

CHAPTER 256. FOOD SERVICE ESTABLISHMENT REGULATIONS

Subchapter	Section
1. General Provisions.....	310:256- 1-1
3. Management and Personnel.....	310:256- 3-1
5. Food.....	310:256- 5-1
7. Equipment, Utensils, and Linens.....	310:256- 7-1
9. Water, Plumbing and Waste.....	310:256- 9-1
11. Physical Facilities.....	310:256-11-1
13. Poisonous or Toxic Materials.....	310:256-13-1
15. Compliance and Enforcement.....	310:256-15-1

[**Authority:** 7063 O.S. Supp. 1996, Section 1101.1 et seq.]

[**Source:** Codified 6-25-99]

SUBCHAPTER 1. GENERAL PROVISIONS

Section
310:256-1-1. Purpose
310:256-1-2. Definitions
310:256-1-3. Incorporated by reference

310:256-1-1. Purpose

The rules in this Chapter implement Article 11, 63 O.S. 1991, Sections 1-1101 et seq., as amended.

[**Source:** Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Adulterated**" means the definition in 63 O.S. 1991, Section 1-1109.

"**Approved**" means acceptable to the Department based on a determination of conformity with these rules.

"**Beverage**" means a liquid for drinking, including water.

"**Bottled drinking water**" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, and includes bottled mineral water.

"**Bulk food**" means unpackaged or unwrapped, processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn. For the purpose of this interpretation, the term does not include fresh fruits, fresh vegetables, nuts in the shell, and buffet areas in food-service establishments.

"**Customer self-service**" means customer selection and packaging of a bulk food product from a product module.

"**Display area**" means a location or locations, including physical facilities and equipment, where bulk food is offered or customer self-service.

"**Product module**" means a food contact container (multi-use or single-service) designed for customer self-service of bulk food by

either mechanical or manual means.

"Servicing area" means a location designed and equipped for cleaning, sanitizing, drying or refilling product modules or for preparing bulk food for display.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the National Shellfish Sanitation Program.

"Certified applicator" means any individual who is certified under 7 USC 136(i) or by the Oklahoma State Department of Agriculture as authorized to use or supervise the use of any pesticide that is classified for restricted use. Any applicator who holds or applies registered pesticides or uses dilutions of registered pesticides consistent with the product labeling only to provide a service of controlling pests without delivering any unapplied pesticide to any person so served is not deemed to be a seller or distributor of pesticides.

"CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. It does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

"Code of Federal Regulations" or **"CFR"** means the compilation of the general and permanent rules adopted by federal executive departments and agencies.

"Color additive" means any material, not exempted under section 201(t) of the Federal Food, Drug, and Cosmetic Act, that is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source and that, when added or applied to a food, drug, or cosmetic or to the human body or any part thereof, is capable (alone or through reaction with another substance) of imparting a color thereto. Substances capable of imparting a color to a container for foods, drugs, or cosmetics are not color additives unless the customary or reasonably foreseeable handling or use of the container may reasonably be expected to result in the transmittal of the color to the contents of the package or any part thereof. Food ingredients such as cherries, green or red peppers, chocolate, and orange juice which contribute their own natural color when mixed with other foods are not regarded as color additives; but where a food substance such as beet juice is deliberately used as a color, as in pink lemonade, it is a color additive. Food ingredients as authorized by a definitions and standard of identity prescribed by regulations pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act are color additives, where the ingredients are specifically designated in the definitions and standards of identity as permitted for use for coloring purposes. An ingredient of an animal feed whose intended function is to impart, through the

biological processes of the animal, a color to the meat, milk, or eggs of the animals is a color additive and is not exempt from the requirements of the statute. This definition shall apply whether or not such ingredient has nutritive or other functions in addition to the property of imparting color. An ingested drug the intended function of which is to impart color to the human body is a color additive. For the purposes of this part, the term color includes black, white, and intermediate grays, but substances including migrants from packaging materials which do not contribute any color apparent to the naked eye are not color additives.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing and includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two (2) or more types of meat that have been reduced in size and combined.

"Common dining area" means a central location in a group residence where people gather to eat at mealtime but does not apply to a kitchenette or dining area located within private living quarters.

"Confirmed disease outbreak" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative organism and epidemiological analysis implicates the food as the source of the illness.

"Consumer" means a person who takes possession of food, is not functioning in the capacity of an operator of a food service establishment or food processing plant, and does not offer the food for resale.

"Corrosion-resistant material" means a substance that maintains acceptable surface clean ability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the environment.

"Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

"Critical item" means a provision of these rules that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.

"Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter is controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

"Department" means the Oklahoma State Department of Health.

"Drinking water" means water that is traditionally known as "potable water." The term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "non-drinking" water.

"Dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.

"Easily cleanable" means a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material,

design, construction, and installation of the surface; or varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

"Easily movable" means an object weighing thirty (30) pounds or less, mounted on casters, gliders, or rollers, or provided with a mechanical means requiring no more than thirty (30) pounds of force to safely tilt a unit of equipment for cleaning, and has no utility connection, a utility connection that disconnects quickly or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and the adjacent area.

"Employee" means a person working in a food service establishment.

"EPA" means the U.S. Environmental Protection Agency.

"Equipment" means an article such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine. It does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or over wrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

"FDA" means the Food and Drug Administration.

"Fish" means fresh or saltwater finfish, molluscan shellfish, crustaceans, and other forms of aquatic animal life other than birds or mammals and includes any edible human food product derived in whole or in part from fish, including fish that has been processed in any manner.

"Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

"Food additive" means all substances not exempted by section 201(s) of the Federal Food, Drug, and Cosmetic Act, the intended use of which results or may reasonably be expected to result, directly or indirectly, either in their becoming a component of food or otherwise affecting the characteristics of food. A material used in the production of containers and packages is subject to the definition if it may reasonably be expected to become a component, or to affect the characteristics, directly or indirectly, of food packed in the container. "Affecting the characteristics of food" does not include such physical effects, as protecting contents of packages, preserving shape, and preventing moisture loss. If there is no migration of a packaging component from the package to the food, it does not become a component of the food and thus is not a food additive. A substance that does not become a component of food, but that is used, for example, in preparing an ingredient of the food to give a different flavor, texture, or other characteristic in the food, may be a food additive.

"Foodborne disease outbreak" means an incident in which two (2) or more persons experience a similar illness after ingestion of a common food and epidemiological analysis implicates the food as the

source of the illness or includes a single case of illness such as one (1) person ill from botulism or chemical poisoning.

"Food-contact surface" means a surface of equipment or a utensil with which food normally comes into contact.

"Food employee" means a person working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food processing plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

"Food service establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption or any establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service. It includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is licensed by the Department; and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises. It does not include a food processing plant; a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale; a kitchen in a private home, such as a bed-and-breakfast operation that prepares and offers food to guests if the number of available guest bedrooms does not exceed three (3) and breakfast is the only meal offered; or a private home that receives catered or home-delivered food.

"Food service establishment - fee exempt" means:

(A) A food establishment operated by a hospital, public school or government institution, which only prepares and serves food to its patients, students, employees, members or inmates and occasional visitors or guests; or

(B) Except as otherwise provided in paragraph (i) and (ii) below, a food establishment or operation conducted by a nonprofit civic, charitable or religious organization primarily for benevolent purposes.

(i) Fee exempt licensees shall comply with the applicable sections of these rules depending upon the type of operation involved; e.g., food service, retail food, combination, temporary, or mobile.

(ii) Fee exempt licenses, except temporary licenses, shall not expire but shall remain in full force and effect until revoked, suspended, annulled or withdrawn by the Commissioner in accordance with applicable law. A license is not required for a non-profit civic, charitable or religious organization, using non-paid persons to prepare or serve food on its behalf, for occasional fund-raising events sponsored and conducted by the organization, nor shall a license be required if such an organization, using non-paid persons, prepares and serves non-hazardous food at events sponsored or conducted by other organizations. Guidelines shall be provided for safeguarding the health of customers.

"Game animal" means an animal, the products of which are food,

that is not included in the definitions of O.S. 2 1991, Sections 6-183 et seq. (Cattle, bison sheep, swine and goats. Equines are not included due to the provisions of O.S. 63 1991, Section 1-1135, which prohibits the use of equine for food), O.S. 2 1991, Sections 6-251 et seq. (Poultry, including any domestic bird whether live or dead), O.S. 2 1991, Sections 6-280.1 et seq. (Domesticated rabbits whether live or dead), O.S. 2 1991, Section 6-290.3 et seq. (Exotic livestock including commercially raised livestock including but not limited to animals of the families bovidae, cervidae, antilocapridae, or birds of the order casuariiformes or in the definitions of fish in this subchapter.

"Grade A standards" means the requirements of the USPHS/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey" with which certain fluid and dry milk and milk products shall comply.

"General use pesticide" means a pesticide that is not classified by the EPA for restricted use as specified in 40 CFR 152.175.

"Group residence" means a private or public housing corporation or institutional facility that provides living quarters and meals or includes a domicile for unrelated persons.

"HACCP plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

"Hazard" means a biological, chemical, or physical property that shall cause an unacceptable consumer health risk.

"Hermetically sealed container" means a receptacle that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

"Highly susceptible population" means a group that is more likely than other populations to experience foodborne disease; i.e., immunocompromised persons, older adults, or preschool age children in a facility that provides custodial care.

"Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat with juices which may be referred to as "injecting," "pinning," or "stitch pumping".

"Kitchenware" means food preparation and storage utensils.

"Law" means local, state, and federal statutes, rules, and ordinances.

"Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including gloves.

"Misbranding" means the definition contained in 63 O.S. 1991, Section 1-1110.

"Meat" means the flesh of animals used as food including the dressed flesh of cattle, bison, swine, sheep, goats, and other edible animals, except fish and poultry, that is offered for human consumption.

"mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

"Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food service establishment or a food processing plant. It does not include a wrapper, carryout box, or other non-durable container used to facilitate food protection during service and receipt of the food by the consumer.

"Person" means an association, corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

"Person in charge" means the individual present at a food service establishment who is responsible for the operation at the time of inspection.

"Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.

"pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

"Physical facilities" means the structure and interior surfaces of a food service establishment including accessories.

"Physician" means a doctor of medicine (M.D.) or osteopathic medicine (D.O.) currently licensed to practice medicine and surgery in Oklahoma.

"Plumbing fixture" means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

"Plumbing system" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

"Poisonous" or "toxic materials" means substances that are not intended for ingestion and are included in the following:

(A) Cleaners and sanitizers including cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(B) Pesticides including substances such as insecticides and rodenticides;

(C) Substances necessary for the operation and maintenance of the establishment including non-food grade lubricants and personal care items that may be deleterious to health; and

(D) Substances that are not necessary for the operation and

maintenance of the establishment and are on the premises for retail sale, including petroleum products and paints.

"Potentially hazardous food" means a food that is natural or synthetic and is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of *Clostridium botulinum*, or in shell eggs, the growth of *Salmonella enteritidis*. Potentially hazardous foods include, but are not limited to, animal foods (a food of animal origin) that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth. Potentially hazardous food does not include air-cooled hard-boiled eggs with the shell intact, a food with a water activity of 0.85 or less, a food with a pH level of 4.6 or below when measured at seventy-five (75) degrees F, a food in an unopened, hermetically sealed container, a food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. enteritidis* or *C. botulinum* can not occur, a food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the rapid and progressive growth of infectious or toxigenic microorganisms.

"Poultry" means any domesticated bird whether live or dead [2 O.S. 1991 6-254].

"Premises" means the physical facility, its contents, and the contiguous land or property under the control of the license holder; or the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the license holder that may affect food service establishment personnel, facilities, or operations.

"Primal cut" means a basic major cut into which carcasses and sides of meat are separated.

"Public water system" means the definition in Chapter 630, "Public Water Supply Operation," of the Oklahoma Department of Environmental Quality.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food service establishment or the consumer and that is reasonably expected to be consumed in that form. It also includes unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under OAC 310:256-5-45 through OAC 310:256-5-47; raw, washed, cut fruits and vegetables; whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet, or other food presented for consumption where further washing or cooking is not required and the rinds, peels, husks or shells have been removed.

"Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen, displacing the oxygen with another gas or combination of gases, or otherwise controlling the oxygen content in a package to a level

below that normally found in the surrounding atmosphere. It also includes methods that are referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide.

"Refuse" means solid waste not carried by water through the sewage system.

"Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 and that is limited to use by or under the direct supervision of a certified applicator.

"Safe material" means an article manufactured that shall not reasonably be expected to result, directly or indirectly, in becoming a component or otherwise affecting the characteristics of any food; an additive that is used as specified in Section 409 or 706 of the Federal Food, Drug, and Cosmetic Act; or other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for effectiveness, yield a reduction of five (5) logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.

"Sealed" means free of cracks or other openings that allows the entry or passage of moisture.

"Servicing area" means an operating base location to which a mobile food service establishment or transportation vehicle returns regularly for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

"Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and includes liquids containing chemicals in solution.

"Shellfish control authority" means a local, state, federal or foreign government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw, in-shell molluscan shellfish.

"Shucked shellfish" means molluscan shellfish that have one (1) or both shells removed.

"Single-service articles" means tableware, carryout utensils, and other items that are designed and constructed for one (1) time, one (1) person use.

"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded.

"Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of minus twenty-three (23) degrees Celsius (minus 10 degrees Fahrenheit) to minus four (4) degrees Celsius (25 degrees Fahrenheit) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen foods.

"Smooth" means a food contact surface having a surface free of pits and inclusions with a clean ability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel; a non-

food-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Support animal" means an animal trained to assist a person with a disability in managing the disability and enables the person to perform functions that the person would otherwise be unable to perform.

"Table-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

"Tableware" means eating, drinking, and serving utensils for table use, hollowware and plates.

"Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

"Temporary food service establishment" means a food service establishment where food is offered for sale or sold at retail from a fixed, temporary facility in conjunction with a single event or celebration not to exceed the duration of the event or celebration.

"USPHS" means the United States Public Health Service.

"Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi-use, single-service, or single-use gloves used in contact with food and food temperature-measuring devices.

"Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

"Vending machine location" means the room, enclosure, space, or area where one (1) or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used in conjunction with the vending machines.

"Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

"Water activity" means a measure of the free moisture in a food that is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w .

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-1-3. Incorporated by reference

Title 9, subpart B, subpart P, 308.3(d), 319, Title 7, Part 56 and 59, Title 21, 101, 130, 170 through 186, 1030.10, Title 40, 141, 152.1, 152.175, and 185, Code of Federal Regulations (CFR), as of April 1, 1997 are incorporated by reference. The Federal Food, Drug and Cosmetic Act Sections 201(s), 201(t), 401, and 403(Q)(3-5) are incorporated by reference. Seven United States Code 136(i) is incorporated by reference. The International Mechanical Code, Sections 507 and 509 are incorporated by reference. The United States Food and Drug Administration Grade A Pasteurized Milk

Ordinance is incorporated by reference. The United States Department of Agriculture List of Proprietary Substances and Non-food Compounds, Miscellaneous publication No. 1419 is incorporated by reference. The United States Food and Drug Administration Over the Counter Health-Care Antiseptic Drug Products monographs are incorporated by reference. The Interstate Shellfish Sanitation Conference National Shellfish Sanitation Program Manual of Operations is incorporated by reference. Oklahoma Statutes (1991) Title 2, 6-183 et seq., 6-251 et seq., 6-280.1 et seq., 6-290.3(6), Oklahoma Statutes (Supplement 1994) Title 2, 7-406 and 7-407 are incorporated by reference. Oklahoma State Department of Health Chapter 225 - "Bottled Drinking Water Regulations" is incorporated by reference.

[**Source:** Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

SUBCHAPTER 3. MANAGEMENT AND PERSONNEL

Section

- 310:256-3-1. Assignment
- 310:256-3-2. Demonstration
- 310:256-3-3. Person in charge
- 310:256-3-4. Responsibility of the person in charge to require reporting by food employees and applicants
- 310:256-3-5. Exclusions and restrictions
- 310:256-3-6. Removal of exclusions and restrictions
- 310:256-3-7. Responsibility of a food employee or an applicant to report to the person in charge
- 310:256-3-8. Clean condition
- 310:256-3-9. Cleaning procedure
- 310:256-3-10. When to wash
- 310:256-3-11. Where to wash
- 310:256-3-12. Hand sanitizers
- 310:256-3-13. Maintenance
- 310:256-3-14. Prohibition
- 310:256-3-15. Clean condition
- 310:256-3-16. Eating, drinking or using tobacco
- 310:256-3-17. Discharges from the eyes, nose, and mouth
- 310:256-3-18. Effectiveness of hair restraints
- 310:256-3-19. Handling prohibition

310:256-3-1. Assignment

The license holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food service establishment during all hours of operation.

[**Source:** Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-2. Demonstration

During inspections and upon request, the person in charge shall demonstrate to the Department knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control

Point principles, and OAC 310:256. The person in charge shall demonstrate this knowledge by compliance with the Department's rules, or by being a certified food protection manager who has shown knowledge of required information through passing an accredited test, or by responding correctly to the inspector's questions relating to the specific food operation. The areas of knowledge from which questions may be asked shall include, but not be limited to the:

- (1) Relationship between the operation, prevention of foodborne disease, and the personal hygiene of a food employee;
- (2) Responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne illness;
- (3) Symptoms associated with the diseases that are transmissible through food;
- (4) Significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness;
- (5) Hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
- (6) Required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish;
- (7) Required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;
- (8) Relationship between the prevention of foodborne illness and the management and control of the following:
 - (A) Cross contamination;
 - (B) Hand contact with ready-to-eat foods;
 - (C) Handwashing; and
 - (D) Maintaining the food service establishment in a clean condition and in good repair.
- (9) Relationship between food safety and providing equipment that is sufficient in number and capacity, and properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (10) Correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- (11) Source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (12) Poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
- (13) Critical control points in the operation from purchasing through sale or service that may contribute to foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of OAC 310:256;
- (14) Details of how the person in charge and a food employee complies with the HACCP plan if a plan is required by the law or an agreement between the Department and the establishment; and
- (15) Responsibilities, rights, and authorities assigned by these

rules to the food employee, person in charge and the Department.
[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-3. Person in charge

The person in charge shall ensure that:

- (1) A food service establishment operation is not conducted in a private home or in a room used as living or sleeping quarters as specified in OAC 310:256-11-21;
- (2) Persons unnecessary to the food service establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours shall be authorized by the person in charge if steps are taken to ensure that exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles are protected from contamination;
- (3) An employee and others such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with OAC 310:256;
- (4) Employees are effectively cleaning their hands by routinely monitoring handwashing;
- (5) Foods, as they are received are visually observed to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented;
- (6) Employees are properly cooking potentially hazardous food, being careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures;
- (7) Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four (4) hours through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- (8) Consumers who order raw or partially cooked foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
- (9) Employees are properly sanitizing cleaned multi-use equipment and utensils before they are reused through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing; and
- (10) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets.

[Source: Added at 15 Ok Reg 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-4. Responsibility of the person in charge to require reporting by food employees and applicants

The license holder shall require food employees to report to the person in charge information about their health and activities as

they relate to diseases that are transmissible through food. A food employee or applicant to whom a conditional offer of employment is made shall report the information in a manner that allows the person in charge to prevent the likelihood of foodborne disease transmission. The employee reporting shall include the following:

(1) A symptom caused by illness, infection, or other source that is associated with an acute gastrointestinal illness such as:

- (A) Diarrhea;
- (B) Fever;
- (C) Vomiting;
- (D) Jaundice; or
- (E) Sore throat with fever.

(2) A lesion containing pus such as a boil or infected wound that is open or draining and is:

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

(3) Meets one (1) or more of the following high-risk conditions: Is suspected of causing, or being exposed to, a confirmed disease outbreak caused by ***Salmonella typhi***, ***Shigella*** spp., ***Escherichia coli*** 0157:H7; or hepatitis A virus illness including an outbreak at an event such as a family meal, church supper, or ethnic festival because the food employee or applicant:

- (A) Prepared food implicated in the outbreak;
- (B) Consumed food implicated in the outbreak; or
- (C) Consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent.

(4) Lives in the same household as a person who is diagnosed with a disease caused by ***S. typhi***, ***Shigella*** spp., ***E. coli*** 0157:H7, or hepatitis A virus infection;

(5) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by ***S. typhi***, ***Shigella*** spp., ***E. coli*** 0157:H7, or hepatitis A virus infection; and

(6) Traveled out of the country within the last fifty (50) calendar days.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-5. Exclusions and restrictions

The person in charge, if informed of a food employee's illness, shall:

- (1) Exclude a food employee from a food service establishment if the food employee is diagnosed with an infectious agent specified in OAC 310:256-3-4(3);
- (2) Except as specified under (3) of this section, restrict a

food employee from working with exposed food; clean equipment, utensils, linens, and unwrapped single-service and single-use articles in a food service establishment if the food employee is:

- (A) Suffering from a symptom specified in OAC 310:256-3-4(1); or
 - (B) Is not experiencing a symptom of acute gastroenteritis specified in OAC 310:256-3-4(1) but has a stool that yields a specimen culture that is positive for ***Salmonella typhi*, *Shigella* spp. or *Escherichia coli* 0157:H7.**
- (3) If the population served is a highly susceptible population, a food employee whom:
- (A) Is experiencing a symptom of acute gastrointestinal illness specified in OAC 310:256-3-4(1) and meets a high-risk condition specified under OAC 310:256-3-4(3);
 - (B) Is not experiencing a symptom of acute gastroenteritis specified in OAC 310:256-3-4(1) but has a stool that yields a specimen culture that is positive for ***S. typhi*, *Shigella* spp., or *Escherichia coli* 0157:H7;**
 - (C) Had a past illness from ***S. typhi*** within the last three (3) months; or
 - (D) Had a past illness from ***Shigella* spp. or *E. coli* 0157:H7** within past thirty (30) days.
- (4) For a food employee who is jaundiced:
- (A) If the onset of jaundice occurred within the last seven (7) calendar days, exclude the food employee from the food service establishment; or
 - (B) If the onset of jaundice occurred more than seven (7) calendar days before:
 - (i) Exclude the food employee from a food service establishment that serves a highly susceptible population; or
 - (ii) Restrict the food employee from activities specified in OAC 310:256-3-5(2), if the food service establishment does not serve a highly susceptible population.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-6. Removal of exclusions and restrictions

(a) The person in charge shall consider removing the exclusion of a food employee specified in OAC 310:256-3-5(1) if the person excluded provides to the person in charge written documentation from a physician that specifies the excluded person:

- (1) Is eligible to work in an unrestricted capacity in a food service establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in OAC 310:256-15-41 or symptoms, if hepatitis A virus is the infectious agent of concern; or
- (2) Is eligible to only work in an unrestricted capacity in a food service establishment that does not serve a highly susceptible population because the person is free of the symptoms specified in OAC 310:256-3-4(1) and has a stool culture

that yields a specimen culture that is positive for **Shigella** or **E. coli** 0157:H7.

(b) The person in charge shall consider removing a restriction specified in:

(1) OAC 310:256-3-5(2)(A) if the restricted person:

(A) Is free of the symptoms specified in OAC 310:256-3-4(1) and no foodborne illness occurs that may have been caused by the restricted person;

(B) Is suspected of causing foodborne illness but:

(i) Is free of the symptoms specified in OAC 310:256-3-4(1); and

(ii) Provides written documentation from a physician stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in OAC 310:256-15-41.

(C) Provides written documentation from a physician stating that the symptoms experienced result from a chronic noninfectious condition; or

(2) OAC 310:256-3-5(2)(B) if the restricted person provides written documentation according to the criteria specified in OAC 310:256-15-41 that indicates the stools are free of **Salmonella typhi**, **Shigella spp.** or **E. coli** 0157:H7.

(c) The person in charge shall consider removing the exclusion of a food employee specified under OAC 310:256-3-5(3) if the excluded person provides written documentation from a physician that the person is free of **S. typhi**, **Shigella** spp., **E. coli** 0157:H7, or hepatitis A virus infection, as specified in OAC 310:256-15-41.

(d) The person in charge shall consider removing the exclusion of a food employee specified in OAC 310:256-3-5(4)(A), OAC 310:256-3-5(4)(B)(i) or a restriction specified in OAC 310:256-3-5(4)(B)(ii) if:

(1) No foodborne illness occurs that has been epidemiologically linked to the excluded or restricted person and the person:

(A) Provides written documentation from a physician stating that the person is free of hepatitis A virus as specified in OAC 310:256-15-41(4)(B); or

(B) Is no longer jaundiced.

(2) The excluded or restricted person is suspected of causing foodborne illness and complies with (d)(1)(A) and (d)(1)(B) of this section.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-7. Responsibility of a food employee or an applicant to report to the person in charge

A food employee or a person who applies for a job as a food employee and is made a conditional offer of employment shall report to the person in charge the information specified in OAC 310:256-3-4 and comply with exclusions and restrictions that are specified in OAC 310:256-3-5.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-8. Clean condition

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-9. Cleaning procedure

Food employees shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under OAC 310:256-9-15(a) by vigorously rubbing together the surfaces of their lathered hands and arms for at least twenty (20) seconds and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-10. When to wash

Food employees shall clean their hands and exposed portions of their arms as specified under OAC 310:256-3-9 at the following times:

- (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (2) After using the toilet;
- (3) After caring for or handling a support animal;
- (4) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- (5) After handling soiled equipment or utensils;
- (6) Immediately before engaging in food preparation including working with ready-to-eat food, exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles;
- (7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
- (8) When switching between working with raw foods and working with ready-to-eat foods; or
- (9) After engaging in other activities that contaminate the hands.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-11. Where to wash

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-12. Hand sanitizers

- (a) A hand sanitizer and a chemical hand sanitizing solution used

as a hand dip shall:

- (1) Have active antimicrobial ingredients that are:
 - (A) Listed as safe and effective for application to human skin as an Antiseptic Handwash in a monograph for OTC (over-the-counter) Health-Care Antiseptic Drug Products; or
 - (B) Previously authorized, and listed for such use in the USDA List of Proprietary Substances and Non-food Compounds, Miscellaneous Publication No. 1419;
 - (2) Have components that are:
 - (A) Regulated for the intended use as food additives as specified in 21 CFR 178 - Indirect Food Additives: Adjuvants, Production aids, and Sanitizers; or
 - (B) Generally recognized as safe (GRAS) for the intended use in contact with food within the meaning of the Federal Food, Drug, and Cosmetic Act §201(s); or
 - (C) Exempted from the requirement of being listed in the federal food additive regulations as specified in 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; and
 - (3) Be applied only to hands that are cleaned as specified under 310:256-3-9.
- (b) If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified under (a)(2) of this section, use shall be:
- (1) Followed by thorough hand rinsing in clean water before hand contact with food or by use of gloves; or
 - (2) Limited to situations that involve no direct contact with food by the bare hands.
- (c) A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/l chlorine.
- [Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-13. Maintenance

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-14. Prohibition

While preparing food, food employees shall not wear jewelry on their arms and hands except for medical notification bracelets, provided the bracelet does not come into contact with food during preparation or service. This regulation does not apply to a plain ring such as a wedding band.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-15. Clean condition

Food employees shall wear clean outer clothing. When moving from a raw food operation to a ready-to-eat food operation, food employees shall wear a clean outer covering over clothing or change

to clean clothing if their clothing is soiled.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-16. Eating, drinking, or using tobacco

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

(b) A food employee can drink from a closed beverage container if the container is handled to prevent contamination of:

- (1) The employee's hands;
- (2) The container;
- (3) Exposed food;
- (4) Clean equipment;
- (5) Utensils;
- (6) Linens;
- (7) Unwrapped single-service; and
- (8) Single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-17. Discharges from the eyes, nose, and mouth

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-18. Effectiveness of hair restraints

A food employee shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food, clean equipment, utensils, linens, unwrapped single-service or single-use articles. This regulation does not apply to a food employee such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food, clean equipment, utensils, linens, unwrapped single-service or single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-3-19. Handling prohibition

A food employee shall not care for or handle animals that may be present such as patrol dogs, support animals, or pets that are allowed under OAC 310:256-11-53(b)(2) through OAC 310:256-11-53(b)(4). If a food employee with a support animal cares for the animal or handles or cares for fish in aquariums or molluscan shellfish or crustacea in display tanks, they shall wash their hands as specified under OAC 310:256-3-9 before working with

exposed food, clean equipment, utensils, linens, unwrapped single-service or single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

SUBCHAPTER 5. FOOD

Section

- 310:256-5-1. Safe, unadulterated, and honestly presently
- 310:256-5-2. Compliance with food law
- 310:256-5-3. Food in a hermetically sealed container
- 310:256-5-4. Fluid milk and milk products
- 310:256-5-5. Fish
- 310:256-5-6. Molluscan shellfish
- 310:256-5-7. Wild mushrooms
- 310:256-5-8. Game animals
- 310:256-5-9. Temperature
- 310:256-5-10. Additives
- 310:256-5-11. Shell eggs
- 310:256-5-12. Egg and milk products, pasteurized
- 310:256-5-13. Package integrity
- 310:256-5-14. Ice
- 310:256-5-15. Shucked shellfish, packaging and identification
- 310:256-5-16. Shellstock identification
- 310:256-5-17. Shellstock condition
- 310:256-5-18. Molluscan shellfish, original container
- 310:256-5-19. Shellstock, maintaining identification
- 310:256-5-20. Preventing contamination from hands
- 310:256-5-21. Preventing contamination when tasting
- 310:256-5-22. Packaged and unpackaged food - separation, packaging, and segregation
- 310:256-5-23. Food storage containers, identified with common name of food
- 310:256-5-24. Pasteurized eggs, substitute for shell eggs for certain recipes
- 310:256-5-25. Protection from unapproved additives
- 310:256-5-26. Washing fruits and vegetables
- 310:256-5-27. Ice used as exterior coolant, prohibited as ingredient
- 320:256-5-28. Storage or display of food in contact with water or ice
- 310:256-5-29. Food contact with equipment and utensils
- 310:256-5-30. In-use utensils, between-use storage
- 310:256-5-31. Linens and napkins, use limitation
- 310:256-5-32. Wiping cloths, use
- 310:256-5-33. Gloves, use limitation
- 310:256-5-34. Using clean tableware for second portions and refills
- 310:256-5-35. Refilling returnables
- 310:256-5-36. Food storage
- 310:256-5-37. Food storage, prohibited areas
- 310:256-5-38. Vended potentially hazardous food, original container

- 310:256-5-39. Food preparation
- 310:256-5-40. Food display
- 310:256-5-41. Condiments, protection
- 310:256-5-42. Consumer self-service operations
- 310:256-5-43. Returned food, re-service or sale
- 310:256-5-44. Miscellaneous sources of contamination
- 310:256-5-45. Raw animal foods
- 310:256-5-46. Microwave cooking
- 310:256-5-47. Plant food cooking for hot holding
- 310:256-5-48. Parasite destruction
- 310:256-5-49. Records, creation and retention
- 310:256-5-50. Reheating for immediate service
- 310:256-5-51. Reheating for hot holding
- 310:256-5-52. Frozen Food
- 310:256-5-53. Potentially hazardous food, slacking
- 310:256-5-54. Thawing
- 310:256-5-55. Cooling
- 310:256-5-56. Cooling methods
- 310:256-5-57. Potentially hazardous food, hot and cold holding
- 310:256-5-58. Ready-to-eat, potentially hazardous food, date marking [RESERVED]
- 310:256-5-59. Read-to-eat, potentially hazardous food, disposition [RESERVED]
- 310:256-5-60. Time as a public health control
- 310:256-5-61. Variance requirement
- 310:256-5-62. Reduced oxygen packaging, criteria
- 310:256-5-63. Standards of identity
- 310:256-5-64. Honestly presented
- 310:256-5-65. Food labels
- 310:256-5-66. Other forms of information
- 310:256-5-67. Consumption of raw or undercooked animal foods
- 310:256-5-68. Discarding or reconditioning unsafe, adulterated, or contaminated food
- 310:256-5-69. Pasteurized foods, prohibited re-service, and prohibited food

310:256-5-1. Safe, unadulterated, and honestly presented

Food shall be safe, unadulterated, and honestly presented as specified under OAC 310:256-5-64.

[SOURCE: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-2. Compliance with food law

(a) Food shall be obtained from sources that comply with law.

(b) Food prepared in a private home shall not be used or offered for human consumption in a food service establishment.

(c) Packaged food shall be labeled as specified in 21 CFR Part 101, 310:256-5-15 and 310:256-5-16.

(d) Fish, other than molluscan shellfish, that are intended for consumption in their raw form shall be obtained from a supplier that freezes the fish in accordance with OAC 310:256-5-48 or shall be frozen on the premises and the necessary records shall be retained in accordance with OAC 310:256-5-49.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-3. Food in a hermetically sealed container

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-4. Fluid milk and milk products

Fluid milk and milk products shall be obtained from sources that comply with 2 O.S. Supp. 1994, Sections 7-406 and 7-407.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-5. Fish

Fish shall not be received for sale or service unless they are commercially and legally caught or harvested, or as approved by the Department.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-6. Molluscan shellfish

(a) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Manual of Operations.

(b) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-7. Wild mushrooms

If wild mushrooms are used in food service establishments, they shall be cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by a food regulatory agency or species that are in packaged form and are the product of a food processing plant that is regulated by a food regulatory agency.

[Source: Added at 7-29-98, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-8. Game animals

Game animals are eligible to be received for sale or service if:

(1) The animals commercially raised for food are:

(A) Raised and slaughtered as allowed by law, and processed under an inspection program conducted by an agency having jurisdiction over meat production; or

(B) Under a routine inspection program conducted by the Department and raised, slaughtered and processed according to

laws governing meat and poultry.

(2) The animals are exotic species of animals including animals raised for exhibition purposes in a zoo or circus and meet OAC 310:256-5-8(1)(A).

(3) As allowed by law, wild game animals that are live-caught are:

(A) Under a routine inspection program conducted by an agency having jurisdiction over meat production or the Department; and

(B) Slaughtered and processed according to laws governing slaughter of the animals as determined by an agency having jurisdiction over meat production.

(4) As allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals receive a postmortem examination by an approved veterinarian or veterinarian's designee, or are field-dressed and processed according to requirements specified by the Oklahoma State Department of Agriculture.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-9. Temperature

(a) Refrigerated, potentially hazardous food shall be at a temperature of five (5) degrees Celsius (41 degrees Fahrenheit) or below when received or shall be received at the temperature specified in laws governing its distribution.

(b) Potentially hazardous food that is cooked to the temperature and time specified in OAC 310:256-5-45 through OAC 310:256-5-47 and received hot shall be at a temperature of sixty (60) degrees Celsius (140 degrees Fahrenheit) or above upon receipt.

(c) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.

(d) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

[Source: Added at 14 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-10. Additives

Food shall not contain unapproved food additives or additives that exceed amounts allowed in 21 CFR, 170-180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts allowed in 21 CFR, 181-186, or pesticide residues that exceed provisions specified in 40 CFR 185; Tolerances for Pesticides in Food administered by the EPA.

[Sources: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-11. Shell eggs

Shell eggs shall be received clean and sound and shall not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in 7 CFR Part 56; Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight classes for Shell Eggs, and 7 CFR Part 59; Regulations Governing the Inspection of

Eggs and Egg Products.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-12. Egg and milk products, pasteurized

(a) Liquid, frozen, or dry eggs and egg products shall be obtained pasteurized.

(b) Fluid, dry milk and milk products shall be obtained as specified in 2 O.S. Supp. 1994, Section 7-406.

(c) Frozen milk products shall be obtained as specified in 2 O.S. Supp. 1994, Section 7-406.

(d) Cheese shall be obtained as specified in 2 O.S. Supp. 1994, Section 7-406 et seq.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-13. Package integrity

Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to potential contaminants or adulterated.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-14. Ice

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-15. Shucked shellfish, packaging and identification

Raw shucked shellfish shall be obtained in non-returnable packages legibly bearing the name and address of the person who shucks and packs or repacks the shellfish, the person's authorized certification number, and the "sell by" date for packages with a capacity of less than one-half ($\frac{1}{2}$) gallon or the date shucked for packages with a capacity of more than one-half ($\frac{1}{2}$) gallon.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-16. Shellstock identification

Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Manual of Operations, Part II Sanitation of the Harvesting, Processing and Distribution of Shellfish, and that list:

(1) Except as specified under (3) of this section, on the harvester's tag or label, the following information in the following order:

(A) The harvester's identification number that is assigned by the shellfish control authority;

(B) The date of harvesting;

(C) The most precise identification of the harvest location or

- aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;
- (D) The type and quantity of shellfish; and
- (E) The following statement in bold, capitalized type: **"This tag is required to be attached until container is empty or re-tagged and thereafter kept on file for ninety (90) days"**; and
- (2) Except as specified under (4) of this section, on each dealer's tag or label, the following information:
- (A) The dealer's name and address, and the certification number assigned by the shellfish control authority;
- (B) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish was harvested;
- (C) The information specified in OAC 310:256-5-16(1)(B), (C) & (D); and
- (D) The following statement in bold, capitalized type: **"This tag is required to be attached until container is empty and thereafter kept on file for ninety (90) days"**.
- (3) If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first;
- (4) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under OAC 310:256-5-16(2)(A) and (B), individual dealer tags or labels are not required.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-17. Shellstock condition

When received by a food service establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-18. Molluscan shellfish, original container

(a) Except as specified in (b) and (c) of this section, molluscan shellfish shall not be removed from the container in which they were received other than immediately before sale or preparation for service.

(b) If shellstock are removed from the container in which they were received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer:

(1) The source of the shellstock on display shall be identified as specified under OAC 310:256-5-16 and recorded as specified under OAC 310:256-5-19; and

(2) The shellstock shall be protected from contamination.

(c) If shucked shellfish are removed from the container in which they were received and held in a display container from which

individual servings are dispensed upon a consumer's request:

(1) The labeling information for the shellfish on display as specified under OAC 310:256-5-15 shall be retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(2) The shellfish shall be protected from contamination.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-19. Shellstock, maintaining identification

The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for at least ninety (90) calendar days from the date the container is emptied by:

(1) Using a record keeping system approved by the Department that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served; and

(2) If shellstock are removed from their tagged or labeled container:

(A) Using only one (1) tagged or labeled container at a time; or

(B) Using more than one (1) tagged or labeled container at a time and obtaining a variance from the Department as specified in OAC 310:256-15-3 based on a HACCP plan that:

(i) Is submitted by the license holder and approved by the Department as specified under OAC 310:256-15-4;

(ii) Preserves source identification by using a record keeping system as specified under (1) of this section; and

(iii) Ensures that shellstock from one (1) tagged or labeled container are not commingled with shellstock from another container before being ordered by the consumer.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-20. Preventing contamination from hands

(a) Food employees shall wash their hands as specified under OAC 310:256-3-9 and OAC 310:256-3-10.

(b) Food employees shall avoid contact with exposed ready-to-eat food with their bare hands except when washing fruits and vegetables as specified by OAC 310:256-5-26 unless the employee is complying with OAC 310:256-3-9 and OAC 310:256-3-10. Suitable utensils, such as deli-tissue, spatulas, tongs, single-use gloves, or dispensing equipment can be used to avoid contact with ready-to-eat foods.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-21. Preventing contamination when tasting

A food employee shall not use a utensil more than once to taste food that is to be sold or served.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-22. Packaged and unpackaged food - separation, packaging, and segregation

(a) Food shall be protected from cross contamination by:

(1) Separating raw animal foods during storage, preparation, holding, and display from:

(A) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as vegetables; and

(B) Cooked ready-to-eat food.

(2) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

(A) Using separate equipment for each type; or

(B) Arranging each type of food in equipment so that cross contamination of one type with another is prevented; and

(C) Preparing each type of food at different times or in separate areas.

(3) Cleaning equipment and utensils as specified under OAC 310:256-7-83(a) and sanitizing as specified under OAC 310:256-7-95;

(4) Except as specified in (b) of this section, storing the food in packages, covered containers, or wrappings;

(5) Cleaning hermetically sealed containers of food of visible soil before opening;

(6) Protecting food containers that are received packaged together in a case or over wrap from cuts when the case or over wrap is opened;

(7) Storing damaged, spoiled, or recalled food being held in the food establishment as specified under OAC 310:256-11-37; and

(8) Separating fruits and vegetables, before they are washed as specified under OAC 310:256-5-26 from ready-to-eat food.

(b) OAC 310:256-5-22(a)(4) of this section does not apply to:

(1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that requires peeling or hulling before consumption;

(2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;

(3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;

(4) Food being cooled as specified under OAC 310:256-5-56(b)(2); or

(5) Shellstock.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-23. Food storage containers, identified with common name of food

Working containers holding food or food ingredients that are removed from their original packages for use in the food service

establishment shall be identified with the common name of the food except that containers holding food that can be readily and unmistakably recognized need not be identified.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-24. Pasteurized eggs, substitute for shell eggs for certain recipes

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

(1) Cooked as specified in OAC 310:256-5-45(a)(1) or OAC 310:256-5-45(a)(2); or

(2) Included in OAC 310:256-5-45(b)(1).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-25. Protection from unapproved additives

(a) Food shall be protected from contamination that could result from the addition of, as specified in OAC 310:256-5-10:

(1) Unsafe or unapproved food or color additives; and

(2) Unsafe or unapproved levels of approved food and color additives.

(b) A food employee shall not:

(1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B₁; or

(2) Knowingly serve or sell food specified in b(1) of this section that is treated with sulfating agents before receipt by the food service establishment, except that grapes need not meet this requirement.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-26. Washing fruits and vegetables

(a) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form except that whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

(b) Fruits and vegetables can be washed by using chemicals as specified under OAC 310:256-13-8.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-27. Ice used as exterior coolant, prohibited as ingredient

After use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice shall not be used as food. This regulation does not apply to conductor plates or cold

plates used in soft-drink dispensing machines in a temporary food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-28. Storage or display of food in contact with water or ice

(a) Packaged food shall not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(b) Except as specified in (c) and (d) of this section, unpackaged food shall only be stored in direct contact with drained ice.

(c) Whole, raw fruits or vegetables, and cut raw vegetables can be immersed in ice or water.

(d) Raw chicken and raw fish that are received immersed in ice in shipping containers can remain in that condition while in storage awaiting preparation, display, service, or sale.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-29. Food contact with equipment and utensils

Food shall not contact probe-type price, identification tags or surfaces of utensils and equipment that are not cleaned and sanitized as specified under OAC 310:256-7-82 through OAC 310:256-7-92 of this Chapter.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-30. In-use utensils, between-use storage

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

(1) In the food with their handles above the top of the food and the container;

(2) In food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed;

(3) On a clean portion of the food preparation table or cooking equipment and shall be cleaned and sanitized at a frequency specified under OAC 310:256-7-83 and OAC 310:256-7-94;

(4) In running water of sufficient velocity to flush particulates to the drain, if used with moist food; or

(5) In a clean, protected location if the utensils are used only with a food that is not potentially hazardous.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-31. Linens and napkins, use limitation

If linens and napkins are used in contact with food, they shall only be used to line a container for the service of foods and the linens and napkins shall be replaced each time the container is refilled for a new consumer.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-32. Wiping cloths, use

(a) Cloths that are used for wiping food spills shall be used for no other purpose.

(b) Cloths used for wiping food spills shall be:

(1) Dry and used for wiping food spills from tableware and carry-out containers; or

(2) Moist and cleaned as specified under OAC 310:256-7-98, stored in a chemical sanitizer as specified under OAC 310:256-13-7, and used for wiping spills from food-contact and non-food-contact surfaces of equipment.

(c) Dry or moist cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and moist cloths used with raw animal foods shall be kept in a separate sanitizing solution.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-33. Gloves, use limitation

(a) If used, single-use gloves shall be used for only one (1) task such as working with ready-to-eat food or with raw animal food and discarded when damaged or soiled, or when interruptions occur in the operation.

(b) Except as specified in 310:256-5-33(c), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked.

(c) If slash-resistant gloves are used with ready-to-eat food that will not be subsequently cooked, the slash-resistant gloves shall have a smooth, durable, and nonabsorbent outer surface, or the slash-resistant gloves shall be covered with a smooth, durable, nonabsorbent glove, or a single-use glove.

(d) Cloth gloves shall not be used in direct contact with food unless the food is subsequently cooked.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-34. Using clean tableware for second portions and refills

(a) Food employees shall not use tableware, including single-service articles, soiled by the consumer to provide second portions or refills.

(b) Except as specified in (c) of this section, self-service consumers shall not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment. This section shall be deemed to be met if clean tableware is provided at self-service areas and signage is prominently posted that reads in substance: "Oklahoma State Department of Health Rules require the use of clean tableware to get refills."

(c) Cups and glasses are exempt from this regulation if refilling is a contamination-free process as specified under OAC 310:256-7-

28.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-35. Refilling returnables

(a) A take-home food container returned to a food service establishment shall not be refilled at a food service establishment with a potentially hazardous food.

(b) Except as specified in (c), a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified under OAC 310:256-7-92.

(c) Personal take-out beverage containers shall be refilled by employees or the consumer if refilling is a contamination-free process.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-36. Food storage

(a) Except as specified in (b) and (c) of this section, food shall be protected from contamination by storing the food:

(1) In a clean, dry location;

(2) Where it is not exposed to splash, dust, or other contamination; and

(3) At least six (6) inches above the floor.

(b) If food in packages and working containers are stored less than six (6) inches above the floor, the food shall be on case lot handling equipment.

(c) Pressurized beverage containers, cased food in waterproof containers and milk containers in plastic crates can be stored on a floor that is clean and not exposed to floor moisture.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-37. Food storage, prohibited areas

Food shall not be stored in locker rooms, toilet rooms, dressing rooms, garbage rooms, mechanical rooms or under sewer lines that are not shielded to intercept potential drips, leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed, under open stairwells, or under other possible sources of contamination.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-38. Vended potentially hazardous food, original container

Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the food service establishment or food processing plant at which it was prepared.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-39. Food preparation

During preparation, unpackaged food shall be protected from

environmental sources of contamination.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-40. Food display

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line, salad bar food guards; display cases; or other effective means.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-41. Condiments, protection

(a) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

(b) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at a location that is approved by the Department.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-42. Consumer self-service operations

(a) Unpackaged, raw animal food shall not be offered for consumer self-service. This does not apply to consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish, or to ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue.

(b) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

(c) Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.

(d) Bulk food may be displayed accommodating customer self-service allowing selection of desired amounts of particular foods only by means including mechanical and manual dispensing modules when all necessary facilities are provided. Bulk food displays which comply with the requirements of this section may be installed in facilities which are licensed as retail food stores.

(e) Dispensing methods include the following:

(1) Mechanical dispensing includes dispensers which dispense by gravity, auger, extruder, pump or other means which eliminates consumer contact with the product in the product module. Such modules may dispense ready to eat dry type foods at levels less than thirty (30) inches above the floor. Products such as bulk jellies, jams, syrup, honey, and other liquids must be dispensed by pump or extruder at levels at least thirty (30) inches above

the floor;

(2) Manual dispensing includes the removal of food from a product module not more than eighteen (18) inches deep and at least thirty (30) inches above the floor with access through a close fitting, insect-proof individual self-closing lid. The food product must be handled appropriately for packaging with tongs, spoon, scoop, parchment, or single service plastic glove.

Manual dispensing is limited to raw dry products and dry processed foods requiring further processing or cooking prior to consumption;

(3) Bulk foods may also be dispensed by an attendant from protected display bins from which customers make a selection and the attendant packages and weighs the product;

(4) Any method of dispensing bulk food which is not in compliance with the requirements of this section must be conducted in the licensed food service area of the establishment.

(f) **Dispensing utensils.** Tongs, scoops, or spoons, when used, must be tethered to the display in such a way that they can be removed for cleaning. Appropriate storage compartments must also be provided for storage when not in use. These utensils may be used at manual dispensing display areas.

(g) **Food supplies.**

(1) Bulk food product modules shall be labeled with either:

(A) The manufacturer's or processor's bulk container labeling plainly in view; or

(B) A counter card, sign, or other appropriate device bearing prominently and conspicuously the common name of the product, a list of ingredients in proper order or predominance and declaration of artificial color or flavor and chemical preservatives if contained in the product.

(2) Unpackaged bakery products need not comply with the labeling requirements of this section provided that the product is prepared for final consumption by the licensee either on the premises or at a different licensed location.

(h) **Food protection.**

(1) Bulk foods and product modules shall be protected from contamination during display, customer self-service, refilling and storage.

(2) Written or graphic instructions for sanitary procedures of self-service for consumers, in the case of manually dispensed bulk food, shall be posted. Such procedures shall include requirements for the following:

(A) Prohibition of smoking;

(B) Cleaning of hands;

(C) Covering of sneezes;

(D) Proper use and storage of dispensing tools.

(3) Only containers provided by the store in the display area shall be filled with bulk foods.

(4) Loaves of bread must be sacked to minimize handling.

(5) Bulk food returned to the store by the customer shall not be offered for resale.

(6) Containers of bulk pet foods and bulk non-food items shall

be separated by a barrier or open space from other product modules.

(7) Single-service articles provided as take-home containers such as bags, cups, and lids provided in the display area for customer use shall be stored and dispensed in a sanitary manner.

(i) **Sanitary facilities.** Disposable moist towelettes or other handwashing facilities shall be provided for use by employees and consumers in the self-service area in the case of manually dispensed bulk food. A covered, easily cleanable, waste receptacle shall also be provided in the display area.

(j) **Equipment and utensil cleaning and sanitization.**

(1) Facilities and/or equipment shall be available either in the servicing or display area to provide for proper cleaning and sanitizing of all food-contact surfaces, including product modules, lids, and dispensing utensils.

(2) Tongs, scoops, and spoons used by customers shall be cleaned and sanitized at least daily or at more frequent intervals based on the type of food and amount of food particle accumulation or soiling.

(3) Product modules, lids and other equipment shall be cleaned prior to restocking, when soiled or at intervals on a schedule depending upon the type of food and amount of food particle accumulation.

(4) Food contact surfaces of equipment shall be cleaned and sanitized immediately if contamination is observed or suspected.

(k) **Equipment and utensils - materials, design and fabrication.**

(1) Product modules and utensils shall be constructed of safe materials and shall be corrosion resistant, nonabsorbent, smooth, easily cleanable, durable, and insect-proof under conditions of normal use.

(2) Individual product modules shall be designed to be easily removable from the display unit for servicing unless the modules are so designed and fabricated that they can be effectively cleaned (and sanitized when necessary) through a manual procedure, with the module in place, which will not contaminate or otherwise adversely affect bulk food or equipment in the adjoining display area.

(3) Product modules, lids, dispensing units and utensils shall be designed and fabricated to meet the requirements for food contact surfaces.

(A) Product containers filled by the processor may be used in lieu of multi-use product modules provided that:

(i) The original product containers are discarded when empty and not refilled; and

(ii) The display container complies with the criteria outlined in OAC 310:256-7-1 through OAC 310:256-7-9.

(B) Single service plastic bags or disposable liners used as product modules shall be of safe materials and of sufficient thickness to resist tears and cuts.

(4) Surfaces of product module display units and all display equipment not intended for food-contact, but which are exposed to splash, food debris or other soiling, at a level below the thirty (30) inch display level, shall be designed and fabricated

and free of unnecessary ledges, projection or crevices. The materials for non-food-contact surfaces shall be nonabsorbent or made nonabsorbent being finished and sealed with a cleanable coating.

(1) To avoid the installation of a non-complying self-service bulk food display, it is strongly recommended that plans for such a display be submitted by the licensee to the Oklahoma State Department of Health prior to the operation of the bulk food display.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-43. Returned food, re-service or sale

(a) Except as specified under (b) of this section, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer shall not be offered as food for human consumption.

(b) Except as specified in 310:256-5-69, food that is not potentially hazardous and in an unopened original package and maintained in sound condition can be re-served or resold.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-44. Miscellaneous sources of contamination

Food shall be protected from contamination that may result from a factor or source not specified under 310:256-5-20 through 310:256-5-43.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-45. Raw animal foods

(a) Except as specified in (b) and (c) of this section, raw animal foods such as eggs, fish, poultry, meat, 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:

(1) Sixty-three (63) degrees Celsius (145 degrees Fahrenheit) or above for at least fifteen (15) seconds for:

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

(B) Except as specified under (a)(2) and (a)(3) of this section, fish and meat including game animals commercially raised for food as specified under OAC 310:256-5-8(1)(A) & (B) and game animals under a voluntary inspection program as specified under OAC 310:256-5-8(2);

(2) Sixty-eight (68) degrees Celsius (155 degrees Fahrenheit) for fifteen (15) seconds or sixty-three (63) degrees Celsius (145 degrees Fahrenheit) for three (3) minutes or sixty-six (66) degrees Celsius (150 degrees Fahrenheit) for one (1) minute for pork, ratites, and injected meats, comminuted fish, meat, and game animals commercially raised for food as specified under OAC 310:256-5-8(1)(A) & (B), and game animals under a voluntary inspection program as specified under OAC 310:256-5-8(2) and raw

- eggs that are not prepared as specified under OAC 310:256-5-8(a)(1)(A) or;
- (3) Seventy-four (74) degrees Celsius (165 degrees Fahrenheit) or above for fifteen (15) seconds for poultry, wild game animals as specified under OAC 310:256-5-8(3), stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, poultry, or ratites.
- (b) Whole beef roasts and corned beef roasts shall be cooked:
- (1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature, as follows:
- (A) In a still dry oven, one hundred seventy-seven (177) degrees Celsius (350 degrees Fahrenheit) or more if the roast weight is less than or equal to 4.5 kilograms (10 pounds) or one hundred twenty-one (121) degrees Celsius (250 degrees Fahrenheit) or more if the roast weight is greater than 4.5 kilograms (10 pounds); or
- (B) In a convection oven, one hundred sixty-three (163) degrees Celsius (325 degrees Fahrenheit) or more if the roast weight is less than or equal to 4.5 kilograms (10 pounds) or one hundred twenty-one (121) degrees Celsius (250 degrees Fahrenheit) or more if the roast weight is greater than 4.5 kilograms (10 pounds); or
- (C) In a high humidity oven in which relative humidity is greater than ninety percent (90%) for at least one (1) hour as measured in the cooking chamber or exit of the oven, or in a moisture-impermeable bag that provides one-hundred percent (100%) humidity, less than one hundred twenty-one degrees (121) degrees Celsius (250 degrees Fahrenheit); and
- (2) To heat all parts of the food for 121 minutes at fifty-four (54) degrees Celsius (130 degrees Fahrenheit) or 77 minutes at fifty-six degrees Celsius (132 degrees Fahrenheit) or 47 minutes at fifty-seven degrees Celsius (134 degrees Fahrenheit) or 32 minutes at fifty-eight degrees Celsius (136 degrees Fahrenheit) or 19 minutes at fifty-nine degrees Celsius (138 degrees Fahrenheit) or 12 minutes at sixty (60) degrees Celsius (140 degrees Fahrenheit) or 8 minutes at sixty-one (61) degrees Celsius (142 degrees Fahrenheit) or 5 minutes at sixty-two (62) degrees Celsius (144 degrees Fahrenheit) or 3 minutes at sixty-three (63) degrees Celsius (145 degrees Fahrenheit).
- (c) Paragraphs (a) and (b) of this section do not apply if:
- (1) Except for food service establishments serving a highly susceptible population, 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 soft cooked eggs that is served or offered for sale in a ready-to-eat form, and the consumer is informed as specified under OAC 310:256-5-67 that to ensure its safety, the food should be cooked as specified under OAC 310:256-5-45(a); or
- (2) The Department grants a variance from OAC 310:256-5-45(a) or OAC 310:256-5-45(b) of this section as specified in OAC 310:256-15-3 based on a HACCP plan that:
- (A) Is submitted by the license holder and approved by the Department;

(B) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food; and

(C) Verifies that equipment and procedures for food preparation and training of food employees at the food service establishment meet the conditions of the variance.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-29-99]

310:256-5-46. Microwave cooking

Raw animal foods cooked in a microwave oven shall be:

(1) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(2) Covered to retain surface moisture;

(3) Heated to a temperature of at least seventy-four (74) degrees Celsius (165 degrees Fahrenheit) in all parts of the food; and

(4) Allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-47. Plant food cooking for hot holding

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of sixty (60) degrees Celsius (140 degrees Fahrenheit).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-29-99]

310:256-5-48. Parasite destruction

(a) Before service or sale in ready-to-eat form, raw, marinated, or partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of minus twenty (20) degrees Celsius (-4 degrees Fahrenheit) or below for at least one hundred sixty-eight (168) hours or seven (7) days in a freezer, or minus thirty-five (35) degrees Celsius (-31 degrees Fahrenheit) or below for at least fifteen (15) hours in a blast freezer.

(b) If the fish are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin Tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), the fish can be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified in (a) of this section.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-49. Records, creation and retention

(a) Except as specified in 310:256-5-48(b) and in (b) of this section, if raw, marinated, or partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the food service establishment for at least ninety (90) calendar days beyond the time of service or sale

of the fish.

(b) If the fish were frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to the required temperature and time shall substitute for the records specified in (a) of this section.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-50. Reheating for immediate service

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-51. Reheating for hot holding

(a) Except as specified under 310:256-5-51(b), 310:256-5-51(c), and 310:256-5-51(e), potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least seventy-four (74) degrees Celsius (165 degrees Fahrenheit) for fifteen (15) seconds.

(b) Except as specified under 310:256-5-51(c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least seventy-four (74) degrees Celsius (165 degrees Fahrenheit) and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.

(c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least sixty (60) degrees Celsius (140 degrees Fahrenheit) for hot holding.

(d) Reheating for hot holding shall be done rapidly and the time the food is between the temperature specified under 310:256-5-57 and seventy-four (74) degrees Celsius (165 degrees Fahrenheit) shall not exceed two (2) hours.

(e) Remaining unsliced portions of roast beef that are cooked as specified under 310:256-5-45 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under 310:256-5-45.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-52. Frozen food

Stored frozen foods shall be maintained frozen.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-53. Potentially hazardous food, slacking

Frozen potentially hazardous food that is slacked to moderate the temperature shall be held under refrigeration that maintains the food temperature at five (5) degrees Celsius (41 degrees

Fahrenheit) or below, or at seven (7) degrees Celsius (45 degrees Fahrenheit) in accordance with OAC 310:156-5-57(3) or below, or at any temperature if the food remains frozen.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-54. Thawing

Potentially hazardous food shall be thawed:

(1) Under refrigeration that maintains the food temperature at five (5) degrees Celsius (41 degrees Fahrenheit) or below or at seven (7) degrees Celsius (45 degrees Fahrenheit) or below as specified under OAC 310:256-5-57(3);

(2) Completely submerged under running water:

(A) At a water temperature of at least twenty-one (21) degrees Celsius (70 degrees Fahrenheit) or below;

(B) With sufficient water velocity to agitate and float off loose particles in an overflow; and

(C) For a period of time that does not allow thawed portions of ready-to-eat food to rise above five (5) degrees Celsius (41 degrees Fahrenheit) or seven (7) degrees Celsius (45 degrees Fahrenheit) as specified under OAC 310:256-5-57; or

(D) For a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above five (5) degrees Celsius (41 degrees Fahrenheit) or seven (7) degrees Celsius (45 degrees Fahrenheit) as specified under OAC 310:256-5-57 for more than four (4) hours including the time the food is exposed to the running water and the time needed for preparation for cooking or the time it takes under refrigeration to lower the food temperature to five (5) degrees Celsius (41 degrees Fahrenheit) or seven (7) degrees Celsius (45 degrees Fahrenheit) as specified under OAC 310:256-5-57(3);

(3) As part of a cooking process if the food that is frozen is cooked as specified under 310:256-5-45(a), 310:256-5-45(b), or 310:256-5-46 or thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or

(4) Using any procedure that thaws a portion of frozen ready-to-eat food that is prepared for immediate service in response to an individual consumer's order.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-55. Cooling

(a) Cooked potentially hazardous food shall be cooled:

(1) From sixty (60) degrees Celsius (140 degrees Fahrenheit) to twenty-one (21) degrees Celsius (70 degrees Fahrenheit) within two (2) hours; and

(2) From twenty-one (21) degrees Celsius (70 degrees Fahrenheit) to five (5) degrees Celsius (41 degrees Fahrenheit) or seven (7) degrees Celsius (45 degrees Fahrenheit) as specified under OAC 310:256-5-57(3), or below, within four (4) hours.

(b) Potentially hazardous food shall be cooled to five (5) degrees

Celsius (41 degrees Fahrenheit) or seven (7) degrees Celsius (45 degrees Fahrenheit) as specified under OAC 310:256-5-57(3) or below within four (4) hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) Except as specified in (d) of this section, a potentially hazardous food received in compliance with laws allowing a temperature above five (5) degrees Celsius (41 degrees Fahrenheit) during shipment from the supplier shall be cooled to five (5) degrees Celsius (41 degrees Fahrenheit) or seven (7) degrees Celsius (45 degrees Fahrenheit) as specified under OAC 310:256-5-57(3) or below within four (4) hours.

(d) Shell eggs need not comply with (c) of this section if the eggs are placed immediately upon receipt in refrigerated equipment that is capable of maintaining food at five (5) degrees Celsius (41 degrees Fahrenheit) or less, or seven (7) degrees Celsius (45 degrees Fahrenheit) or less as specified under 310:256-5-57(3).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-56. Cooling methods

(a) Cooling shall be accomplished in accordance with the time and temperature criteria specified in OAC 310:256-5-55 by using one (1) or more of the following methods based on the type of food being cooled:

- (1) Placing the food in shallow pans;
- (2) Separating the food into smaller or thinner portions;
- (3) Using rapid cooling equipment;
- (4) Stirring the food in a container placed in an ice water bath;
- (5) Using containers that facilitate heat transfer;
- (6) Adding ice as an ingredient; or
- (7) Other effective methods.

(b) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

- (1) Arranged in the equipment to provide maximum heat transfer through the container walls; and
- (2) Loosely covered, or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-57. Potentially hazardous food, hot and cold holding

Except during preparation, cooking, or cooling, or when time is used as the public health control potentially hazardous food shall be maintained:

- (1) At sixty (60) degrees Celsius (140 degrees Fahrenheit) or above, except that cooked roasts shall be held at a temperature of at least fifty-four (54) degrees Celsius (130 degrees Fahrenheit); or
- (2) At five (5) degrees Celsius (41 degrees Fahrenheit) or below, except as specified under (3) of this section;
- (3) At seven (7) degrees Celsius (45 degrees Fahrenheit) or

below in existing refrigeration equipment that is not capable of maintaining the food at five (5) degrees Celsius (41 degrees Fahrenheit) or below if:

(A) The equipment is in place and in use in the food service establishment; and

(B) Within five (5) years of adoption of these rules, the equipment is upgraded or replaced to maintain food at a temperature of five (5) degrees (41 degrees Fahrenheit) or below.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-58. Ready-to-eat, potentially hazardous food, date marking [RESERVED]

310:256-5-59. Ready-to-eat, potentially hazardous food, disposition [RESERVED]

310:256-5-60. Time as a public health control

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

(1) The food shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control;

(2) The food shall be cooked and served, served if ready-to-eat, or discarded within four (4) hours from the point in time when the food is removed from temperature control;

(3) Food in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded; and

(4) Written procedures are maintained in the food service establishment and made available to the Department upon request.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-61. Variance requirement

A food service establishment shall obtain a variance from the Department before smoking or curing food, brewing alcoholic beverages, using food additives as a method of food preservation rather than as a method of flavor enhancement, using a reduced oxygen method of packaging food except where a barrier to *Clostridium botulinum* exists, or preparing food by another method that is determined by the Department to require a variance.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-62. Reduced oxygen packaging, criteria

(a) A food service establishment that packages food using a reduced oxygen packaging method shall have a HACCP plan that contains the information that:

(1) Identifies the food to be packaged;

(2) Limits the food packaged to a food that does not support the growth of ***Clostridium botulinum*** because it complies with one (1) of the following:

(A) Has an a_w of 0.91 or less;

(B) Has a pH of 4.6 or less;

(C) Is a meat product cured at a food processing plant regulated by an agency having jurisdiction using a combination of nitrites, nitrates, and salt that at the time of processing consists of one hundred twenty (120) MG/L (mg/L) or higher concentration of sodium nitrite and a brine concentration of at least three and one-half (3½) percent and is received in an intact package; or

(D) Is a food with a high level of competing organisms such as raw meat or raw poultry.

(3) Specifies methods for maintaining food at five (5) degrees Celsius (41 degrees Fahrenheit) or below;

(4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:

(A) Maintain the food at five (5) degrees Celsius (41 degrees Fahrenheit) or below; and

(B) Discard the food if within fourteen (14) calendar days of its packaging it is not served for on-premises consumption or consumed if served or sold for off-premises consumption.

(5) Limits the shelf life to no more than fourteen (14) calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;

(6) Includes operational procedures that:

(A) Prohibit contacting food with bare hands;

(B) Identify a designated area and the method by which:

(i) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination; and

(ii) Access to the processing equipment is restricted to trained personnel familiar with the potential hazards of the operation.

(C) Delineate cleaning and sanitization procedures for food-contact surfaces.

(7) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:

(A) Concepts required for a safe operation;

(B) Equipment and facilities; and

(C) Procedures specified in (a)(6) of this section and OAC 310:256-15-9(4).

(b) Except for fish that is frozen before, during, and after packaging, a food service establishment shall not package fish using a reduced oxygen packaging method.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-63. Standards of identity

Packaged foods shall comply with standards of identity,

including 21 CFR 130 Food Standards: General, 9 CFR 319 Definitions and Standards of Identity or Composition, and 9 CFR Subpart P Definitions and Standards of Identity or Composition.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-64. Honestly presented

(a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(b) Food or color additives, colored over wraps, or lights shall not be used to misrepresent the true appearance, color, or quality of food.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-65. Food labels

(a) Food packaged in a food service establishment shall be labeled according 21 CFR 101 - Food Labeling.

(b) Label information shall include:

(1) The common name of the food, or absent a common name, an adequately descriptive identity statement;

(2) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;

(3) An accurate declaration of the quantity of contents;

(4) The name and place of business of the manufacturer, packer, or distributor; and

(5) Except as exempted in the Federal Food, Drug, and Cosmetic Act §403(Q)(3)-(5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.

(c) Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:

(1) The manufacturer's or processor's label that was provided with the food; or

(2) A card, sign, or other method of notification that includes the information specified under (b)(1), (b)(2), and (b)(5) of this regulation.

(d) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:

(1) A health, nutrient content, or other claim is not made; and

(2) The food is manufactured or prepared on the premises of the food service establishment or at another food service establishment or a food processing plant that is owned by the same person and is regulated by an agency that has jurisdiction.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-66. Other forms of information

(a) Consumer warnings, if required by law, shall be provided.

(b) Food service establishment or the manufacturer's dating

information on foods shall not be concealed or altered.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-67. Consumption of raw or undercooked animal foods

If a raw or undercooked animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is offered in a ready-to-eat form as a deli, menu, vended, or other item, or as a raw ingredient in another ready-to-eat food, the license holder shall inform consumers in writing of the significantly increased risk associated with certain vulnerable consumers eating such foods in raw or undercooked form. The language of the statement shall be constructed to convey that thoroughly cooking foods of animal origin reduces the risk of foodborne illness. Individuals with certain health conditions may be at higher risk if these foods are consumed raw or undercooked.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-68. Discarding or reconditioning unsafe, adulterated, or contaminated food

(a) A food that is unsafe, adulterated, or not honestly presented shall be reconditioned according to a procedure approved by the Department or discarded.

(b) Food that is not from an approved source shall be discarded.

(c) Ready-to-eat food that has been contaminated by an employee who has been restricted or excluded shall be discarded.

(d) Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, or other means shall be discarded.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-5-69. Pasteurized foods, prohibited re-service, and prohibited food

In a food service establishment that serves a highly susceptible population:

(1) Apple juice, apple cider, and other beverages containing apple juice shall be obtained pasteurized, or in a commercially sterile shelf-stable form in a hermetically sealed container;

(2) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs, or egg products shall be substituted for raw shell eggs in the preparation of:

(A) Foods such as Caesar salad, hollandaise or bernaise sauce, mayonnaise, eggnog, ice cream, and egg-fortified beverages; and

(B) Eggs that are broken, combined in a container, and not cooked immediately or eggs that are held before service following cooking;

(3) Food in an unopened original package shall not be re-served; and

(4) Raw animal food such as raw, raw-marinated fish; raw molluscan shellfish; steak tartare; or a partially cooked food

such as lightly cooked fish, rare meat, and soft-cooked eggs shall not be served or offered for sale in ready-to-eat form.
[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

SUBCHAPTER 7. EQUIPMENT, UTENSILS, AND LINENS

Section

- 310:256-7-1. Characteristics
- 310:256-7-2. Cast iron, use limitation
- 310:256-7-3. Lead in ceramic, china, and crystal utensils, use limitation
- 310:256-7-4. Copper, use limitation
- 310:256-7-5. Galvanized metal, use limitation
- 310:256-7-6. Sponges, use limitation
- 310:256-7-7. Lead in pewter alloys, use limitation
- 310:256-7-8. Lead in solder and flux, use limitation
- 310:256-7-9. Wood, use limitation
- 310:256-7-10. Non-stick coatings, use limitation
- 310:256-7-11. Non-food-contact surfaces
- 310:256-7-12. Characteristics
- 310:256-7-13. Equipment and utensils
- 310:256-7-14. Food temperature measuring devices
- 310:256-7-15. Food-contact surfaces
- 310:256-7-16. CIP equipment
- 310:256-7-17. "V" threads, use limitation
- 310:256-7-18. Hot oil filtering equipment
- 310:256-7-19. Can openers
- 310:256-7-20. Non-food-contact surfaces
- 310:256-7-21. Kick plates, removable
- 310:256-7-22. Ventilation hood systems, filters
- 310:256-7-23. Temperature measuring device, food
- 310:256-7-24. Temperature measuring device, ambient air and water
- 310:256-7-25. Pressure measuring devices, mechanical warewashing equipment
- 310:256-7-26. Ventilation hood systems, drip prevention
- 310:256-7-27. Equipment openings, closures and deflectors
- 310:256-7-28. Dispensing equipment, protection of equipment and food
- 310:256-7-29. Vending machine, vending stage closure
- 310:256-7-30. Bearings and gearboxes, leak proof
- 310:256-7-31. Beverage tubing, separation
- 310:256-7-32. Ice units, separation of drains
- 310:256-7-33. Condenser unit, separation
- 310:256-7-34. Can openers on vending machines
- 310:256-7-35. Molluscan shellfish tanks
- 310:256-7-36. Vending machines, automatic shutoff
- 310:256-7-37. Temperature measuring devices
- 310:256-7-38. Warewashing machine, data plate operating specifications
- 310:256-7-39. Warewashing machines, internal baffles
- 310:256-7-40. Warewashing machines, temperature measuring devices
- 310:256-7-41. Manual warewashing equipment, heaters and baskets

TITLE 310:256 OKLAHOMA STATE DEPARTMENT OF HEALTH

- 310:256-7-42. Warewashing machines, sanitizer level indicator
- 310:256-7-43. Warewashing machines, flow pressure device
- 310:256-7-44. Warewashing sinks and drain boards, self-draining
- 310:256-7-45. Equipment compartments, drainage
- 310:256-7-46. Vending machines, liquid waste products
- 310:256-7-47. Case lot handling equipment, moveability
- 310:256-7-48. Vending machine doors and openings
- 310:256-7-49. Food equipment, certification and classification
- 310:256-7-50. Cooling, heating, and holding capacities
- 310:256-7-51. Manual warewashing, sink compartment requirements
- 310:256-7-52. Drain boards
- 310:256-7-53. Ventilation hood systems, adequacy
- 310:256-7-54. Clothes washers and dryers
- 310:256-7-55. Utensils, consumer self-service
- 310:256-7-56. Food temperature measuring devices
- 310:256-7-57. Temperature measuring devices, manual warewashing
- 310:256-7-58. Sanitizing solutions, testing devices
- 310:256-7-59. Equipment, clothes washers and dryers, and storage cabinets, contamination prevention
- 310:256-7-60. Fixed equipment, spacing or sealing
- 310:256-7-61. Fixed equipment, elevation or sealing
- 310:256-7-62. Good repair and proper adjustment
- 310:256-7-63. Cutting surfaces
- 310:256-7-64. Microwave ovens
- 310:256-7-65. Warewashing equipment, cleaning frequency
- 310:256-7-66. Warewashing machines, manufacturers' operating instructions
- 310:256-7-67. Warewashing sinks, use limitation
- 310:256-7-68. Warewashing equipment, cleaning agents
- 310:256-7-69. Warewashing equipment, clean solutions
- 310:256-7-70. Manual warewashing equipment, wash solution temperature
- 310:256-7-71. Mechanical warewashing equipment, wash solution temperature
- 310:256-7-72. Manual warewashing equipment, hot water sanitization temperatures
- 310:256-7-73. Mechanical warewashing equipment, hot water sanitization temperatures
- 310:256-7-74. Mechanical warewashing equipment, sanitization pressure
- 310:256-7-75. Manual and mechanical warewashing equipment, chemical sanitization - temperature, pH, concentration, and hardness
- 310:256-7-76. Manual warewashing equipment, chemical sanitization using detergent-sanitizers
- 310:256-7-77. Warewashing equipment, determining chemical sanitizer concentration
- 310:256-7-78. Good repair and proper calibration
- 310:256-7-79. Single-service and single-use articles, required use
- 310:256-7-80. Single-service and single-use articles, use limitation
- 310:256-7-81. Shells, use limitation
- 310:256-7-82. Equipment, food-contact surfaces, non food-contact

- surfaces, and utensils
- 310:256-7-83. Equipment food-contact surfaces and utensils
- 310:256-7-84. Cooking and baking equipment
- 310:256-7-85. Non-food-contact surfaces
- 310:256-7-86. Dry-cleaning
- 310:256-7-87. Precleaning
- 310:256-7-88. Loading of soiled items, warewashing machines
- 310:256-7-89. Wet cleaning
- 310:256-7-90. Washing, procedures for alternative manual warewashing equipment
- 310:256-7-91. Rinsing procedures
- 310:256-7-92. Returnables, cleaning for refilling
- 310:256-7-93. Food-contact surfaces and utensils
- 310:256-7-94. Before use and after cleaning
- 310:256-7-95. Hot water and chemical
- 310:256-7-96. Clean linens
- 310:256-7-97. Specifications
- 310:256-7-98. Storage of soiled linens
- 310:256-7-99. Mechanical washing
- 310:256-7-100. Use of laundry facilities
- 310:256-7-101. Equipment and utensils, air-drying required
- 310:256-7-102. Wiping cloths, air-drying locations
- 310:256-7-103. Food-contact surfaces
- 310:256-7-104. Equipment
- 310:256-7-105. Equipment, utensils, linens, and single-service and single-use articles
- 310:256-7-106. Prohibitions
- 310:256-7-107. Kitchenware and tableware
- 310:256-7-108. Soiled and clean tableware
- 310:256-7-109. Preset tableware

310:256-7-1. Characteristics

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

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-2. Cast iron, use limitation

Cast iron shall not be used for utensils or food-contact surfaces of equipment except it can be used as a surface for cooking or for utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-3. Lead in ceramic, china, and crystal utensils, use limitation

Ceramic, china, crystal utensils, and decorative utensils that are used in contact with food shall be lead-free or contain levels of lead not exceeding the following limits:

- (1) Hot beverage mugs or coffee mugs shall not exceed .5 milligrams of lead per liter;
- (2) Large hollowware or bowls larger than 1.1 liters (1.16 quarts) shall not exceed 1 milligram per liter;
- (3) Small hollowware or bowls equal to or smaller than 1.1 liters (1.16 quarts) shall not exceed 2 milligrams per liter; and
- (4) Flat utensils or plates and saucers shall not exceed 3 milligrams per liter.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-4. Copper, use limitation

(a) Copper and copper alloys such as brass shall not be in contact with food that has a pH below six (6) such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(b) Copper and copper alloys used in contact with beer brewing ingredients that have a pH below six (6) in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery is permitted.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-5. Galvanized metal, use limitation

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-6. Sponges, use limitation

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

301:256-7-7. Lead in pewter alloys, use limitation

Pewter alloys containing lead in excess of 0.05% shall not be used as a food-contact-surface.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-8. Lead in solder and flux, use limitation

Solder and flux containing lead in excess of two-tenths (0.2) percent shall not be used on surfaces that contact food.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-9. Wood, use limitation

(a) Wood and wood wicker shall not be used as a food-contact surface. Hard maple or an equivalently hard, close-grained wood used for cutting boards, cutting blocks, bakers' table, cabbage presses, and utensils such as rolling pins, doughnut dowels, salad bowls, chopsticks, and wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of one hundred ten (110) degrees Celsius (230 degrees Fahrenheit) or above is permitted.

(b) Whole, uncut, raw fruits and vegetables, and nuts in the shell can be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(c) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food can be kept in untreated wood containers or treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-10. Non-stick coatings, use limitation

Multi-use kitchenware such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with non-scoring or non-scratching utensils and cleaning aids.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-11. Non-food-contact surfaces

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-12. Characteristics

Materials that are used to make single-service and single-use articles shall be safe and clean, and shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-13. Equipment and utensils

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-14. Food temperature measuring devices

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-15. Food-contact surfaces

Multi-use food-contact surfaces shall be:

- (1) Smooth;
- (2) Free of breaks, open seams, cracks, chips, pits, and similar imperfections;
- (3) Free of sharp internal angles, corners, and crevices;
- (4) Finished to have smooth welds and joints; and
- (5) Accessible for cleaning and inspection by one of the following methods:

- (A) Without being disassembled;
- (B) By disassembling without the use of tools; or
- (C) By easy disassembling with the use of hand held tools commonly available to maintenance and cleaning personnel.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-16. CIP equipment

CIP equipment shall be designed and constructed so that:

- (1) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces;
- (2) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and
- (3) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-17. "V" threads, use limitation

"V" type threads shall not be used on food-contact surfaces except for hot oil cooking or filtering equipment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-18. Hot oil filtering equipment

Hot oil filtering equipment shall meet the characteristics of 310:256-7-15 or 310:256-7-16 and shall be readily accessible for filter replacement and cleaning of the filter.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-19. Can openers

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-20. Non-food-contact surfaces

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-21. Kick plates, removable

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being removable by one of the methods specified in 310:256-7-15(5) or capable of being rotated open and removable or capable of being rotated open without unlocking equipment doors.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-22. Ventilation hood systems, filters

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-23. Temperature measuring device, food

Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to plus or minus one (1) degree Celsius (1.8 degrees Fahrenheit). Those scaled only in Fahrenheit shall be accurate to plus or minus two (2) degrees Fahrenheit.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-24. Temperature measuring device, ambient air and water

(a) Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to plus or minus one and one-half (1.5) degrees Celsius (2.7 degrees Fahrenheit) in the intended range of use.

(b) Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus three (3) degrees Fahrenheit in the intended range of use.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-25. Pressure measuring devices, mechanical warewashing equipment

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of seven (7) kilopascals (1 pound per square inch) or smaller and shall be accurate to +/- fourteen (14) kilopascals

(+/- 2 pounds per square inch) in the one-hundred to one-hundred seventy (100-170) kilopascals (15-25 pounds per square inch) range.
[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-26. Ventilation hood systems, drip prevention

Exhaust ventilation hood systems in food preparation and warewashing areas shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, or single-service and single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-27. Equipment openings, closures and deflectors

(a) A cover or lid for equipment shall overlap the opening and be sloped to drain.

(b) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least five (5) millimeters or two-tenths (2/10) of an inch.

(c) Except as specified under (d) of this section, fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.

(d) If a watertight joint is not provided, the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from food openings and shall be flanged as specified under (b) of this section.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-28. Dispensing equipment, protection of equipment and food

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

(1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;

(2) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

(A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(B) Available for self-service during hours when it is not under the full-time supervision of a food employee.

(4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

(b) Equipment maintained in good repair and in use at the time of adoption of these rules shall be deemed to meet the requirements of this section.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-29. Vending machine, vending stage closure

The dispensing compartment of a vending machine including a machine that is designed to vend prepackaged snack food that is not potentially hazardous such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(2) Available for self-service during hours when it is not under the full-time supervision of a food employee.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-30. Bearings and gear boxes, leak proof

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-31. Beverage tubing, separation

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-32. Ice units, separation of drains

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-33. Condenser unit, separation

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-34. Can openers on vending machines

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-35. Molluscan shellfish tanks

(a) Except as specified under (b) of this section, molluscan shellfish life support system display tanks shall only be used to display shellfish that are not offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(b) Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the Department as specified in 310:256-15-3 and a HACCP plan that:

(1) Is submitted by the license holder and approved by the Department as specified under 310:256-15-4; and

(2) Ensures that:

(A) Water used with fish other than molluscan shellfish does not flow into the molluscan tank;

(B) The safety and quality of the shellfish as they were received are not compromised by use of the tank; and

(C) The identity of the source of the shellstock is retained as specified under 310:256-5-19.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-36. Vending machines, automatic shutoff

(a) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food:

(1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain proper food temperatures as specified in Subchapter 5; and

(2) If a condition specified in (a)(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at proper temperatures as specified in Subchapter 3.

(b) The temperature specified for activation of the automatic shutoff within a machine vending potentially hazardous food shall deviate from the temperature and for a time as follows:

(1) In a refrigerated vending machine, at an ambient temperature of seven (7) degrees Celsius (45 degrees Fahrenheit) or more, for no more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked; or

(2) In a hot holding vending machine, at an ambient temperature of less than sixty (60) degrees Celsius (140 degrees Fahrenheit), for no more than one hundred twenty (120) minutes after the machine is filled, serviced, or restocked.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-37. Temperature measuring devices

(a) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(b) Cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display. This section does not apply to equipment for which the placement of a temperature-measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment.

(c) Temperature measuring devices shall be designed to be easily readable.

(d) Food temperature measuring devices shall have a numerical scale, printed record, or digital readout in increments no greater than one (1) degree Celsius (2 degrees Fahrenheit) in the intended range of use.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-38. Warewashing machine, data plate operating specifications

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

(1) Temperatures required for washing, rinsing, and sanitizing;

(2) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped chemical sanitizing rinse; and

(3) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-39. Warewashing machines, internal baffles

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-40. Warewashing machines, temperature measuring devices

A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water in each wash and rinse tank, and as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-41. Manual warewashing equipment, heaters and baskets

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be designed with an integral heating device that is capable of maintaining water at a temperature at least seventy-seven (77) degrees Celsius (171 degrees Fahrenheit), and provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-42. Warewashing machines, sanitizer level indicator

A warewashing machine that uses a chemical for sanitization and that is installed after adoption of these rules shall be equipped with a device that indicates audibly or visually when more chemical sanitizer needs to be added.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-43. Warewashing machines, flow pressure device

(a) Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the warewashing machine; and

(b) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a 6.4 mm or one-fourth (¼) inch iron pipe size (IPS) valve.

(c) This section does not apply to a machine that uses only a pumped or recirculated chemical sanitizing rinse.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-44. Warewashing sinks and drain boards, self-draining

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-45. Equipment compartments, drainage

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-46. Vending machines, liquid waste products

(a) Vending machines designed to store beverages that are packaged

in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(b) Vending machines that dispense liquid food in bulk shall be:

(1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(c) Shutoff devices specified in (b)(2) of this section shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-47. Case lot handling equipment, moveability

Equipment used to store and transport large quantities of packaged foods received from a supplier in a cased or over wrapped lot, shall be designed to be moved by hand or by conveniently available equipment such as hand trucks and forklifts.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-48. Vending machine doors and openings

(a) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one and one-half (1.5) millimeters or one-sixteenth (1/16) inch by:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one and one-half (1.5) millimeters or one-sixteenth (1/16) inch. Screening of twelve (12) or more mesh to two and one-half (2.5) centimeters (12 mesh to 1 inch) meets this requirement;

(2) Being effectively gasketed;

(3) Having interface surfaces that are at least thirteen (13) millimeters or one-half (½) inch wide; or

(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(b) Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one and one-half (1.5) millimeters or one-sixteenth (1/16) inch.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-49. Food equipment, certification and classification

Food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited

certification program shall be deemed to comply with 310:256-7-1 through 310:256-7-49.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-50. Cooling, heating, and holding capacities

Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide the required food temperatures as specified in Subchapter 5.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-51. Manual warewashing, sink compartment requirements

(a) Except as specified in (c) of this section, a sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(b) Sink compartments shall be large enough to accommodate immersion of at least half of the largest piece of equipment or utensil. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in (c) of this section shall be used. Manual warewashing sinks in mobile establishments, if required, shall be a minimum size of 80 square inches with each side at least eight (8) inches in length if a square or rectangular design or a diameter of ten (10) inches if circular in design. The sink compartments shall be a minimum of four (4) inches in depth.

(c) Alternative manual warewashing equipment shall be used when there are special cleaning needs or constraints and the Department has approved the use of the alternative equipment. Alternative manual warewashing equipment may include:

- (1) High-pressure detergent sprayers;
- (2) Low or line-pressure spray detergent foamers;
- (3) Other task-specific cleaning equipment;
- (4) Brushes or other implements;
- (5) Two (2) compartment sinks as specified under (d) of this section; or
- (6) Receptacles that substitute for the compartments of a multi-compartment sink in the case of temporary food service establishments.

- (d) A two (2) compartment sink will be considered for use only if:
- (1) The food service establishment is a retail establishment that does not serve or prepare unpackaged potentially hazardous foods;
 - (2) The Department approves its use; and
 - (3) The nature of warewashing is limited to batch operations for cleaning kitchenware such as cleanup at the end of a shift, where the number of items cleaned is limited, where the cleaning and sanitizing solutions are made up immediately before use and drained immediately after use, and where a detergent-sanitizer is used to sanitize and is applied as specified in OAC 310:256-7-76. A two (2) compartment sink shall not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or

tableware in an ongoing warewashing process.
[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-52. Drain boards

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-53. Ventilation hood systems, adequacy

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on food, food contact surfaces, walls, ceilings, and to prevent the collection of smoke and noxious odors in the food service establishment. Ventilation hoods meeting the requirements listed in the code of mechanical regulations as adopted by the Oklahoma State Board of Health in Chapter 290, "Mechanical Industry Regulations" shall be installed above commercial heat-processing equipment that causes grease vapors and smoke. This equipment includes but is not limited to deep fat fryers, broilers, griddles, and fry grills. The provisions of this section shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, an existing mechanical system lawfully in existence at the time of adoption of these regulations.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-54. Clothes washers and dryers

(a) Except as specified in (b) of this section, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.

(b) If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under 310:256-7-102, a mechanical clothes washer and dryer need not be provided.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-55. Utensils, consumer self-service

A food-dispensing utensil shall be available for each display container displayed at a consumer self-service unit.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-56. Food temperature measuring devices

Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under Subchapter 5.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-57. Temperature measuring devices, manual warewashing

In manual warewashing operations, a temperature-measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-58. Sanitizing solutions, testing devices

A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-59. Equipment, clothes washers and dryers, and storage cabinets, contamination prevention

(a) Except as specified in (b) of this section, equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles shall not be located:

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

(b) A storage cabinet used for linens or single-service and single-use articles may be stored in a locker room.

(c) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-60. Fixed equipment, spacing or sealing

(a) A unit of equipment that is fixed because it is not easily movable shall be installed so that it is:

- (1) Spaced to allow access for cleaning along the sides, behind, and above the unit;
- (2) Spaced from adjoining equipment, walls, and ceilings a distance of not more than one (1) millimeter or one thirty-second (1/32) inch; or
- (3) Sealed to adjoining equipment or walls, if the unit is exposed to spillage or seepage.

(b) Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath

and around the equipment by being sealed to the table or elevated on legs as specified under 310:256-7-61(d).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-61. Fixed equipment, elevation or sealing

(a) Except as specified in (b) and (c) of this section, floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six (6) inches clearance between the floor and the equipment.

(b) If no part of the floor under the floor-mounted equipment is more than six (6) inches from the point of cleaning access, the clearance space may be only four (4) inches.

(c) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.

(d) Except as specified in (e) of this section, table-mounted equipment that is not easily movable shall be elevated on legs that provide at least four (4) inches clearance between the table and the equipment.

(e) The clearance space between the table and table-mounted equipment shall be:

(1) Three (3) inches if the horizontal distance of the table top under the equipment is no more than twenty (20) inches from the point of access for cleaning; or

(2) Two (2) inches if the horizontal distance of the table top under the equipment is no more than three (3) inches from the point of access for cleaning.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-62. Good repair and proper adjustment

(a) Equipment shall be maintained in a state of repair and condition that meets the requirements specified in Subchapter 7.

(b) Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with the manufacturer's specifications.

(c) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-63. Cutting surfaces

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-64. Microwave ovens

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-65. Warewashing equipment, cleaning frequency

A warewashing machine, the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, raw foods, laundering wiping cloths, drain boards or other equipment used to substitute for drain boards shall be cleaned before use throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function and if used, at least every twenty-four (24) hours.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-66. Warewashing machines, manufacturers' operating instructions

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

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-67. Warewashing sinks, use limitation

(a) A warewashing sink shall not be used for handwashing or for dumping mop water.

(b) A warewashing sink shall not be restricted from being used to wash wiping cloths, wash produce, or thaw food if the sink is cleaned and sanitized before and after each time it is used.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-68. Warewashing equipment, cleaning agents

The wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment shall, when used for warewashing, contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's instructions.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-69. Warewashing equipment, clean solutions

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-70. Manual warewashing equipment, wash solution temperature

The temperature of the wash solution in manual warewashing equipment shall be maintained at least forty-three (43) degrees Celsius (110 degrees Fahrenheit) unless a different temperature is specified on the cleaning agent manufacturer's instructions.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-71. Mechanical warewashing equipment, wash solution temperature

(a) The temperature of the wash solution in spray type warewashers that use hot water to sanitize shall be at least:

(1) For a single tank, stationary rack, single temperature machine, seventy-four (74) degrees Celsius (165 degree Fahrenheit);

(2) For a single tank, conveyor, dual temperature machine, seventy-one (71) degree Celsius (160 degrees Fahrenheit);

(3) For a single tank, stationary rack, dual temperature machine, sixty-six (66) degrees Celsius (150 degrees Fahrenheit); or

(4) For a multi-tank, conveyor, multi-temperature machine, sixty-six (66) degrees Celsius (150 degrees Fahrenheit).

(b) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize shall be at least forty-nine (49) degrees Celsius (120 degrees Fahrenheit).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-72. Manual warewashing equipment, hot water sanitization temperatures

If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at least at seventy-seven (77) degrees Celsius (171 degrees Fahrenheit).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-73. Mechanical warewashing equipment, hot water sanitization temperatures

(a) Except as specified in (b) of this section, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold shall be no higher than ninety (90) degrees Celsius (194 degrees Fahrenheit), or less than:

(1) For a single tank, stationary rack, single temperature machine, seventy-four (74) degrees Celsius (165 degrees Fahrenheit); or

(2) For all other machines, eighty-two (82) Celsius (180 degrees Fahrenheit).

(b) The maximum temperature specified under (a) of this section does not apply to the high pressure and temperature systems with wand type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-74. Mechanical warewashing equipment, sanitization pressure

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine shall be at least fifteen (15) pounds per square inch or no more than twenty-five (25) pounds per square inch as measured in the water line immediately upstream from the fresh hot water sanitizing rinse control valve.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-75. Manual and mechanical warewashing equipment, chemical sanitization - temperature, pH, concentration, and hardness

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure time shall be that listed in 21 CFR 178.1010, shall be used in accordance with the EPA-approved manufacturer's label instructions, and shall be used as follows:

(1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as follows:

(A) If the pH is 10 or less, the temperature and concentration shall be:

(i) Forty-nine (49) degrees Celsius (120 degrees Fahrenheit) or greater with a concentration of twenty-five (25) milligrams per liter or higher;

(ii) Thirty-eight (38) degrees Celsius (100 degrees Fahrenheit) or greater with a concentration of fifty (50) milligrams per liter or higher;

(iii) Thirteen (13) degrees Celsius (55 degrees Fahrenheit) or greater with a concentration of one hundred (100) milligrams per liter or higher; or

(B) If the pH is 8 or less, the temperature and concentration shall be:

(i) Forty-nine (49) degrees Celsius (120 degrees Fahrenheit) or greater with a concentration of twenty-five (25) milligrams per liter or higher;

(ii) Twenty-four (24) degrees Celsius (75 degrees Fahrenheit) or greater with a concentration of fifty (50) milligrams per liter or higher;

(iii) Thirteen (13) degrees Celsius (55 degrees Fahrenheit) or greater with a concentration of one hundred (100) milligrams per liter or higher.

(2) An iodine solution shall have a:

(A) Temperature of at least twenty-four (24) degrees Celsius (75 degrees Fahrenheit);

(B) pH of five (5.0) or less, unless the manufacturer's instructions specify a higher pH limit of effectiveness; and

(C) Concentration between twelve and one-half (12.5) mg/L and twenty-five (25) mg/L.

(3) A quaternary ammonium compound solution shall:

(A) Have a temperature of at least twenty-four (24) degrees

Celsius (75 degrees Fahrenheit);

(B) Have a concentration indicated by the manufacturer's instructions included in the labeling; and

(C) Be used only in water with five hundred (500) mg/L hardness or less or as specified by the manufacturer.

(4) Other solutions of the chemicals specified in (1)-(3) of this section can be used if demonstrated to the Department to achieve sanitization and approved by the Department; or

(5) Other chemical sanitizers can be used if they are applied in accordance with the manufacturer's instruction.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-76. Manual warewashing equipment, chemical sanitization using detergent-sanitizers

If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-77. Warewashing equipment, determining chemical sanitizer concentration

Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-78. Good repair and proper calibration

(a) Utensils shall be maintained in a good state of repair or condition or shall be discarded.

(b) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure accuracy.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-79. Single-service and single-use articles, required use

A food service establishment without facilities for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by the consumer.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-80. Single-service and single-use articles, use limitation

(a) Single-service and single-use articles shall not be reused.

(b) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-81. Shells, use limitation

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-82. Equipment, food-contact surfaces, non food-contact surfaces, and utensils

(a) Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(b) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(c) Non-food-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-83. Equipment food-contact surfaces and utensils

(a) Equipment food-contact surfaces and utensils shall be cleaned and sanitized:

(1) Except as specified in (b) of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;

(2) Each time there is a change from working with raw foods to working with ready-to-eat foods;

(3) Between uses with raw fruits or vegetables and with potentially hazardous food;

(4) Before using or storing a food temperature measuring device; and

(5) At any time during the operation when contamination has occurred.

(b) Subparagraph (a)(1) of this section does not apply if raw animal foods that require cooking temperatures specified under OAC 310:256-5-45(a)(3) are prepared after foods that require cooking temperatures specified under OAC 310:256-5-45(a)(1), OAC 310:256-5-45(a)(2), and OAC 310:256-5-45(b).

(c) Except as specified in (d) of this section, if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned at least every four (4) hours.

(d) Equipment food-contact surfaces and utensils may be cleaned less frequently than every four (4) hours if:

(1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under Subchapter 5 and the containers are cleaned when they are empty;

(2) Utensils and equipment are used to prepare food in a

refrigerated room that maintains the utensils, equipment, and food under preparation at temperatures specified under Subchapter 5 and the utensils and equipment are cleaned at least every twenty-four (24) hours;

(3) Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under Subchapter 5, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every twenty-four (24) hours;

(4) Temperature measuring devices are maintained in contact with foods, such as when left in a container of deli food or in a roast, held at temperatures specified under Subchapter 5;

(5) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned as necessary to preclude accumulation of soil residues; or

(6) The Department approves the cleaning schedule based on consideration of:

(A) Characteristics of the equipment and its use;

(B) The type of food involved;

(C) The amount of food residue accumulation; and

(D) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.

(e) Except when dry cleaning methods are used as specified under 310:256-7-86, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned:

(1) At any time when contamination may have occurred;

(2) At least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;

(3) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers;

(4) Equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, beverage dispensing lines or tubes, coffee bean grinders, and water vending equipment:

(A) At a frequency specified by the manufacturer; or

(B) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-84. Cooking and baking equipment

(a) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty-four (24) hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified under OAC 310:256-7-83(d)(5).

(b) The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-85. Non-food-contact surfaces

Non-food-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-86. Dry-cleaning

(a) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.

(b) Cleaning equipment used in dry cleaning food-contact surfaces shall not be used for any other purpose.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-87. Precleaning

(a) Food debris on equipment and utensils shall be scraped over a waste disposal unit, scupper, or garbage receptacle or shall be removed in a warewashing machine with a prewash cycle.

(b) If necessary for effective cleaning, utensils and equipment shall be pre-flushed, presoaked, or scrubbed with abrasives.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-88. Loading of soiled items, warewashing machines

Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, baskets or onto conveyors in a position that exposes the items to the unobstructed spray from all cycles and allows the items to drain.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-89. Wet cleaning

(a) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers, acid, alkaline, abrasive cleaners, hot water, brushes, scouring pads, high-pressure sprays or ultrasonic devices.

(b) The selected washing procedures shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-90. Washing, procedures for alternative manual warewashing equipment

If washing in sink compartments or a warewashing machine is impractical such as when the equipment is being repaired or the utensils are too large, washing shall be done by using alternative

manual warewashing equipment in accordance with the following procedures:

- (1) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;
- (2) Equipment components and utensils shall be scraped or rough cleaned to remove food particle accumulation; and
- (3) Equipment and utensils shall be washed as specified in OAC 310:256-7-89(a).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-91. Rinsing procedures

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

- (1) Use of a distinct, separate water rinse after washing and before sanitizing if using:
 - (A) A three (3) compartment sink;
 - (B) Alternative manual warewashing equipment equivalent to a three (3) compartment sink; or
 - (C) A three (3) step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment.
- 2) Use of a detergent-sanitizer as specified under OAC 310:256-7-76 if using:
 - (A) Alternative warewashing equipment that is approved for use with a detergent-sanitizer; or
 - (B) A warewashing system for CIP equipment.
- (3) Use of a non-distinct water rinse that is integrated in the sanitization immersion step of a two (2) compartment sink operation;
- (4) If using a warewashing machine that does not recycle the sanitizing solution as specified in (5) of this section, or alternative manual warewashing equipment such as sprayers, use of a non-distinct water rinse that is:
 - (A) Integrated in the application of the sanitizing solution; and
 - (B) Wasted immediately after each application; or
- (5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a non-distinct water rinse that is integrated in the application of the sanitizing solution.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-92. Returnables, cleaning for refilling

- (a) Except as specified in (b) and (c) of this section, returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.
- (b) A food-specific container for beverages shall be refilled at a food service establishment if:

- (1) Only a beverage that is not a potentially hazardous food is used as specified under OAC 310:256-5-35(a);

- (2) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food service establishment;
 - (3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
 - (4) The consumer-owned container returned to the food service establishment for refilling is refilled for sale or service only to the same consumer; and
 - (5) The container is refilled by:
 - (A) An employee of the food service establishment; or
 - (B) The owner of the container if the beverage system includes a contamination-free transfer process that can not be bypassed by the container owner.
- (c) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.
- [Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-93. Food-contact surfaces and utensils

Equipment, food-contact surfaces and utensils shall be sanitized.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-94. Before use and after cleaning

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-95. Hot water and chemical

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

- (1) Hot water manual operations by immersion for at least thirty (30) seconds;
- (2) Hot water mechanical operations by being cycled through equipment and achieving a utensil surface temperature of at least seventy-one (71) degrees Celsius (160 degrees Fahrenheit) as measured by an irreversible registering temperature indicator; or
- (3) Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under OAC 310:256-7-75 by providing:
 - (A) An exposure time of at least ten (10) seconds for a chlorine solution;
 - (B) An exposure time of at least seven (7) seconds for a chlorine solution of 50 mg/l that has a pH of ten (10) or less and a temperature of at least thirty-eight (38) degrees Celsius (100 degrees Fahrenheit) or a pH of eight (8) or less and a temperature of at least twenty-four (24) degrees Celsius (75 degrees Fahrenheit);

(C) An exposure time of at least thirty (30) seconds for other chemical sanitizer solutions; or

(D) An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for effective, yields sanitization as defined in OAC 310:256-1-2.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-96. Clean linens

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-97. Specifications

(a) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.

(b) Cloth gloves shall be laundered before being used with a different type of raw animal food.

(c) Linens and cloth napkins shall be laundered between each use.

(d) Wet wiping cloths shall be laundered before being used with a fresh solution of cleanser or sanitizer.

(e) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-98. Storage of soiled linens

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-99. Mechanical washing

(a) Except as specified in (b) of this section, linens shall be mechanically washed.

(b) In food establishments in which only wiping cloths are laundered as specified in 310:256-7-54(b), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified under 310:256-7-65.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-100. Use of laundry facilities

(a) Except as specified in (b) of this section, laundry facilities on the premises of a food service establishment shall be used only for the washing and drying of items used in the operation of the establishment.

(b) Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering food service establishment items.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-101. Equipment and utensils, air-drying required

After cleaning and sanitizing, equipment and utensils:

(1) Shall be air dried or used after adequate draining as specified in 21 CFR 178.1010 - Sanitizing solutions, before contact with food; and

(2) Shall not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-102. Wiping cloths, air-drying locations

Wiping cloths laundered in a food service establishment that does not have a mechanical clothes dryer shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, single-service and single-use articles, and the wiping cloths. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-103. Food-contact surfaces

Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-104. Equipment

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-105. Equipment, utensils, linens, and single-service and single-use articles

(a) Except as specified in (d) of this section, cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination and at least six (6) inches above the floor.

(b) Clean equipment and utensils shall be stored in a self-draining position that permits air-drying and covered or inverted.

(c) Single-service and single-use articles shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

(d) Items that are kept in closed packages may be stored less than six (6) inches above the floor on dollies, pallets, racks, and skids.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-106. Prohibitions

(a) Except as specified in (b) of this section, cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles shall not be stored:

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

(b) Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-107. Kitchenware and tableware

(a) Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed, and dispensed so that contamination of food and lip-contact surfaces is prevented.

(b) Knives, forks, and spoons that are not pre-wrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

(c) Except as specified under (b) of this section, single-service articles that are intended for food or lip contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-7-108. Soiled and clean tableware

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-7-109. Preset tableware

If tableware is preset:

- (1) It shall be protected from contamination by being wrapped, covered, or inverted;
- (2) Exposed and unused settings shall be removed when a consumer is seated; or

(3) Exposed, unused settings shall be cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

SUBCHAPTER 9. WATER, PLUMBING AND WASTE

Section

- 310:256-9-1. Approved system
- 310:256-9-2. System flushing and disinfection
- 310:256-9-3. Bottled drinking water
- 310:256-9-4. Standards
- 310:256-9-5. Non-drinking water
- 310:256-9-6. Sampling
- 310:256-9-7. Sample report
- 310:256-9-8. Capacity
- 310:256-9-9. Pressure
- 310:256-9-10. Hot water
- 310:256-9-11. System
- 310:256-9-12. Alternative water supply
- 310:256-9-13. Approved materials
- 310:256-9-14. Approved system and cleanable fixtures
- 310:256-9-15. Handwashing lavatory, water temperature, and flow
- 310:256-9-16. Backflow prevention, air gap
- 310:256-9-17. Backflow prevention device, design standard
- 310:256-9-18. Conditioning device, design
- 310:256-9-19. Handwashing lavatory - number and capacity
- 310:256-9-20. Toilets and urinals
- 310:256-9-21. Service sink
- 310:256-9-22. Backflow prevention device, when required
- 310:256-9-23. Handwashing lavatory - location
- 310:256-9-24. Backflow prevention device, location
- 310:256-9-25. Conditioning device, location
- 310:256-9-26. Handwashing lavatory - use
- 310:256-9-27. Prohibiting a cross connection
- 310:256-9-28. Scheduling inspection and service for a water system device
- 310:256-9-29. Water reservoir for fogging devices, cleaning
- 310:256-9-30. System maintained in good repair
- 310:256-9-31. Approved mobile materials
- 310:256-9-32. Enclosed system, sloped to drain
- 310:256-9-33. Inspection and cleaning port, protected and secured
- 310:256-9-34. "V" type threads, use limitation
- 310:256-9-35. Tank vent, protected
- 310:256-9-36. Inlet and outlet, sloped to drain
- 310:256-9-37. Hose, construction and identification
- 310:256-9-38. Filter, compressed air
- 310:256-9-39. Protective cover or device
- 310:256-9-40. Mobile food service establishment tank inlet
- 310:256-9-41. System flushing and disinfection
- 310:256-9-42. Using a pump and hoses, backflow prevention
- 310:256-9-43. Protecting inlet, outlet, and hose fitting

- 310:256-9-44. Tank, pump, and hoses, dedication
- 310:256-9-45. Capacity and drainage
- 310:256-9-46. Establishment drainage system
- 310:256-9-47. Backflow prevention
- 310:256-9-48. Grease Trap
- 310:256-9-49. Conveying sewage
- 310:256-9-50. Removing mobile food service establishment wastes
- 310:256-9-51. Flushing a waste retention tank
- 310:256-9-52. Approved sewage disposal system
- 310:256-9-53. Other liquid wastes and rainwater
- 310:256-9-54. Indoor storage area
- 310:256-9-55. Outdoor storage surface
- 310:256-9-56. Outdoor enclosure
- 310:256-9-57. Receptacles
- 310:256-9-58. Receptacles in vending machines
- 310:256-9-59. Outside receptacles
- 310:256-9-60. Storage areas, rooms, and receptacles, capacity and availability
- 310:256-9-61. Toilet room receptacle, covered
- 310:256-9-62. Cleaning implements and supplies
- 310:256-9-63. Storage areas, redeeming machines, receptacles and waste handling units, location
- 310:256-9-64. Storing refuse, recyclables, and returnables
- 310:256-9-65. Areas, enclosures, and receptacles, good repair
- 310:256-9-66. Outside storage prohibitions
- 310:256-9-67. Covering receptacles
- 310:256-9-68. Using drain plugs
- 310:256-9-69. Maintaining refuse areas and enclosures
- 310:256-9-70. Cleaning receptacles
- 310:256-9-71. Frequency
- 310:256-9-72. Receptacles or vehicles
- 310:256-9-73. Community or individual facility

310:256-9-1. Approved system

Drinking water shall be obtained from an approved source that is a public water system or a non-public water system that is constructed, maintained, and operated according to law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

301:256-9-2. System flushing and disinfection

A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation that may introduce contaminants to the system.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-3. Bottled drinking water

Bottled drinking water used or sold in a food service establishment shall be obtained from approved sources in accordance with OAC:310-225.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-4. Standards

Except as specified under OAC 310:256-9-5, water from a public water system shall meet standards in Chapter 630, "Public Water Supply Operation," from the Oklahoma Department of Environmental Quality.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-5. Non-drinking water

The use of a non-drinking water supply shall be approved by the Department and shall be used only for non-culinary purposes (air conditioning, fire protection, irrigation, and non-food equipment cooling).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-6. Sampling

Water from a non-public water system shall be sampled and tested at least annually and as required by the Oklahoma Department of Environmental Quality water quality standards.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-7. Sample report

The most recent sample report for the non-public water system shall be retained in the food service establishment or the report shall be maintained as specified by the Oklahoma Department of Environmental Quality.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-8. Capacity

The water source and system shall be of sufficient capacity to meet the water demands of the food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-9. Pressure

Water under pressure shall be provided to all fixtures, equipment, and non-food equipment that are required to use water except that water supplied as specified in OAC 310:256-9-12(1) and (2) to a temporary food service establishment or in response to a temporary interruption of a water supply need not be under pressure. Mobile food service establishments shall have a water system under pressure that produces a flow of at least two (2) gallons per minute.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-10. Hot water

Hot water generation and distribution systems shall be

sufficient to meet the peak hot water demands throughout the food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-11. System

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

- (1) An approved public water main; or
- (2) One (1) or more of the following that shall be constructed, maintained, and operated according to law:
 - (A) Non-public water main, water pumps, pipes, hoses, connections, and other appurtenances;
 - (B) Water transport vehicles; and
 - (C) Water containers.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-12. Alternative water supply

Water shall be made available for a temporary food service establishment without a permanent water supply, or for a food service establishment or mobile food service establishment with a temporary interruption of its water supply through:

- (1) A supply of containers of commercially bottled drinking water;
- (2) One (1) or more closed portable water containers;
- (3) An enclosed vehicular water tank;
- (4) An on-premises water storage tank; or
- (5) Piping, tubing, or hoses connected to an adjacent approved source.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-13. Approved materials

- (a) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to law.
- (b) A water filter shall be made of safe materials.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-14. Approved system and cleanable fixtures

- (a) A plumbing system shall be designed, constructed, and installed according to law.

- (b) A plumbing fixture shall be easily cleanable.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-15. Handwashing lavatory, water temperature, and flow

- (a) A handwashing lavatory shall be equipped to provide water at a temperature of at least forty-three (43) degrees Celsius (110 degrees Fahrenheit) through a mixing valve or combination faucet.

- (b) A steam-mixing valve shall not be used at a handwashing lavatory.

- (c) A self-closing, slow-closing, or metering faucet shall provide

a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-16. Backflow prevention, air gap

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or non-food equipment shall be at least two (2) times the diameter of the water supply inlet and shall not be less than one (1) inch.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-17. Backflow prevention device, design standard

A backflow or backsiphonage prevention device installed on a water supply system shall meet the American Society of Sanitary Engineers (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-18. Conditioning device, design

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-19. Handwashing lavatory - number and capacity

(a) There shall be at least one (1) handwashing lavatory available for the convenient use by employees. The number of handwashing lavatories necessary for convenient use by employees and not fewer than the number of handwashing lavatories required by law shall be provided. Handwashing sinks required in any establishment shall be a minimum size of eighty (80) square inches with each side at least eight (8) inches in length if a square or rectangular design or a diameter of ten (10) inches if circular in design. The sink compartments shall be a minimum of four (4) inches in depth.

(b) If approved by the Department, when food exposure is limited and handwashing lavatories are not conveniently available, such as in a mobile or temporary food service establishment or at a vending machine location, chemically treated towelettes for handwashing is permitted.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-20. Toilets and urinals

At least one (1) toilet and not less than the number of toilets required by law shall be provided. If authorized by law, urinals may be substituted for toilets in accordance with law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-21. Service sink

At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste for each new food service establishment licensed after June 9, 1984.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-22. Backflow prevention device, when required

A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food service establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by law, by providing an air gap or installing an approved backflow prevention device.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-23. Handwashing lavatory - location

A handwashing lavatory shall be located to allow convenient use by employees in food preparation, food dispensing, and warewashing areas and in, or immediately adjacent to, a toilet room.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-24. Backflow prevention device, location

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-25. Conditioning device, location

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-26. Handwashing lavatory - use

A handwashing lavatory shall be maintained so that it is accessible at all times for employee use and shall not be used for purposes other than handwashing.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-27. Prohibiting a cross connection

(a) Except as allowed under 9 CFR 308.3(d), a person shall not create a cross connection by connecting a pipe or conduit between

the drinking water system and a non-drinking water system or a water system of unknown quality.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-28. Scheduling inspection and service for a water system device

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-29. Water reservoir for fogging devices, cleaning

(a) A reservoir that is used to supply water to a device such as a produce fogger shall be maintained and cleaned in accordance with the manufacturer's specifications or according to the procedures specified under (b) of this section, whichever is more stringent.

(b) Cleaning procedures shall be conducted at least one (1) time each week including:

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

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

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

(4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) mg/L hypochlorite solution.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-30. System maintained in good repair

A plumbing system shall be repaired according to law and maintained in good repair.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-31. Approved mobile materials

Materials that are used in the construction of a mobile water tank, mobile food service establishment water tank, and appurtenances shall meet the requirements specified in OAC 310:256-7-1(1), (2), and (4).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-32. Enclosed system, sloped to drain

A mobile water tank shall be enclosed from the filling inlet to the discharge outlet, sloped to an outlet that allows complete drainage of the tank, and be at least ten (10) gallons in capacity.
[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-33. Inspection and cleaning port, protected and secured

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

- (1) Flanged upward at least one-half ($\frac{1}{2}$) inch; and
- (2) Equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place and flanged to overlap the opening and sloped to drain.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-34. "V" type threads, use limitation

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-35. Tank vent, protected

If provided, a water tank vent shall terminate in a downward direction and shall be covered with sixteen (16) mesh to one (1) inch screen or equivalent when the vent is in a protected area or a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-36. Inlet and outlet, sloped to drain

A water tank and its inlet and outlet shall be sloped to drain.
A water tank inlet shall be positioned so that it is protected from contaminants.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-37. Hose, construction and identification

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

- (1) Safe;
- (2) Durable, corrosion-resistant, and nonabsorbent;
- (3) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (4) Have a smooth interior surface; and
- (5) If not permanently attached, be clearly and durably identified as to its use.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-38. Filter, compressed air

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-39. Protective cover or device

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-40. Mobile food service establishment tank inlet

A mobile food service establishment's water tank inlet shall be at least three-fourth (3/4) inch in inner diameter and provided with a hose connection of a size or type that will prevent its use for any other service.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-41. System flushing and disinfection

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-42. Using a pump and hoses, backflow prevention

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-43. Protecting inlet, outlet, and hose fitting

If not in use, a water tank and hose inlet and outlet fitting shall be protected as specified under OAC 310:256-9-39.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-44. Tank, pump, and hoses, dedication

A water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose; those approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized after each use.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-45. Capacity and drainage

A sewage holding tank in a mobile food service establishment shall be sized at least fifteen (15) percent larger in capacity than the water supply tank and sloped to a drain that is at least

one (1) inch in inner diameter or greater, equipped with a shut-off valve.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-46. Establishment drainage system

Food service establishment drainage systems, including grease traps, that convey sewage shall be sized and installed as specified under OAC 310:256-9-14.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-47. Backflow prevention

(a) A direct connection shall not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.

(b) If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within five (5) feet of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

(c) If allowed by law, a warewashing or culinary sink may have a direct connection.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-48. Grease trap

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-49. Conveying sewage

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-50. Removing mobile food service establishment wastes

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-51. Flushing a waste retention tank

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-52. Approved sewage disposal system

Sewage shall be disposed through an approved facility that is a public sewage treatment plant or an individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-53. Other liquid wastes and rainwater

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-54. Indoor storage area

If located within the food service establishment, a storage area for refuse, recyclables, and returnables shall meet the requirements specified under OAC 310:256-11-1, OAC 310:256-11-3, OAC 310:256-11-10, OAC 310:256-11-15, and OAC 310:256-11-16.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-55. Outdoor storage surface

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-56. Outdoor enclosure

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-57. Receptacles

Equipment and receptacles for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leak proof, and nonabsorbent. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food service establishment, or within closed outside receptacles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-58. Receptacles in vending machines

A refuse receptacle shall not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-59. Outside receptacles

(a) Equipment and receptacles for refuse, recyclables, and returnables used with materials containing food residue and used outside the food service establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

(b) Equipment and receptacles for refuse, recyclables, and returnables used with materials containing food residue and designed to be used by establishment patrons shall be used as originally designed and maintained so that accumulation of debris and insect and rodent attraction are minimized.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-60. Storage areas, rooms, and receptacles, capacity and availability

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

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

(c) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-61. Toilet room receptacle, covered

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-62. Cleaning implements and supplies

(a) Suitable cleaning equipment and supplies such as high-pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of equipment and receptacles for refuse, recyclables, and returnables.

(b) If approved by the Department, off-premises-based cleaning services may be used if on-premises cleaning equipment and supplies are not provided.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-63. Storage areas, redeeming machines, receptacles and

waste handling units, location

(a) An area designated for refuse, recyclables, returnables, and, except as specified in (b) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health nuisance is not created.

(b) A redeeming machine may be located in the packaged food storage area or consumer area of a food service establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health nuisance is not created.

(c) The location of equipment and receptacles for refuse, recyclables, and returnables shall not create a public health nuisance or interfere with the cleaning of adjacent space.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-64. Storing refuse, recyclables, and returnables

Refuse, recyclables, and returnables shall be stored in equipment or refuse receptacles so that they are not accessible to insects and rodents.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-65. Areas, enclosures, and receptacles, good repair

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-66. Outside storage prohibitions

(a) Except as specified in (b) of this section, refuse receptacles not meeting the requirements specified in OAC 310:256-9-57 such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue shall not be stored outside.

(b) Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-67. Covering receptacles

Equipment and receptacles for refuse, recyclables, and returnables shall be kept covered:

(1) Inside the food service establishment if the equipment and receptacles contain food residue and are not in continuous use or after they are filled; and

(2) With tight fitting lids or doors if kept outside the food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-68. Using drain plugs

Drains in equipment and receptacles for refuse, recyclables, and returnables shall have drain plugs in place.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-69. Maintaining refuse areas and enclosures

A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items and litter and kept clean.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-70. Cleaning receptacles

(a) Equipment and receptacles for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of as specified under OAC 310:256-9-49.

(b) Soiled equipment and receptacles for refuse, recyclables, and returnables shall be cleaned as necessary to prevent a buildup of soil or becoming attracters for insects and rodents.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-71. Frequency

Refuse, recyclables, and returnables shall be removed from the premises as necessary to minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-9-72. Receptacles or vehicles

Refuse, recyclables, and returnables shall be removed from the premises by portable receptacles that are constructed and maintained according to law or a transport vehicle that is constructed, maintained, and operated according to law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-9-73. Community or individual facility

Solid waste not disposed of through the sewage system shall be recycled or disposed of in an approved public or private community recycling or refuse facility. Solid waste shall be disposed of in an individual refuse facility, which is sized, constructed, maintained, and operated according to law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

SUBCHAPTER 11. PHYSICAL FACILITIES

Section

- 310:256-11-1. Surface characteristics, indoor
- 310:256-11-2. Surface characteristics, outdoor
- 310:256-11-3. Floors, walls, and ceilings
- 310:256-11-4. Floors, walls, and ceilings, utility lines
- 310:256-11-5. Floor and wall junctures, coved, and enclosed or sealed
- 310:256-11-6. Floor carpeting, restrictions and installation
- 310:256-11-7. Floor covering, mats and duckboards
- 310:256-11-8. Wall and ceiling coverings and coatings
- 310:256-11-9. Walls and ceilings, attachments
- 310:256-11-10. Walls and ceilings, studs, joists, and rafters
- 310:256-11-11. Light bulbs, protective shielding
- 310:256-11-12. Heating, ventilating, air conditioning system vents
- 310:256-11-13. Insect control devices, design and installation
- 310:256-11-14. Toilet rooms, enclosed
- 310:256-11-15. Outer openings, protected
- 310:256-11-16. Exterior walls and roofs, protective barrier
- 310:256-11-17. Outdoor food vending areas, overhead protection
- 310:256-11-18. Outdoor servicing areas, overhead protection
- 310:256-11-19. Outdoor walking and driving surfaces, graded to drain
- 310:256-11-20. Outdoor refuse areas, graded to drain
- 310:256-11-21. Private homes and living or sleeping quarters, use prohibition
- 310:256-11-22. Living or sleeping quarters, separation
- 310:256-11-23. Minimum number - lavatories
- 310:256-11-24. Handwashing cleanser, availability
- 310:256-11-25. Hand drying provision
- 310:256-11-26. Handwashing aids and devices, use restrictions
- 310:256-11-27. Disposable towels, waste receptacle
- 310:256-11-28. Minimum number
- 310:256-11-29. Toilet tissue, availability
- 310:256-11-30. Intensity
- 310:256-11-31. Mechanical
- 310:256-11-32. Designation
- 310:256-11-33. Availability
- 310:256-11-34. Conveniently located
- 310:256-11-35. Convenience and accessibility
- 310:256-11-36. Designated areas
- 310:256-11-37. Segregation and location
- 310:256-11-38. Receptacles, waste handling units, and designated storage area
- 310:256-11-39. Repairing
- 310:256-11-40. Cleaning, frequency and restrictions
- 310:256-11-41. Cleaning floors, dustless methods
- 310:256-11-42. Cleaning ventilation systems, nuisance and discharge prohibition
- 310:256-11-43. Cleaning maintenance tools, preventing contamination
- 310:256-11-44. Drying mops
- 310:256-11-45. Absorbent materials on floors, use limitation
- 310:256-11-46. Maintaining and using handwashing lavatories

- 310:256-11-47. Closing toilet room doors
- 310:256-11-48. Using dressing rooms and lockers
- 310:256-11-49. Controlling pests
- 310:256-11-50. Removing dead or trapped birds, insects, rodents, and other pests
- 310:256-11-51. Storing maintenance equipment
- 310:256-11-52. Maintaining premises, unnecessary items and litter
- 310:256-11-53. Prohibiting animals

310:256-11-1. Surface characteristics, indoor

(a) Except as specified in (b) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

- (1) Smooth, durable, and easily cleanable for areas where food establishment operations are conducted;
 - (2) Closely woven and easily cleanable carpet for carpeted areas; and
 - (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods.
- (b) In a temporary food service establishment:
- (1) If graded to drain, a floor shall be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable materials approved by the Department that are effectively treated to control dust and mud; and
 - (2) Walls and ceilings shall be constructed of a material that protects the interior from the weather and windblown dust and debris.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-2. Surface characteristics, outdoor

- (a) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (b) Exterior surfaces of buildings and mobile food service establishments shall be of weather-resistant materials and shall comply with law.
- (c) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under OAC 310:256-9-55 and OAC 310:256-9-56.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-3. Floors, walls, and ceilings

The floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, except that anti-slip floor coverings or applications may be used for safety reasons.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-4. Floors, walls, and ceilings, utility lines

(a) Utility service lines and pipes shall not be exposed unless necessary.

(b) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

(c) Exposed horizontal utility service lines and pipes shall not be installed on the floor.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-5. Floor and wall junctures, coved, and enclosed or sealed

(a) In food service establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second (1/32) inch.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-6. Floor carpeting, restrictions and installation

(a) Carpet shall not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas subject to moisture, flushing, or spray cleaning methods.

(b) Carpet may be installed as a floor covering in other areas if it is:

(1) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and

(2) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-7. Floor covering, mats and duckboards

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-8. Wall and ceiling coverings and coatings

(a) Wall and ceiling covering materials shall be attached so that they are easily cleanable.

(b) Except in areas used only for dry storage, concrete, porous

blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-9. Walls and ceilings, attachments

(a) Except as specified in (b) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

(b) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-10. Walls and ceilings, studs, joists, and rafters

Studs, joists, and rafters shall not be exposed in areas specified in OAC 310:256-11-1(a)(3). This requirement does not apply to a temporary food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-11. Light bulbs, protective shielding

(a) Except as specified in (b) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles.

(b) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:

(1) The integrity of the packages cannot be affected by broken glass falling onto them; and

(2) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-12. Heating, ventilating, air conditioning system vents

Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food preparation surfaces, equipment, or utensils.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-13. Insect control devices, design and installation

(a) Devices that are used to electrocute or stun flying insects

shall be designed to retain the insect within the device.

(b) Insect control devices shall be installed so that:

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-14. Toilet rooms, enclosed

A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door. This requirement does not apply to a toilet room that is located outside a food service establishment and does not open directly into the food service establishment such as a toilet room that is provided by a shopping mall.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-15. Outer openings, protected

(a) Except in a temporary food service establishment, openings to a portion of a building that is not part of the food service establishment or to the outdoors shall be protected against the entry of insects and rodents by:

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

(b) OAC 310:256-11-15(a) does not apply if a food service establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger attached structure are protected against the entry of insects and rodents.

(c) If windows or doors are kept open for ventilation or other purposes, or the food operation is conducted in a temporary food service establishment that is not provided with windows and solid doors, the openings shall be protected against the entry of insects and rodents by:

- (1) Sixteen (16) mesh to one (1) inch screens;
- (2) Properly designed and installed air curtains; or
- (3) Other effective means.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-16. Exterior walls and roofs, protective barrier

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-17. Outdoor food vending areas, overhead protection

If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-18. Outdoor servicing areas, overhead protection

Servicing areas shall be provided with overhead protection except that areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-19. Outdoor walking and driving surfaces, graded to drain

Exterior walking and driving surfaces shall be graded to drain.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-20. Outdoor refuse areas, graded to drain

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-21. Private homes and living or sleeping quarters, use prohibition

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be used for conducting food service establishment operations.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-22. Living or sleeping quarters, separation

Living or sleeping quarters located on the premises of a food service establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food service establishment operations by complete partitioning and solid self-closing doors.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-23. Minimum number - lavatories

Handwashing lavatories shall be provided as specified under OAC 310:256-9-19.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-24. Handwashing cleanser, availability

Each handwashing lavatory or group of two (2) adjacent lavatories shall have available a supply of hand cleaning liquid, powder, or bar soap.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-25. Hand drying provision

Each handwashing lavatory or group of adjacent lavatories shall be provided with individual, disposable towels, a continuous towel system that supplies the user with a clean towel, or a heated-air hand-drying device.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-26. Handwashing aids and devices, use restrictions

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-27. Disposable towels, waste receptacle

A waste receptacle shall be provided for each handwashing lavatory or group of adjacent lavatories that is provided with individual, disposable towels.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-28. Minimum number

Toilets and urinals shall be provided as specified under OAC 310:256-9-20.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-29. Toilet tissue, availability

Toilet tissue shall be available at each toilet.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-30. Intensity

The light intensity shall be:

(1) At least ten (10) foot candles (110 lux) at a distance of thirty (30) inches above the floor in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

(2) At least twenty (20) foot candles (220 lux):

(A) In areas where fresh produce or packaged foods are sold or offered for consumption or in consumer self-service areas such as buffets and salad bars;

(B) Inside equipment such as reach-in and under-counter refrigerators;

(C) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, warewashing, equipment and utensil storage and in toilet rooms; and

(3) At least fifty (50) foot candles (540 lux) at a surface where a food employee is working with unpackaged potentially hazardous food or with food, utensils, and equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-31. Mechanical

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-32. Designation

(a) Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-33. Availability

A service sink or curbed cleaning facility shall be provided as specified under OAC 310:256-9-21.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-34. Conveniently located

Handwashing lavatories shall be conveniently located as specified under OAC 310:256-9-23.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-35. Convenience and accessibility

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-36. Designated areas

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

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles can

not occur.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-37. Segregation and location

Products that are held by the license holder for credit, redemption, or return to the distributor shall be clearly labeled as a product not to be used and segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-38. Receptacles, waste handling units, and designated storage area

Equipment, receptacles, and areas designated for storage of refuse, recyclable and returnable containers shall be located as specified under OAC 310:256-9-63.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-39. Repairing

The physical facilities shall be maintained in good repair.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-40. Cleaning, frequency and restrictions

(a) The physical facilities shall be cleaned as often as necessary.
(b) Cleaning shall be done during periods when a minimal amount of food is exposed to prevent contamination of food, equipment, and utensils. This requirement does not apply to cleaning that is necessary due to an immediate need.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-41. Cleaning floors, dustless methods

(a) Except as specified in (b) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

(b) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

(1) Without the use of dust-arresting compounds; and

(2) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-42. Cleaning ventilation systems, nuisance and discharge prohibition

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

and other materials.

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-43. Cleaning maintenance tools, preventing contamination

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-44. Drying mops

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-45. Absorbent materials on floors, use limitation

Except as specified under OAC 310:256-11-41(b)(2), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used on floors.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-46. Maintaining and using handwashing lavatories

Handwashing lavatories shall be kept clean and maintained.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-47. Closing toilet room doors

Toilet room doors shall be kept closed except during cleaning and maintenance operations.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-48. Using dressing rooms and lockers

(a) Dressing rooms shall be used by employees if the employees regularly change their clothes in the establishment.

(b) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-49. Controlling pests

(a) Insects, rodents, and other pests shall be controlled as specified in (b) of this section to minimize their presence within the physical facility and its contents and on the contiguous land or property under the control of the license holder.

(b) The presence of insects, rodents, and other pests shall be

controlled by:

- (1) Routinely inspecting incoming shipments of food and supplies;
- (2) Routinely inspecting the premises for evidence of pests;
- (3) Using methods, if pests are found, such as trapping devices or extermination; and
- (4) Eliminating harborage conditions.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-50. Removing dead or trapped birds, insects, rodents, and other pests

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-51. Storing maintenance equipment

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

- (1) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and
- (2) Stored in an orderly manner that facilitates cleaning of the maintenance equipment storage location.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-11-52. Maintaining premises, unnecessary items and litter

The premises shall be free of litter and items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-11-53. Prohibiting animals

(a) Except as specified in (b) and (c) of this section, live animals shall not be allowed on the premises of food service establishments.

(b) Live animals may be allowed as follows if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles can not result:

- (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
- (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- (3) In areas that are not used for food preparation such as dining and sales areas, support animals are not allowed to be on seats or tables; and

(c) Live or dead fish bait shall be stored so that contamination of

food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles can not result.
[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

SUBCHAPTER 13. POISONOUS OR TOXIC MATERIALS

Section

- 310:256-13-1. Identifying information, prominence
- 310:256-13-2. Common name
- 310:256-13-3. Separation
- 310:256-13-4. Restriction
- 310:256-13-5. Conditions of use
- 310:256-13-6. Poisonous or toxic material containers
- 310:256-13-7. Sanitizers, criteria
- 310:256-13-8. Chemicals for washing fruits and vegetables, criteria
- 310:256-13-9. Boiler water additives, criteria
- 310:256-13-10. Drying agents, criteria
- 310:256-13-11. Incidental food contact, criteria
- 310:256-13-12. Restricted use pesticides, criteria
- 310:256-13-13. Rodent bait stations
- 310:256-13-14. Tracking powders, pest control and monitoring
- 310:256-13-15. Restriction and storage
- 310:256-13-16. Refrigerated medicines, storage
- 310:256-13-17. Storage, first aid supplies
- 310:256-13-18. Storage, personal items
- 310:256-13-19. Separation

310:256-13-1. Identifying information, prominence

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-2. Common name

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-13-3. Separation

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

- (1) Separating the poisonous or toxic materials by spacing or partitioning; and
- (2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, or single-service and single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in

warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-4. Restriction

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-5. Conditions of use

Poisonous or toxic materials shall be:

(1) Used according to:

- (A) Applicable laws and regulations;
- (B) Manufacturer's directions included in labeling, and, for a pesticide, the manufacturer's instructions that indicate that use is allowed in a food service establishment;
- (C) The conditions of certification, if certification is required, for use of the pest control materials; and
- (D) Additional conditions that may be established by the Department.

(2) Applied so that:

- (A) A hazard to employees or other persons is not constituted; and
- (B) Contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted-use pesticide, this is achieved by:
 - (i) Removing the items;
 - (ii) Covering the items with impermeable covers; or
 - (iii) Taking other appropriate preventive actions; and
 - (iv) Cleaning and sanitizing equipment and utensils after the application.

(3) A restricted-use pesticide shall be applied only by a certified applicator or a person under the supervision of a certified applicator.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-6. Poisonous or toxic material containers

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-13-7. Sanitizers, criteria

Chemical sanitizers and other chemical antimicrobials applied to food contact surfaces shall meet the requirements in 21 CFR 178.1010.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-8. Chemicals for washing fruits and vegetables, criteria

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-9. Boiler water additives, criteria

Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-10. Drying agents, criteria

Drying agents used in conjunction with sanitization shall:

(1) Contain only components that are listed as one (1) of the following:

(A) Generally recognized as safe for use in food as specified in 21 CFR 182;

(B) Generally recognized as safe for the intended use as specified in 21 CFR 186;

(C) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181;

(D) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 175-178; or

(E) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39; and

(2) When sanitization is with chemicals, the approval required in (a)(3) or (a)(5) of this section or the regulation as an indirect food additive required in (a)(4) of this section, shall be specifically for use with chemical sanitizing solutions.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-13-11. Incidental food contact, criteria

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-12. Restricted use pesticides, criteria

Restricted use pesticides shall be listed by EPA as meeting the requirements specified in 40 CFR 152.1.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-13. Rodent bait stations

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

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-14. Tracking powders, pest control and monitoring

(a) A tracking powder pesticide shall not be used in a food service establishment.

(b) If used, a nontoxic tracking powder such as talcum or flour shall not contaminate food, equipment, utensils, linens, or single-service and single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-13-15. Restriction and storage

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

(b) Medicines that are in a food establishment for an employee's use shall be labeled and located to prevent the contamination of food, equipment, utensils, linens, or single-service and single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-16. Refrigerated medicines, storage

Medicines belonging to employees that require refrigeration and are stored in a food refrigerator shall be:

(1) Stored in a package or container and kept inside a covered, leak proof container that is identified as a container for the storage of medicines; and

(2) Located so they are inaccessible to children.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-17. Storage, first aid supplies

First aid supplies that are in a food establishment for an employee's use shall be labeled and stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens, or single-service and single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-13-18. Storage, personal items

Except as specified in 310:256-13-16 and 310:256-13-17, employees shall store their personal care items as specified in 310:256-11-32.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added

at 16 Ok Reg 2496 eff 6-25-99]

310:256-13-19. Separation

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

(1) Separating the poisonous or toxic materials by spacing or partitioning; and

(2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, or single-service or single-use articles.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

SUBCHAPTER 15. COMPLIANCE AND ENFORCEMENT

Section

- 310:256-15-1. Public health protection
- 310:256-15-2. Preventing health hazards, provision for conditions not addressed
- 310:256-15-3. Modifications and waivers
- 310:256-15-4. Documentation of proposed variance and justification
- 310:256-15-5. Conformance with approved procedures
- 310:256-15-6. Food service establishment plans
- 310:256-15-7. Contents of the plans and specifications
- 310:256-15-8. When a HACCP plan is required
- 310:256-15-9. Contents of a HACCP plan
- 310:256-15-10. Trade secrets
- 310:256-15-11. Pre-operational inspections
- 310:256-15-12. Prerequisite for operation
- 310:256-15-13. Form of submission
- 310:256-15-14. Qualifications and responsibilities of applicants
- 310:256-15-15. Application
- 310:256-15-16. New, converted, or remodeled establishments
- 310:256-15-17. Existing establishments, license renewal, and change of ownership
- 310:256-15-18. Denial of application for license, notice
- 310:256-15-19. Responsibilities of the Department
- 310:256-15-20. Responsibilities of the license holder
- 310:256-15-21. Licenses not transferable
- 310:256-15-22. Establishing inspection interval [RESERVED]
- 310:256-15-23. Performance and risk-based [RESERVED]
- 310:256-15-24. Allowed at reasonable times after due notice
- 310:256-15-25. Refusal, notification of right to access, and final request for access
- 310:256-15-26. Refusal, reporting
- 310:256-15-27. Inspection order to gain access
- 310:256-15-28. Documenting information and observations
- 310:256-15-29. Specifying time frame for corrections
- 310:256-15-30. Issuing report and obtaining acknowledgment of receipt
- 310:256-15-31. Refusal to sign acknowledgment

- 310:256-15-32. Public information
- 310:256-15-33. Ceasing operations and reporting
- 310:256-15-34. Resumption of operations
- 310:256-15-35. Timely correction
- 310:256-15-36. Verification and documentation of correction
- 310:256-15-37. Time frame for correction
- 310:256-15-38. Obtaining information: personal history of and control illness, medical examination, and specimen analysis
- 310:256-15-39. Restriction or exclusion of food employee, or summary suspension of license
- 310:256-15-40. Restriction or exclusion order: warning or hearing not required, information required in order
- 310:256-15-41. Release of employee from restriction or exclusion

310:256-15-1. Public health protection

(a) The Department shall apply these rules to safeguard public health and ensure that food is safe, unadulterated, and honestly presented when offered to the consumer.

(b) In enforcing these rules, the Department shall assess an existing facility or equipment that was in use before the effective date of these rules based on the following considerations:

- (1) Whether the facility or equipment is in good repair and capable of being maintained in a sanitary condition;
- (2) Whether food-contact surfaces comply with OAC 310:256-7-1 through OAC 310:256-7-10;
- (3) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with OAC 310:256-7-50; and
- (4) The existence of an agreement of the license holder that the facility or equipment will be replaced as specified under OAC 310:256-15-20(7).

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-2. Preventing health hazards, provision for conditions not addressed

(a) If necessary to protect against public health hazards, the Department shall impose specific requirements in addition to these rules that are authorized by law.

(b) The Department shall document the conditions that necessitate the imposition of specific requirements and the underlying public health rationale. The documentation shall be provided to the license applicant or license holder and a copy shall be maintained in the Department's records.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-3. Modifications and waivers

The Department shall consider granting a variance by modifying or waiving the requirements of this Chapter if in the opinion of the Department a health hazard will not result from the variance. If a variance is granted, the Department shall retain the information specified in OAC 310:256-15-4 in its records for the

food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-4. Documentation of proposed variance and justification

Before a variance from a requirement of these rules is approved by the Department, the information that shall be provided by the license holder requesting the variance and retained in the Department's file includes:

- (1) A statement of the proposed variance of the rule citing relevant section numbers;
- (2) An analysis of the rationale for how the potential public health hazards addressed by the relevant rules will be addressed by the proposal; and
- (3) A HACCP plan, if required, as specified in OAC 310:256-15-8(a) that includes the information specified in OAC 310:256-15-9 as it is relevant to the variance requested.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-5. Conformance with approved procedures

If the Department grants a variance as specified in OAC 310:256-15-3, or a HACCP plan is otherwise required as specified in OAC 310:256-15-8, the license holder shall:

- (1) Comply with the HACCP plans and procedures that are submitted and approved as specified in OAC 310:256-15-9 as a basis for the modification or waiver; and
- (2) Maintain and provide to the Department, upon request, records specified in OAC 310:256-15-9(4) and (5) that demonstrate that the following are employed:
 - (A) Procedures for monitoring critical control points;
 - (B) Monitoring of the critical control points;
 - (C) Verification of the effectiveness of an operation or process; and
 - (D) Necessary corrective actions if there is failure at a critical control point.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-6. Food service establishment plans

(a) A license applicant or license holder may submit to the Department plans and specifications for review before:

- (1) The construction of a food service establishment;
- (2) The conversion of an existing structure for use as a food service establishment; or
- (3) The remodeling of a food service establishment or a change of type of food service establishment or food operation.

(b) The Department shall review plans for compliance with rules pertaining to basic sanitation, equipment needs, and temperature requirements for potentially hazardous foods. The Department provides plan review for compliance with rules relating to mechanical, plumbing, and electrical codes.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-7. Contents of the plans and specifications

The plans and specifications for a food service establishment can include the type of operation, type of food preparation, foods prepared, and the following information:

- (1) Intended menu;
- (2) Anticipated volume of food to be stored, prepared, and sold or served;
- (3) Proposed layout, plumbing schematics, mechanical schematics, construction materials, and finish schedules;
- (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (5) Written standard operating procedures that reflect the knowledge specified in OAC 310:256-3-2 and implement the requirements of these rules, including indication of how practices ensure that:
 - (A) The transmission of foodborne disease is prevented by managing job applicants and food employees;
 - (B) Food is received from approved sources;
 - (C) Food is managed so that the safety and integrity of the food from the time of delivery to the establishment throughout its storage, preparation, and transportation to the point of sale or service to the consumer is protected;
 - (D) Potentially hazardous food is maintained, including freezing, cold holding, cooking, hot holding, cooling, reheating, and serving in conformance with the required temperature and time requirements;
 - (E) Warewashing is effective, including documentation that the chemical solutions and exposure times necessary for cleaning and sanitizing utensils and food-contact surfaces of equipment are provided;
 - (F) Required records are retained for inspection.
- (6) Proposed program of training for the person in charge and food employees pertaining to protecting public health and the safety and integrity of food.
- (7) Other information that shall be required by the Department for the proper review of the proposed construction, conversion or modification, and procedures for operating a food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-8. When a HACCP plan is required

Before engaging in an activity that requires a HACCP plan, a license applicant or license holder shall submit to the Department for approval a HACCP plan if:

- (1) Submission of a HACCP plan is required according to law;
- (2) A variance is required; or
- (3) The Department determines that a food preparation or processing method requires a variance based on a plan submittal,

an inspection finding, or a variance request.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-9. Contents of a HACCP plan

A food service establishment that is required to have a HACCP plan shall indicate:

- (1) The types of potentially hazardous foods that are specified in the menu and of other foods as specified by the Department;
- (2) A diagram showing specific food or category type identifying critical control points and providing information on the following:
 - (A) Ingredients, materials, and equipment used in the preparation of that food; and
 - (B) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.
- (3) A food employee and person in charge training plan that addresses the food safety issues of concern;
- (4) A statement of operating procedures including:
 - (A) Each critical control point;
 - (B) The critical limits for each critical control point;
 - (C) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;
 - (D) The method and frequency for the person in charge to routinely verify that the food employee is following operating procedures and monitoring critical control points;
 - (E) Action to be taken by the person in charge if the critical limits for each critical control point are not met; and
 - (F) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and
- (5) Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-10. Trade secrets

The Department shall treat as confidential information that is identified as and meets the criteria under law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified in OAC 310:256-15-7 and OAC 310:256-15-9.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-11. Pre-operational inspections

The Department shall conduct one (1) or more pre-operational inspection(s) to verify that the food service establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-12. Prerequisite for operation

A person shall not operate a food service establishment without a valid license issued by the Department.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-13. Form of submission

A person desiring to operate a food service establishment shall submit to the Department a written application for a license on a form provided by the Department.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-14. Qualifications and responsibilities of applicants

An applicant shall be an owner of the establishment or an officer of the legal entity; agree to permit access to the food service establishment and to provide required information; and pay the applicable license fees at the time the application is submitted.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-15. Application

The application shall include:

(1) The name, mailing address, telephone number, approximate number of employees, and signature of the person applying for the license and the name, mailing address, and location of the food service establishment;

(2) Information about the legal entity for the establishment; and

(3) Information about the type of food service establishment.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-16. New, converted, or remodeled establishments

The Department shall issue a license to the applicant after:

(1) A properly completed application is received;

(2) The required fees are received;

(3) The plans, specifications, and information, if applicable, are reviewed; and

(4) A pre-operational inspection shows that the establishment meets the Department's criteria for a license.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-17. Existing establishments, license renewal, and change of ownership

The Department shall renew a license for an existing food service establishment or shall issue a license to a new owner of an existing food service establishment after a properly completed

application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with the applicable rules.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-18. Denial of application for license, notice

If an application for a license to operate is denied, the Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the license denial;
- (2) The actions, if any, that the applicant must take to qualify for a license; and
- (3) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided under law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-19. Responsibilities of the Department

(a) The Department shall provide to the license holder a copy of the rules so that the license holder is notified of the compliance requirements and the conditions of retention that are applicable to the license.

(b) Failure to provide the information specified in (a) of this section does not prevent the Department from taking authorized action or seeking remedies if the license holder fails to comply with these rules or an order, warning, or directive of the Department.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-20. Responsibilities of the license holder

The license holder shall:

- (1) Post the license in a conspicuous location in the food service establishment;
- (2) Comply with these rules;
- (3) If a food service establishment is required to operate under a HACCP plan, comply with the plan;
- (4) Immediately discontinue operations and notify the Department if an imminent health hazard exists;
- (5) Allow the Department's representatives access to the food service establishment;
- (6) Replace existing facilities and equipment with the required facilities and equipment if:
 - (A) The Department directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted;
 - (B) The Department directs the replacement of the facilities and equipment because of a change of ownership; or
 - (C) The facilities and equipment are replaced in the normal course of operation;
- (7) Comply with the Department's directives including time

frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives in response to public health concerns; and

(8) Be subject to suspension, denial, nonrenewal, revocation or summary suspension of the food license, administrative fines, or other administrative, civil, injunctive, and criminal remedies authorized under law for failure to comply with these rules or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2456, eff 6-25-99]

310:256-15-21. Licenses not transferable

A license shall not be transferred from one (1) person to another person, from one (1) food service establishment to another, or from one (1) type of operation to another if the food operation changes from the type of operation specified in the application.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-22. Establishing inspection interval [RESERVED]

310:256-15-23. Performance and risk-based [RESERVED]

310:256-15-24. Allowed at reasonable times after due notice

After the Department presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the Department access to the establishment, inspection, and provide information and records specified during the food service establishment's hours of operation and at other reasonable times.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-25. Refusal, notification of right to access, and final request for access

If a person denies access to the Department, the Department shall:

(1) Inform the person in charge that:

(A) The license holder is required to allow access to the Department;

(B) Access is a condition of the acceptance and retention of a food service establishment license to operate; and

(C) If access is denied, an inspection order will be issued by the appropriate authority; and

(2) Make a final request for access.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-26. Refusal, reporting

After the Department presents credentials and provides notice, explains the authority upon which access is requested, and makes a

final request for access, if the person in charge continues to refuse access, the Department shall document the denial of access on an inspection report form.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-27. Inspection order to gain access

If denied access to a food service establishment for an authorized purpose, the Department shall issue, or apply for the issuance of, an inspection order to gain access as provided under law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-28. Documenting information and observations

The Department shall document on an inspection report form:

(1) Administrative information about the food service establishment's legal entity, street and mailing addresses, type of establishment and operation, inspection date, and other information such as type of water supply and sewage disposal, status of the license, and personnel certificates that are required; and

(2) Specific factual observations of conditions or deviations that require correction by the license holder including:

(A) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles;

(B) Failure of food employees and the person in charge to demonstrate knowledge of their responsibility to report a required medical condition;

(C) Items which relate directly to factors which lead to foodborne illness;

(D) Failure of the appropriate food employees to demonstrate knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the Department;

(E) Failure of the person in charge to provide records required by the Department for determining conformance with a HACCP plan; and

(F) Non-conformance with critical limits of a HACCP plan.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-29. Specifying time frame for corrections

The Department shall specify on the inspection report form the time frame for correction of the violations.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-30. Issuing report and obtaining acknowledgment of receipt

At the conclusion of the inspection, the Department shall provide a copy of the completed inspection report and the notice to

correct violations to the license holder or to the person in charge, and request a signed acknowledgment of receipt.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-31. Refusal to sign acknowledgment

The Department shall:

(1) Inform a person who declines to sign an acknowledgment of receipt of the inspection findings that:

(A) An acknowledgment of receipt does not indicate an agreement with findings;

(B) Refusal to sign an acknowledgment of receipt will not affect the license holder's obligation to correct the violations within the time frames specified;

(C) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Department's record for the food service establishment; and

(2) Make a final request that the person in charge sign an acknowledgment of receipt of inspectional findings.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-32. Public information

The Department shall treat the inspection report as a public document and shall make it available to any person who requests it under law.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-33. Ceasing operations and reporting

(a) Except as specified in (b) of this section, a license holder shall immediately discontinue operations and notify the Department if an imminent health hazard exists because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that shall endanger public health.

(b) A license holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-34. Resumption of operations

If operations are discontinued due to an imminent health hazard, the license holder shall obtain the Department's approval before resuming operations.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-35. Timely correction

(a) Except as specified in (b) of this section, a license holder shall at the time of inspection correct a critical violation and

implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(b) The Department may agree to or specify a longer time frame, not to exceed ten (10) calendar days after the inspection, for the license holder to correct critical violations or HACCP plan deviations.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-36. Verification and documentation of correction

(a) After observing a correction of a critical violation or deviation, the Department shall enter the violation and information about the corrective action on the inspection report.

(b) After receiving notification that the license holder has corrected a critical violation or HACCP plan deviation, or at the end of the specified period of time, the Department shall verify correction of the violation, document the information on an inspection report, and enter the report in the Department's records.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-37. Time frame for correction

(a) The license holder shall correct non critical violations by a date and time agreed to or specified by the Department but no later than ninety (90) calendar days after the inspection.

(b) The Department may approve a compliance schedule that extends beyond the time limit specified if a written schedule of compliance is submitted by the license holder and no health hazard exists or will result from allowing an extended schedule for compliance.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-38. Obtaining information: personal history of and control illness, medical examination, and specimen analysis

The Department shall act when it has reasonable cause to believe that a food employee has possibly transmitted diseases, is infected with a disease in a communicable form that is transmissible through foods, is a carrier of infectious agents that cause a disease that is transmissible through foods, or is affected with a boil, an infected wound, or acute respiratory infection, by:

(1) Securing a confidential medical history of the employee suspected of transmitting disease or making other investigations as deemed appropriate; and

(2) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected employee and other employees.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496 eff 6-25-99]

310:256-15-39. Restriction or exclusion of food employee, or summary suspension of license

Based on the findings of an investigation related to an employee

who is suspected of being infected or diseased, the Department may issue an order to the license holder instituting one or more of the following control measures:

- (1) Restrict the employee's services to specific areas and tasks in a food service establishment that present no risk of transmitting the disease;
- (2) Exclude the employee from a food service establishment; or
- (3) Closing the food service establishment by summarily suspending a license to operate.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-40. Restriction or exclusion order: warning or hearing not required, information required in order

Based on the findings of the investigation to control disease transmission, the Department may issue an order of restriction or exclusion to the license holder without prior warning, notice of a hearing, or a hearing if the order:

- (1) States the reasons for the restriction or exclusion that is ordered;
- (2) States the evidence that the license holder shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;
- (3) States that the license holder shall request an appeal hearing by submitting a timely request as provided under law; and
- (4) Provides the name and address of the Department representative to whom a request for an appeal hearing shall be made.

[Source: Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]

310:256-15-41. Release of employee from restriction or exclusion

The licensee may request from the license holder the release of an employee from restriction or exclusion according to the following conditions:

- (1) An employee who was infected with **Salmonella typhi** if the employee's stools are negative for **S. typhi** based on testing of at least three (3) consecutive stool specimen cultures that are taken not earlier than one (1) month after onset; at least forty-eight (48) hours after discontinuance of antibiotics; and at least twenty-four (24) hours apart;
- (2) If one (1) of the cultures is positive, repeat cultures are taken at intervals of one (1) month until at least three (3) consecutive negative stool specimen cultures are obtained;
- (3) An employee who was infected with **Shigella** spp. or **Escherichia coli** 0157:H7 if the employee's stools are negative for **Shigella** spp. or **E. coli** 0157:H7 based on testing of two (2) consecutive stool specimen cultures that are taken not earlier than forty-eight (48) hours after discontinuance of antibiotics and at least twenty-four (24) hours apart; or
- (4) An employee who was infected with hepatitis A virus if symptoms cease or at least two (2) blood tests show a decrease

liver enzymes.

[**Source:** Added at 15 Ok Reg 4157, eff 7-29-98 (emergency); Added at 16 Ok Reg 2496, eff 6-25-99]