

**RULES  
OF  
TENNESSEE DEPARTMENT OF HEALTH  
BUREAU OF HEALTH SERVICES ADMINISTRATION  
DIVISION OF GENERAL ENVIRONMENTAL HEALTH**

**CHAPTER 1200-23-1  
FOOD SERVICE ESTABLISHMENT**

**TABLE OF CONTENTS**

1200-23-1-.01	Definitions	1200-23-1-.04	Fees
1200-23-1-.02	Food Sanitation	1200-23-1-.05	Loss of Permit Document
1200-23-1-.03	Establishment Permitting and Inspection System	1200-23-1-.06	General Provisions

**1200-23-1-.01 DEFINITIONS**

- (1) "Approved" means being accepted by the Commissioner.
- (2) "Auxiliary food service operation" shall mean a designated area located within or adjacent to a food service establishment sharing common ownership and/or management and whose primary purpose is serving beverages. For determining the amount of the permit fee for the food service establishment associated with the auxiliary food service operation, all seating in the auxiliary food service operation shall be included in the seating count of the primary food service establishment.
- (3) "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing.
- (4) "Commissioner" means the Commissioner of the Department of Health or the Commissioner's duly appointed representative, and in the event of a vacancy in the office of Commissioner, the Acting Commissioner.
- (5) "Contamination" means the act or process of rendering or potentially rendering unfit for use.
- (6) "Contractor" means a person that enters into an agreement with another person to perform specific duties and acts as a representative of the permittee or permit applicant.
- (7) "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence by food contact, and the normal use of cleaning compounds and bactericidal solutions, as well as other conditions-of-use in the environment.
- (8) "Cross contamination" means the act or process of rendering unfit or potentially rendering unfit the use of food as the result of the introduction of pathogens, adulteration, or improper handling.
- (9) "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (10) "Employee" means the permit holder, individuals having supervisory or management duties, or any other person working in a food service establishment.
- (11) "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.
- (12) "Exemption from payment of permit fee" means that

(Rule 1200-23-1-.01, continued)

- (a) churches, schools, civic, fraternal or veterans' organizations serving food are exempt from payment of the food service establishment permit fees; provided, however, that the food is served no more than fifty-two (52) separate days in one (1) fiscal year. Any organization or group exempt from fees under this rule must still apply for and be granted a food service establishment permit prior to operation. Such exemption is expressly limited to the payment of fees and does not exempt these organizations from any other provisions of these Rules. These organizations are exempt from the payment of food service establishment permit fees; provided, however, that such organizations(s) are not in conjunction with, or as a part of, or in the vicinity of a single event or celebration of two or more consecutive days duration. Being in conjunction with, or as a part of, or in the vicinity of a single event or celebration shall be determined by the Commissioner, unless otherwise provided for by law.
  - (b) In addition to the exception established in subparagraph (a) above, churches involved in the sale of food at a four-day, multi-regional event sponsored by a local chamber of commerce, whose primary purpose is to generate economic interest in such regions, shall be further exempt from the payment of food service establishment permit fees for such event.
- (13) "Extensive remodeling" means alteration to change seating capacity from 16 seats or less to more than 16 seats; or the alteration of walls in food preparation or utensil washing areas; or the increase or decrease of floor space.
  - (14) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended in whole or in part for human consumption.
  - (15) "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, as well as those surfaces from which food may drain, drip, or splash back on surfaces normally in contact with food.
  - (16) "Food processing establishment" means a commercial establishment (other than food services establishments, retail food stores, and commissary operations) in which food is manufactured or packaged for human consumption and which operates in accordance with all applicable laws.
  - (17) "Food service establishment" means any establishment, place or location, whether permanent, temporary, seasonal or itinerant, where food is prepared and the public is offered to be served or is served the following, including, but not limited to: foods, vegetables, and/or beverages, not in an original package or container; food and beverages dispensed at soda fountains and delicatessens; and sliced watermelon, ice balls, and/or water mixtures. The term includes any such places regardless of whether there is a charge for the food. The term does not include:
    - (a) private homes where food is prepared or served and not offered for sale;
    - (b) a retail food store operation other than a delicatessen;
    - (c) the location of vending machines; or
    - (d) supply vehicles.

The term also does not include any such establishment, place, or location, whether permanent, temporary, seasonal or itinerant, which is located west of the Ben Brown Bridge and east of the Lascassas School in Lascassas, Tennessee. "Food service establishment" shall not include grocery stores which may, incidentally, make infrequent casual sales of uncooked foods for consumption on the premises, or any establishment whose primary business is other than food services, which may, incidentally, make infrequent casual sales of coffee and/or prepackaged foods, for consumption on the premises. For the purposes of the preceding sentence, "infrequent casual sales" means sales not in excess of fifty dollars (\$50.00) per day on any

(Rule 1200-23-1-.01, continued)

particular day. "Food service establishment" does not include a location from which casual, occasional food sales are conducted solely in connection with youth related amateur athletic or recreational activities or school related clubs by volunteer personnel which are in operation for twenty-four (24) consecutive hours or less. "Food service establishment" does not include a catering business that employs no regular, full-time employees, the food preparation for such business being solely performed within the confines of the principal residence of the proprietor, and such catering business makes only occasional sales during any thirty (30) day period. "Food service establishment" shall not include educational and training exercises conducted during before and after school care programs, child care programs, or instructional programs such as home economics. Food prepared during these educational and training exercises shall not be offered for sale or consumption to the public, including other students and/or faculty outside of the classroom environment. However, the actual preparation and service of food in school and child care facilities must comply with these rules.

- (18) "Group day care home food service" means a food service establishment that operates within a licensed child day care facility which receives a minimum of eight (8) and a maximum of twelve (12) children and up to three (3) additional school-age children for less than twenty four (24) hours per day for care outside their own homes. Food preparation and/ or service, other than for the specific purposes of operating a group day care home, shall not be defined as group day care home food service.
- (19) "Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content.
- (20) "Imminent health hazard" means any condition, deficiency, or practice which, if not corrected, is very likely to result in illness, injury, or loss of life to any person.
- (21) "Kitchenware" means all multi-use utensils, other than tableware.
- (22) "Law" means any provision of the Tennessee Code Annotated and any applicable rules of any State agency.
- (23) "Mobile food unit" means a food service establishment designed to be readily movable.
- (24) "Owner/Operator" means the applicant, permittee, or other persons to be in charge of facilities.
- (25) "Packaged" means bottled, canned, or securely wrapped.
- (26) "Person" means any individual, partnership, firm, corporation, agency, municipality, or state or political subdivisions, or the federal government and its agencies and departments.
- (27) "Person in charge" means the individual present in a food service establishment who is the apparent supervisor at the time of inspection or, if no individual is the apparent supervisor, then any employee present.
- (28) "Potable water" means water that is safe for drinking.
- (29) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.
- (30) "Reconstituted" means dehydrated food products recombined with water or other liquids.
- (31) "Safe materials" means articles manufactured and used in accordance with law.

(Rule 1200-23-1-.01, continued)

- (32) "Sanitary" means clean and free of agents of infection.
- (33) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
- (34) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.
- (35) "Sewage" means human excreta, all water carried waste, and household wastes from residences, buildings, or commercial and industrial establishments.
- (36) "Shall" denotes a mandatory requirement.
- (37) "Single-service articles" means cups, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended to be used for one-time, one-person use and then to be discarded.
- (38) "Solid waste" means refuse, garbage, trash, rubbish, and any other item or items which could cause an unsanitary condition or undesirable health and safety conditions.
- (39) "Tableware" means multi-use eating and drinking utensils.
- (40) "Temporary food establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days.
- (41) "Utensils" means any implement used in the storage, preparation, transportation, or service of food.

**Authority:** T.C.A. 4-5-202, 68-14-301 *et seq.*, 68-14-302- and 68-14-303. **Administrative History:** Original rule filed March 26, 1987; effective May 9, 1987. Amendment filed February 14, 1989; effective March 21, 1989. Amendment filed January 2, 1991; effective May 1, 1991. Repeal and new rule filed August 24, 2000; effective November 7, 2000. Amendment filed October 22, 2004; effective January 5, 2005.

#### 1200-23-1-.02 FOOD SANITATION

- (1) Food Supplies
  - (a) General. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers, not prepared in a food processing establishment, is prohibited.
  - (b) Specific Requirements.
    - 1. Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.
    - 2. Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in non-returnable packages identified with the name and address of the original shell stock and shucked shellfish packer, or repacker, and the interstate certification number. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used, and the Interstate Certification number shall not be removed. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the

(Rule 1200-23-1-.02, continued)

kind and quantity of shell stock, and an interstate certification number of the State or foreign shellfish control agency. Shell stock identification tags shall be retained by the Food Service Establishment at least ninety (90) days after receipt of the shellfish.

3. Food service establishments shall only use:
  - (i) clean whole eggs (with shell intact and without cracks or checks);
  - (ii) pasteurized liquid, frozen, or dry eggs;
  - (iii) pasteurized dry egg products; and
  - (iv) hard-boiled, peeled eggs, prepared in an approved food processing establishment.
4. All meat and meat products, as well as poultry and poultry products, shall have been inspected and passed for wholesomeness under an official governmental regulatory program.

(2) Food Protection

- (a) General. At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation.
- (b) Except as otherwise provided in these rules, potentially hazardous food shall be maintained
  1. at 41°F or below or 140°F or above at all times, except during necessary periods of preparation; or
  2. at 45°F or below in existing refrigeration equipment that is incapable of maintaining the food at 41°F or less, if:
    - (i) the equipment is in place and in use in the food service establishment, and
    - (ii) within five (5) years from the effective date of these rules, the equipment is upgraded or replaced to maintain food at a temperature of 41°F or less.
  3. In any event, five years from the effective date of these rules, all potentially hazardous food shall be maintained at 41°F or below, or 140°F or above at all times, except during necessary periods of preparation
- (c) Emergency Occurrences. In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the Department. Upon receiving notice of this occurrence, the Commissioner may take whatever action deemed necessary to protect the public health.

(3) Food Storage

- (a) General.
  1. Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean covered container, except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except

(Rule 1200-23-1-.02, continued)

that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks, if no food product is stored beneath the meat.

2. Containers of food shall be stored a minimum of six (6) inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:
  - (i) metal pressurized beverage containers and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture and
  - (ii) Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.
3. Food and containers of food shall not be stored under exposed or unprotected sewer lines or non-potable water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.
4. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.
5. Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.
6. Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar, or flour, which is not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name.

(b) Refrigerated Storage.

1. Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer or recording thermometer, accurate to  $\pm 3^{\circ}\text{F}$ , located to measure the air temperature in the warmest part of the facility and located to be easily readable.
2. Potentially hazardous food requiring refrigeration shall be rapidly cooled to an internal temperature of  $41^{\circ}\text{F}$  or below. Potentially hazardous foods of large quantities shall be rapidly cooled, utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container, so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of  $41^{\circ}\text{F}$  or below, unless maintained in accordance with Rule 1200-23-1-.02(3)(c)(2).
3. Frozen food shall be kept frozen and/or shall be stored at a temperature of  $0^{\circ}\text{F}$  or below.
4. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head, provided the tubes are constructed and fabricated in accordance with Rule 1200-23-1-.02(8)(b)1.(iii).

(c) Hot Storage

(Rule 1200-23-1-.02, continued)

1. Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer or recording thermometer, accurate to  $\pm 3^{\circ}\text{F}$ , located to measure the air temperature in the coolest part of the facility and located to be easily readable. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used at each such piece of equipment to check internal food temperature.
2. The internal temperature of potentially hazardous foods requiring hot storage shall be  $140^{\circ}\text{F}$  or above, except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of  $140^{\circ}\text{F}$  or above, unless maintained in accordance with Rule 1200-23-1-.02(3)(b)2.

(4) Food Preparation

(a) General.

1. Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed, and sanitized to prevent cross contamination.
2. Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.
3. Except as specified under part 4 of this subparagraph, 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:
  - (i)  $63^{\circ}\text{C}$  ( $145^{\circ}\text{F}$ ) or above for 15 seconds for:
    - (I) raw shell eggs that are broken and prepared in response to a consumers order for immediate service, and
    - (II) except as specified under subparts (ii) and (iii) of this part, fish and meat including game animals commercially raised for food.
  - (ii)  $68^{\circ}\text{C}$  ( $155^{\circ}\text{F}$ ) for 15 seconds or the temperature specified in Chart I that corresponds to the holding time for pork, ratites, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food; and raw eggs that are not prepared as specified under Subparagraph (1) a.i. of this section:

Chart I

Minimum	
Temperature $^{\circ}\text{C}$ ( $^{\circ}\text{F}$ )	Time
63 (145)	3 minutes
66 (150)	1 minute

(Rule 1200-23-1-.02, continued)

- (iii) 74°C (165°F) or above for 15 seconds for poultry, wild game animals, and stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites.

or

- (iv) Whole beef roasts and corned beef roasts shall be cooked in an oven that is preheated to the temperature specified for the roast's weight in Chart II and that is held at that temperature and as specified in the Chart III, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature.

Chart II

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

<sup>1</sup> Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.

Chart III

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

<sup>1</sup> Holding time (minutes) may include postoven heat rise.

- 4. 1200-23-1-.02(4)(a)3. does not apply if:

The food is a raw animal food such as raw egg; raw fish; raw-marinated fish; raw molluscan shellfish; steak tartare; or a partially cooked food such as lightly cooked fish, rare meat, and softcooked eggs that is served or offered for sale in a ready-to-eat form, and is ordered in a raw or undercooked condition by the immediate consumer.

- 5. Raw animal foods cooked in a microwave oven shall be:

- (i) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat,
- (ii) covered to retain surface moisture,



(Rule 1200-23-1-.02, continued)

- (iii) heated to a temperature of at least 74°C (165°F) in all parts of the food, and
    - (iv) allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.
  - 6. Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 60°C (140°F).
  - 7. Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products or for cooking and baking purposes.
  - 8. Liquid, frozen, dry eggs, and egg products shall be used only for cooking and baking purposes.
  - 9. Potentially hazardous foods which have been cooked and then refrigerated shall be reheated rapidly to 165°F or higher throughout for 15 seconds within two hours of removal from refrigerated storage before being served or before being placed in a hot food storage facility.
  - 10. Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers, not exceeding one gallon in capacity and cooled to 41°F or below within 4 hours of preparation.
  - 11. Metal, stem-type, numerically scaled indicating thermometers, accurate to  $\pm 2^\circ\text{F}$ , shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.
  - 12. Potentially hazardous foods shall be thawed
    - (i) in refrigerated units at a temperature not to exceed 41°F or as otherwise provided in 1200-23-1-.02(2); or
    - (ii) under potable running water of a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose particles into the overflow; or
    - (iii) in a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
    - (iv) as a part of the cooking process.
- (5) Food Display and Service
  - (a) Potentially hazardous food shall be kept at an internal temperature of equal to or less than 41°F or equal to or greater than 140°F during display and service, except that, unsliced rare roast beef shall be held for service at a temperature of 41°F or below or at an internal temperature of 130°F or above, or as otherwise provided in 1200-23-1-.02(2).
  - (b) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, filled package, not exceeding 1 pint in capacity, or drawn from a container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than 1/2 pint are required for mixed drinks, cereal, dessert service, or drinking purposes, milk and milk products may be poured from a container of not more than 1-gallon capacity.

(Rule 1200-23-1-.02, continued)

- (c) Cream or "half-and-half" shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
  - (d) Bulk milk dispenser hoses shall be cut at an angle to facilitate self-draining and shall not exceed one and one-half (1½) inches in length.
  - (e) Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
  - (f) Condiments, seasonings, and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with 1200-23-1-.02(5)(k).
  - (g) Condiments provided for table and counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or a pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers.
  - (h) Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensils handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.
  - (i) To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils and malt collars shall be
    1. stored in the food containers with the food they are being used to serve with the dispensing utensil handle extended out of the food; or
    2. stored clean and dry; or
    3. stored in running water.
  - (j) Once served to a consumer, portions of leftover food shall not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition may be re-served.
  - (k) Food on display shall be protected from consumer contamination by the use of packaging or by the use of an easily cleanable counter, serving line or salad bar protector devices, display cases, or by other effective means. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.
  - (l) Re-use of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement and may be used for refills.
- (6) Food Transportation

During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered, if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall

(Rule 1200-23-1-.02, continued)

meet the requirements of Rules 1200-23-1-.02(2) and 1200-23-1-.02(3) relating to food protection and food storage.

(7) Personnel

- (a) No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person's contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.
- (b) When the Commissioner has reasonable cause to suspect possible disease transmission by an employee of the facility, the Commissioner may secure a morbidity history of the employee or make other investigations as may be indicated. The Commissioner may require any of the following:
  - 1. the immediate exclusion of the employee from employment in the food service establishment;
  - 2. the immediate closing of the facility until, in the opinion of the Commissioner, no further danger of disease outbreak exists;
  - 3. the restriction of the employee to some area of the facility where there would be little likelihood of transmitting disease; or
  - 4. adequate medical laboratory examinations of the employee and of other employees.
- (c) Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, using the toilet, and again upon returning to work after using the toilet. The use of common towels is prohibited. Employees shall keep their fingernails clean and trimmed.
- (d) The outer clothing of all employees shall be clean.
- (e) Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces.
- (f) Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated, if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection. An employee may drink from a closed beverage container, if the container is handled to prevent the contamination of the employee's hands, the container, any exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles.
- (g) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing or for food preparation. Employees shall use tobacco only in designated areas. An employee tobacco-use area shall not be designed for that purpose, if the use of tobacco there may result in contamination of food, equipment, utensils, or other items needing protection.
- (h) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices, during all working periods in food service establishments.

(8) Equipment and Utensil

(Rule 1200-23-1-.02, continued)

(a) Materials

1. Multi-use equipment and utensils shall be constructed and repaired with safe materials; they shall be corrosion resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials. Equipment, utensils, and single service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.
2. If solder is used, it shall be composed of safe materials and be corrosion resistant.
3. Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in Rule 1200-23-1-.02(8)(a)1 may be used for cutting blocks, cutting boards, salad bowls, and bakers tables. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.
4. Safe plastic or safe rubber-like materials that are resistant, under normal conditions of use, to scratching, scoring, decomposition, crazing, chipping and distortion; that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods; and which meet the general requirements set forth in Rule 1200-23-1-.02(8)(a)1 are permitted for repeated use.
5. Mollusk and crustaceans shells may be used only as single-service articles.
6. Re-use of single service articles is prohibited.

(b) Design and Fabrication

1. General. All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.
  - (i) Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooling equipment and hot oil filtering systems, such exposed threads shall be minimized, but in no event more than 1/2 inch.
  - (ii) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.
  - (iii) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice; provided that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.
  - (iv) Sinks and drain boards shall be self-draining.

(Rule 1200-23-1-.02, continued)

2. Accessibility. Unless designed for in-place cleaning, food contact surfaces shall be accessible for cleaning and inspection
  - (i) without being disassembled; or
  - (ii) by disassembling without the use of tools; or
  - (iii) by easily disassembling with the use of only simple tools such as a mallet, a screwdriver, or an open-end wrench. Any such tools necessary for disassembling shall be kept available near the equipment.
3. In-place cleaning. Equipment intended for in-place cleaning shall be so designed and fabricated that
  - (i) cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
  - (ii) cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
  - (iii) the system is self-draining or capable of being completely evacuated.
4. Pressure spray cleaning. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.
5. Thermometers. Indicating thermometers required for immersion into food or cooking media shall be of metal, stem-type construction, numerically scaled, and accurate to  $\pm 2^{\circ}\text{F}$ .
6. Non-food contact surfaces. Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
7. Ventilation hoods. Ventilation hoods and devices shall be designed, fabricated, and installed to prevent grease or condensation from collecting on walls and ceilings and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement, if not designed to be cleaned in place.
8. Existing equipment. Equipment that was installed in a food service establishment prior to May 9, 1987, (original date of first promulgation) of these rules and that does not fully meet all of the design and fabrication requirements of these rules, shall be deemed acceptable in that establishment, if the equipment is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Replacement equipment and equipment acquired after the effective date of these rules shall meet the requirements of these rules.
9. Equipment installation and location. Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines or water lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads.

(Rule 1200-23-1-.02, continued)

10. Table mounted equipment.
  - (i) Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a 4-inch clearance between the table or counter and the equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.
  - (ii) Equipment is portable if:
    - (I) it is small and light enough to be moved easily by one person; and
    - (II) it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.
11. Floor-mounted equipment.
  - (i) Floor-mounted equipment, unless readily movable, shall be:
    - (I) sealed to the floor; or
    - (II) installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or
    - (III) elevated on legs to provide at least six (6) inches clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least four (4) inches clearance between the floors and equipment, if no part of the floor under the mixer is more than six (6) inches from cleaning access.
  - (ii) Equipment is readily movable if:
    - (I) it is mounted on wheels or casters; and
    - (II) it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
    - (III) Unless sufficient space is provided for easy cleaning between, behind, and above each unit or fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.
12. Aisles and working spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surface by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

(9) Sanitization, Cleaning, and Storage of Equipment and Utensils

(a) Cleaning Frequency.

(Rule 1200-23-1-.02, continued)

1. Tableware shall be washed, rinsed, and sanitized after each use.
  2. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following each interruption of operations during which time contamination may have occurred.
  3. Where equipment and utensils other than those referred to in part 4 below are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on a schedule approved by the Department based on food temperature, type of food, and amount of food particle accumulation.
  4. The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.
  5. Non-food contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.
- (b) Wiping Cloths.
1. Cloths used for wiping food spills on tableware, such as plates or bowls being served to the customer, shall be clean, dry, and used for no other purpose.
  2. Cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Rule 1200-23-1-.02(9)(c)5 and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
  3. Cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified in part 2 above and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- (c) Manual Cleaning and Sanitizing.
1. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three (3) compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.
  2. Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as to not interfere with the proper use of the dishwashing facilities.
  3. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.
  4. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence.

(Rule 1200-23-1-.02, continued)

- (i) Sinks shall be cleaned prior to use.
  - (ii) Equipment and utensils shall be thoroughly washed in the first compartment with hot detergent solution that is kept clean.
  - (iii) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
  - (iv) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in Rule 1200-23-1-.02(9)(c)5.(i) through (vi).
5. The food-contact surfaces of all equipment and utensils shall be sanitized by:
- (i) immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 170°F; or
  - (ii) immersion for at least one minute in a clean solution containing at least fifty parts per million (50 ppm) of available chlorine as a hypochlorite and at a temperature of at least 75°F; or
  - (iii) immersion for at least one minute in a clean solution containing at least twelve and a half parts per million (12.5 ppm) of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F; or
  - (iv) immersion in a clean solution containing any other chemical sanitizing agent allowed under Appendix B that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75°F for one minute; or
  - (v) treatment with steam free from materials or additives other than those specified in Appendix B in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
  - (vi) rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under subpart (iv) above in the case of equipment too large to sanitize by immersion.
6. When hot water is used for sanitizing, the following facilities shall be provided and used:
- (i) an integral heating device or fixture installed in, on, or under the sanitization compartment of the sink capable of maintaining the water at a temperature of at least 170°F; and
  - (ii) a numerically scaled indicating thermometer, accurate to  $\pm 3^\circ\text{F}$ , convenient to the sink for frequent checks of water temperature; and
  - (iii) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.
7. When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under Appendix B and a test kit or other device that accurately measures the part per million concentration of the solution shall be provided and used.
- (d) Mechanical Cleaning and Sanitizing.



(Rule 1200-23-1-.02, continued)

1. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils in a manner at least as effective as those listed in Rule 1200-23-1-.02(9)(c). These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.
2. The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A 1/4-inch IPS (iron pipe size) valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.
3. Machine or water line mounted numerically scaled indicating thermometers, accurate to  $\pm 3^{\circ}\text{F}$ , shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
4. Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines.
5. Drain boards shall be provided and be of adequate size for proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.
6. Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.
7. Machines (single-tank, stationary-rack door-type machines and spray-type glass washers) using chemicals for sanitization may be used, provided that
  - (i) the temperature of the wash water shall not be less than  $120^{\circ}\text{F}$ ,
  - (ii) the wash water shall be kept clean,
  - (iii) chemicals added for sanitization purposes shall be automatically dispensed,
  - (iv) utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturer's specifications for time and concentration,
  - (v) the chemical sanitizing rinse water temperature shall be not less than  $75^{\circ}\text{F}$  nor less than the temperature specified by the machine's manufacturer,

(Rule 1200-23-1-.02, continued)

- (vi) chemical sanitizers used shall meet the requirements set forth in Appendix B, and
  - (vii) a test kit or other devices that accurately measures the parts per million concentration of the solution shall be available and used.
8. Machines using hot water for sanitizing may be used, provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated for the following categories:
- (i) single-tank, stationary rack, dual temperature machine:
 

wash temperature	150°F
final rinse temperature	180°F
  - (ii) single-tank, stationary rack, single temperature machine:
 

wash temperature	165°F
final rinse temperature	165°F
  - (iii) single-tank, conveyor machine:
 

wash temperature	160°F
final rinse temperature	180°F
  - (iv) multitank, conveyor machine:
 

wash temperature	150°F
pumped rinse temperature	160°F
final rinse temperature	180°F
  - (v) single-tank, pot, pan, and utensil washer (either stationary or moving-rack)
 

wash temperature	140°F
final rinse temperature	180°F
9. All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operation condition.
- (e) Drying. After sanitization, all equipment and utensils shall be air dried.
  - (f) Handling. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.
  - (g) Storage.
    - 1. Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines or non-potable water lines, except for automatic fire protection sprinkler heads that may be required by law.

(Rule 1200-23-1-.02, continued)

2. Utensils shall be air dried before being stored or shall be stored in a self-draining position on suitably located hooks or racks.
3. Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.
4. If presetting is practiced, all unprotected, unused, preset tableware shall be collected for washing and sanitizing after every meal period and after any place at a table is occupied.

(h) Single-Service Articles.

1. Single-service articles shall be stored at least 6 inches above floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or non-potable water lines, except for automatic fire protection sprinkler heads that may be required by law.
2. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.
3. Single-service knives, forks, and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks, and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

- (i) Prohibited Storage Area. The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

(10) Sanitary Facilities and Controls

- (a) Water Supply. Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law. Any food service establishment provided with water from any source other than an approved public water supply shall have a bacteriological test at least annually or as often as is deemed necessary by the Commissioner. The bacteriological test shall be conducted by an accredited laboratory, and the laboratory report shall be posted in a conspicuous manner in the food service establishment. If the laboratory report should show that water is unsafe, the operator shall immediately make correction or provide safe water from other approved sources.
- (b) Transportation. All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system. Both of the systems shall be constructed and operated according to law.
- (c) Bottled Water. Bottled or packaged potable water shall be obtained from a source that complies with all law and shall be handled and stored in a way that protects it from contamination. Bottled or packaged potable water shall be dispensed from the original container.
- (d) Water Under Pressure. Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

(Rule 1200-23-1-.02, continued)

- (e) Steam. Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in Appendix A.
- (f) Public Sewage. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law. Non-water-carried sewage disposal facilities are prohibited, except as authorized for Mobile Food Units, Rule 1200-23-1-.02(12).
- (g) Plumbing. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other water supply.
- (h) Nonpotable Water System. A nonpotable water system is permitted only for purposes such as air-conditioning and fire protection and only if the system is installed according to law and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.
- (i) Backflow. The potable water system shall be installed to preclude possibility of backflow. Devices shall be installed to protect against the backflow and back siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixtures flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.
- (j) Grease Traps. If used, grease traps shall be located to be easily accessible for cleaning.
- (k) Garbage Grinders. If used, garbage grinders shall be installed and maintained according to law.
- (l) Drains. Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a dishwashing machine is located within five (5) feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap, if permitted by law.
- (m) Toilet Facilities.
  - 1. Toilet installation. Toilet facilities shall be installed according to law, shall be the number required by law, shall be conveniently located, and shall be accessible to employees at all times. In establishments constructed or extensively altered after July 1, 1986, toilet facilities for each sex shall be provided for the use of patrons. This does not preclude the use of these toilet facilities by employees also; provided, however, that establishments with a seating capacity of sixteen (16) seats or less shall be exempted from providing toilet facilities for the use of patrons.
  - 2. Toilet design. Toilets and urinals shall be designed to be easily cleanable.
  - 3. Toilet rooms. Toilet rooms opening directly into food preparation, utensil washing, dining or storage areas shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance, except as provided by law.
  - 4. Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be

(Rule 1200-23-1-.02, continued)

provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle for waste materials.

(n) Lavatory Facilities.

1. Lavatory installation.

- (i) Lavatories shall be installed and located to permit convenient use by all employees in food preparation areas and utensil washing areas.
- (ii) Lavatories shall be accessible to employees at all times.
- (iii) Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

2. Lavatory faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

3. Lavatory supplies. A supply of hand-cleaning soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited.

4. Lavatory maintenance. Lavatories, soap dispensers, hand-drying devices, and all related fixtures shall be kept clean and in good repair.

(o) Solid Waste.

1. Containers.

- (i) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.
- (ii) Containers used in food preparation and utensil washing areas shall be kept covered when not in use and after they are filled.
- (iii) Containers stored outside the establishment, dumpsters, compactors, and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning. Liquid waste resulting from the cleaning of containers shall be disposed of as sewage.
- (iv) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.
- (v) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

(Rule 1200-23-1-.02, continued)

2. Storage

- (i) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags, wet-strength paper bags, and baled units containing garbage or refuse are prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.
- (ii) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials; they shall be kept clean; they shall be insect-proof and rodent-proof; and they shall be large enough to store the garbage and refuse containers that accumulate.
- (iii) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt that is kept clean and maintained in good repair.

3. Disposal.

- (i) Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects and rodents.
- (ii) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with the law. Areas around incineration facilities shall be clean and orderly.

(p) Insect, Rodent, And Animal Control.

- 1. Effective measures intended to control the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as will prevent the harborage or feeding of insects or rodents.
- 2. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylight, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch.
- 3. Animals. Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This rule shall be waived by the Commissioner, as identified in T.C.A. 68-14-303(3), upon proof of the installation of an adequately engineered forced air exhaust system. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying blind or deaf persons shall be permitted in dining areas.

(11) Construction and Maintenance of Physical Facilities.

(a) Floors.

(Rule 1200-23-1-.02, continued)

1. Floor construction. Floors and floor coverings of all food preparation, food storage, and utensil-washing areas, as well as the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules, shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.
  2. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas, in food storage areas, and in toilet rooms where urinals or toilet fixtures are located.
  3. Prohibited floor covering. The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.
  4. Floor drains. Properly installed, trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile, or similar materials and shall be graded to drain.
  5. Mats and duckboards. Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design, and construction as will facilitate their being easily cleaned. Duckboards shall not be used as storage racks.
  6. Floor junctures. In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile, or similar flooring materials, as well as where water-flush cleaning methods are used, the junctures between walls and floors, shall be covered and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than 1/32 inch.
  7. Utility line installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.
- (b) Walls and Ceilings.
1. Maintenance. Walls and ceilings, including doors, windows, skylight, and similar closures, shall be maintained in good repair.
  2. Construction. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules, shall be light colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.
  3. Exposed construction. Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.
  4. Utility line installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

(Rule 1200-23-1-.02, continued)

5. Attachments. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.
  6. Covering material installation. Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.
- (c) Cleaning Physical Facilities.
1. General. Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping compounds with brooms.
  2. Utility facility. New establishments or those that extensively remodel after May 9, 1987 (original date of first rule promulgation), shall have at least one utility sink or curbed cleaning facility with a floor drain. Such sinks and facilities shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose shall be prohibited.
- (d) Lighting.
1. General.
    - (i) Permanently fixed artificial light sources shall be installed to provide at least twenty (20) foot candles of light
      - (I) on all food preparation surfaces and at equipment or utensil-washing work levels and
      - (II) at a surface where a food service employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.
    - (ii) Permanently fixed light sources shall be installed to provide at a distance of thirty (30) inches from the floor
      - (I) at least twenty (20) foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas and
      - (II) at least ten (10) foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.
  2. Protective shielding.
    - (i) Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, as well as in facilities where utensils and equipment are cleaned and stored.



(Rule 1200-23-1-.02, continued)

- (ii) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

(e) Ventilation

1. General. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create an unsightly, harmful, or unlawful discharge.
2. Special ventilation.
  - (i) Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.
  - (ii) In all establishments constructed or extensively remodeled after July 1, 1976, all rooms from which obnoxious odors, vapors, or fumes originate shall be effectively vented to the outside at all times.

(f) Dressing Rooms and Locker Areas

1. Dressing rooms and areas. If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage or service, or for utensil washing or storage.
2. Locker areas. Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in the food storage rooms or areas containing only completely packaged food or packaged single-service articles.

(g) Poisonous or Toxic Materials

1. Materials permitted. There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.
2. Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification and contents.
3. Storage of materials.
  - (i) Poisonous or toxic materials consist of the following categories:
    - (I) insecticides and rodenticides
    - (II) caustics, acids, polishes, and other chemicals, detergents, sanitizers, and related cleaning or drying agents.
  - (ii) Each of the two categories set forth in paragraph 1200-23 -1-.02 (11) (g) 3(i) shall be stored and physically located separate from each other.

(Rule 1200-23-1-.02, continued)

- (iii) All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose.
    - (iv) To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.
  - 4. Use of materials.
    - (i) Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.
    - (ii) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.
  - 5. Personal Care Items. Personal care items are 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. Personal care items shall be labeled and stored in a way that prevents them from contaminating food and food-contact surfaces.
- (h) Premises
  - 1. General.
    - (i) Food service establishments and all parts of property used in connection with their operations shall be kept free of litter.
    - (ii) The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter.
    - (iii) Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.
    - (iv) The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.
  - 2. Living areas. No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
  - 3. Laundry facilities.
    - (i) Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

(Rule 1200-23-1-.02, continued)

- (ii) Rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.
- 4. Linens and clothes storage.
  - (i) Clean clothes and linens shall be stored in a clean place and protected from contamination until used.
  - (ii) Soiled clothes and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.
- 5. Cleaning tool storage. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar tools shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner for the cleaning of that storage location.

(12) Mobile Food Units

- (a) General. Mobile food units shall comply with the requirements of these Rules, except as otherwise provided in paragraph (12).
  - 1. Restricted operation. Mobile food units serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these Rules, as well as beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of these Rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitation of equipment and utensils if the required equipment for cleaning and sanitation exists at the commissary. However, potentially hazardous food such as frankfurters, may be prepared from these units without the necessity of a water system, provided approved hand wipes are convenient, accessible, and utilized.
  - 2. Single service articles. Mobile food units shall provide only single-service articles for use by the consumer.
  - 3. Water system. A mobile food unit not exempt from the requirement for a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of these regulations. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this regulation.
  - 4. Waste retention. If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the mobile food unit for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(Rule 1200-23-1-.02, continued)

(b) Commissary

1. General.

- (i) Mobile food units shall operate from a commissary or other fixed food service establishment and shall use this facility for all supplies. All mobile food units shall be cleaned and serviced as often as necessary from this facility.
- (ii) The commissary or other fixed food service establishment used as a base of operation for mobile food units shall be constructed and operated in compliance with the requirements of these regulations.

2. Servicing areas and operations.

(i) Servicing area.

- (I) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area is not required if the mobile food unit is exempt from the water system and waste retention requirements of this paragraph.
- (II) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt, and shall be maintained in good repair, kept clean, and be graded to drain.
- (III) The construction of the walls and ceilings of the servicing area is exempted from the provisions of Rule 1200-23-1-.02(11)(b).

(ii) Servicing operations.

- (I) Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.
- (II) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sewage disposal system in accordance with Rule 1200-23-1-.02(10)(f).

(13) Temporary Food Service

- (a) General. A temporary food service establishment shall comply with the requirements of these Rules, except as otherwise provided in this paragraph (13).
- (b) Ice. Ice that is consumed or that contacts food shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.
- (c) Equipment.

(Rule 1200-23-1-.02, continued)

1. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.
  2. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.
- (d) **Single-Service Articles.** All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by consumer.
- (e) **Water.** Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
- (f) **Wet Storage.** Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.
- (g) **Waste.** All sewage, including liquid waste, shall be disposed of according to law.
- (h) **Handwashing.** A convenient handwashing facility shall be available for employee handwashing. The minimum requirements shall be warm running water, soap, and individual paper towels.
- (i) **Floors.** Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.
- (j) **Walls and Ceilings of Food Preparation Areas.**
1. Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.
  2. Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.
- (14) **Open Air Cafes**
- (a) Open air cafes shall meet all of the requirements of these Rules except as provided in this paragraph (14).
1. An outside dining area may be provided for an open air cafe where food may be served to patrons.
  2. An open air cafe shall have a permanent type kitchen or food preparation area that meets all of the requirements of these Rules.

(Rule 1200-23-1-.02, continued)

3. The provisions of Rules 1200-23-1-.02(11)(a) and (b) pertaining to floors, walls, and ceilings do not apply to an outside dining area; however, the following special provisions are required.
  - (i) Floors shall be constructed of a hard surface, shall be easily cleanable, kept clean and in good repair, and, if drains are provided, the floor shall be graded to drain.
  - (ii) Walls or ceilings, if any, shall be constructed of an easily cleanable material and shall be kept clean and in good repair.
4. Rule 1200-23-1-.02(10)(p) pertaining to insect and rodent control does not apply to the outside dining area of an open air cafe, but it does apply to the remainder of the establishment.
5. Drinks may be mixed and served in the outside dining area where permitted by law, provided all other requirements of these Rules are met.

(15) Group Day Care Home Food Service

- (a) General. Group day care home food service shall comply with the requirements of these Rules, except as otherwise provided in this paragraph (15).
- (b) Separation from living and sleeping quarters is achieved when that portion of the home designated as the food service establishment on the original plan is separated from the remainder of the home by complete partitioning and solid doors.
- (c) Manually operated sliding glass doors are acceptable, but must be screened when left open.
- (d) Washing, rinsing, and sanitizing of utensils and equipment may be accomplished with use of a home-style dishwasher and a separate compartment for sanitization or a two compartment sink with a separate container for sanitization.

(16) Review of Plans

- (a) Submission of Plans. Whenever a non-temporary food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, at least one set of properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Commissioner for review and approval at least 15 days before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed menu, layout, arrangement, mechanical plans, and construction materials of work areas, as well as the type and model of proposed fixed equipment and facilities. The Commissioner shall approve the plans and specifications if they meet the requirements of these Rules. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Commissioner.
- (b) Pre-Operational Inspection. After plans and specifications have been approved by the Commissioner, the food service establishment shall not start operations until the Commissioner has made a pre-operational inspection and has determined compliance with the approved plans and specifications and with the requirements of these Rules.

(Rule 1200-23-1-.02, continued)

## Appendix A

## Boiler Water Additives

Boiler water additives may be safely used in the preparation of steam that will contact food, under the following conditions.

- (1) The amount of additive shall not be in excess of that required for its functional purpose, and the amount of steam in contact with food does not exceed that required to produce the intended effect in or on the food.
- (2) The compounds shall be prepared from substances identified in this part and part (3) of this appendix, and are subject to the limitations, if any, prescribed.

Substance	Limitations
Acrylamide-sodium acrylate resin	Contains not more than 0.05% by weight of acrylamide monomer.
Ammonium alginate Cobalt sulfate (as catalyst) Lignosulfonic acid	
Monobutyl ethers of polyethylene polypropylene glycol produced by random condensation of 1:1 mixture by weight of ethylene oxide and propylene oxide with butanol.	Minimum mol.wt.1,500.
Polyethyleneglycol	This additive is an addition polymer of ethylene oxide and water with a mean molecular weight of 200 to 9,500, containing no more than 0.2% total by weight of ethylene and diethylene glycols.
Polyoxypropylene glycol Ditto.	
Potassium carbonate Potassium triphosphate Sodium acetate Sodium alginate Sodium aluminate Sodium carbonate	
Sodium carboxymethylcellulose	Contains not less than 95% sodium carboxymethylcellulose on a dry- weight basis, with maximum substitution of 0.9 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 15 centipoises for 2% by weight aqueous solution at 25°C; such determinations to be made by methods described in "Food Chemicals Codex" (2d Ed.) monograph for sodium carboxymethylcellulose.
Sodium glucoheptonate	Less than 1 ppm cyanide in the sodium glucoheptonate

(Rule 1200-23-1-.02, continued)

- Sodium hexametaphosphate
- Sodium humate
- Sodium hydroxide
- Sodium lignosulfonate
- Sodium metasilicate
- Sodium metabisulfite
- Sodium nitrate
- Sodium phosphate (mono-,di,tri-)
- Sodium polyacrylate
- Sodium polymethacrylate
- Sodium silicate
- Sodium sulfate
- Sodium sulfite (neutral or alkaline)
- Sodium tripolyphosphate
- Tannin (including quebracho extract)
- Tetrasodium EDTA
- Tetrasodium pyrophosphate

(3) Substances used alone or in combination with substances in part (2) shall be used as follows.

Substances	Limitations
Cyclohexylamine	Not to exceed 10 ppm steam, and excluding use of such steam in contact with milk and milk products.
Diethylaminoethanol	Not to exceed 15 ppm steam, and excluding use of such steam in contact with milk and milk products.
Hydrazine	Zero in steam
Morpholine	Not to exceed 10 ppm steam, and excluding use of such steam in contact with milk and milk products.
Octadecylamine	Not to exceed 3 ppm steam, and excluding use of such steam in contact with milk and milk products.
Trisodium nitrilotriacetate	Not to exceed 5 ppm million in boiler feedwater; not to be used where steam will be in contact with milk and milk products.

- (4) To assure safe use of the additive, in addition to the other information required by the Federal Food, Drug, and Cosmetic Act, the label or labeling shall bear
- (a) the common chemical name or names of the additive or additives and
  - (b) adequate directions for use to assure compliance with all the provisions of this section.



(Rule 1200-23-1-.02, continued)

## Appendix B

### Sanitizing Solutions

Sanitizing solutions may be safely used on food-processing equipment and utensils and on the other food-contact articles only as specified in this appendix.

- (1) The use of the sanitizing solutions must be followed by adequate draining before contact with food.
- (2) The solutions shall consist of one of the following to which may be added components generally recognized as safe and components which are permitted by prior sanction or approval.
  - (a) an aqueous solution containing potassium, sodium, or calcium hypochlorite at concentrations of no more than 200 ppm of available halogen, determined as available chlorine.
  - (b) an aqueous solution containing dichloroisocyanuric acid, trichloroisocyanuric acid, or the sodium or potassium salts of these acids at concentrations of no more than 100 ppm.
  - (c) an aqueous solution containing potassium iodide, sodium potoluenesulfonchloramide, and sodium lauryl sulfate.
  - (d) an aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a cloudpoint of 90°C-100°C in 0.05 percent aqueous solution and an average molecular weight of 3,300, and ethylene glycol monobutyl ether. Additionally, the aqueous solution may contain diethylene glycol monoethyl ether as an optional ingredient.
  - (e) an aqueous solution containing elemental iodine, hydriodic acid, alpha-(p-nonylphenyl)-omega-hydroxy-poly(oxyethylene) (having a maximum average molecular weight of 748) and/or polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900). Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.
  - (f) an aqueous solution containing elemental iodine, sodium iodide, sodium dioctylsulfosuccinate, and polyoxy-ethylene-polyoxy-propylene block polymers (having a minimum average molecular weight of 1,900).
  - (g) an aqueous solution containing dodecylbenzenesulfonic acid, -polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800). In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.
  - (h) an aqueous solution containing elemental iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a minimum average molecular weight of 2,400 and alpha-lauryl-omega-hydroxypoly (oxyethylene) with an average 8 to 9 moles of ethylene oxide and an average molecular weight of 400. In addition to use on food-processing equipment and utensils, this solution may be used on beverage containers, including milk containers or equipment. Rinse water treated with this solution can be recirculated as a preliminary rinse and is not to be used as a final rinse.
  - (i) an aqueous solution containing n-alkyl (C12-C18) benzyl-dimethylammonium chloride compounds having average molecular weight of 351-380 and consisting principally of alkyl groups with 12-16 carbon atoms with or without not over 1 percent each of groups with 8 and 10 carbon atoms. Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

(Rule 1200-23-1-.02, continued)

- (j) an aqueous solution containing trichloromelamine and either sodium lauryl sulfate dodecylbenzenesulfonic acid. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.
  - (k) an aqueous solution containing equal amounts of n-alkyl (C12-C18) benzyl dimethyl ammonium chloride and n-alkyl (C12-C18) dimethyl ethylbenzyl ammonium chloride (having an average molecular weight of 384). In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.
  - (l) an aqueous solution containing the sodium salt of sulfonated oleic acid, polyoxyethylene-polyoxypropylene block polymers (having an average molecular weight of 2,000 and 27 to 31 moles of polyoxypropylene). In addition to use of food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk. All equipment, utensils, glass bottles, and other glass containers treated with this sanitizing solution shall have a drainage period of 15 minutes prior to use in contact with food.
  - (m) an aqueous solution containing elemental iodine and alkyl (C12-C15) monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloudpoint of 70°C-77°C in one percent (1%) aqueous solution and an average molecular weight of 807.
  - (n) an aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloudpoint of 90°C-100°C in 0.5 percent aqueous solution and an average molecular weight of 3,300, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,000).
  - (o) an aqueous solution containing lithium hypochlorite.
  - (p) an aqueous solution containing equal amounts of n-alkyl (C12-C18) benzyl dimethyl ammonium chloride and n-alkyl (C12-C14) dimethyl ethylbenzyl ammonium chloride (having average molecular weight of 377 to 384), with the optional adjuvant substances tetrasodium ethylenediaminetetraacetate and/or alpha-(p-nonylphenol)-omega-hydroxypoly (oxyethylene) having an average poly (oxyethylene) content of 11 moles. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.
  - (q) an aqueous solution containing di-n-alkyl (C6-C10) dimethyl ammonium chlorides and isopropyl alcohol, having average molecular weight of 332-361. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.
  - (r) an aqueous solution containing n-alkly (C12-C18) benzyl-dimethyl-ammonium chloride, sodium metaborate, alpha-terpineol and alpha-(p-(1,1,3,3-tetramethyl-butyl)phenyl-omega-hydroxy-poly (oxyethylene) produced with 1 mole of the phenol and 4 to 14 moles ethylene oxide.
  - (s) an aqueous solution containing sodium dischloro-isocyanurate and tetrasodium ethylenediaminetetra-acetate. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.
- (3) The solutions identified in part (2) above will not exceed the following concentrations.
- (a) Solutions identified in subpart (2)(a) will provide not more than 200 parts per million of available halogen determined as available chlorine.

(Rule 1200-23-1-.02, continued)

- (b) Solutions identified in subpart (2)(b) will provide not more than 100 parts per million of available halogen determined as available chlorine.
  - (c) Solutions identified in subpart (2)(c) will provide not more than 25 parts per million of titratable iodine. The solutions will contain the components, potassium iodide, sodium p-toluene-sulfonchloramide, and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.
  - (d) Solutions identified in subparts (2)(d), (e), (f), (h), (m), and (n) of this section will contain iodine to provide not more than twenty-five parts per million (25 ppm) of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.
  - (e) Solutions identified in subpart (2)(g) will provide not more than 400 parts per million of dodecylbenzenesulfonic acid and not more than 80 parts per million of polyoxy-ethylene-polyoxy-propylene block polymers (having a minimum average molecular weight of 2,800).
  - (f) Solutions identified in subpart (2)(i) shall provide, when ready to use, no more than 200 parts per million of the active quaternary compound.
  - (g) Solutions identified in subpart (2)(j) shall provide not more than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecyl-benzenesulfonic acid.
  - (h) Solutions identified in subpart (2)(k) shall provide, when ready to use, no more than 200 parts per million of active quaternary compound.
  - (i) The solution identified in subpart (2)(l) shall provide not more than 200 parts per million of sulfonated oleic acid, sodium salt.
  - (j) Solutions identified in subpart (2)(o) will provide not more than 200 parts per million of available chlorine and not more than 30 ppm lithium. Shall provide not more than 200 parts per million of active quaternary compound.
  - (k) Solutions identified in subpart (2)(q) shall provide, when ready to use, a level of 150 parts per million of the active quaternary compound.
  - (l) Solution identified in subpart (2)(r) shall provide not more than 200 parts per million of active quaternary compound and not more than 66 parts per million of alpha-(p-(1,1,3,3-tetramethylbutyl)phenyl)-omega- hydroxypoly(oxyethylene).
  - (m) Solutions identified in subpart (2)(s) shall provide, when ready to use, a level of 100 parts per million of available chlorine.
- (4) Sanitizing agents for use in accordance with this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

**Authority:** T.C.A. 4-5-202 and 68-14-301 *et seq.* **Administrative History:** Original rule filed March 26, 1987; effective May 9, 1987. Repeal and new rule filed August 24, 2000; effective November 7, 2000. Amendment filed October 22, 2004; effective January 5, 2005.

**1200-23-1-.03 ESTABLISHMENT PERMITTING AND INSPECTION SYSTEM**

- (1) Application Procedures
  - (a) Any person planning to operate a food service establishment must obtain a written application for a permit on a form provided by the Commissioner through the local county health department prior to operating a food service establishment. A new or initial application is required for food service facilities that have not previously been permitted, in instances when ownership changes, or in cases of permit revocation.
  - (b) No permit shall be transferred from one (1) location or person to another. For the purposes of determining whether there has been a change of ownership of a food service establishment, requiring a new application for a permit, in instances of corporate ownership, the following will constitute a change of ownership:
    1. A change of ownership of the food service establishment by a corporation (e.g., Corporation A sells its food service establishment to Corporation B, or
    2. A change of ownership of a corporation which owns a food service establishment.
    3. However, if there is no change in the federal tax identification number applicable to the corporation which owns the food service establishment, there is no change of ownership for permit purposes.
  - (c) The Commissioner shall issue a food service establishment permit
    1. after an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules and
    2. upon receiving a completed application with applicable fees.
- (2) Inspection System
  - (a) Inspection results for food service establishments shall be recorded on standard departmental forms which summarize the requirements of the law and rules and regulations.
  - (b) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of either four (4) or five (5) points, with less critical items having assigned values of either one (1) or two (2) points.
  - (c) The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).
- (3) Violation Correction
  - (a) In accordance with T.C.A. 68-14-318, critical violations shall be corrected within ten (10) calendar days from the date of the inspection report. All other violations shall be corrected as soon as possible, but in any event by the time of the next routine inspection.
  - (b) Upon declaration of an imminent health hazard by the Commissioner, the facility shall immediately cease operations until authorized to reopen.
  - (c) In accordance with T.C.A. 68-14-318, in the case of temporary food service establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected

within twenty-four (24) hours, the establishment shall immediately cease food service operation until authorized to resume by the local health officer or his duly authorized representative.

(d) Reviews Following Inspection

1. The inspection report shall state that failure to comply with any time limits specified by the Commissioner for correction may result in cessation of operation.
2. The citation of a violation of a non-critical item may be reviewed, upon receipt of a written request submitted to the Director of General Environmental Health within ten (10) calendar days following the date of the inspection report. If the tenth (10<sup>th</sup>) day falls on a weekend or state holiday, the first work day following shall be treated as the tenth (10<sup>th</sup>) day. The request for review shall identify the non-critical item(s) being reviewed. The final determination on the review shall be made by the Director or the Director's Designee in writing and within a reasonable time after receipt of the request for a review.
3. The citation of a violation of a critical item may also be reviewed upon the receipt of a written request submitted to the Director of General Environmental Health within ten (10) calendar days following the date of the inspection report. If the tenth (10<sup>th</sup>) falls on a weekend or state holiday, the first work day following shall be treated as the tenth (10<sup>th</sup>) day. The request for review shall identify the critical item(s) being reviewed. The decision of the Director shall be final and made in writing within a reasonable time after receipt of the request for a review.
4. In the event of an order of cessation of operation based upon the reviewed critical item(s), a request for a hearing may be made in writing to the Commissioner received within ten (10) calendar days of the decision of the Director. Except as otherwise provided by law, no action shall be taken regarding a closure on the critical item(s) under review or subject to a hearing pending the outcome of the hearing which shall be held pursuant to the Uniform Administrative Procedures Act.

(4) Permit Revocation

- (a) After providing an opportunity for a hearing, the Commissioner or his duly authorized representative may revoke a permit for serious or repeated violations of requirements of this part or for interference with the Commissioner or his duly authorized representative in the performance of his duty.
  - (b) Prior to revocation, the Commissioner or his duly authorized representative shall notify, in writing, the permittee of the specific reason(s) for which the permit is to be revoked, and that the permit shall be revoked at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the Commissioner within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.
- (5) Whenever a facility is required under this section to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

**Authority:** T.C.A. 4-5-202 and 68-14-301 *et seq.* **Administrative History:** Original rule filed March 26, 1987; effective May 9, 1987. Amendment filed January 4, 1995; effective March 20, 1995. Withdrawal of 1200-23-.03(3)(d) filed November 3, 2000. Repeal and new rule filed August 24, 2000; effective November 7, 2000. Amendment filed October 22, 2004; effective January 5, 2005.

**1200-23-1-.04 FEES**

- (1) Fees shall be as provided by statute.
- (2) A late penalty in the amount as provided by statute shall be assessed on all late renewal permit applications.
- (3) A late penalty in the amount as provided by statute shall be assessed on all initial or new permit applications which are received by the Department more than thirty (30) days from the date of the initial opening or operation.

**Authority:** T.C.A. 4-5-202, 68-14-301 *et seq.*, 68-14-303, and 68-14-313. **Administrative History:** Original rule filed March 26, 1987; effective May 9, 1987. Amendment filed February 14, 1989; effective March 31, 1989. Repeal filed March 13, 2000; effective May 27, 2000. New rule filed August 24, 2000; effective November 7, 2000. Amendment filed October 22, 2004; effective January 5, 2005.

**1200-23-1-.05 LOSS OF PERMIT DOCUMENT**

- (1) Any establishment or operator that loses, misplaces, or destroys the permit shall, as soon as the fact becomes apparent, immediately apply for a duplicate. The fee for the duplicate permit shall be three dollars (\$3.00). This fee shall accompany the application for such duplicate.

**Authority:** T.C.A. 4-5-202 and 68-14-301 *et seq.* **Administrative History:** Original rule filed March 26, 1987; effective May 9, 1987. Amendment filed February 14, 1989; effective March 21, 1989. Amendment filed April 23, 1990; effective July 29, 1990. Repeal filed March 13, 2000; effective May 27, 2000. New rule filed August 24, 2000; effective November 7, 2000.

**1200-23-1-.06 GENERAL PROVISIONS**

- (1) Applicability. Chapter 1200-23-1 applies to food service establishments. All food service establishments shall comply with all applicable provisions of Chapter 1200-23-1 at all times.
- (2) Permit Revocation. When a permit to operate a food service establishment is revoked by the Commissioner, a new permit shall be issued, upon meeting all requirements for a new permit and the submission of a new application with applicable fees.
- (3) Posting of permit. Section 68-14-305 requires posting of permits "in a conspicuous manner." This shall mean at a place so designated by the inspector at the time of inspection. No person except an authorized representative of the Commissioner shall modify, remove, cover up, or otherwise make the permit less conspicuous in any way.
- (4) Severability. If any provision or application of any provision of these rules is held invalid, that invalidity shall not affect other provisions or applications of these rules.

**Authority:** T.C.A. 4-5-202 and 68-14-301 *et seq.* **Administrative History:** Original rule filed March 26, 1987; effective date May 9, 1987. Repeal filed March 13, 2000; effective May 27, 2000. New rule filed August 24, 2000; effective November 7, 2000.