact surfaces and utensils if used with time/temperature controlled for safety food, shall be cleaned throughout the day at least every four hours. This provision does not apply if:
- (a) In storage, containers of time/temperature controlled for safety food and their contents are maintained at temperatures specified under rule 3717-1-03.4 of the Administrative Code and the containers are cleaned when they are empty;
  - (b) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:
    - (i) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Ambient temperature	Cleaning frequency
41°F (5.0°C) or less	24 hours
>41°F - 45°F (>5.0°C - 7.2°C)	20 hours
>45°F - 50°F (>7.2°C - 10.0°C)	16 hours
>50°F - 55°F (>10.0°C - 12.8°C)	10 hours

; and

- (ii) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food service operation or retail food establishment.
- (c) Containers in serving situations such as salad bars, delis, and cafeteria lines holding ready-to-eat time/temperature controlled for safety food that is maintained at the temperatures specified under rule 3717-1-03.4 of the Administrative Code, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every twenty-four hours.
- (d) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under rule 3717-1-03.4 of the Administrative Code;
- (e) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues;
- (f) The cleaning schedule is approved by the licensor based on consideration of:
  - (i) Characteristics of the equipment and its use,
  - (ii) The type of food involved,

- (iii) The amount of food residue accumulation, and
    - (iv) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or
  - (g) In-use utensils are intermittently stored in a container of water in which the water is maintained at one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) or more and the utensils and container are cleaned at least every twenty-four hours or at a frequency necessary to preclude accumulation of soil residues.
- (3) Except when dry cleaning methods are used as specified under paragraph (E) of this rule, surfaces of utensils and equipment contacting food that is not time/temperature controlled for safety shall be cleaned:
  - (a) At any time when contamination may have occurred;
  - (b) At least every twenty-four hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;
  - (c) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
  - (d) In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment or bulk water machines:
    - (i) At a frequency specified by the manufacturer, or
    - (ii) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.
- (C) Cooking and baking equipment - cleaning frequency.
  - (1) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty-four hours. This paragraph does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in paragraph (B)(2)(f) of this rule.
  - (2) The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four hours by using the manufacturer's recommended cleaning procedure.
- (D) Nonfood-contact surfaces - cleaning frequency.
 

Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.
- (E) Dry cleaning methods.

- (1) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not time/temperature controlled for safety.
  - (2) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.
- (F) Precleaning methods.
- (1) Food debris on equipment and utensils shall be scrapped over a waste disposal unit or garbage receptacle or shall be removed in a warewashing machine with a prewash cycle.
  - (2) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.
- (G) Loading of soiled items in warewashing machines.
- Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:
- (1) Exposes the items to the unobstructed spray from all cycles; and
  - (2) Allows the items to drain.
- (H) Wet cleaning methods.
- (1) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.
  - (2) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.
- (I) Washing - procedures for alternative manual warewashing equipment.
- If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified in paragraph (B)(3) of rule 3717-1-04.2 of the Administrative Code, in accordance with the following procedures:
- (1) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;
  - (2) Equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation; and
  - (3) Equipment and utensils shall be washed as specified under paragraph (H)(1) of this rule.

(J) Rinsing procedures.

Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

- (1) Use of a distinct, separate water rinse after washing and before sanitizing if using:
  - (a) A three-compartment sink;
  - (b) Alternative manual warewashing equipment equivalent to a three-compartment sink as specified in paragraph (B)(3) of rule 3717-1-04.2 of the Administrative Code, or
  - (c) A three-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment;
- (2) Use of a detergent-sanitizer as specified under paragraph (O) of rule 3717-1-04.4 of the Administrative Code if using:
  - (a) Alternative warewashing equipment as specified in paragraph (B)(3) of rule 3717-1-04.2 of the Administrative Code that is approved for use with a detergent-sanitizer, or
  - (b) A warewashing system for CIP equipment;
- (3) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two-compartment sink operation;
- (4) If using a warewashing machine that does not recycle the sanitizing solution as specified under paragraph (J)(5) of this rule, or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:
  - (a) Integrated in the application of the sanitizing solution, and
  - (b) Wasted immediately after each application; or
- (5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

(K) Returnables - cleaning for refilling.

Returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant, except that:

- (1) A food-specific container for beverages may be refilled at a food service operation or retail food establishment if:

- (a) Only a beverage that is not a time/temperature controlled for safety food is used as specified under paragraph (P)(1) of rule 3717-1-03.2 of the Administrative Code;
  - (b) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food service operation or retail food establishment;
  - (c) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
  - (d) The consumer-owned container returned to the food service operation or retail food establishment for refilling is refilled for sale or service only to the same consumer; and
  - (e) The container is refilled by:
    - (i) An employee of the food service operation or retail food establishment, or
    - (ii) The owner of the container if the beverage system includes a contamination-free transfer process that can not be bypassed by the container owner.
- (2) Consumer-owned containers that are not food-specific may be filled at a water vending machine, bulk water machine, or system.

**3717-1-04.6 Equipment, utensils, and linens: sanitizing of equipment and utensils.**

- (A) Food-contact surfaces and utensils.

Equipment food-contact surfaces and utensils shall be sanitized.

- (B) Sanitizing frequency of utensils and food-contact surfaces - before use after cleaning.

Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

- (C) Hot water and chemical sanitizing - methods.

After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:

- (1) Hot water manual operations by immersion for at least thirty seconds and as specified under paragraph (K) of rule 3717-1-04.4 of the Administrative Code;
- (2) Hot water mechanical operations by being cycled through equipment that is set up as specified under paragraphs (E), (L), and (M) of rule 3717-1-04.4 of the Administrative Code and achieving a utensil surface temperature of one

hundred sixty degrees Fahrenheit (seventy-one degrees Celsius) as measured by an irreversible registering temperature indicator; or

- (3) Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under paragraph (N) of rule 3717-1-04.4 of the Administrative Code by providing:
  - (a) Except as specified under paragraph (C)(3)(b) of this rule, an exposure time of at least ten seconds for a chlorine solution specified under paragraph (N)(1) of rule 3717-1-04.4 of the Administrative Code;
  - (b) An exposure time of at least seven seconds for a chlorine solution of fifty ppm (mg/L) that has a pH of ten or less and a temperature of at least one hundred degrees Fahrenheit (thirty-eight degrees Celsius) or a pH of eight or less and a temperature of at least seventy-five degrees Fahrenheit (twenty-four degrees Celsius);
  - (c) An exposure time of at least thirty seconds for other chemical sanitizing solutions; or
  - (d) An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization.

**3717-1-04.7 Equipment, utensils, and linens: laundering.**

- (A) Clean linens.

Clean linens shall be free from food residues and other soiling matter.

- (B) Frequency of laundering - specifications.

- (1) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (2) Cloth gloves used as specified in paragraph (N)(3) of rule 3717-1-03.2 of the Administrative Code shall be laundered before being used with a different type of raw animal food such as beef, fish, lamb, pork, or poultry.
- (3) Linens and napkins that are used as specified under paragraph (L) of rule 3717-1-03.2 of the Administrative Code and cloth napkins shall be laundered between each use.
- (4) Wet wiping cloths shall be laundered daily.
- (5) Dry wiping cloths shall be laundered as necessary to prevent contamination of food or clean serving utensils.

- (C) Storage of soiled linens - methods.

Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, single-service articles, or single-use articles.

(D) Mechanical washing.

Linens shall be mechanically washed. This requirement does not apply in food service operations or retail food establishments in which only wiping cloths are laundered as specified in paragraph (E) of rule 3717-1-04.2 of the Administrative Code. In operations of this type, the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified under paragraph (D) of rule 3717-1-04.4 of the Administrative Code.

(E) Use of laundry facilities.

Laundry facilities on the premises of a food service operation or retail food establishment shall be used only for the washing and drying of items used in the operation of the food service operation or retail food establishment. Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering food service operation or retail food establishment items.

**3717-1-04.8 Equipment, utensils, and linens: protection of clean items.**

(A) Equipment and utensils - air-drying required.

After cleaning and sanitizing, equipment and utensils:

- (1) Shall be air-dried or used after adequate draining before contact with food; and
- (2) May not be cloth dried. Utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

(B) Wiping cloths - air-drying locations.

Wiping cloths laundered in a food service operation or retail food establishment that does not have a mechanical clothes dryer as specified in paragraph (E) of rule 3717-1-04.2 of the Administrative Code shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, single-service articles, or single-use articles, and the wiping cloths. This paragraph does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under paragraph (N) of rule 3717-1-04.4 of the Administrative Code.

(C) Food-contact surfaces - lubricating.

Lubricants as specified under paragraph (I) of rule 3717-1-07.1 of the Administrative Code shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

(D) Equipment - reassembling.

Equipment shall be reassembled so that food-contact surfaces are not contaminated.

- (E) Equipment, utensils, linens, single-service articles, and single-use articles - storage.
- (1) Cleaned equipment and utensils, laundered linens, single-service articles, and single-use articles shall be stored:
    - (a) In a clean, dry location;
    - (b) Where they are not exposed to splash, dust, or other contamination; and
    - (c) At least six inches (fifteen centimeters) above the floor unless the items are kept in closed packages on dollies, pallets, racks, and skids that are designed as specified under paragraph (II) of rule 3717-1-04.1 of the Administrative Code.
  - (2) Clean equipment and utensils shall be stored as specified under paragraph (E)(1) of this rule and shall be stored:
    - (a) In a self-draining position that allows air drying; and
    - (b) Covered or inverted.
  - (3) Single-service and single-use articles shall be stored as specified under paragraph (E)(1) of this rule and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

- (F) Storage - prohibitions.

Cleaned and sanitized equipment, utensils, laundered linens, single-service articles, or single-use articles may not be stored:

- (1) In locker rooms, except for laundered linens, single-service articles, and single-use articles that are packaged or in a facility such as a cabinet;
- (2) In toilet rooms;
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- (7) Under open stairwells; or
- (8) Under other sources of contamination.

- (G) Kitchenware and tableware - handling.

- (1) Single-service articles, single-use articles, and cleaned and sanitized utensils shall be handled, displayed, and dispensed so that contamination of food-contact and lip-contact surfaces is prevented.
- (2) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.
- (3) Except as specified under paragraph (G)(2) of this rule, single-service articles that are intended for food-contact or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

(H) Soiled and clean tableware - handling.

Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

(I) Preset tableware.

- (1) Tableware that is preset shall be protected from contamination by being wrapped, covered, or inverted.
- (2) When tableware is preset, exposed, unused settings shall be:
  - (a) Removed when a consumer is seated; or
  - (b) Cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

**3717-1-05 Water, plumbing, and waste: water.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

(A) Source - approved system.

Drinking water shall be obtained from an approved source that is:

- (1) A public water system that is constructed, maintained and operated in accordance with Chapter 6109. of the Revised Code and the rules adopted thereunder; or
- (2) A private water system that is constructed, maintained, and operated in accordance with section 3701.344 of the Revised Code and Chapter 3701-28 of the Administrative Code.

(B) System flushing, development and disinfection.

A drinking water system shall be flushed, developed and disinfected in accordance with either Chapter 3701-28 of the Administrative Code or Chapter 3745-9 of the Administrative Code, as applicable, before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

(C) Bottled drinking water.

Bottled drinking water used or sold in a food service operation or a retail food establishment shall be obtained from approved sources in accordance with 21 CFR 129.

(D) Drinking water - quality standards.

Except as specified under paragraph (E) of this rule:

- (1) Water from a public water system shall meet 40 CFR 141, Chapter 3745-81 of the Administrative Code and Chapter 3745-82 of the Administrative Code; and
- (2) Water from a private water system shall meet water quality standards established in Chapter 3701-28 of the Administrative Code.

(E) Nondrinking water.

- (1) A nondrinking water supply shall be used only if its use is approved.
- (2) Nondrinking water shall be used only for nonculinary purposes such as air conditioning, nonfood equipment cooling, fire protection, and irrigation.

(F) Private water system - sampling.

Except when used as specified under paragraph (E) of this rule, water from a private water system shall be sampled and tested at least annually for the presence of total coliforms or other tests as required by the director of health or the director of agriculture and as required by Chapter 3701-28 of the Administrative Code.

(G) Private water - water quality analysis.

The most recent water quality analysis for the private water system shall be retained on file in the food service operation or retail food establishment, and the analysis shall be maintained as specified by Chapter 3701-28 of the Administrative Code.

(H) Capacity.

- (1) The water source and system shall be of sufficient capacity to meet the peak water demands of the food service operation or retail food establishment.
- (2) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food service operation or retail food establishment.

(I) Pressure.

Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water. Water supplied as specified under paragraphs (K)(1) and (K)(2) of this rule to a temporary food service operation or temporary retail food establishment or in response to a temporary interruption of a water supply need not be under pressure.

(J) Distribution, delivery, retention - system.

Water shall be received from the source through the use of:

- (1) An approved public water distribution system; or
- (2) One or more of the following that shall be constructed, maintained, and operated according to Chapter 3701-28 of the Administrative Code:
  - (a) Private water distribution system, water pumps, pipes, hoses, connections, and other appurtenances,
  - (b) Water transport vehicles, or
  - (c) Water containers.

(J) Alternative water supply.

Water meeting the requirements specified under paragraphs (A) to (I) of this rule shall be made available for a mobile or temporary food service operation, a mobile or temporary retail food establishment without a permanent water supply; and for a food service operation or retail food establishment with a temporary interruption of its water supply through:

- (1) A supply of containers of commercially bottled drinking water;
- (2) One or more closed portable water containers;
- (3) An enclosed vehicular water tank that meets the requirements of rule 3701-28-18 of the Administrative Code;
- (4) An on-premises water storage tank that meets the requirements of rule 3701-28-13 of the Administrative Code; or
- (5) Piping, tubing, or hoses, composed of materials that meet NSF standard 61 or equivalent, connected to an adjacent approved source.

**3717-1-05.1 Water, plumbing, and waste: plumbing system.**

(A) Materials - approved.

- (1) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials that meet NSF standard 61 or equivalent.
- (2) A water filter shall be made of safe materials.

(B) Approved system and cleanable fixtures.

- (1) A plumbing system shall be designed, constructed, and installed according to the Ohio building code.
- (2) A plumbing fixture such as a handwashing sink, toilet, or urinal shall be easily cleanable.

(C) Handwashing sink - installation.

- (1) A handwashing sink shall be equipped to provide water at a temperature of at least one hundred degrees Fahrenheit (thirty-eight degrees Celsius) through a mixing valve or combination faucet.
- (2) A steam mixing valve may not be used at a handwashing sink.
- (3) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen seconds without the need to reactivate the faucet.
- (4) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

(D) Backflow prevention - air gap.

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than one inch (twenty-five millimeters).

(E) Backflow prevention device - design standard.

A backflow or backsiphonage prevention device installed on a water supply system shall meet American society of sanitary engineering (ASSE) standards and as referenced in the Ohio plumbing code for installation, maintenance, inspection, and testing for that specific application and type of device.

(F) Conditioning device - design.

A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

(G) Handwashing sinks.

At least one handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under paragraph (L) of this rule, and not fewer than the number of handwashing sinks required by the Ohio building code shall be provided. This paragraph does not prohibit the use, when approved by the licensor, of:

- (1) Automatic handwashing facilities that are capable of removing the types of soils encountered in the food operation if the food service operation or retail food establishment has at least one handwashing sink; or
- (2) Chemically treated towelettes for handwashing when food exposure is limited and handwashing sinks are not conveniently available, such as in some mobile food service operations, mobile retail food establishments, temporary food service operations, temporary retail food establishments, or at some vending machine locations.

(H) Toilets and urinals - number.

Toilets and urinals shall be provided according to the Ohio building code.

(I) Service sink - number.

At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

(J) Backflow prevention device - when required.

A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food service operation or retail food establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by the Ohio building code, by:

(1) Providing an air gap as specified under paragraph (D) of this rule; or

(2) Installing an approved backflow prevention device as specified under paragraph (E) of this rule.

(K) Backflow prevention device - carbonator.

A backflow prevention device shall be provided on a carbonator as required by the Ohio building code.

(L) Handwashing sinks - location and placement.

A handwashing sink shall be located:

(1) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and

(2) In, or immediately adjacent to, toilet rooms.

(M) Backflow prevention device - location.

A backflow prevention device shall be located so that it may be serviced and maintained.

(N) Conditioning device - location.

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

(O) Using a handwashing sink - operation and maintenance.

(1) A handwashing sink shall be maintained so that it is accessible at all times for employee use.

(2) A handwashing sink may not be used for purposes other than handwashing.

(3) An automatic handwashing facility shall be used in accordance with manufacturer's instructions.

(P) Prohibiting a cross connection.

(1) A person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.

(2) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

(Q) Scheduling inspection and service for a water system device.

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the person in charge.

(R) Water reservoir of fogging devices - cleaning.

(1) A reservoir that is used to supply water to a device such as a produce fogger shall be:

(a) Maintained in accordance with manufacturer's specifications; and

(b) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under paragraph (R)(2) of this rule, whichever is more stringent.

(2) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

(a) Draining and complete disassembly of the water and aerosol contact parts;

(b) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;

(c) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and

(d) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty ppm (mg/L) hypochlorite solution.

(S) Plumbing system - maintained in good repair.

A plumbing system shall be:

(1) Repaired according to the Ohio building code; and

(2) Maintained in good repair.

### **3717-1-05.2 Mobile water tanks.**

- (A) Materials - approved.

Materials that are used in the construction of mobile water tanks, and appurtenances shall be:

- (1) Safe;
- (2) Durable, corrosion-resistant, and nonabsorbent;
- (3) Finished to have a smooth, easily cleanable surface; and
- (4) Constructed of materials that meet NSF standard 61 or the equivalent.

- (B) Enclosed system and sloped to drain.

A mobile water tank shall be:

- (1) Enclosed from the filling inlet to the discharge outlet; and
- (2) Sloped to an outlet that allows complete drainage of the tank.

- (C) Inspection and cleaning port - protected and secured.

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (1) Flanged upward at least one-half inch (thirteen millimeters); and
- (2) Equipped with a port cover assembly that is:
  - (a) Provided with a gasket and a device for securing the cover in place, and
  - (b) Flanged to overlap the opening and sloped to drain.

- (D) "V" type threads - use limitation.

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

- (E) Tank vent - protected.

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (1) Sixteen mesh to one inch (sixteen mesh to 25.4 millimeters) screen or equivalent when the vent is in a protected area; or
- (2) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(F) Inlet and outlet - sloped to drain.

(1) A water tank and its inlet and outlet shall be sloped to drain.

(2) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

(G) Hose - construction and identification.

A hose used for conveying drinking water from a water tank shall be:

(1) Safe;

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

(3) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;

(4) Finished with a smooth interior surface;

(5) Clearly and durably identified as to its use if not permanently attached; and

(6) Constructed of materials that meet NSF standard 61 or the equivalent.

(H) Filter - compressed air.

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

(I) Protective cover or device.

A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for a water inlet, outlet, and hose.

(J) Mobile water tank inlet - construction.

A mobile food service operation's or a mobile retail food establishment's water tank inlet shall be:

(1) Three-fourths inch (19.1 millimeters) in inner diameter or less; and

(2) Provided with a hose connection of a size or type that will prevent its use for any other service.

(K) System flushing and disinfection.

A water tank, pump, and hoses shall be flushed and disinfected according to the procedure in rule 3701-28-17 of the Administrative Code before being placed in service and after construction, repair, modification, and periods of nonuse.

(L) Using a pump and hoses - backflow prevention.

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

- (M) Protecting inlet, outlet, and hose fitting.

If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under paragraph (I) of this rule.

- (N) Tank, pump, and hoses - dedication.

A water tank, pump, or hose used for conveying drinking water shall be used for no other purpose. This paragraph does not prohibit water tanks, pumps, and hoses approved for liquid foods to be used to convey drinking water if they are cleaned and sanitized before being used to convey water.

### **3717-1-05.3 Water, plumbing, and waste: sewage, other liquid waste, and rainwater.**

- (A) Mobile holding tank - capacity and drainage.

A sewage holding tank in a mobile food service operation or mobile retail food establishment shall be:

- (1) Sized fifteen per cent larger in capacity than the water supply tank; and
- (2) Sloped to a drain that is one inch (twenty-five millimeters) in inner diameter or greater, and equipped with a shut-off valve.

- (B) Drainage system.

Food service operation or retail food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under paragraph (B)(1) of rule 3717-1-05.1 of the Administrative Code.

- (C) Backflow prevention.

A direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed unless allowed by the Ohio building code for:

- (1) A warewashing machine between its waste outlet and a floor drain when the machine is located within five feet (1.5 meters) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap; or
- (2) A warewashing or culinary sink.

This paragraph does not prohibit floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.

- (D) Grease trap - location and placement.

If used, a grease trap shall be located to be easily accessible for cleaning.

- (E) Conveying sewage.

Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

- (F) Removing mobile food service operation or mobile retail food establishment wastes.

Sewage and other liquid wastes shall be removed from a mobile food service operation or mobile retail food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

- (G) Flushing a waste retention tank.

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

- (H) Disposal facility - approved sewage treatment system.

Sewage shall be treated through a facility that is:

- (1) A public sewage treatment plant; or
- (2) An individual sewage treatment system that is sized, constructed, maintained, and operated according to law.

- (I) Other liquid wastes and rainwater.

Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

**3717-1-05.4 Water, plumbing, and waste: refuse, recyclables, and returnables.**

- (A) Indoor storage area.

If located within the food service operation or retail food establishment, a storage area for refuse, recyclables, or returnables shall meet the requirements specified under paragraph (A)(1) of rule 3717-1-06 of the Administrative Code and paragraphs (A) to (H), (M), and (N) of rule 3717-1-06.1 of the Administrative Code.

- (B) Outdoor storage surface.

An outdoor storage surface for refuse, recyclables, or returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

- (C) Outdoor enclosure.

If used, an outdoor enclosure for refuse, recyclables, or returnables shall be constructed of durable and cleanable materials.

- (D) Receptacles.

Receptacles and waste handling units for refuse, recyclables, or returnables and for use with materials containing food residue shall be durable, cleanable, insect-resistant and rodent-resistant, leakproof, and nonabsorbent. This paragraph does not prohibit the use of plastic and wet strength paper bags that may be used to line receptacles for storage inside the food service operation or retail food establishment, or within closed outside receptacles.

(E) Receptacles in vending machines.

A refuse receptacle may not be located within a vending machine.

(F) Outside receptacles.

(1) Receptacles and waste handling units for refuse, recyclables, or returnables used with materials containing food residue and used outside the food service operation or retail food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

(2) Receptacles and waste handling units for refuse or recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

(G) Storage areas, rooms, and receptacles - capacity and availability.

(1) An inside storage room and area, outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.

(2) A receptacle shall be provided in each area of the food service operation, retail food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

(3) If disposable towels are used at handwashing sinks, a waste receptacle shall be located at each sink or group of adjacent sinks.

(H) Toilet room receptacle - covered.

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

(I) Cleaning implements and supplies.

Suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables. If approved by the licensor, off-premises-based cleaning services may be used when on-premises cleaning implements and supplies are not provided.

(J) Storage areas, redeeming machines, receptacles and waste handling units - location.

- (1) An area designated for refuse, recyclables, returnables, or a redeeming machine for recyclables or returnables, shall be located so that it is separate from food, equipment, utensils, linens, single-service articles, and single-use articles and a public health hazard or nuisance is not created. This provision does not prohibit a redeeming machine located in the packaged food storage area or consumer area of a food service operation or retail food establishment if food, equipment, utensils, linens, single-service articles, or single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.
- (2) The location of receptacles and waste handling units for refuse, recyclables, or returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

(K) Storing refuse, recyclables, and returnables.

Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(L) Areas, enclosures, and receptacles - good repair.

Storage areas, enclosures, and receptacles for refuse, recyclables, or returnables shall be maintained in good repair.

(M) Outside storage prohibitions.

Refuse receptacles not meeting the requirements specified under paragraph (D) of this rule, such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

(N) Covering receptacles.

Receptacles and waste handling units for refuse, recyclables, or returnables shall be kept covered:

- (1) Inside the food service operation or retail food establishment if the receptacles and units:
  - (a) Contain food residue and are not in continuous use; or
  - (b) After they are filled; and
- (2) With tight-fitting lids or doors if kept outside the food service operation or retail food establishment.

(O) Using drain plugs.

Drains in receptacles and waste handling units for refuse, recyclables, or returnables shall have drain plugs in place.

(P) Maintaining refuse areas and enclosures.

A storage area and enclosure for refuse, recyclables, or returnables shall be maintained clean and free of unnecessary items, as specified under paragraph (N) of rule 3717-1-06.4 of the Administrative Code.

(Q) Cleaning receptacles.

(1) Receptacles and waste handling units for refuse, recyclables, or returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, single-service articles, or single-use articles, and the waste water shall be disposed of as specified under paragraph (E) of rule 3717-1-05.3 of the Administrative Code.

(2) Soiled receptacles and waste handling units for refuse, recyclables, or returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

(R) Removal - frequency. Refuse, recyclables, or returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(S) Receptacles or vehicles.

Refuse, recyclables, and returnables shall be removed from the premises by way of:

(1) Portable receptacles that are constructed and maintained so that a nuisance is not created; or

(2) A transport vehicle that is constructed, maintained, and operated so that a nuisance is not created.

(T) Facilities for disposal and recycling - community or individual facility.

Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility; or solid waste shall be disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

**3717-1-06 Physical facilities: materials for construction and repair.**

(A) Indoor areas - surface characteristics

(1) Except as specified in paragraph (A)(2) of this rule, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(a) Smooth, durable, and easily cleanable for areas where food service operation or retail food establishment activities are conducted;

(b) Closely woven and easily cleanable carpet for carpeted areas; and

- (c) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food service operation or mobile retail food establishment servicing areas, and areas subject to flushing or spray cleaning methods.
- (2) In a temporary food service operation or temporary retail food establishment:
  - (a) A floor if graded to drain, may be concrete, machine-laid asphalt; or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud; and
  - (b) Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.
- (B) Outdoor areas - surface characteristics
  - (1) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
  - (2) Exterior surfaces of buildings and mobile food service operations or mobile retail food establishments shall be of weather-resistant materials.
  - (3) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under paragraphs (B) and (C) of rule 3717-1-05.4 of the Administrative Code.

**3717-1-06.1 Physical facilities: design, construction, and installation.**

- (A) Floors, walls, and ceilings.
 

Except as specified under paragraph (D) of this rule and except for antislip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable.
- (B) Floors, walls and ceilings - utility lines.
  - (1) Utility service lines and pipes may not be unnecessarily exposed.
  - (2) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
  - (3) Exposed horizontal utility service lines and pipes may not be installed on the floor.
- (C) Floor and wall junctures - coved, and enclosed or sealed.
  - (1) In food service operations or retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second inch (one millimeter).

- (2) The floors in food service operations or retail food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

(D) Floor carpeting - restrictions and installation.

- (1) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.
- (2) If carpeting is installed as a floor covering in areas other than those specified under paragraph (D)(1) of this rule, it shall be:
  - (a) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and
  - (b) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

(E) Floor covering - mats and duckboards.

Mats and duckboards shall be designed to be removable and easily cleanable.

(F) Wall and ceiling - coverings and coatings.

- (1) Wall and ceiling covering materials shall be attached so that they are easily cleanable.
- (2) Concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface. This requirement does not apply in areas used only for dry storage.

(G) Walls and ceilings - attachments.

Attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable. This paragraph does not apply to wall and ceiling surfaces and decorative items and attachments that are provided for ambiance in a consumer area if they are kept clean.

(H) Walls and ceilings - studs, joists, and rafters.

Studs, joists, and rafters may not be exposed in areas subject to moisture. This requirement does not apply to temporary food service operations or temporary retail food establishments.

(I) Light bulbs - protective shielding.

- (1) Light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, or linens; or

unwrapped single-service or single-use articles. This paragraph does not apply in areas used only for storing food in unopened packages, if the integrity of the packages can not be affected by broken glass falling onto them; and the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

- (2) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(J) Heating, ventilating, and air conditioning system vents.

Heating, ventilating, and air conditioning systems shall be designed and installed according to the Ohio building code and so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

(K) Insect control devices - design and installation.

- (1) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

- (2) Insect control devices shall be installed so that:

- (a) The devices are not located over a food preparation area; and
- (b) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food; clean equipment, utensils, or linens; or unwrapped single-service or single-use articles.

(L) Toilet rooms - enclosed.

A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door. This requirement does not apply to a toilet room that is located outside a food service operation or retail food establishment or does not open directly into the food preparation area of a food service operation or retail food establishment such as a toilet room that is provided by the management of a shopping mall or a toilet room designed so as not to need a door that opens into the sales area of a retail food establishment.

(M) Outer openings - protected.

- (1) Except as provided in paragraphs (M)(2) and (M)(3) of this rule, outer openings of a food service operation or retail food establishment shall be protected against the entry of insects and rodents by:

- (a) Filling or closing holes and other gaps along floors, walls, and ceilings;
- (b) Closed, tight-fitting windows; and
- (c) Solid, self-closing, tight-fitting doors.

This paragraph does not apply if a food service operation or retail food establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

- (2) Exterior emergency exit doors need not be self-closing if they are:
  - (a) Solid and tight-fitting;
  - (b) Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the food service operation or retail food establishment; and
  - (c) Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.
  
- (3) If the windows or doors of a food service operation or retail food establishment, or of a larger structure within which a food service operation or retail food establishment is located, are kept open for ventilation or other purposes or a temporary food service operation or temporary retail food establishment is not provided with windows and doors as specified under paragraph (M)(1) of this rule, the openings shall be protected against the entry of insects and rodents by:
  - (a) Sixteen mesh to one inch (sixteen mesh to 25.4 millimeters) screens;
  - (b) Properly designed and installed air curtains to control flying insects; or
  - (c) Other effective means.

This paragraph does not apply if flying insects and other pests are absent due to the location of the food service operation or retail food establishment, the weather, or other limiting condition.

- (N) Exterior walls and roofs - protective barrier.

Perimeter walls and roofs of a food service operation or retail food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

- (O) Outdoor food vending areas - overhead protection.

If located outside, a machine used to vend food shall be provided with overhead protection.

- (P) Outdoor servicing areas - overhead protection.

Service areas shall be provided with overhead protection except for areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses.

- (Q) Outdoor walking and driving surfaces - graded to drain.

Exterior walking and driving surfaces shall be graded to drain.

- (R) Outdoor refuse areas - curbed and graded to drain.

Outdoor refuse areas shall be constructed in accordance with law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

- (S) Private homes and living or sleeping quarters - use prohibition.

Except as provided by rule 3717-1-20 of the Administrative Code, a private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food service operations or retail food establishment operations.

- (T) Living or sleeping quarters - separation.

Except as provided by rule 3717-1-20 of the Administrative Code, living or sleeping quarters located on the premises of a food service operation or retail food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food service operations or retail food establishment operations by complete partitioning and solid self-closing doors.

**3717-1-06.2 Physical facilities: numbers and capacities.**

- (A) Handwashing sinks - minimum number.

Handwashing sinks shall be provided as specified under paragraph (G) of 3717-1-05.1 of the Administrative Code.

- (B) Handwashing cleanser - availability.

Each handwashing sink or group of two adjacent handwashing sinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

- (C) Handwashing sinks - hand drying provision.

Each handwashing sink or group of adjacent handwashing sinks shall be provided with:

- (1) Individual, disposable towels;
- (2) A continuous towel system that supplies the user with a clean towel; or
- (3) A heated-air hand drying device.

- (D) Handwashing aids and devices - use restrictions.

A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing sink as

specified under paragraphs (B) and (C) of this rule and paragraph (G)(3) of rule 3717-1-05.4 of the Administrative Code.

(E) Handwashing signage.

A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing sinks used by food employees and shall be clearly visible to food employees.

(F) Disposable towels - waste receptacle.

A handwashing sink or group of adjacent handwashing sinks that is provided with disposable towels shall be provided with a waste receptacle as specified under paragraph (G)(3) of rule 3717-1-05.4 of the Administrative Code.

(G) Toilets and urinals - minimum number

Toilets and urinals shall be provided as specified under paragraph (H) of rule 3717-1-05.1 of the Administrative Code.

(H) Toilet tissue - availability.

A supply of toilet tissue shall be available at each toilet.

(I) Lighting - intensity

The light intensity shall be:

- (1) At least ten foot candles (one hundred eight lux) at a distance of thirty inches (seventy-five centimeters) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;
- (2) At least twenty foot candles (two hundred fifteen lux):
  - (a) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;
  - (b) Inside equipment such as reach-in and under-counter refrigerators; and
  - (c) At a distance of thirty inches (seventy-five centimeters) above the floor in toilet rooms and in areas used for handwashing, warewashing, equipment storage, or utensil storage; and
- (3) At least fifty foot candles (five hundred forty lux) at a surface where a food employee is working with food, utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

(J) Ventilation - mechanical.

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

(K) Dressing areas and lockers - designation.

(1) Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the food service operation or retail food establishment.

(2) Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

(L) Service sinks - availability.

A service sink or curbed cleaning facility shall be provided as specified under paragraph (I) of rule 3717-1-05.1 of the Administrative Code.

**3717-1-06.3 Physical facilities: location and placement.**

(A) Handwashing sinks - conveniently located.

Handwashing sinks shall be conveniently located as specified under paragraph (L) of rule 3717-1-05.1 of the Administrative Code.

(B) Toilet rooms - convenience and accessibility.

Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(C) Employee accommodations - designated areas

(1) Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, single-service articles, and single-use articles are protected from contamination.

(2) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, single-service articles, and single-use articles can not occur.

(D) Distressed merchandise - segregation and location.

Products that are held by the license holder for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, single-service articles, and single-use articles.

(E) Receptacles, waste handling units, and designated storage areas.

Units, receptacles, and areas designated for storage of returnable containers, refuse, and recyclables shall be located as specified under paragraph (J) of rule 3717-1-05.4 of the Administrative Code

**3717-1-06.4 Physical facilities: maintenance and operation.**

(A) Repairing.

The physical facilities shall be maintained in good repair.

(B) Cleaning - frequency and restrictions.

(1) The physical facilities shall be cleaned as often as necessary to keep them clean.

(2) Cleaning shall be done during periods when the least amount of food is exposed such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

(C) Cleaning floors - dustless methods.

Only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds. Spills or drippage on floors that occur between normal floor cleaning times may be cleaned without the use of dust-arresting compounds; and in the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

(D) Cleaning ventilation systems, nuisance and discharge prohibition.

(1) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

(2) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

(E) Cleaning maintenance tools - preventing contamination.

Food preparation sinks, handwashing sinks, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

(F) Drying mops.

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(G) Absorbent materials on floors - use limitation.

Except as specified in paragraph (C) of this rule, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

(H) Cleaning and maintenance of plumbing fixtures.

Plumbing fixtures such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean and maintained.

- (I) Closing toilet room doors.

Toilet room doors as specified under paragraph (L) of rule 3717-1-06.1 of the Administrative Code shall be kept closed except during cleaning and maintenance operations.

- (J) Using dressing rooms and lockers.

- (1) Dressing rooms shall be used by employees if the employees regularly change their clothes in the establishment.
- (2) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

- (K) Controlling pests.

The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

- (1) Routinely inspecting incoming shipments of food and supplies;
- (2) Routinely inspecting the premises for evidence of pests;
- (3) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under paragraphs (C), (K) and (L) of rule 3717-1-07.1 of the Administrative Code; and
- (4) Eliminating harborage conditions.

- (L) Removing dead or trapped birds, insects, rodents, and other pests.

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

- (M) Storing maintenance tools.

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

- (1) Stored so they do not contaminate food, equipment, utensils, linens, single-service articles, or single-use articles; and
- (2) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

- (N) Maintaining premises - unnecessary items and litter.

The premises shall be free of:

- (1) Items that are unnecessary to the operation or maintenance of the food service operation or retail food establishment such as equipment that is nonfunctional or no longer used; and
  - (2) Litter.
- (O) Prohibiting animals.

Live animals may not be allowed on the premises of a food service operation or retail food establishment. This prohibition does not apply in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:

- (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
- (2) Patrol dogs accompanying police or security officers in office, dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- (3) Service animals that are controlled by the disabled employee or person, or the trainer of the service animal, in areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, if a health or safety hazard will not result from the presence or activities of the service animal;
- (4) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
  - (a) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,
  - (b) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and
  - (c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service;
- (5) Caged animals or animals that are similarly confined may be permitted in areas that are not used for food preparation, storage, sales, display, or dining, such as in a variety store that sells pets or a tourist park that displays animals; or
- (6) Storage of live or dead fish bait.

**3717-1-07 Poisonous or toxic materials: labeling and identification.**

- (A) Original containers: identifying information.

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

- (B) Working containers - common name.

Working containers used for 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.

**3717-1-07.1 Poisonous or toxic materials: operational supplies and applications.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

(A) Storage: separation.

Poisonous or toxic materials shall be stored so they can not contaminate food, equipment, utensils, linens, single-service articles, and single-use articles by:

- (1) Separating the poisonous or toxic materials by spacing or partitioning; and
- (2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, single-service articles, 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, single-service articles, and single-use articles.

(B) Restriction.

Only those poisonous or toxic materials that are required for the operation and maintenance of a food service operation or retail 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 service operation or retail food establishment. This paragraph does not apply to packaged poisonous or toxic materials that are for retail sale.

(C) Conditions of use.

Poisonous or toxic materials shall be:

- (1) Used according to:
  - (a) Law and this chapter;
  - (b) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food service operation, retail food establishment, or food handling or processing areas;
  - (c) The conditions of licensing, if licensing is required, for use of the pest control materials; and
  - (d) Additional conditions that may be established by the regulatory authority; and
- (2) Applied so that:

- (a) A hazard to employees or other persons is not constituted; and
  - (b) Contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, single-service articles, and single-use articles is prevented, and for a restricted-use pesticide, this is achieved by:
    - (i) Removing the items;
    - (ii) Covering the items with impermeable covers, or
    - (iii) Taking other appropriate preventive actions, and
    - (iv) Cleaning and sanitizing equipment and utensils after the application.
- (3) A general use pesticide, other than for incidental use after July 1, 2004; or a restricted use pesticide shall be applied only by a commercial applicator licensed as specified under section 921.06 of the Revised Code, or a trained service person under the direct supervision of the commercial applicator. "Incidental use" means the application of a general use pesticide on an occasional, isolated, site-specific basis in order to avoid immediate personal harm. "Incidental use" does not mean regular, routine, or maintenance application of a general use pesticide.
- (D) Poisonous or toxic material containers.
- A container previously used to store poisonous or toxic materials shall not be used to store, transport, or dispense food.
- (E) Sanitizers - criteria.
- Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 40 CFR 180.940.
- (F) Chemicals for washing fruits and vegetables - criteria.
- Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315.
- (G) Boiler water additives, criteria.
- Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310.
- (H) Drying agents - criteria.
- Drying agents used in conjunction with sanitization shall:
- (1) 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 182, or 21 CFR 184,

- (b) Generally recognized as safe for the intended use as specified in 21 CFR 186,
  - (c) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181,
  - (d) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 175-178, or
  - (e) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39; and
- (2) When sanitization is with chemicals, the approval required under paragraph (H)(1)(c) or (H)(1)(e) of this rule or the regulation as an indirect food additive required under paragraph (H)(1)(d) of this rule, shall be specifically for use with chemical sanitizing solutions.
- (I) Lubricants - incidental food contact, criteria.
- Lubricants shall meet the requirements specified in 21 CFR 178.3570 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.
- (J) Restricted use pesticides - criteria.
- Restricted use pesticides shall meet the requirements specified in 40 CFR 152 Subpart I- and be applied as specified under paragraph (C)(3) of this rule.
- (K) Rodent bait stations.
- Rodent bait shall be contained in a covered, tamper-resistant bait station.
- (L) Tracking powders, pest control and monitoring.
- (1) A tracking powder pesticide may not be used in a food service operation or retail food establishment.
  - (2) A nontoxic tracking powder such as talcum or flour may not contaminate food, equipment, utensils, linens, single-service articles, or single-use articles.
- (M) Medicines - restrictions and storage.
- (1) Only those medicines that are necessary for the health of employees shall be allowed in a food service operation or retail food establishment. This paragraph does not apply to medicines that are stored or displayed for retail sale.
  - (2) Medicines that are in a food service operation or retail food establishment for the employees' use shall be labeled as specified under paragraph (A) of rule

3717-1-07 of the Administrative Code and located to prevent the contamination of food, equipment, utensils, linens, single-service articles, and single-use articles.

(N) Refrigerated medicines - storage.

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

- (1) 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
- (2) Located so they are inaccessible to children.

(O) First aid supplies - storage.

First aid supplies that are in a food service operation or retail food establishment for the employees' use shall be:

- (1) Labeled as specified under paragraph (A) of rule 3717-1-07 of the Administrative Code; and
- (2) Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens, single-service articles, and single-use articles.

(P) Other personal care items - storage.

Except as specified under paragraphs (N) and (O) of this rule, employees shall store their personal care items in facilities as specified under paragraph (K)(2) of rule 3717-1-06.2 of the Administrative Code.

**3717-1-07.2 Poisonous or toxic materials: storage and display - separation.**

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

- (A) Separating the poisonous or toxic materials by spacing or partitioning; and
- (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, single-service articles, or single-use articles.

**3717-1-08 Special requirements: fresh juice production.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

- (A) Fresh juice or any beverage containing fresh juice packaged in a food service operation or retail food establishment, shall:

- (1) Be labeled as specified under paragraph (C) of rule 3717-1-03.5 of the Administrative Code, and
- (2) Bear the following warning statement as specified in 21 CFR 101.17

Warning: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.

The juice warning statement can be on the information panel or the principal display panel set off in a box with the use of hairlines in type size no less than one-sixteenth of an inch. The word "warning" must be in bold capital letters.

- (B) The food service operation or retail food establishment that packages fresh juice does not need to meet the requirements for labeling specified in paragraph (A)(2) of this rule if they produce juice that is:
  - (1) Pasteurized, or
  - (2) Treated under a HACCP plan to attain a five log reduction, which is equal to a 99.999 per cent reduction in microorganisms of a public health significance; and
  - (3) A variance is obtained from the director of agriculture or director of health, whichever is applicable.

#### **3717-1-08.1 Special requirements: heat treatment dispensing freezers.**

- (A) As used in this rule, "heat treatment dispensing freezer" means a self-contained dispensing freezer with a product reservoir that processes previously pasteurized products, freezes the products, dispenses frozen dairy products, and maintains microbiological quality by elevating the temperature of the product using heating methods that are an integral part of the dispensing freezer.
- (B) To be used in a food service operation or retail food establishment, a heat treatment dispensing freezer shall meet the following requirements:
  - (1) The heat treatment dispensing freezer shall be approved by an equipment testing agency as specified in paragraph (KK)(1) of rule 3717-1-04.1 of the Administrative Code;
  - (2) The heat treatment dispensing freezer shall complete a heat treatment cycle at least once every twenty-four hours. "Heat treatment cycle" means a cycle in which the heat treatment dispensing freezer elevates the product temperature during the heating phase to at least one hundred fifty degrees Fahrenheit (65.5 degrees Celsius) within no more than ninety minutes, maintains the product at that temperature during the holding phase for at least thirty minutes, then cools it during the cooling phase to a temperature of forty-one degrees Fahrenheit (five degrees Celsius) or below within no more than two hours;
  - (3) The heat treatment dispensing freezer shall be equipped with a monitoring device which indicates all of the following:

- (a) The length of time since the last heat treatment cycle;
  - (b) The length of time that the most recent heat treatment cycle was one hundred fifty degrees Fahrenheit (65.5 degrees Celsius) or above; and
  - (c) The length of time of the heating phase, the holding phase, and the cooling phase.
- (4) The heat treatment dispensing freezer shall have a clearly visible temperature indicating device, accurate to plus or minus two degrees Fahrenheit (plus or minus one degree Celsius), showing the product temperature in the hopper;
- (5) The heat treatment dispensing freezer shall be equipped with an internal lockout device that cannot be reset without complete disassembly of the machine. The internal lockout device shall mechanically shut down the heat treatment dispensing freezer so that the unit is unable to dispense frozen product if any one of the following occurs:
- (a) The heat treatment cycle is not properly completed;
  - (b) The heat treatment cycle has not been completed at least one time in the preceding twenty-four hours; or
  - (c) The heat treatment dispensing freezer has not been disassembled for cleaning and sanitizing within the preceding fourteen days.
- (C) The operator of a food service operation or retail food establishment using a heat treatment dispensing freezer shall do all of the following:
- (1) Disassemble, clean, and sanitize the heat treatment dispensing freezer at least every fourteen days, except for those parts specified by the manufacturer such as hopper covers, design caps, door spouts, and bottoms of draw valves that shall be cleaned and sanitized daily;
  - (2) Maintain the product in the hopper at forty-one degrees Fahrenheit (five degrees Celsius) or below, except during a heat treatment cycle;
  - (3) Document all heat treatment cycles by maintaining a daily log of the items set forth in paragraph (B)(3) of this rule, retaining such logs for ninety days, and making them available for inspection at the request of the licensor;
  - (4) Discard all product remaining in the freezer whenever the heat treatment dispensing freezer is disassembled for cleaning; and
  - (5) Comply with all other applicable provisions of this chapter.

**3717-1-08.2 Special requirements: custom processing.**

- (A) Custom processing of game animals, migratory waterfowl or game birds in a food service operation or retail food establishment may be done only at the end of the work shift or day to prevent any cross contamination of product for sale or service.
- (B) Prior to entry into the food service operation or retail food establishment:

- (1) All animal carcasses shall be skinned, beheaded, eviscerated and free of hair; and
- (2) All bird carcasses shall be eviscerated and free of feathers.
- (C) If the hide and head is to be retained for the owner it shall be packaged and segregated from all food.
- (D) All custom processed product shall be wrapped or containerized and stored segregated from all retail products so as to prevent contamination.
- (E) Immediately after custom processing all knives, tables, hooks, grinders, tenderizers, lugs, inedible barrels, saws, or any other equipment soiled during custom processing shall be thoroughly cleaned as specified in paragraphs (F), (G), (H), and (I) of rule 3717-1-04.5 of the Administrative Code, rinsed as specified in paragraph (J) of rule 3717-1-04.5 of the Administrative Code, and sanitized as specified in rule 3717-1-04.6 of the Administrative Code.
- (F) When an Ohio department of natural resources inspection tag is required, the tag or tag number must remain with the animal throughout the process period and be returned with the product to the owner.
- (G) A food service operation or retail food establishment shall identify all products for custom processing in the facility as not for sale.

**3717-1-08.3 Special requirements: bulk water machine criteria.**

[Comment: For publication dates of the CFR referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

- (A) Water dispensed from a bulk water machine shall meet the quality standards specified in 21 CFR 165, Subpart B.
- (B) Bulk water machines shall be connected to an approved water supply.
- (C) Bulk water machines shall be in compliance with the construction and performance standards set forth in paragraph (KK) of rule 3717-1-04.1 of the Administrative Code and shall be maintained to those standards.
- (D) All water processed through a bulk water machine shall be disinfected as the last treatment step prior to being dispensed.
- (E) Bulk water machines shall be equipped with monitoring devices designed to shut down operation of the machine when the disinfection unit fails to function.
- (F) Bulk water machines shall be maintained in a clean and sanitary condition.
- (G) Bulk water machines shall be located in an area that can be maintained in a clean condition and in a manner that avoids insect and rodent harborage.
- (H) The water dispensed from bulk water machines shall be sampled at least semi-annually for coliform bacteria. Sample results shall be retained at the food service operation or retail food establishment for review by the licenser.

**3717-1-08.4 Special requirements: acidified white rice preparation criteria.**

A retail food establishment or food service operation that acidifies white rice for the purpose of rendering it a non-time/temperature controlled for safety food shall meet the applicable requirements of this chapter and shall have a HACCP plan that includes:

- (A) A description of the products produced;
- (B) A recipe for the production of the acidified rice that specifies:
  - (1) The water to rice ratio prior to cooking, and the cooking schedule;
  - (2) The vinegar solution recipe including salts and sugars;
  - (3) The cooked rice to vinegar solution ratio that is to be thoroughly mixed to acidify the rice;
  - (4) The cooked and acidified rice must have a targeted pH of 4.1 and an equilibrium pH of 4.6 or less; and
  - (5) The vinegar solution must be added to the rice within thirty minutes of cooking.
- (C) The method used to determine the pH of the cooked, acidified rice that includes the following:
  - (1) Conducting the pH test within thirty minutes after acidification of the cooked rice and as often as necessary to assure a targeted pH of 4.1 and an equilibrium pH of 4.6 or less.
  - (2) Making a rice slurry by gathering a one-quarter cup sample of the cooked acidified rice taken from various locations in the batch and add three-quarter cup of distilled water in a clear plastic or metal blend cup. Blending the slurry for approximately twenty seconds to create a thorough mix.
  - (3) Inserting a pH probe into the liquid portion of the slurry. Repeated measurements with a new slurry from the same batch of rice must be taken to assure the equilibrium pH of 4.6 or less is achieved.
  - (4) Recording of measurements.
- (D) Standard sanitary operation procedures that:
  - (1) Require the use of single-use gloves to prevent contacting the food with bare hands;
  - (2) Identify a designated work area that includes a dedicated sink and preparation table, and the method by which:
    - (a) Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation; and

- (b) Food-contact surfaces are cleaned and sanitized; or
  - (c) If it is necessary to share workspace and facilities, a schedule of operations, personnel traffic, product traffic, and cleaning that is planned to prevent cross contamination of ready-to-eat sushi products.
- (E) Describes the training program that ensures that the individual responsible for the acidified rice operation understands the:
  - (1) Application of HACCP principles to the processing of acidified rice;
  - (2) Maintenance of pH records and the verification of procedures specified in this rule;
  - (3) Maintenance of equipment and facilities; and
  - (4) Procedures specified under this rule.

**3717-1-09 Criteria for reviewing facility layout and equipment specifications.**

- (A) The facility layout and equipment specifications submitted for the approval of the licensor shall clearly confirm that the applicable provisions of Chapter 3717-1 of the Administrative Code can be met. The facility layout and specifications shall be legible, be drawn reasonably to scale, and shall include:
  - (1) The type of operation or establishment proposed and foods to be prepared and served;
  - (2) The total area to be used for the food service operation or retail food establishment including square footage;
  - (3) All portions of the premises in which the food service operation or retail food establishment are to be conducted;
  - (4) Entrances and exits;
  - (5) Location, number and types of plumbing fixtures, including all water supply facilities;
  - (6) Plan of lighting, both natural and artificial, with foot-candles indicated for critical surfaces;
  - (7) A floor plan showing the general layout of fixtures and other equipment;
  - (8) Building materials and surface finishes to be used; and
  - (9) An equipment list with equipment manufacturers and model numbers.
- (B) Food equipment that is acceptable for use in a food service operation or retail food establishment shall be approved as specified under paragraph (KK) of rule 3717-1-04.1 of the Administrative Code.

- (C) The licensor may place restrictions or conditions on a license limiting the types of food that may be prepared or served by the food service operation or retail food establishment based on the equipment or facilities of the food service operation or retail food establishment. Limitations shall be posted on the back of the license.
- (D) The licensor of a mobile food service operation or mobile retail food establishment shall post on the back of the food service operation license or retail food establishment license pertinent information concerning the operation. This information shall include the menu, the layout of the operation including the location and type of major equipment, and any restrictions or conditions limiting the types of food that may be prepared or served by the license holder based on the equipment or facilities.
- (E) Temporary food service operation or temporary retail food establishment facility layout equipment specification approval. Before opening a temporary food service operation or temporary retail food establishment, the operator shall provide to the licensor, a drawing showing the facility layout and a letter of intent providing pertinent information such as:
  - (1) Foods to be prepared and served;
  - (2) Source of food;
  - (3) Hot holding facilities;
  - (4) Cold holding facilities;
  - (5) Handwashing facilities;
  - (6) Equipment and utensils;
  - (7) Support facilities; and
  - (8) Any other information requested by the licensor.

**3717-1-20 Existing facilities and equipment.**

- (A) Food service operations and retail food establishments in operation prior to March 1, 2001 may continue to use existing facilities and equipment that:
  - (1) Are in good repair and can be maintained in a sanitary condition;
  - (2) Have food contact surfaces that comply with the requirements of this chapter;
  - (3) Have cooling, heating, and holding capacities that comply with the requirements of this chapter; and
  - (4) Do not constitute a public health hazard or public nuisance.
- (B) Existing facilities and equipment shall be replaced with equipment and facilities meeting the requirements of this chapter when any of the following occur:

- (1) They no longer comply with the requirements of paragraphs (A)(1) to (A)(4) of this rule;
- (2) They no longer comply with the criteria upon which they were originally approved; or
- (3) The food service operation or retail food establishment changes ownership.