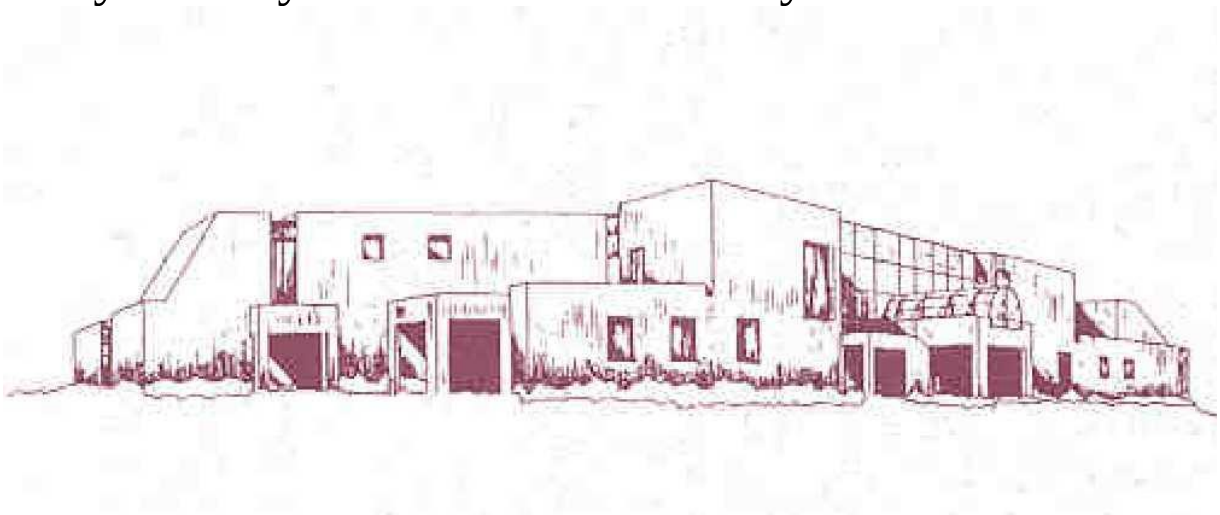
CHEYENNE-LARAMIE COUNTY

FOOD SAFETY RULE

2018

as adopted by

City of Cheyenne – Laramie County Board of Health



MISSION

To preserve and enhance the health of the people of Laramie County and to assure conditions in which people can be healthy.

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CHAPTER 1

PURPOSE, VARIANCES, DEFINITIONS, DEMONSTRATION OF KNOWLEDGE, AND HEALTH STATUS

Section 1. Authority. Pursuant to the authority vested in the director of the Wyoming department of agriculture by virtue of W.S. 35-7-120, 35-7-123 (a) (iii), and 35-7-127, together with the department of health and the governor's food safety council established pursuant to W.S. 35-7-127, the following rules are hereby promulgated.

Section 2. Cheyenne-Laramie County Food Safety Rule.

(a) These provisions shall be known as the Cheyenne-Laramie County Food Safety Rule, hereinafter referred to as this Rule.

Section 3. Statement of Purpose.

(a) The purpose of this Rule is to safeguard public health and assure consumers that food is safe, unadulterated, and honestly presented.

(b) This Rule establishes definitions; sets standards for management and personnel, food operations, equipment and facilities; and provides for establishment or processing plant plan review, license issuance, inspection, employee restriction, and license suspension.

Section 4. Public Health Protection.

(a) The regulatory authority shall apply this Rule to promote its underlying purpose of safeguarding the public health and assuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

(b) In enforcing the provisions of this Rule, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this Rule based on the following considerations:

(i) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;

(ii) Whether food-contact surfaces comply with Chapter 6, Section 13;

(iii) Whether the capacities of cooling, heating, and holding equipment

are sufficient to comply with Chapter 3, Section 30; and

(iv) The existence of a documented agreement with the license holder that the facilities or equipment will be replaced as specified under Chapter 2, Section 12 (a)(vii), or upgraded or replaced as specified under Chapter 2, Section 12 (a)(vii)(A).

Section 5. Variances of Modifications and Waivers.

(a) The Wyoming department of agriculture may grant a variance by modifying or waiving the requirements of this Rule if in the opinion of the Wyoming department of agriculture a health hazard or nuisance will not result from the variance. If a variance is granted, the Wyoming department of agriculture shall retain the information specified under Chapter 1, Section 6, in its records for the establishment or processing plant.

Section 6. Documentation of Proposed Variance and Justification.

(a) Before a variance from a requirement of this Rule is approved, the information that shall be provided by the person requesting the variance and retained in the Wyoming department of agriculture's file on the establishment or processing plant must include:

(i) A statement of the proposed variance of the Rule requirement citing relevant Rule Section numbers;

(ii) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Rule Sections will be alternatively addressed by the proposal; and

(iii) A HACCP Plan if required as specified under Chapter 10, Section 1(a) that includes the information specified under Chapter 10, Section 2, as it is relevant to the variance requested.

Section 7. Variance Requirements.

(a) If the Wyoming department of agriculture grants a variance as specified in Chapter 1, Section 6, or a HACCP plan is otherwise required as specified under Chapter 10, Section 1, the license holder shall:

(i) Comply with the HACCP Plan and procedures that are submitted as specified under Chapter 10, Section 2, and approved as a basis for the modification or waiver; and

(ii) Maintain and provide to the Wyoming department of agriculture, upon request, records specified under Chapter 10, Section 2 (a) (iv) and (v), that demonstrate that the following are routinely 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.

Section 8. Applicability and Terms Defined.

(a) The following terms are defined and apply in the interpretation and application of this Rule.

(i) "Accredited program."

(A) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.

(B) "Accredited program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(C) "Accredited program" does not refer to training functions or educational programs.

(ii) "Additive."

(A) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, §201(s) and 21 CFR 170.3 (e) 1 Food Additives.

(B) “Color additive” has the meaning stated in the Federal Food, Drug, and Cosmetic Act, §201 (t) and 21 CFR 70.3 (f) Color Additives.

(iii) "Administrative meeting" means an informal meeting conducted by the Wyoming department of agriculture for the purpose of facilitating a mutually agreed

upon plan of compliance for the license holder.

(iv) "Adulterated" has the meaning stated in the Federal Food, Drug and Cosmetic Act § 402 and 9 CFR 301.2 Definitions.

(v) "Animals" means but is not limited to livestock as defined in 9 CFR 301 Definitions, poultry as defined in 9 CFR 381.1 Definitions, or exotic animals as defined in 9 CFR 352.1 Definitions, and fish.

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

(vii) "Approved source" when used in reference to a bottled water plant's water product or water used in the plant's operations, means the source(s) of the water whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with the applicable laws and regulations of the State of Wyoming. The presence in the plant of current certificates or modifications of approval from the State Engineer shall constitute approval of the source in the case of non-municipal water supplies.

(viii) "Approved water source" means any public water source or private well that has been routinely sampled and verified to not have contaminants in excess of the legal maximum contaminant levels as outlined in the primary Environmental Protection Agency (EPA) water quality standards.

(ix) "Artesian water" means bottled water from a well tapping an aquifer in which the water level will stand above the bottom of the confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the force of gravity. "Artesian well water" shall meet the requirements of "natural water."

(x) “Asymptomatic.”

(A) "Asymptomatic" means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.

(B) "Asymptomatic" includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

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

(xii) "Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

(xiii) "Bed and breakfast facility" means a private home which is used to provide temporary accommodations for a charge to the public with not more than four (4) lodging units or not more than a daily average of eight (8) persons per night during any thirty (30) day period and in which no more than two (2) family style meals are provided per twenty four (24) hour period.

(xiv) "Beverage" means a liquid for drinking, including water.

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

(xvi) “Bulk water hauler” means a person who hauls water in a bulk tank or in containers of 250 gallons or more for human consumption or for use in a licensed establishment or processing plant.

(A) A person hauling bulk water for private use in their own home is exempt from the bulk water requirements in this Rule.

(xvii) "Carcass" means all or any part of a slaughtered animal, including viscera, which is capable of being used for human consumption.

(xviii) “Casing” means a tubular container for sausage products made of either natural or artificial (synthetic) material.

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

(xx) "CFR" means Code of Federal Regulations. Citations in this Rule to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.

(xxi) "CIP."

(A) "CIP" means cleaned in place by 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.

(B) "CIP" does not include the cleaning of equipment such as

band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(xxii) "Code of Federal Regulations" means the compilation of the general and permanent regulations published in the Federal Register by the executive departments and agencies of the federal government which:

(A) Is published annually by the U.S. Government Printing Office; and

(B) Contains FDA regulations in 21 CFR, USDA regulations in 7 CFR and 9 CFR, EPA regulations in 40 CFR, and Wildlife and Fisheries regulations in 50 CFR.

(xxiii) "Comb honey" means honey contained in the cells of the comb in which it is produced.

(xxiv) “Commingle” means:

(A) To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or

(B) To combine shucked shellfish from containers with different container codes or different shucking dates.

(xxv) "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing.

(A) "Comminuted" includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

(xxvi) "Conditional employee" means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

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

(xxviii)"Consumer" means a person who is a member of the public, who takes possession of food, who is not functioning in the capacity of an operator of an

establishment or processing plant, or who does not offer the food for resale.

(xxix) "Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

(xxx) "Contract veterinarian" means a graduate of a school of veterinary medicine accredited by the American Veterinary Medical Association who provides services for the department under contract, and who is licensed to practice veterinary medicine in the state of Wyoming."

(xxxi) "Corrosion-resistant material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of use environment.

(xxxii) “Counter-mounted equipment” means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(xxxiii) “Cottage food business” means a business which produces not potentially hazardous food for sale at farmers’ markets, roadside stands, private homes, or functions utilizing the home style equipment in the kitchen of a private home.

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

(xxxv) "Critical item."

(A) "Critical item or critical violation" means a provision of this Rule, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.

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

(xxxvii)"Cured" means meat to which specific non-meat ingredients have been incorporated by dry addition or use of aqueous solutions to affect preservation, safety, flavor, and/or color. The non-meat ingredients must include salt (sodium chloride), and most often include sodium nitrite/nitrate. In addition, sugar (sucrose) or other sweetening agents are frequently used.

(xxxviii)"Custom carcass or meat" means carcasses, meat, meat food products or meat by-products which were slaughtered, dressed or otherwise processed by license holders.

(xxxix) "Department" means the Wyoming department of agriculture.

(xl) "Director" means the director of the Wyoming department of agriculture or his duly authorized representative.

(xli) "Disinfectant" means any oxidant, including but not limited to, chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process that is intended to kill or inactivate pathogenic microorganisms.

(xlii) "Distilled water" means bottled water which has been produced by a process of distillation and meets the definition of purified water in the 21st Edition of the United States Pharmacopeia.

(xliii) "Distressed merchandise" means any food:

(A) Which has had the label lost;

(B) Which has been subjected to possible damage due to accident, fire, flood, adverse weather, or any other similar cause; or

(C) Which may have been rendered unsafe or unsuitable for human or animal consumption or use.

(xliv) "Drinking water."

(A) "Drinking water" means water that meets 40 CFR 141 National Primary Drinking Water Regulations.

(B) "Drinking water" is traditionally known as "potable water."

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

(xlv) "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.

(xlvi) "Easily cleanable."

(A) "Easily cleanable" means a characteristic of a surface that:

(I) Allows effective removal of soil by normal cleaning methods;

(II) Is dependent on the material, design, construction, and installation of the surface; and

(III) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

(B) "Easily cleanable" includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under Subparagraph (A) of this definition, to different situations in which varying degrees of cleanability are required such as:

(I) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or

(II) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

(xlvii) "Easily movable" means:

(A) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and

(B) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(xlviii) "Edible" means intended for use as human food.

(xlix) “Egg”

(A) “Egg” means the shell egg of avian species such as chicken, turkey, duck, goose, guinea, quail or ratite.

(B) "Egg" does not include:

(I) A balut;

(II) The egg of reptile species such as alligator; or

(III) An egg product.

(l) “Egg Product.”

(A) "Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

(B) “Egg Product" does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(li) "Employee" means the license holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in an establishment or processing plant.

(lii) "Enterohemorrhagic *Escherichia coli*" (EHEC) means *E. coli* which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with *E. coli* that have the capacity to produce Shiga toxins and to cause attaching and effacing lesions in the intestine. EHEC is a subset of STEC, whose members produce additional virulence factors. Infections with EHEC may be asymptomatic but are classically associated with bloody diarrhea (hemorrhagic colitis) and hemolytic uremic syndrome (HUS) or thrombotic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; or *E. coli* O111:NM. *Also see* shiga toxin-producing *e. coli.*

(liii) "EPA" means the U.S. Environmental Protection Agency.

(liv) "Equipment."

(A) "Equipment" means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.

(B) "Equipment" does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(lv) "Establishment."

(A) "Establishment" means and includes any place or any area of any establishment in which food, drugs, devices and cosmetics are displayed for sale, manufactured, processed, packed, held or stored:

(I) Including but not limited to, a restaurant; retail store; meat slaughter or processing plant, dairy production and processing; bed and

breakfast; bulk water hauler; satellite, group day care center or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

(II) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) "Establishment" includes:

(I) 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 permitted by the regulatory authority; and

(II) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

(C) "Establishment" does not include:

(I) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or use at farmers' markets, roadside stands, private homes or functions.

(II) An area where food that is prepared as specified in Subparagraph (C) (I) of this definition, is sold;

(III) A kitchen in a private home, such as a small family day-care provider;

(IV) A private home that receives catered or home-delivered food;

(V) A home kitchen where food is prepared and stored for family consumption; or

(VI) Any other place equipped for the preparation, consumption and storage of food on the premise by employees or nonpaying guests.

(lvi) "Establishment number" means an official number assigned by the director to each establishment and included on the inspection legend and label to identify all inspected and passed carcasses, meat, meat food products and meat by-products handled in that establishment.

(lvii) “Exclude” means to prevent a person from working as a food employee or entering an establishment or processing plant as a food employee.

(lviii) "Exotic animal" means any reindeer, elk, deer, antelope, water buffalo or bison.

(lix) "Extracted honey" means honey that has been separated from the comb by centrifugal force, gravity, straining, or by other means.

(lx) “Farmers market” means a common facility or area where several vendors may gather on a regular, recurring basis to sell a variety of fresh fruits and vegetables, locally grown farm products and other items directly to consumers.

(lxi) “FDA” means the U.S. Food and Drug Administration.

(lxii) "Family style meals" means a meal prepared in a bed and breakfast facility or ranch recreation facility and served in the same facility around a common table(s). At no time would a menu or a preselected list of foods be available, and all foods not consumed, which were of a potentially hazardous nature, would be discarded following the meal.

(lxiii) "Federal inspection" means meat and poultry inspection services conducted or approved by the meat inspection division and the poultry inspection division of the United States Department of Agriculture.

(lxiv) "Federal Meat Inspection Act" means the act of congress approved March 4, 1907, and extended and the imported meat provisions of subsections 306 (b) and (c) of the Tariff Act of 1930 and 9 U.S.C. 1306 (b) and (c).

(lxv) "Federal Poultry Products Inspection Act" means the act of congress approved August 28, 1957, by the Wholesome Poultry Products Act, 82 Stat. 791; 21 U.S.C. 451.

(lxvi) "Fish."

(A) "Fish" means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

(B) "Fish" includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

(lxvii) "Fluoridated water" means bottled water containing naturally occurring or added fluoride. The label shall specify whether the fluoride is naturally

occurring or added. Any water which meets the definition of this paragraph shall contain not less than 0.7 and not more than 1.4 mg/l fluoride ions and otherwise comply with the Food and Drug Administration quality standards set forth in 21 CFR 165.110 Bottled Water.

(lxviii) "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.

(lxix) "Foodborne disease outbreak" means the occurrence of two (2) or more cases of a similar illness resulting from the ingestion of a common food.

(lxx) "Food-contact surface" means:

(A) A surface of equipment or a utensil with which food normally comes into contact; or

(B) A surface of equipment or a utensil from which food may drain, drip, or splash:

(I) Into a food; or

(II) Onto a surface normally in contact with food.

(lxxi) "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(lxxii) “Function” means any official ceremony or organized social occasion.

(lxxiii) "Game animals" means any big game animal, elk, deer, mountain sheep, wild goat, antelope, moose or bear.

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

(lxxv) "Grade A standards" means the requirements of the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Ordinance with which certain fluid and dry milk and milk products must comply.

(lxxvi) "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.

(lxxvii) “Handwashing Sink.”

(A) "Handwashing sink" means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.

(B) "Handwashing sink" includes an automatic handwashing facility.

(lxxviii) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(lxxix) "Health officer" means the person appointed by the director of the department of health pursuant to W.S. 9-2-101(f) and 9-2-103.

(lxxx) "Health practitioner" means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

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

(lxxxii) "Highly susceptible population" means a group that is composed of persons who are more likely than other groups of persons in the general population to experience foodborne disease because they are:

(A) Immunocompromised, older adults, or preschool age children; and

(B) Obtain food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(lxxxiii) "Honey" means a food product which is the nectar and saccharin exudation of plants gathered, modified, and stored in the comb by honey bees; is levorotatory; and contains not more than twenty-five percent (25%) of water, not more than twenty-five hundredths percent (.25%) of ash, nor more than eight percent (8%) sucrose.

(lxxxiv) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

(A) The number of potential injuries; and

(B) The nature, severity, and duration of the anticipated injury.

(lxxxv) "Injected" means manipulating ~~a~~ meat to which a solution has been introduced into its interior by processes that are referred to as "injecting," “pump marinating” or "stitch pumping.”

(lxxxvi) "Juice."

(A) "Juice," when used in the context of food safety, means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree.

(B) "Juice" does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

(lxxxvii) "Kitchenware" means food preparation and storage utensils.

(lxxxviii) "Law" means applicable local, state, and federal statutes, rules, regulations, and ordinances.

(lxxxix) "License" means the document issued by the regulatory authority that authorizes a person to operate an establishment or a processing plant.

(xc) "License holder" means the entity that:

(A) Is legally responsible for the operation of the establishment or processing plant such as the owner, the owner's agent, or other person; and

(B) Possesses a valid license to operate an establishment or processing plant.

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

(xcii) "Lodging unit" means a room with one (1) or more beds, bunks or other facilities for sleeping purposes for an unspecified number of persons.

(xciii) “Major Food Allergen.”

(A) "Major food allergen" means:

(I) Milk, egg, fish (such as bass, flounder, cod, and

including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or

(II) A food ingredient that contains protein derived from a food, as specified in Subparagraph (A)(I) of this definition.

(B) "Major food allergen" does not include:

(I) Any highly refined oil derived from a food specified in Subparagraph (A)(I) of this definition and any ingredient derived from such highly refined oil; or

(II) Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

(xciv) "Manufactured" means meat which has been processed by curing, smoking, canning, cooking, freezing, dehydration, production of intermediate moisture products, and/or the use of certain additives, chemicals, and enzymes into a product different from the starting raw material. This definition shall not include simple grinding, cutting, or mixing.

(xcv) "Manufacturing Milk" means milk for manufacturing purposes produced for processing and manufacturing into products for human consumption but not subject to Grade A or comparable requirements.

(xcvi) "Meat" means the edible part of the muscle of animals, which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; it does not include the muscle found in the lips, snout or ears.

(A) This definition shall be limited to livestock as defined in 9 CFR 301.2 Definitions.

(xcvii) "Meat by-product" means any edible part of an animal other than meat or meat food products.

(xcviii) "Meat food product" means any article of food for human consumption or any article which enters into the composition of food for human consumption, which is derived or prepared in whole or in part from any portion of any animal, except organotherapeutic substances, meat juices, meat extract and the like which are only for medicinal purposes and are advertised only to the medical profession; any edible part of the carcass which has been manufactured, cured, smoked, processed or

otherwise treated shall be considered a meat food product.

(xcix) “Mechanically Tenderized.”

(A) “Mechanically tenderized” means manipulating meat with deep penetration by processes which may be referred to as “blade tenderizing,” “jaccarding,” “pinning,” “needling,” or using blades, pins, needles or any mechanical device.

(B) “Mechanically tenderized” does not include processes by which solutions are injected into meat.

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

(ci) "Milk grader or milk hauler" means any person who samples, approves or rejects raw milk for utilization in milk products.

(cii) "Milk tester" means any person who tests samples of milk taken by a milk grader for the purpose of determining compliance with this Rule, the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance, or for payment purposes.

(ciii) "Mineral water" means bottled water that contains not less than 500 parts per million mineral solids. "Mineral water" shall meet the requirements of "Natural water."

(civ) "Misbranded" has the meaning stated in the Federal Food, Drug and Cosmetic Act, 21 USC 343 or 9 CFR 301.2 Definition.

(cv) "Mobile establishment" means an establishment designed to be readily movable such as a vehicle-mounted unit or a pushcart.

(cvi) "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.

(cvii) "Natural water" means bottled spring, artesian well, or well water which is not derived from a public system and which is unmodified by blending with water from another source or by mineral addition or deletion, except as it relates to ozonation or equivalent disinfection and filtration.

(cviii) “Non-continuous cooking.”

(A) “Non-continuous cooking” means the cooking of food in a

food establishment or processing plant using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(B) “Non-continuous cooking” does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

(cix) "Non-salvageable merchandise" means "distressed merchandise," which cannot be safely or practically reconditioned.

(cx) “Not potentially hazardous food” means any food which does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation. The natural pH or the final pH of acidified food must be 4.6 or less.

(cxi) "Official establishment" means any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulatory authority and this Rule.

(cxii) "Official inspection legend" means any symbol prescribed by the director showing that an article was inspected and passed in accordance with this Rule.

(cxiii) "Official inspection mark" means any symbol prescribed by the director for the purpose of identifying the inspection status of any article so inspected.

(cxiv) "Packaged."

(A) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in an establishment or processing plant.

(B) "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to contain food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

(cxv) "Perishable" means there exists a significant risk of spoilage or deterioration when a product has not been properly refrigerated or handled.

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

(cxvii) "Person in charge" means the individual present at an establishment or processing plant who is responsible for the operation at the time of inspection.

(cxviii) "Personal care items."

(A) "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.

(B) "Personal care items" include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

(cxix) "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. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

(cxx) "Physical facilities" means the structure and interior surfaces of an establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(cxxi) "Plumbing fixture" means a receptacle or device that:

(A) Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

(B) Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(cxxii) "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.

(cxxiii)"Poisonous or toxic materials" means substances that are not intended for ingestion and are included in the following four (4) categories:

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

(B) Pesticides except sanitizers, which include substances such as insecticides and rodenticides;

(C) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and

(D) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(cxxiv) “Potentially Hazardous Food (Time/Temperature Control for Safety Food).”

(A) "Potentially hazardous food (time/temperature control for safety food)" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(B) "Potentially hazardous food (time/temperature control for safety food)" includes:

(I) An animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way to be unable to support pathogenic microorganism growth or toxin formation; and

(II) Except as specified in Subparagraph (C)(IV) of this definition, a food that because of the interaction of its Aw and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

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

Aw values	pH		
	4.6 or less	> 4.6 - 5.6	> 5.6
<0.92	non-PHF*/non-TCS food**	non-PHF/non-TCS food	non-PHF/non-TCS food
> 0.92- 95	non-PHF/non-TCS food	non-PHF/non-TCS food	PA***
> 0.95	non-PHF/non-TCS food	PA	PA

* PHF means potentially hazardous food
** TCS food means time/temperature control for safety food
*** PA means Product Assessment required

Table B. Interaction of pH and Aw for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged				
Aw values	pH			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-PHF*/ non-TCS food**	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food
0.88 – 0.90	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA***
> 0.90–0.92	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA	PA
> 0.92	non-PHF/ non-TCS food	PA	PA	PA
* PHF means Potentially Hazardous Food ** TCS food means time/temperature control for safety food *** PA means Product Assessment required				

(C) "Potentially hazardous food (time/temperature control for safety food)" does not include:

(I) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;

(II) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

(III) A food that because of its pH or Aw value, or interaction of Aw and pH values, is designated as a non-PHF/non-TCS food in Table A or B of this definition;

(IV) A food that is designated as Product Assessment Required (PA) Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:

(1.) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,

(2.) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or

(3.) A combination of intrinsic and extrinsic factors; or

(V) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (C)(I) - (C)(IV) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(cxxv) “Poultry."

(A) "Poultry" means:

(I) Any domesticated bird (chickens, turkeys, ducks, geese, guineas or ratites), whether live or dead, as defined in 9 CFR 381 Poultry Products Inspection Regulations; and

(II) Any migratory waterfowl, game bird, such as pheasant, partridge, quail, grouse, guinea, pigeon, or squab, whether live or dead, as defined in 9 CFR 362 Voluntary Poultry Inspection Regulations.

(cxxvi)"Premises" means:

(A) The physical facility, its contents, and the contiguous land or property under the control of the license holder; or

(B) The physical facility, its contents, and the land or property not described under Subparagraph (A) of this definition, if its facilities and contents are under the control of the license holder and may impact the establishment or processing plant personnel, facilities, or operations, if an establishment or processing plant is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

(cxxvii) "Primal cut" means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(cxxviii) "Processed" as applied to meat products means fresh meat which has been altered to affect preservation and/or manufacture of meat products, except for simple grinding, cutting, or mixing. This includes curing, smoking, canning, cooking, freezing, dehydration, production of intermediate moisture products, and the use of

certain additives, chemicals, and enzymes. Processed does not include otherwise unprocessed meats that are sold in a frozen state.

(cxxix)"Processing plant."

(A) "Processing plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as processing plants or establishments, and may provide food directly to a consumer.

(B) "Processing plant" does not include an establishment as defined under Chapter 1, Section 8 (lvi).

(cxxx) "Public water system" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

(cxxxi)"Purified water" means bottled water produced by distillation, deionization, reverse osmosis, or other suitable process and meets the requirements of purified water in the 21st Edition of the United States Pharmacopeia. Water which meets the definition of this paragraph, and is vaporized, then condensed, may be labeled "distilled water."

(cxxxii) "Ranch recreation facility" means a ranch/farm facility containing or having under use agreement one hundred sixty (160) acres or more which may for a charge to the public provide activities for not more than a daily average of eight (8) persons in any given thirty (30) day period or may include sleeping facilities in not more than four (4) sleeping units along with accompanying family style meals. Meals and lodging shall be considered an adjunct to the activities which take place on the ranch and are not available to non-registered guests. This definition does not apply to a dude ranch.

(cxxxiii) "Ratite" means a group of flightless birds including ostriches, cassowaries, kiwis, emus, etc., having undeveloped wings and a breastbone without a keel.

(cxxxiv) "Ready-to-eat food."

(A) "Ready-to-eat food" means food that:

(I) Is in a form that is edible without additional preparation to achieve food safety, as specified under Chapter 3, Section 41(a)-(c), Section 42, or Section 34; or

(II) Is a raw or partially cooked animal food and the consumer is advised as specified under Chapter 3, Section 41(d)(i) and (ii); or

(III) Is prepared in accordance with a variance that is granted as specified under Chapter 3, Section 41(d)(i) and (iii); and

(IV) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(B) "Ready-to-eat food" includes:

(I) Raw animal food that is cooked as specified under Chapter 3, Sections 41 and 42, or frozen as specified under Chapter 3, Section 34;

(II) Raw fruits and vegetables that are washed as specified under Chapter 3, Section 40;

(III) Fruits and vegetables that are cooked for hot holding, as specified under Chapter 3, Section 43;

(IV) All potentially hazardous food that is cooked to the temperature and time required for the specific food under Chapter 3, Section 41, 42, 43, and cooled as specified in Chapter 3, Section 31;

(V) Plant food for which further washing, cooking, or other processing is not required for food safety and from which rinds, peels, husks, or shells, if naturally present, are removed;

(VI) Substances derived from plants such as spices, seasonings, and sugar;

(VII) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

(VIII) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(IX) Foods manufactured according to 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(cxxxv) "Reconditioning" means any appropriate process or procedure by which distressed merchandise can be brought into compliance with the standards of the regulatory authority for consumption or use by the public.

(cxxxvi) "Reconstituted" means dehydrated food products

recombined with water or other liquids.

(cxxxvii) "Reduced oxygen packaging."

(A) "Reduced oxygen packaging" means:

(I) The reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding 21% oxygen atmosphere; and

(II) A process as specified in Subparagraph (A)(I) of this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

(B) "Reduced oxygen packaging" includes:

(I) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

(II) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(III) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;

(IV) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(V) Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(cxxxviii) "Refuse" means solid waste not carried by water through

the sewage system.

(cxxxix) "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the establishment or processing plant.

(cxl) “Restrict” means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens; and unwrapped single-service or single-use articles.

(cxli) “Restricted egg” means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590 Inspection of Eggs and Egg Products (Egg Products Inspection Act).

(cxlii) "Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(cxliii) "Re-service" means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(cxliv) “Risk” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(cxlv) "Safe materials" means:

(A) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(B) An additive that is used as specified in Section 409 of the Federal Food, Drug, and Cosmetic Act; or

(C) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(cxlvi) "Salvage distributor" means a person who engages in the business of selling, distribution or otherwise trafficking in any distressed or salvaged merchandise.

(cxlvii)"Salvage handler" means a person who engages in the business of handling distressed merchandise at the scene of an accident, fire, flood or other disaster, with or without taking ownership of the distressed merchandise.

(cxlviii) "Salvage processing plant" means an establishment primarily engaged in the business of reconditioning or by other means salvaging distressed merchandise and which sells or distributes salvaged merchandise for human or animal consumption or use.

(cxlix) "Salvageable merchandise" means any distressed merchandise which can be reconditioned to the satisfaction of the regulatory authority.

(cl) "Salvaged merchandise" means distressed merchandise which has been reconditioned.

(cli) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety nine and nine hundred ninety nine thousandths percent (99.999%) reduction, of representative disease microorganisms of public health importance.

(clii) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

(cliii) "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

(A) Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

(B) The work or tasks performed by a service animal must be directly related to the handler's disability.

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

(clv) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

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

(clvii) "Shellstock" means raw, in-shell molluscan shellfish.

(clviii) “Shiga toxin-producing *Escherichia coli*” means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins or “Shiga-like” toxins). Examples of serotypes of STEC include both O157 and non-O157 *E. coli*. *Also see* Enterohemorrhagic *Escherichia coli.*

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

(clx) "Single-service article" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.

(clxi) "Single-use articles."

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

(B) "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number ten (10) cans which do not meet the materials, durability, strength, and cleanability specifications under Chapter 6, Sections 1, 13 and 16, for multi-use utensils.

(clxii) "Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -10°F (-23°C) to 25°F (-4° C) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

(clxiii) "Slaughterhouse" shall include all buildings, structures, and facilities used in the slaughtering or dressing of animals for human consumption.

(clxiv) "Smoked" means meat to which smoke or smoke flavorings have been applied/added for the purpose of preservation, color, flavor, and/or aroma.

(clxv) "Smooth" means:

(A) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel;

(B) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(C) A floor, wall, or ceiling having an even or level surface

with no roughness or projections that renders it difficult to clean.

(clxvi) "Spring water" means water derived from an underground formation from which water flows naturally to the surface of the earth. "Spring water" shall meet the requirements of "natural water."

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

(clxviii) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

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

(clxx) "Temporary establishment" means an establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

(clxxi) "Temporary Sampling Establishment" means an establishment that operates for a period of no more than fourteen (14) individual days within three (3) consecutive months in conjunction with farmers' markets or other events held at a single location where:

(A) Only free samples of products sold by vendors who hold a food (distributors/processors) license or by agricultural producers may be provided to the public;

(B) Free samples and associated products sold under the food (distributors/processors) license shall meet all requirements of the Wyoming Food Safety Rule during processing;

(C) Temporary establishment licensing requirements and fees apply; and

(D) Whole intact product is exempt from the temporary sampling establishment license.

(clxxii) "Unwholesome" means any animal, carcass, meat, meat food product or meat by product which:

(A) Is unsound, injurious to health, contains any biological residue not permitted under these rules, or is otherwise unfit for human consumption;

(B) Consists in whole or in part of any filthy, putrid or decomposed substance;

(C) Was processed, prepared, packed or held under insanitary conditions so that the same may have become contaminated or may have become injurious to health;

(D) Was produced in whole or in part from animals which died other than by slaughter.

(clxxiii) "USDA" means the U.S. Department of Agriculture.

(clxxiv) "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; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(clxxv) "Variance" means a written document issued by the Wyoming Department of Agriculture that authorizes a modification or waiver of one or more requirements of this Rule if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

(clxxvi) "Vehicle" means any truck, car, bus, or other means by which distressed, salvageable or salvaged merchandise is transported from one location to another.

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

(clxxviii) "Vending machine location" means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

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

(clxxx)"Water hauler" means any person engaged in the distribution of bulk quantities of water by truck or other type of vehicle or conveyance, for sale for human consumption.

(clxxxi) "Well water" means bottled water from a hole bored,

drilled, or otherwise constructed in the ground, which taps the water of an aquifer. "Well water" shall meet the requirements of "natural water."

(clxxxii) "Whole-muscle, intact beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

(clxxxiii) "Wholesome" means sound, healthful, clean and otherwise fit for human consumption.

(clxxxiv) "Wyoming condemned," or abbreviation thereof, means the animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(clxxxv) "Wyoming inspected and condemned," or abbreviation thereof, means that the carcass, meat, meat food product or meat by-product, so marked or so identified, is unwholesome or adulterated and shall be disposed of in the manner prescribed by the director.

(clxxxvi) "Wyoming inspected and passed," or abbreviation thereof, means that the carcass, meat, meat food product, or meat by-product, so marked or so identified, was at the time it was so marked or so identified found to be wholesome.

(clxxxvii) "Wyoming retained" means that the carcass, meat, meat food product so identified is held for further examination by the director or contract veterinarian to determine its disposal.

(clxxxviii) "Wyoming suspect" means that an animal so marked and identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by the director or a contract veterinarian to determine its disposal.

Section 9. Person in Charge Requirement.

(a) 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 establishment or processing plant during all hours of operation.

Section 10. Demonstration of Food Safety Knowledge.

(a) Based on the risks of foodborne illness inherent to the establishment or processing plant, during inspections and upon request, the person in charge shall

demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the HACCP principles, if applicable, and the requirements of this Rule. The person in charge shall demonstrate this knowledge by compliance with this Rule, by responding correctly to the inspectors' questions as they relate to the specific establishment or processing plant, or by being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program. The areas of knowledge may include:

(i) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;

(ii) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;

(iii) Describing the symptoms associated with the diseases that are transmissible through food;

(iv) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness;

(v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;

(vi) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish;

(vii) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;

(viii) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(A) Cross contamination;

(B) Hand contact with ready-to-eat foods;

(C) Handwashing; and

(D) Maintaining the establishment or processing plant in a clean condition and in good repair;

(ix) Describing foods identified as major food allergens and the

symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.

(x) Explaining the relationship between food safety and providing equipment that is:

(A) Sufficient in number and capacity; and

(B) Properly designed, constructed, located, installed, operated, maintained, and cleaned;

(xi) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;

(xii) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;

(xiii) Identifying poisonous or toxic materials in the establishment or processing plant and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;

(xiv) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Rule;

(xv) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this Rule, or an agreement between the regulatory authority and the establishment or processing plant; and

(xvi) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

Section 10 (b) Certified Food Protection Manager

(i) At least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

(ii) This section does not apply to certain types of food establishments deemed by the regulatory authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.

Section 10 (c) Food Protection Manager Certification

(i) A person in charge who demonstrates knowledge by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with Chapter 1 Section 10(a)

(ii) A food establishment that has an employee that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with Chapter 1 Section 10 (b).

Section 11. Person in Charge, Duties.

(a) The person in charge shall ensure that:

(i) Establishment or processing plant operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under Chapter 9, Section 42;

(ii) Persons unnecessary to the establishment or processing plant operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;

(iii) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Rule;

(iv) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;

(v) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;

(vi) Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring

devices properly scaled and calibrated as specified under Chapter 6, Section 38(b), and Section 48;

(vii) 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;

(viii) Employees are cooking food sufficiently to ensure its safety;

(ix) 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;

(x) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified under Chapter 3, Section 53;

(xi) Except when otherwise approved as specified in Chapter 3, Section 39(b), employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;

(xii) Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties; and

(xiii) Food employees and conditional employees are informed of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under Chapter 1, Section 12 (a).

Section 12. Health Status of Food Employees and Applicants.

(a) The license holder shall require food employees and conditional 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 conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:

(i) Has any of the following symptoms:

(A) Diarrhea;

(B) Vomiting;

(C) Jaundice; or

(D) Sore throat with fever, or;

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

(I) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover;

(II) On exposed portions of the arms, unless the lesion is protected by an impermeable cover; or

(III) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;

(ii) Has an illness diagnosed by a health practitioner due to:

(A) *Salmonella spp.*;

(B) *Shigella spp.*;

(C) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*;

(D) Hepatitis A virus; or

(E) Viral Gastroenteritis including Norovirus

(iii) Had a previous illness, diagnosed by a health practitioner:

(A) *Salmonella spp.* within the past three months,

(B) *Shigella spp.* within the past month,

(C) Shiga toxin-producing *Escherichia coli*, within the past month; or

(D) Hepatitis A virus.

(iv) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

(A) Viral Gastroenteritis including Norovirus within the past 48 hours of the last exposure,

(B) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Shigella spp.* within the past 3 days of the last exposure,

(C) *Salmonella spp*. within the past 14 days of the last exposure,

(D) Hepatitis A virus within the past 30 days of the last exposure; or

(v) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who attends or works in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

(A) Viral Gastroenteritis including Norovirus within the past 48 hours of the last exposure,

(B) Enterohemorrhagic or Shiga toxin-producing Escherichia coli, or Shigella spp. within the past 3 days of the last exposure,

(C) *Salmonella spp.* within the past 14 days of the last exposure,

(D) Hepatitis A virus within the past 30 days of the last exposure.

(b) The person in charge shall notify the regulatory authority when a food employee is:

(i) Jaundiced, or

(A) Diagnosed with a current or previous illness due to a pathogen as specified in Chapter 1, Section 12 (a) (ii) (A)-(E) or (iii) (A)-(D).

(c) The person in charge shall ensure that a conditional employee:

(i) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified in Chapter 1, Section 12 (a) (i)-(iii), is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified in Chapter 1, Section 14; and

(ii) Who will work as a food employee in a food establishment that serves a highly susceptible population and reports a history of exposure as specified in

Chapter 1, Section 12 (a) (iv)-(v), is prohibited from becoming a food employee until the conditional employee meets the criteria as specified in Chapter 1, Section 14 (a) (ix).

(d) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified in Chapter 1, Section 12 (a) (i)-(v) is:

(i) Excluded as specified in Chapter 1, Section 13 (a) (i)-(iii), and Section 13 (a) (iv) (A), (v) (A), (vi) (A), or (vii) (A) and in compliance with the provisions specified in Chapter 1, Section 14 (a) (i)-(vii); or

(ii) Restricted as specified in Chapter 1, Section 13 (a) (iv) (B), (v) (B), (vi) (B), (vii) (B), or Section 13 (a) (viii) or (ix) and in compliance with the provisions specified in Chapter 1, Section 14 (a) (iv)-(ix).

(e) A food employee or conditional employee shall report to the person in charge the information as specified in Chapter 1, Section 12 (a).

(f) A food employee shall:

(i) Comply with an exclusion as specified in Chapter 1, Section 13 (a) (i)-(iii) and Section 13 (a) (iv) (A), (v) (A), (vi) (A), or (vii) (A) and with the provisions specified in Chapter 1, Section 14 (a) (i)-(vii); or

(ii) Comply with a restriction as specified in Chapter 1, Section 13 (a) (iv) (B), (v) (B), (vi) (B), (vii) (B), or Section 13 (a) (viii) or (ix) and comply with the provisions specified in Chapter 1, Section 14 (a) (iv)-(ix).

Section 13. Exclusions and Restrictions of Food Employees.

(a) The person in charge shall exclude or restrict a food employee from an establishment or processing plant in accordance with the following:

(i) Except when the symptom is from a noninfectious condition, exclude a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in an establishment or processing plant if the food employee is:

(A) Symptomatic with vomiting or diarrhea; or

(B) Symptomatic with vomiting or diarrhea and diagnosed with an infection from viral gastroenteritis including Norovirus, *Shigella spp.*, or Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*.

(ii) Exclude a food employee who is:

(A) Jaundiced and the onset of jaundice occurred within the

last 7 calendar days, unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;

(B) Diagnosed with an infection from hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within 7 calendar days of the onset of jaundice; or

(C) Diagnosed with an infection from hepatitis A virus without developing symptoms.

(iii) Exclude a food employee who is diagnosed with an infection from *Salmonella* spp, or reports a previous infection with *Salmonella* spp within the past 3 months as specified under Chapter 1, Section 12 (a) (iii).

(iv) If a food employee is diagnosed with an infection from Norovirus and is asymptomatic:

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(v) If a food employee is diagnosed within the past month with an infection from *Shigella* spp. and is asymptomatic:

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(vi) If a food employee is diagnosed within the past month with an infection from enterohemorrhagic or shiga toxin-producing *E. coli*, and is asymptomatic:

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(vii) If a food employee is ill with symptoms of acute onset of sore throat with fever:

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(viii) If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under Chapter 1, Section 12 (a) (i) (E), restrict the food employee.

(ix) If a food employee is exposed to a foodborne pathogen as specified under Chapter 1, Section 12 (a) (iv) or (v), restrict the food employee who works in a food establishment serving a highly susceptible population.

Section 14. Removal, Adjustment, or Retention of Exclusions and Restrictions of Food Employees.

(a) The person in charge may remove, adjust, or retain the exclusion or restriction of a food employee according to the following conditions:

(i) Except when a food employee is diagnosed with an infection from hepatitis A virus or *Salmonella spp*:

(A) Reinstate a food employee who was excluded as specified under Chapter 1, Section 13 (a) (i) (A) if the food employee:

(I) Is asymptomatic for at least 48 hours; or

(II) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.

(B) If a food employee was diagnosed with an infection from viral gastroenteritis including Norovirus and excluded as specified in Chapter 1, Section 13 (a) (i) (B):

(I) Restrict the food employee, who is asymptomatic for at least 48 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (iv) (A) or (B) are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 48 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (iv) (A) or (B) are met.

(C) If a food employee was diagnosed with an infection from *Shigella* spp. and excluded as specified in Chapter 1, Section 13 (a) (i) (B):

(I) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (v) (A) or (B) are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (v) (A) or (B) are met.

(D) If a food employee was diagnosed with an infection from Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* and excluded as specified in Chapter 1, Section 13 (a) (i) (B):

(I) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (vi) (A) or (B) are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (vi) (A) or (B) are met.

(ii) Reinstate a food employee who was excluded as specified in Chapter 1, Section 13 (a) (ii) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The food employee has been jaundiced for more than 7 calendar days;

(B) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than 14 calendar days; or

(C) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.

(iii) Reinstate a food employee who was excluded as specified in Chapter 1, Section 13 (a) (iii) if:

(A) The person in charge obtains approval from the regulatory authority; and

(B) The food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free

from *Salmonella. spp* infection as demonstrated by two (2) consecutive negative stool cultures collected at least 24 hours apart for non-typhoidal Salmonella; or three (3) consecutive negative stool cultures collected at least 24 hours apart for Salmonella sero type Typhi. If any of these cultures are positive for Typhi, exclude the employee and repeat cultures at monthly intervals until three (3) consecutive negative cultures are obtained.

(iv) Reinstate a food employee who was excluded as specified in Chapter 1, Section 13 (a) (i) (B) or (a) (iv) (A) who was restricted in Chapter 1, Section 13 (a) (iv) (B) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Norovirus infection;

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food employee became asymptomatic; or

(C) The food employee was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.

(v) Reinstate a food employee who was excluded as specified in Chapter 1, Section 13 (a) (i) (B) or (a) (v) (A) or who was restricted in Chapter 1, Section 13 (a) (v) (B) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella* spp. infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics, and

(II) At least 24 hours apart;

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 4 weeks have passed since the food employee became asymptomatic; or

(C) The food employee was excluded or restricted and did not develop symptoms and more than 4 weeks have passed since the food employee was diagnosed.

(vi) Reinstate a food employee who was excluded or restricted

as specified in Chapter 1, Section 13 (a) (i) (B) or (a) (vi) (A) or who was restricted in Chapter 1, Section 13 (a) (vi) (B) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* based on test results that show 2 consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics; and

(II) At least 24 hours apart.

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than 7 calendar days have passed since the food employee became asymptomatic; or

(C) The food employee was excluded or restricted and did not develop symptoms and more than 7 days have passed since the food employee was diagnosed.

(vii) Reinstate a food employee who was excluded or restricted as specified in Chapter 1, Section 13 (a) (vii) (A) or (B) if due to group A strep pharyngitis and the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets one of the following conditions:

(A) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours;

(B) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection; or

(C) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.

(viii) Reinstate a food employee who was restricted as specified in Chapter 1, Section 13 (a) (viii) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

(A) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;

(B) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or

(C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.

(ix) Reinstate a food employee who was restricted as specified in Chapter 1, Section 13 (a) (ix) and was exposed to one of the following pathogens as specified in Chapter 1, Section 12 (a) (iv) or (v):

(A) Viral Gastroenteritis including Norovirus and one of the following conditions is met:

(I) More than 48 hours have passed since the last day the food employee was potentially exposed; or

(II) More than 48 hours have passed since the food employee's household contact became asymptomatic.

(B) *Shigella* spp. or Enterohemorrhagic or Shiga toxin producing *Escherichia coli* and one of the following conditions is met:

(I) More than 3 calendar days have passed since the last day the food employee was potentially exposed; or

(II) More than 3 calendar days have passed since the food employee's household contact became asymptomatic.

(C) *Salmonella.* spp and one of the following conditions is met:

(I) More than 14 calendar days have passed since the last day the food employee was potentially exposed; if Salmonella Typhi, a food employee must have two (2) negative stool cultures twenty four (24) hours apart; or

(II) More than 14 calendar days have passed since the food employee's household contact became asymptomatic; if Salmonella Typhi, a food employee must have two (2) negative stool cultures twenty four (24) hours apart.

(D) Hepatitis A virus and one of the following conditions is met:

(I) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;

(II) The food employee is immune to hepatitis A virus

infection because of vaccination against hepatitis A;

(III) The food employee is immune to hepatitis A virus infection because of IgG administration;

(IV) More than 30 calendar days have passed since the last day the food employee was potentially exposed;

(V) More than 30 calendar days have passed since the food employee's household contact became jaundiced; or

(VI) The Food employee does not use an alternative procedure that allows bare hand contact with ready to-eat food until at least 30 days after the potential exposure, as specified in Chapter 1, Section 14 (a) (ix) (D) (IV) and (V), and the food employee receives additional training about:

(1.) Hepatitis A symptoms and preventing the transmission of infection,

(2.) Proper handwashing procedures, and

(3.) Protecting ready-to-eat food from contamination introduced by bare hand contact.

Section 15. Bed and Breakfast and Ranch Recreation Requirements.

(a) Food service provided at bed and breakfast and ranch recreation facilities shall be for the bona fide guests of said facilities and shall not be available for charge or otherwise to other members of the public that might be present.

(i) The kitchen in a bed and breakfast or ranch recreation facility in a home may be equipped the same as any normal home style kitchen provided food safety procedures can be achieved.

Section 16. Clean-up of Vomiting and Diarrheal Events.

A food establishment shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

CHAPTER 2

REQUIREMENTS FOR PLAN SUBMISSION; LICENSE APPLICATION AND ISSUANCE; INSPECTION

Section 1. Prerequisite for Operation.

(a) A person shall not operate an establishment or processing plant without a valid license issued by the regulatory authority.

(i) When a person operates two (2) or more establishments or two (2) or more processing plants not on the same premises in this state, a separate license shall be required for each.

(ii) A person conducting two (2) or more operations on the same premises in this state may operate under one (1) license.

Section 2. Submission and Contents of the License Application.

(a) Pursuant to W.S. 35-7-124(a), any person processing, distributing, storing or preparing food for wholesale or retail use shall obtain a license from the department of agriculture or a local health department. The license is not transferable, shall be renewed on an annual basis and shall be prominently displayed in the establishment or processing plant. No establishment or processing plant shall serve, hold for sale or sell food to the public without a valid license. An agriculture producer shall be exempt from the licensure requirement in this Section for processing, distributing, storing or sale of any raw agriculture commodity he produces.

(i) Milk haulers, graders, and testers shall be licensed according to Chapter 2, Section 2, and standardized by the department of agriculture using criteria specified in the United States Public Health Service/FDA Pasteurized Milk Ordinance, Appendix B -Milk Production; Hauling; Industry Inspection.

(ii) Any person candling eggs in the state of Wyoming shall be licensed according to Chapter 2, Section 2, and standardized by the department of agriculture using criteria specified in USDA AMS 56- U.S. Standards, Grades, and Weight Classes for Shell Eggs and 7 CFR Part 56 Regulations Governing the Voluntary Grading of Shell Eggs.

(b) Pursuant to W.S. 35-7-124(b), written application for a new license shall be made on a form approved by the department of agriculture and provided by the department of agriculture or the local health department and shall be signed by the applicant.

(i) The application shall include:

(A) The name, mailing address, telephone number, and signature of the person applying for the license; the name, mailing address, and telephone number of the registered agent; and the name, mailing address, and location of the establishment or processing plant;

(B) Information specifying whether the establishment or processing plant is owned by an association, corporation, individual, partnership, or other legal entity;

(C) A statement specifying whether the establishment or processing plant:

(I) Is mobile or stationary and temporary or permanent; and

(II) Is an operation that includes one or more of the following:

(1.) Prepares, offers for sale, or serves potentially hazardous food:

a. Only to order upon a consumer's request;

b. In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency; or

c. Using time as the public health control as specified under Chapter 3, Section 61;

(III) Prepares potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing;

(IV) Prepares food as specified under Chapter 2, Section 2 (b)(i)(C)(III), for delivery to and consumption at a location off the premises of the establishment where it is prepared;

(V) Prepares food as specified under Chapter 2, Section 2(b) (i)(C)(III), for service to a highly susceptible population;

(VI) Prepares only food that is not potentially hazardous; or

(VII) Does not prepare, but offers for sale only prepackaged food that is not potentially hazardous;

(D) A statement signed by the applicant that:

(I) Certifies to the accuracy of the information provided in the application; and

(II) Affirms that the applicant will:

(1.) Comply with this Rule; and

(2.) Allow the regulatory authority access to the establishment as specified under Chapter 2, Section 24, and to the records specified under Chapter 3, Section 15, Chapter 8, Section 21, and Chapter 10, Section 2 (a) (iv) (F).

Section 3. Qualifications and Responsibilities of Applicants.

(a) To qualify for a license, an applicant shall:

(i) Be an owner of the establishment or the person legally in charge of the business entity;

(ii) Comply with the requirements of this Rule;

(iii) As specified under Chapter 2, Section 24, agree to allow access to the establishment or processing plant and to provide required information; and

(iv) Pay the applicable license fees at the time the application is submitted.

Section 4. Issuance of a License.

(a) For establishments or processing plants that are required to submit plans as specified under Chapter 2, Section 6, the regulatory authority shall issue a license to the applicant after:

(i) A properly completed application is submitted;

(ii) The required fee is submitted;

(iii) The required plans, specifications, and information are reviewed and approved; and

(iv) A pre-operational inspection shows that the establishment or processing plant is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this Rule.

(b) The regulatory authority may renew a license for an existing establishment or processing plant or may issue a license to a new owner of an existing establishment or processing plant after:

(i) A properly completed application is submitted, reviewed, and approved;

(ii) The required fees are submitted; and

(iii) An inspection shows that the establishment or processing plant is in compliance with this Rule.

Section 5. License Fees.

(a) For establishments or processing plants that are required to have a license, as specified under Chapter 2, Section 1 (a), the regulatory authority shall issue a license to the applicant after the appropriate license fee is submitted.

(b) The license fee schedule is as follows:

(i) All establishments that are new, have a new owner or have changed location shall pay an initial license fee of $100.00 with an annual license renewal fee of $50.00;

(ii) Temporary establishment license fees shall be $25.00; and

(iii) Temporary sampling establishment license fees shall be $25.00.

Section 6. When Plans and Specifications Are Required.

(a) A license applicant or license holder shall submit to the regulatory authority properly prepared plans and specifications along with required plan review fees for review and approval before:

(i) The construction of an establishment or processing plant;

(ii) The conversion of an existing structure for use as an establishment

or processing plant; or

(iii) The remodeling of an establishment or processing plant or a change of type of the establishment or processing plant as specified under Chapter 2, Section 7, if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this Rule.

Section 7. Contents of the Plans and Specifications.

(a) The plans and specifications for an establishment or processing plant, including an establishment or processing plant specified under Chapter 10, Section 1, shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Rule provisions:

(i) Intended menu;

(ii) Anticipated volume of food to be stored, prepared, and sold or served;

(iii) Proposed layout, mechanical schematics, construction materials, and finish schedules;

(iv) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;

(v) Evidence that standard procedures that ensure compliance with the requirements of this Rule are developed or are being developed; and

(vi) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification, and procedures for operating an establishment or processing plant.

Section 8. Approval of Plans and Specifications.

(a) The regulatory authority shall review all plans and specifications to determine if they are in compliance with this Rule. After reviewing the plans and specifications, the regulatory authority shall:

(i) Complete a plan review sheet.

(b) If the plans and specifications are approved, the regulatory authority shall submit a copy of the plan review sheet denoting approval to the license applicant or

license holder.

(c) If the plans and specifications are disapproved, a copy of the plan review sheet stating the reason for disapproval shall be sent to the license applicant or license holder.

Section 9. Pre-operational Inspections.

(a) The regulatory authority shall conduct one or more pre-operational inspections to verify that the establishment or processing plant is constructed and equipped in accordance with the approved plans and approved modifications of those plans and is in compliance with law and this Rule.

(b) The regulatory authority shall conduct a pre-opening inspection prior to issuance of a license.

(i) A routine inspection shall be performed within thirty (30) days after the pre-opening inspection.

Section 10. Application for Official Inspection, Granting Inspection, Official Numbers.

(a) Inspection at official establishments shall be performed by the director, as authorized by 9 CFR 321 Cooperation With States and Territories.

(b) To qualify for official inspection, as specified in 9 CFR 304 Application For Inspection; Grant of Inspection an applicant shall:

(i) Submit a completed application furnished by the director;

(ii) Comply with the requirements of this Rule in addition to 9 CFR 304 Application for Inspection; Grant of Inspection;

(iii) Comply with the requirements of 9 CFR 304.3 Conditions for Receiving Inspection, including:

(A) Developing written Sanitation Standard Operating Procedures, as specified in 9 CFR 416 Sanitation;

(B) Conduct a hazard analysis and have developed and validated a HACCP plan, as required in 9 CFR 417 Hazard Analysis and Critical Control Point (HACCP) Systems.

(iv) Comply with the requirements of 9 CFR 305.3 Sanitation and adequate facilities.

(c) To each official establishment granted inspection, the director shall:

(i) Give notice in writing to each applicant.

(ii) Assign an official number to each official establishment as specified in 9 CFR 305.1 Official numbers; subsidiaries and tenants.

(A) Such number shall be used to identify all inspected and passed products prepared in the establishment;

(B) More than one (1) number shall not be assigned to an establishment; and

(C) Numbers designating all establishments shall be determined by the director, and appropriately placed on all of the inspection stamps designed for each establishment.

(d) Each official establishment granted inspection shall be separate and distinct from any unofficial establishment as specified in 9 CFR 305.2 Separation of official establishments.

(e) To each official establishment granted inspection, the director shall inaugurate and assign inspection, as specified in 9 CFR 305.4 Inauguration of inspection and 9 CFR 306 Assignment and authorities of program employees.

(f) As specified in 9 CFR 307.4 Schedule of operations, no operation requiring inspection shall be conducted except under the supervision of the director.

(g) All slaughtering of animals and preparation of products produced under inspection shall be done within reasonable hours and with reasonable speed, considering the official establishment's facilities.

Section 11. Denial of License Application, Notice.

(a) The director may by order deny a license application if he finds:

(i) The applicant has made false statements on the license application;

(ii) The applicant has violated or failed to comply with any provision of law;

(iii) The applicant is the subject of an order within the past two (2) years of any regulatory authority in this state or any other denying, suspending or revoking a food license;

(iv) The applicant has failed to submit the appropriate fees; or

(v) The applicant has failed to correctly and completely fill out the application.

(b) If a license application is denied, the regulatory authority shall provide the applicant with a notice that includes:

(i) The specific reasons and rule citations for the license application denial;

(ii) The actions, if any, that the applicant must take to qualify for a license application;

(iii) Advisement of the applicant's right to request a hearing before the director;

(iv) The time, place and nature of hearing;

(v) The legal authority under which the hearing is to be held; and

(vi) A short plain statement of the matters asserted.

(c) The applicant must request a hearing within twenty (20) days of the receipt of the director's notice.

(d) If a hearing is requested the director shall schedule a time and place for the hearing, to be held not later than thirty(30 days) from the date of the request unless a later date is agreed to by the parties.

(e) If the applicant supplies evidence of correction and all other license requirements have been met a license shall be issued.

(f) The applicant shall be notified of the time, date and place of the hearing at least seven (7) days before the date of the hearing.

Section 12. Responsibilities of the License Holder.

(a) Upon acceptance of the license issued by the regulatory authority, the license holder in order to retain the license shall:

(i) Post the license in a location in the establishment or processing plant that is conspicuous to consumers;

(ii) Comply with the provisions of this Rule including the conditions of a granted variance as specified under Chapter 1, Section 6, and approved plans as specified under Chapter 2, Section 8;

(iii) Comply with the plan as specified under Chapter 1, Section 6, if an establishment or processing plant is required under Chapter 10, Section 1, to operate under a HACCP Plan;

(iv) Immediately contact the regulatory authority to report an illness of a food employee applicant or food employee as specified under Chapter 1, Section 15;

(v) Immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist as specified under Chapter 2, Section 13;

(vi) Allow representatives of the regulatory authority access to the establishment as specified under Chapter 2, Section 24;

(vii) Except as specified under Chapter 2, Section 12 (a)(viii), replace existing facilities and equipment specified in Chapter 1, Section 4(b), with facilities and equipment that comply with this Rule if:

(A) The regulatory authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted;

(B) The regulatory authority 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;

(viii) Comply with directives of the regulatory authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the regulatory authority in regard to the license holder's establishment or processing plant or in response to community emergencies;

(ix) Accept notices issued and served by the regulatory authority according to law; and

(x) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Rule or a directive of the

regulatory authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

Section 13. Ceasing Operations and Reporting.

(a) Except as specified in Chapter 2, Section 13 (b), a license holder shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency such as, but not limited to, 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, or gross insanitary occurrence or condition.

(b) A license holder need not discontinue operations in an area of an establishment or processing plant that is unaffected by the imminent health hazard.

Section 14. Resumption of Operations.

(a) If operations are discontinued as specified under Chapter 2, Section 13, or otherwise according to law, the license holder shall obtain approval from the regulatory authority before resuming operations.

Section 15. Conditions Warranting Remedy.

(a) The regulatory authority may seek an administrative or judicial remedy including an administrative meeting to achieve compliance with the provisions of this Rule if a person operating an establishment or processing plant or an employee:

(i) Fails to have a valid license to operate an establishment or processing plant as specified under Chapter 2, Section 1;

(ii) Violates any term or condition of a license as specified under Chapter 2, Section 12;

(iii) Allows serious or repeated rule violations to remain uncorrected beyond time frames for correction approved, directed, or ordered by the regulatory authority under Chapter 2, Sections 26 and 28;

(iv) Fails to comply with a regulatory authority order issued concerning an employee suspected of having a disease transmissible through food by infected persons;

(v) Fails to comply with an order issued as a result of a hearing for an

administrative remedy;

(vi) Fails to comply with a summary suspension order issued by the regulatory authority as specified in Chapter 2, Sections 17; or

(vii) Fails to comply with any other rule or regulation.

Section 16. Administrative Meetings.

(a) The Wyoming Department of Agriculture may initiate an administrative meeting for the licensee's failure to:

(i) Correct critical violations from a routine inspection if there is a history of non-compliance with this Rule;

(ii) For refusal to grant access by the regulatory authority; or

(iii) If an inspection reveals deviations in the HACCP plan.

(b) Notice of administrative meeting shall state:

(i) The reasons for the notice of administrative meeting with reference to the provisions of the rules that are in violation;

(ii) The location and time the administrative meeting will be held; and

(iii) The licensee may appear in person or by or with counsel licensed to practice in the State of Wyoming.

(c) The Wyoming Department of Agriculture will administer the administrative meeting and hear opposing opinions regarding the issue in question.

(d) The purpose of the administrative meeting is to facilitate a mutually agreed upon plan of compliance for the license holder.

(e) The plan of compliance shall be:

(i) Presented, in writing to the license holder after the meeting;

(ii) Effective immediately upon presentation with a correction completion date ten (10) business days from the presentation date at which time a re-inspection will be performed; and

(iii) Signed by both the license holder and the regulatory authority.

(f) The administrative meeting may have three (3) possible outcomes:

(i) A mutually agreed upon plan of compliance with a re-inspection date;

(ii) No agreement of cooperation by the license holder resulting in a revocation notice being issued; or

(iii) Dismissal of the meeting by the Wyoming Department of Agriculture.

(g) If no agreement is reached between the Wyoming Department of Agriculture and the license holder or the re-inspection finds the plan of compliance has been ignored, a revocation notice shall be issued within ten (10) business days of the no agreement date or the re-inspection date.

Section 17. Summary Suspension.

(a) The regulatory authority may summarily suspend a license to operate an establishment or processing plant if it determines through inspection, or examination of food employees, food, records, or other means as specified in this Rule, that an imminent health hazard exists including, but not limited to, fire, flood, extended interruption of electrical or water service, sewage backup, or after consultation with the Health Officer.

(i) The regulatory authority may summarily suspend a license by providing written notice of the summary suspension to the license holder or the person in charge without prior warning, notice of a hearing, or a hearing.

(ii) A summary suspension notice shall state:

(A) That the license is immediately suspended and that all operations shall immediately cease;

(B) The reasons for summary suspension with reference to the provisions of this Rule that are in violation;

(C) The type of imminent threat to the public health that may be caused by the violation;

(D) The name and address of the regulatory authority representative to whom notice for re-inspection may be made and who may certify that reasons for the suspension are eliminated;

(E) The license holder may request a contested case hearing

within five (5) business days of the summary suspension. The regulatory authority shall hold a hearing, if requested, within ten (10) business days of the summary suspension; and

(F) The name and address of the regulatory authority representative to whom a request for a contested case hearing may be made.

(iii) The regulatory authority shall conduct a re-inspection of the establishment or processing plant for which the license was summarily suspended within 48 hours after receiving notice from the license holder stating that the conditions cited in the summary suspension order no longer exist.

(iv) A summary suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the regulatory authority through re-inspection and other means as appropriate or until a court of competent jurisdiction otherwise orders.

(v) The suspended license shall be reinstated immediately if the regulatory authority determines that the imminent health hazard no longer exists. A notice of reinstatement shall be provided to the license holder or person in charge.

Section 18. Revocation.

(a) The Wyoming Department of Agriculture may initiate revocation proceedings for a license:

(i) If the condition for the summary suspension is not corrected;

(ii) For failure to correct critical violations from a routine inspection;

(iii) If there is a history of non-compliance with this Rule; or

(iv) For refusal to grant access by the regulatory authority.

(b) The revocation notice shall state:

(i) That the license shall be revoked fifteen (15) calendar days after receipt of the revocation notice and that all operations shall cease at that time unless a contested case hearing is requested;

(A) The revocation notice shall be sent by certified mail, return receipt requested;

(ii) The reasons for revocation with reference to the provisions of this

Rule that are in violation;

(iii) That the license holder may request a hearing by submitting a request within fifteen (15) days of the receipt of the notice of revocation;

(iv) The name and address of the Wyoming Department of Agriculture representative to whom a request for a hearing may be made;

(v) If a hearing is requested, the hearing shall be conducted by a hearing officer in accordance with the Wyoming Administrative Procedure Act, W.S. 16-3-107 through 115 and the Rules of Practice and Procedures of the Wyoming Department of Agriculture; and

(vi) The licensee may appear in person or by or with counsel licensed to practice in the State in Wyoming.

(c) The final decision, accompanied by written findings of fact and conclusions of law and order, shall be issued by the director of the Wyoming Department of Agriculture.

(d) The final decision shall be delivered to the license holder by certified mail, return receipt requested.

Section 19. Hearings.

(a) All hearings provided for in this Rule shall be conducted in accordance with the Rules of Practice and Procedures adopted by the Wyoming Department of Agriculture. Appeal from any final order of the Wyoming Department of Agriculture shall be taken as provided by the Wyoming Administrative Procedure Act.

Section 20. Service of Notices.

(a) A notice issued in accordance with this Rule, except for a notice of summary suspension which shall be considered properly served pursuant to Chapter 2, Section 17, shall be considered to be properly served if it is served by one of the following methods:

(i) The notice is personally served by the regulatory authority, a law enforcement officer, or a person authorized to serve a civil process to the license holder, the person in charge, or person operating an establishment or processing plant without a license;

(ii) The notice is sent by the regulatory authority to the last known

address of the license holder or the person operating an establishment or processing plant without a license, by registered or certified mail return receipt requested or by other public means so that a written acknowledgment of receipt may be acquired;

(iii) If the notice is unable to be delivered after reasonable attempts to serve, then the notice shall be clearly posted by the regulatory authority at a public entrance to the establishment or processing plant; or

(iv) The notice is provided by the regulatory authority in accordance with another manner of service authorized in law.

Section 21. When Service is Effective.

(a) Service is effective at the time of the receipt of the notice or at the time of the posting of the notice.

Section 22. Establishing Inspection Interval.

(a) Except as specified under Chapter 2, Section 22 (b) and (c), and Section 10 (f), the regulatory authority may inspect an establishment or processing plant at least once every six (6) months.

(b) The regulatory authority may increase the interval between inspections beyond six (6) months but in no event less than once a year if:

(i) The establishment or processing plant is fully operating under an approved and validated HACCP plan as specified under Chapter 1, Section 7(a)(i) and (ii), and Chapter 10, Section 1;

(ii) The establishment or processing plant is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction and at least once every six (6) months the establishment or processing plant is contacted by telephone or other means by the regulatory authority to ensure that the establishment or processing plant manager and the nature of operation are not changed; or

(iii) The establishment's operation involves only coffee service and other unpackaged or prepackaged food that is not potentially hazardous such as carbonated beverages and snack food such as chips, nuts, popcorn, and pretzels.

(c) The regulatory authority shall periodically inspect throughout the license period a temporary establishment that:

(i) Prepares, sells, or serves unpackaged potentially hazardous food;

(ii) Has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control; or

(iii) Has inexperienced food employees.

Section 23. Performance and Risk-Based Inspections.

(a) Within the parameters specified under Chapter 2, Section 22, the regulatory authority shall prioritize and conduct more frequent inspections based upon its assessment of an establishment's or processing plant's history of compliance with this Rule and the establishment's or processing plant's potential as a vector of foodborne illness by evaluating:

(i) Past performance, for nonconformance with this Rule or HACCP plan requirements that are critical;

(ii) Past performance, for numerous or repeat violations of this Rule or HACCP plan requirements that are noncritical;

(iii) Past performance, for complaints investigated and found to be valid;

(iv) The hazards associated with the particular foods that are prepared, stored, or served;

(v) The type of operation including the methods and extent of food storage, preparation, and service;

(vi) The number of people served; and

(vii) Whether the population served is a highly susceptible population.

Section 24. Access for Inspection.

(a) After the regulatory authority presents official credentials and states the purpose of, and an intent to conduct an inspection, the person in charge shall allow the regulatory authority to determine if the establishment or processing plant is in compliance with this Rule by:

(i) Allowing access to the establishment or processing plant;

(ii) Allowing inspection; and

(iii) Providing information and records specified in this Rule and to which the regulatory authority is entitled according to law, during the establishment's or processing plant's hours of operation and other reasonable times.

(b) Denial of access to inspect shall be grounds for revocation of a license.

(c) The details of the denial of access shall be recorded on the inspection report form.

Section 25. Documenting Information and Observations.

(a) The regulatory authority shall document on an inspection report form:

(i) Administrative information about the establishment's or processing plant's legal identity, street and mailing addresses, type of establishment or processing plant and operation as specified under Chapter 2, Section 2(b), inspection date, and other information such as type of water supply and sewage disposal, status of the license, and personnel certificates that may be required; and

(ii) Specific factual observations of violative conditions or other deviations from this Rule that require correction by the license holder including but not limited to:

(A) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention and the requirements of this Rule specified under Chapter 1, Section 10;

(B) Failure of food employees and the person in charge to demonstrate their knowledge of their responsibility to report a disease or medical condition as specified under Chapter 1, Sections 15 and 16;

(C) Nonconformance with critical items of this Rule;

(D) Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the regulatory authority as specified under Chapter 1, Section 7;

(E) Failure of the person in charge to provide records required by the regulatory authority for determining conformance with a HACCP plan as specified

under Chapter 10, Section 2(a)(iv)(F);

(F) Nonconformance with critical limits of a HACCP plan; and

(G) Nonconformance with any other rule or regulation.

Section 26. Timely Correction for Critical Item Violation.

(a) Except as specified in Chapter 2, Section 26 (b), a license holder shall at the time of inspection correct a critical violation of this Rule or implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(b) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority 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 of this Rule or HACCP plan deviations.

(i) If a determination by the inspector that the corrective action cannot be completed within 10 (ten) days, the inspector may request an extension be granted which must be approved in writing by a supervisor.

Section 27. Verification and Documentation of Correction for Critical Item Violation.

(a) After observing at the time of inspection a correction of a critical item violation or HACCP plan deviation, the regulatory authority 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 item violation or HACCP plan deviation, or at the end of the specified period of time, the regulatory authority shall verify correction of the violation, document the information on an inspection report, and enter the report in the regulatory authority's records.

Section 28. Time Frame for Correction for Noncritical Violation.

(a) Except as specified in Chapter 2, Section 28 (b), the license holder shall correct noncritical violations by a date and time agreed to or specified by the regulatory authority but no later than ninety (90) calendar days after the inspection.

(b) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under Chapter 2, Section 26 (b), 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.

Section 29. Issuing Report and Obtaining Acknowledgment of Receipt.

(a) At the conclusion of the inspection, the regulatory authority shall provide a copy of the completed inspection report to the license holder or to the person in charge, and request a signed acknowledgment of receipt.

Section 30. Refusal to Sign Acknowledgment.

(a) The regulatory authority shall:

(i) Inform a person who declines to sign an acknowledgment of receipt of inspection findings that:

(A) An acknowledgment of receipt is not an agreement with findings;

(B) Refusal to sign an acknowledgment of receipt will not affect the license holder's obligation to correct the violations noted in the inspection report within the time frames specified; and

(C) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the regulatory authority's historical record for the establishment or processing plant.

Section 31. Public Information.

(a) Except as specified in Chapter 10, Section 3, the completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(b) The most current completed inspection report shall be prominently displayed in the establishment near the food license.

Section 32. Examining, Sampling, and Testing Food.

(a) The regulatory authority may examine, sample, and test food in order to determine its compliance with this Rule.

CHAPTER 3

FOOD CARE

Section 1. Compliance with Food Law.

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

(b) Food prepared in a private home may not be used or offered for human consumption in an establishment.

(c) Packaged food shall be labeled as specified in law, including the Wyoming Food, Drug and Cosmetic Safety Act, W.S. 35-7-110 through 35-7-127, 7 CFR 60 Country of Origin Labeling for Fish and Shellfish, 7 CFR 65 Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Macadamia Nuts, and Peanuts, 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under Chapter 3, Sections 11 and 12.

(d) Fish, other than molluscan shellfish, that are intended for consumption in their raw or undercooked form and allowed as specified in Chapter 3, Section 41(d), may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified under Chapter 3, Section 34; or frozen on the premises as specified under Chapter 3, Section 34, and records are retained as specified under Chapter 3, Section 35.

(e) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in Chapter 3, Section 41(c) shall be:

(i) Obtained from a processing plant that, upon request by the purchaser, packages the steaks and labels them to indicate that the steaks meet the definition of whole-muscle, intact beef; or

(ii) Deemed acceptable by the regulatory authority based on other evidence such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef, and

(iii) If individually cut in a food establishment:

(A) Cut from whole-muscle intact beef that is labeled by a processing plant as specified in Chapter 3, Section 1(e)(i) or identified as specified in Chapter 3, Section 1(e) (ii);

(I) Prepared so they remain intact; and

(II) If packaged for undercooking in an establishment, labeled as specified in Chapter 3, Section 1 (e) (i) or identified as specified in Chapter 3, Section 1(e) (ii).

(f) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2 Labels: definitions; required features, and 9 CFR 381.125 Special handling labeling requirements.

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

(h) Food shall be safe, unadulterated, and as specified in Chapter 3, Section 65, honestly presented

Section 2. Food in a Hermetically Sealed Container.

(a) Food in a hermetically sealed container shall be obtained from a processing plant that is regulated by the regulatory authority.

Section 3. Wild Mushrooms.

(a) Except as specified in Chapter 3, Section 3(b), mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert.

(b) This section does not apply to:

(i) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the regulatory authority; or

(ii) Wild mushroom species if they are in packaged form and are the product of a processing plant that is regulated by the regulatory authority.

Section 4. Animals Slaughtered and Processed Under Inspection.

(a) All animals except poultry slaughtered and processed for sale shall have antemortem and postmortem inspection and shall meet the requirements of 9 CFR 313, Humane Slaughter of Livestock, 9 CFR 309, Antemortem Inspection, 310 Postmortem Inspection, and 311 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts.

(i) All animals except poultry slaughtered and processed under Inspection shall be conducted in accordance with this Rule bythe Wyoming department of agriculture except as specified in 9 CFR 302 Application of Inspection and Other Requirements and 9 CFR 303 Exemptions.

(A) Exempt establishments handling wild game shall:

(I) Conduct operations in accordance with this Rule and 9 CFR 302 Application of Inspection and Other Requirements and 9 CFR 303 Exemptions;

(II) Be required to hold, process, identify, and prepare Wild game separately from all domestic animal carcasses, meat, meat food or meat food by-products;

(III) Labeled and identified as “wild game,” or by the species of wild game, “antelope,” “deer,” “elk,” “moose,” “bear,” etc.;

(IV) Store the heads, horns, capes, feet, skins, or any part thereof in closed containers and shall not create an offensive condition or odor; and

(V) Process wild game meat which is abandoned Pursuant to W.S. 23-3-303.

(b) All poultry slaughtered and processed for sale shall have antemortem and postmortem inspection and shall meet the requirements of 9 CFR 381, Subpart J Antemortem Inspection, Subpart K Postmortem Inspection; Disposition of Carcasses and Parts; except as specified in 9 CFR 381.6 Establishments Requiring Inspection and 9 CFR 381.10 Exemptions.

(c) A voluntary inspection program shall be administered and performed by the Wyoming department of agriculture and meeting the requirements of the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are "inspected and approved" in accordance with 9 CFR 352 Exotic Animals; Voluntary Inspection or rabbits that are "inspected and certified" in accordance with 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof shall be performed.

(d) An animal may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 Endangered and Threatened Wildlife and Plants.

(e) Meat or meat food products capable of use as human food shall meet the requirements specified in 9 CFR 325, Transportation.

Section 5. Rendering.

(a) Rendering of carcasses and parts shall be done in accordance with 9 CFR 315 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking.

Section 6. Additives.

(a) As specified in law including the Wyoming Food, Drug and Cosmetic Safety Act, W. S. 35-7-110 through 35-7-127, food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170-180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b) Food ingredients and sources of radiation, or pesticide residues that exceed provisions specified in 40 CFR 185 Tolerances for Pesticides in Food.

Section 7. Package Integrity.

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

Section 8. Fluid Milk and Milk Products.

(a) Fluid milk and milk products shall be obtained from sources that comply with Grade A standards as specified in the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance.

(b) Fluid and dry milk and milk products complying with Grade A standards as specified in United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance shall be obtained pasteurized.

(c) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 - Frozen Desserts.

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

(e) Grade A milk and milk for manufacturing purposes shall meet the requirements of the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Ordinance.

(f) Milk produced for processing and manufacturing into products for human consumption shall meet the requirements of the United States Department of Agriculture/Agriculture Marketing Service Milk for Manufacturing Purposes and its Production and Processing.

(g) Unpasteurized milk and products made from unpasteurized milk (except cheese qualifying under subsection (d)) may not be sold, delivered, served, or provided for human consumption.

(i) This subsection does not apply to individuals who obtain milk from animals owned by them, members of their family, or their employer and who furnish raw milk or products made from raw milk only to members of their family or non-paying guests.

Section 9. Fish.

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

(i) Commercially and legally caught or harvested; or

(ii) Approved by the regulatory authority.

Section 10. Molluscan Shellfish.

(a) Molluscan shellfish shall be obtained from sources which meet the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

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

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

Section 11. Shucked Shellfish, Packaging and Identification.

(a) Raw shucked shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the:

(i) Name, address, and certification number of the shucker-packer, or repacker, of the molluscan shellfish; and

(ii) The "sell by" date for packages with a capacity of less than one-half (2) gallon (1.87l) or the date shucked for packages with a capacity of one-half (2) gallon (1.87 l) or more.

(b) A package of raw shucked shellfish that does not bear a label or which bears a label which does not contain all the information as specified under Chapter 3, Section 11(a), shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

Section 12. Shellstock Identification.

(a) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list:

(i) Except as specified under Chapter 3, Section 12(c), 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 retagged and thereafter kept on file for ninety (90) days;

(ii) Except as specified in Chapter 3, Section 12(d), on each dealer's tag or label, the following information in the following order:

(A) The dealer's name and address, and the certification number assigned by the shellfish control authority;

(B) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested;

(C) The same information as specified for a harvester's tag under Chapter 3, Section 12(a)(i)(B)-(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.

(b) A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under Chapter 3, Section 12(a), shall be subject to a hold order pursuant to W.S. 35-7-114, or seizure and destruction in accordance with 21 CFR Subpart D -Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

(c) 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.

(d) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Chapter 3, Section 12 (a)(ii)(A) and (B), individual dealer tags or labels need not be provided.

Section 13. Shellstock, Condition.

(a) When received by an 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.

Section 14. Molluscan Shellfish, Original Container.

(a) Except as specified in Chapter 3, Section 14(b) and (c), molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service.

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

(i) The source of the shellstock on display is identified as specified under Chapter 3, Section 12, and recorded as specified under Chapter 3, Section 15; and

(ii) The shellstock are protected from contamination.

(c) Shucked shellfish may be removed from the container in which they were

received and held in a display container from which individual servings are dispensed upon a consumer's request if:

(i) The labeling information for the shellfish on display as specified under Chapter 3, Section 11, is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(ii) The shellfish are protected from contamination.

(d) Shucked shellfish may be removed from the container in which they were received and repacked in consumer self service containers where allowed by law if:

(i) The labeling information for the shellfish is on each consumer self service container as specified in Chapter 3, Section 11 and in Chapter 4, Section 1 (a) and (b) (i)-(v);

(ii) The labeling information as specified Chapter 3, Section 11 is retained and correlated with the date when, or dates during which, the shellfish are sold or served;

(iii) The labeling information and dates specified in Chapter 3, Section 14 (d) (ii) are maintained for 90 days; and

(iv) The shellfish are protected from contamination.

Section 15. Shellstock, Maintaining Identification.

(a) Except as specified under Chapter 3, Section 15(b)(ii), shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.

(b) The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety (90) calendar days from the dates of harvest:

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

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

(A) Preserves source identification by using a record keeping system as specified under Chapter 3, Section 15(b)(i); and

(B) Ensures that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers, different harvest dates, or different growing areas as identified on the tag or label before being ordered by the consumer.

Section 16. Eggs.

(a) Shell eggs shall conform to the requirements of 7 CFR 57 Inspection of Eggs (Egg Products Inspection Act), 7 CFR Part 56 Regulations Governing the Voluntary Grading of Shell Eggs and USDA AMS 56 U.S. Standards, Grades, and Weight Classes for Shell Eggs.

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

Section 17. Packaged and Unpackaged Food; Separation, Packaging, and Segregation.

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

(i) Except as specified in (i) (C) below, 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;

(C) Frozen, commercially processed and packaged raw animal food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.

(ii) Except when combined as ingredients, separating types of raw animal food 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;

(iii) Cleaning equipment and utensils as specified under Chapter 7, Section 1, and sanitizing as specified under Chapter 7, Section 17;

(iv) Except as specified in Chapter 3, Section 17(b), storing the food in packages, covered containers, or wrappings;

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

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

(vii) Storing damaged, spoiled, or recalled food being held in the food establishment as specified under Chapter 3, Section 22;

(viii) Separating fruits and vegetables, before they are washed as specified under Chapter 3, Section 40, from ready-to-eat food; and

(ix) The use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a food grade paper or cloth which will prevent contamination with lint or other foreign matter.

(b) Chapter 3, Section 17(a) (iv), does not apply to:

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

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

(iii) Food being cooled as specified under Chapter 3, Section 32(b) (ii); or

(iv) Shellstock.

Section 18. Preventing Contamination when Tasting.

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

Section 19. Temperature Requirements.

(a) Except as specified in Chapter 3, Section 19(b), refrigerated, potentially hazardous food shall be at a temperature of 41°F (5°C) or below when received.

(b) If a temperature other than 41°F (5°C) for a potentially hazardous food is specified in law governing its distribution, such as laws governing milk and molluscan shellfish, the food may be received at the specified temperature.

(c) Raw eggs shall be received in refrigerated equipment that maintains an ambient air temperature of 45ºF (7ºC) or less.

(d) Potentially hazardous food that is cooked to a temperature and for a time specified under Chapter 3, Section 41 through 43, and received hot shall be at a temperature of 135ºF (57.2ºC) or above.

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

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

Section 20. Protection from Unapproved Additives.

(a) Food shall be protected from contamination that may result from the addition of, as specified in Chapter 3, Section 6:

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

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

(b) A food employee may not:

(i) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B_1; or

(ii) Serve or sell food specified under Chapter 3, Section 20(b)(i), that is treated with sulfiting agents before receipt by the establishment, except that grapes need not meet this subparagraph.

Section 21. Food Contact with Equipment and Utensils.

(a) Food shall only contact surfaces of equipment and utensils that are cleaned as specified under Chapter 7, Section 1, of this Rule and sanitized as specified under Chapter 7, Section 15, of this Rule or single-service and single-use articles.

Section 22. Segregation and Location of Distressed Merchandise.

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

Section 23. Miscellaneous Sources of Contamination.

(a) Food shall be protected from contamination that may result from a factor or source not specified under Chapter 3, Sections 38 and 55.

Section 24. Linens and Napkins, Use Limitation.

(a) Linens and napkins may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

Section 25. Food Storage, Allowable Areas.

(a) Except as specified in Chapter 3, Section 25(b) and (c), food shall be protected from contamination by storing the food:

(i) In a clean, dry location;

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

(iii) At least six (6) inches (15 cm) above the floor.

(b) Food in packages and working containers may be stored less than six (6) inches (15 cm) above the floor on case lot handling equipment as specified under Chapter 6, Section 41.

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

Section 26. Food Storage, Prohibited Areas.

(a) Food may not be stored:

(i) In locker rooms;

(ii) In toilet rooms;

(iii) In dressing rooms;

(iv) In garbage rooms;

(v) In mechanical rooms;

(vi) Under sewer lines that are not shielded to intercept potential drips;

(vii) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;

(viii) Under open stairwells; or

(ix) Under other sources of contamination.

Section 27. 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 it's positioning in the ice or water.

(b) Except as specified in Chapter 3, Section 27(c) and (d), unpackaged food may not be stored in direct contact with undrained ice.

(c) Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

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

Section 28. Food Storage Containers, Identified with Common Name of Food.

(a) Working containers holding food or food ingredients that are removed from their original packages for use in the establishment, such as cooking oils, flour,

herbs, potato flakes, salt, spices, and sugar, shall be identified with the common name of the food except that containers holding food that can be readily and unmistakably recognized such as dry pasta need not be identified.

Section 29. Vended Potentially Hazardous Food, Original Container.

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

Section 30. Cooling, Heating, and Holding Capacities.

(a) Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under Chapter 3, Sections 31, 41, 42, 43, 46, and 51.

Section 31. Cooling Times and Temperatures.

(a) Cooked potentially hazardous food shall be cooled:

(i) Within two (2) hours, from 135°F (60°C) to 70°F (21°C); and

(ii) Within four (4) hours from 70°F (21°C) to 41°F (5°C) or less.

(b) Potentially hazardous food shall be cooled within four (4) hours to 41°F (5°C) or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) Except as specified in Chapter 3, Section 31(d), a potentially hazardous food received in compliance with laws allowing a temperature above 41°F (5°C) during shipment from the supplier as specified in Chapter 3, Section 19(b), shall be cooled within four (4) hours to 41°F (5°C) or less

(d) Raw eggs shall be received as specified under Chapter 3, Section 19(c) and immediately placed in refrigerated equipment that is capable of maintaining food at 41°F (5°C) or less.

Section 32. Cooling Methods.

(a) Cooling shall be accomplished in accordance with the time and temperature criteria specified under Chapter 3, Section 31, by using one or more of the

following methods based on the type of food being cooled:

(i) Placing the food in shallow pans;

(ii) Separating the food into smaller or thinner portions;

(iii) Using rapid cooling equipment;

(iv) Stirring the food in a container placed in an ice water bath;

(v) Using containers that facilitate heat transfer;

(vi) Adding ice as an ingredient; or

(vii) Other effective methods.

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

(i) Arranged in the equipment to provide maximum heat transfer through the container walls; and

(ii) Loosely covered, or uncovered if protected from overhead contamination as specified under Chapter 3, Section 25 (a)(ii), during the cooling period to facilitate heat transfer from the surface of the food.

Section 33. Frozen Food Storage.

(a) Stored frozen foods shall be maintained frozen.

Section 34. Parasite Destruction in Fish.

(a) Except as specified in Chapter 3, Section 34 (b), before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:

(i) -4°F (-20°C) or below for a minimum of one hundred sixty eight (168) hours (7 days) in a freezer; or

(ii) -31°F (-35°C) or below until solid and stored at -31°F (-35°C) or below for a minimum of fifteen (15) hours or;

(iii) -31°F (-35°C) or below until solid and stored at -4°F (-20°C) or below

for a minimum of 24 hours.

(b) Chapter 3, Section 34 (a) does not apply to:

(i) Molluscan shellfish;

(ii) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern); or

(iii) Aquacultured fish, such as salmon, that:

(A) If raised in open water, are raised in net-pens, or

(B) Are raised in land-based operations such as ponds or tanks, and

(C) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.

(D) Fish eggs that have been removed from the skein and rinsed.

Section 35. Records, Creation and Retention for Freezing Fish.

(a) Except as specified in Chapter 3, Section 35(b), if raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(b) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under Chapter 3, Section 34, may substitute for the records specified under Chapter 3, Section 35(a).

(c) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in Chapter 3, Section 34 (b) (i), a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in Chapter 3, Section 34 (b) (i) shall be obtained by the person in charge and retained in the records of the food establishment for 90 calendar days beyond the time of service or sale of the fish.

Section 36. Ice.

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

Section 37. Ice Used as Exterior Coolant, Prohibited as Ingredient.

(a) After use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.

Section 38. Food Preparation Preventing Contamination.

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

Section 39. Preventing Contamination from Hands.

(a) Food employees shall wash their hands as specified under Chapter 5.

(b) Except when washing fruits and vegetables as specified under Chapter 3, Section 40, or when otherwise approved, food employees may not contact exposed, ready-to-eat food with their bare hands through the use of suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

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

Section 40. 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 as specified in Chapter 3, Section 40(b), and except that whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

(b) Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 - Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

(c) Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in an establishment or processing plant shall meet the requirements specified in 21 CFR 173.368 Ozone.

Section 41. Raw Animal Foods, Heating Times and Temperatures.

(a) Except as specified under Chapter 3, Section 41(b) and (c), raw animal foods, such as eggs, fish, meat, poultry and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:

(i) 145°F (63°C) or above for 15 seconds for:

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

(B) Except as specified under Chapter 3, Section 41(a)(ii) and (iii) and (b), fish and meat including game animals commercially raised for food as specified under Chapter 3, Section 4(a) and (b), and game animals under a voluntary inspection program as specified under Chapter 3, Section 4(c);

(ii) 155°F (68°C) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified under Chapter 3, Section 4(a) and (b); game animals under a voluntary inspection program as specified under Chapter 3, Section 4(c); and raw eggs that are not prepared as specified under Chapter 3, Section 41(a)(i)(A):

(iii)

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

or

(iv) 165°F (74°C) or above for 15 seconds for poultry, wild game animals as specified under Chapter 3, Section 4(b) and (c), stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites or stuffing containing fish, meat, poultry or ratites.

(b) Whole meat roasts, including beef, corned beef, lamb, pork, and cured pork roasts such as ham, shall be cooked:

(i) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

Oven Type	**Oven Temperature Based on Roast Weight**	
	Less than 10 lbs (4.5 kg)	10 lbs (4.5 kg)
Still Dry	350ºF (177ºC) or more	250ºF (121ºC) or more
Convection	325ºF (163ºC) or more	250ºF (121ºC) or more
High Humidity[1]	250ºF (121ºC) or more	250ºF (121ºC) or more
[1]Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity		

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

Temperature ºF (ºC)	**Time[1] in Minutes**	**Temperature ºF (ºC)**	**Time[1] in Seconds**
130 (54.4)	112	146 (63.3)	169
131 (55.0)	89	147 (63.9)	134
132 (55.6)	71	148 (64.4)	107
133 (56.1)	56	149 (65.0)	85
134 (56.7)	45	150 (65.6)	67
135 (57.2)	36	151 (66.1)	54
136 (57.8)	28	152 (66.7)	43
137 (58.4)	23	153 (67.2)	34
138 (58.9)	18	154 (67.8)	27
139 (59.5)	15	155 (68.3)	22
140 (60.0)	12	156 (68.9)	17
141 (60.6)	9	157 (69.4)	14
142 (61.1)	8	158 (70.0)	0
143 (61.7)	6	159 (70.6)	0

144 (62.2)	5	160 (71.1)	0
145 (62.8)	4		
[1]*Holding time may include postoven heat rise.*			

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

(i) The establishment serves a population that is not a highly susceptible population;

(ii) The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as specified under Chapter 3, Section 1(e); and

(iii) The steak is cooked on both the top and bottom to a surface temperature of 145ºF (63ºC) or above and a cooked color change is achieved on all external surfaces.

(d) A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in Chapter 3, Section 41(c), may be served or offered for sale in a ready-to-eat form if:

(i) The food establishment serves a population that is not a highly susceptible population;

(ii) The food, if served or offered for service by consumer selection from a children's menu, shall not offer raw or undercooked comminuted meat; and

(iii) The food is prepared in response to a consumer's order and for immediate service; or

(iv) The regulatory authority grants a variance from Chapter 3, Section 41 (a) or (b), as specified in Chapter 1, Section 5(a), based on a HACCP plan that:

(A) Is submitted by the license holder and approved a specified under Chapter 1, Section 6;

(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 establishment meet the conditions of the variance.

Section 42. Raw Animal Food, Microwave Cooking.

(a) Raw animal food cooked in a microwave oven shall be:

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

(ii) Covered to retain surface moisture;

(iii) Heated to a temperature of at least 165°F (74°C) in all parts of the food; and

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

Section 43. Plant Food Cooking for Hot Holding.

(a) Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135ºF (57.2ºF).

Section 44. Non-Continuous Cooking of Raw Animal Foods.

(a) Raw animal foods that are cooked using a non-continuous cooking process shall be:

(i) Subject to an initial heating process that is no longer than sixty (60) minutes in duration;

(ii) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time /temperature control for safety food) under Chapter 3, Section 31(a);

(iii) After cooling, held frozen or cold, as specified for potentially hazardous food (time/temperature control for safety food) under Chapter 3, Section 51 (a)(ii);

(iv) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature of at least 165°F (74°C) for 15 seconds;

(v) Cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) under Chapter 3, Section 31(a) if not either hot held as specified under Chapter 3, Section 51 (a)(i), served immediately, or held using time as a public health control as specified under

Chapter 3, Section 62 after complete cooking; and

(vi) Prepared and stored according to written procedures that:

(A) Have prior approval from the regulatory authority;

(B) Are maintained in the food establishment and are available to the regulatory authority upon request;

(C) Describe how the requirements specified under Chapter 3, Section 45 (a) (i)-(v) are to be monitored and documented by the permit holder and the corrective actions to be taken if the requirements are not met;

(D) Describe how the foods, after initial heating but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified under Chapter 3, Section 45 (a) (iv) prior to being offered for sale or service; and

(E) Describe how the foods, after initial heating but prior to cooking as specified under Chapter 3, Section 45 (a)(iv), are to be separated from ready-to-eat foods as specified under Chapter 3, Section 17.

Section 45. Pasteurized Eggs, Substitute for Raw Eggs for Certain Recipes.

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

(i) Cooked as specified under Chapter 3, Section 41(a)(i) or (ii); or

(ii) Included in Chapter 3, Section 41(d).

Section 46. Reheating for Hot Holding.

(a) Except as specified under Chapter 3, Section 46 (b), (c), and (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 165°F (74°C) for fifteen (15) seconds.

(b) Except as specified under Chapter 3, Section 46 (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 165°F (74°C) 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 processing plant that is inspected by the regulatory authority shall be heated to a temperature of at least 135ºF (57.2ºF) for hot holding.

(d) Reheating for hot holding as specified in (a)-(c) of this Section shall be done rapidly and the time the food is between the temperature specified under Chapter 3, Section 51 (a)(ii), and as specified in (a)-(c) of this Section may not exceed two (2) hours.

(e) Remaining unsliced portions of meat roasts that are cooked as specified under Chapter 3, Section 41(b), may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Chapter 3, Section 41(b).

Section 47. Reheating for Immediate Service.

(a) Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

Section 48. Food Temperature Measuring Devices.

(a) Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under Chapter 3.

(b) A temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.

Section 49. Thawing Potentially Hazardous Foods.

(a) Except as specified in Chapter 3, Section 49 (a)(iv), potentially hazardous food shall be thawed:

(i) Under refrigeration that maintains the food temperature at 41°F (5°C) or less); or

(ii) Completely submerged under running water:

(A) At a water temperature of 70°F (21°C) or below;

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

(C) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F (5°C); or

(D) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under Chapter 3, Section 41(a) or (b), to be above 41°F (5°C) for more than four (4) hours including:

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

(II) The time it takes under refrigeration to lower the food temperature to 41°F (5°C).

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

(A) Cooked as specified under Chapter 3, Section 41(a) or (b), or Chapter 3, Section 42; or

(B) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or

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

Section 50. Potentially Hazardous Food, Slacking.

(a) Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:

(i) Under refrigeration that maintains the food temperature at 41°F (5°C) or less; or

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

Section 51. Potentially Hazardous Food, Hot and Cold Holding.

(a) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under Chapter 3, Section 62, potentially hazardous food shall be maintained:

(i) At 135ºF (57.2ºC) or above, except that roasts cooked to a temperature and for a time specified under Chapter 3, Section 41(b), or reheated as specified in Chapter 3, Section 45(e), may be held at a temperature of 130°F (54°C) or above; or

(ii) At 41°F (5°C) or less.

(b) Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of or less.

Section 52. 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 packages or provided in dispensers that are filled at an approved location, such as the establishment that provides food to the vending machine location, a processing plant, or a properly equipped facility that is located on the site of the vending machine location.

Section 53. Utensils, Consumer Self-Service.

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

Section 54. Using Clean Tableware for Second Portions and Refills.

(a) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.

(b) Except as specified in Chapter 3, Section 54 (c), self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.

(c) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under Chapter 6, Section 30 (a)(i)(ii), and (iv).

Section 55. In-Use Utensils, Between-Use Storage.

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

(i) Except as specified under Chapter 3, Section 55 (a) (ii), in the food with their handles above the top of the food and the container;

(ii) In food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;

(iii) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment is cleaned and sanitized at a frequency specified under Chapter 7, Sections 1 and 16;

(iv) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;

(v) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous; or

(vi) In a container of water if the water is maintained at a temperature of at least 135ºF (57.2ºC) and the container is cleaned at a frequency specified under Chapter 7, Section 1(d) (vii).

Section 56. Refilling Returnables.

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

(b) Except as specified in Chapter 3, Section 56 (c), a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified under Chapter 7, Section 37(b).

(c) Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under Chapter 6, Section 30(a)(i), (ii) and (iv).

Section 57. Returned Food, Re-Service or Sale.

(a) Except as specified Chapter 3, Section 57 (b), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.

(b) Except as specified under Chapter 3, Section 69, a container of food that is not potentially hazardous may be transferred from one consumer to another if:

(i) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or

(ii) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

Section 58. Food Display Protection.

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

Section 59. Consumer Self-Service Operations.

(a) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to:

(i) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;

(ii) Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats, consumer-selected ingredients for Mongolian barbecue; or

(iii) Raw, frozen, shell-on shrimp or lobster.

(b) Consumer self-service operations for ready-to-eat foods shall provide 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.

Section 60. Ready-to-Eat, Potentially Hazardous Food, Date Marking.

(a) Except when packaging food using a reduced oxygen packaging method as specified in Chapter 3, Section 64, and except as specified in Chapter 3, Section 60 (d), refrigerated, ready-to-eat, potentially hazardous food prepared and held in an establishment for more than twenty four (24) hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature specified in Chapter 3, Section 51 (a) (ii) and the times noted below. The day of preparation shall be counted as Day 1.

(i) A maximum of seven (7) days at 41°F (5°C) or less

(b) Except as specified in Chapter 3, Section 60 (d) and (e), if the food is held for more than twenty four (24) hours refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by a processing plant shall be clearly marked, at the time the original container is opened in an establishment to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in Chapter 3, Section 60 (a); and

(i) The day the original container is opened in the establishment shall be counted as Day 1; and

(ii) The day or date marked by the establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

(c) A refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

(d) A date marking system that meets the criteria stated in Chapter 3, Section 60 (a) and (b) may include:

(i) Using a method approved by the regulatory authority for refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

(ii) Marking the date or day of preparation, with a procedure to discard the food or on before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified in (a) of this Section;

(iii) Marking the date or day the original container is opened in

a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified in (b) of this Section; or

(iv) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.

(e) Chapter 3, Section 60 (a) and (b), do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(f) Chapter 3, Section 60 (b) does not apply to the following foods prepared and packaged by a food processing plant inspected by a regulatory authority:

(i) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110 Current good manufacturing practice in manufacturing, packing, or holding human food;

(ii) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133 Cheeses and related cheese products, such as cheddar, gruyere, parmesan and reggiano, and romano*;*

(iii) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133 Cheeses and related cheese products, such as blue, edam, gorgonzola, gouda, and monterey jack;

(iv) Cultured dairy products as defined in 21 CFR 131 Milk and cream, such as yogurt, sour cream, and buttermilk;

(v) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114 Acidified foods;

(vi) Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317 Labeling, marking devices, and containers, and which retain the original casing on the product; and

(vii) Shelf stable salt-cured products such as prosciutto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 CFR 317 Labeling, marking devices, and containers.

Section 61. Ready-to-Eat, Potentially Hazardous Food, Disposition.

(a) A food specified under Chapter 3, Section 60 (a) or (b), shall be

discarded if it:

(i) Is in a container or package that does not bear a date or day; or

(ii) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Chapter 3, Section 51.

(b) Refrigerated, ready-to-eat, potentially hazardous food prepared in an establishment or processing plant and dispensed through a vending machine with an automatic shut-off control shall be discarded if it exceeds a temperature and time combination as specified in Chapter 3, Section 51.

Section 62. Time as a Public Health Control.

(a) Except as specified in Chapter 3, Section 62 (d), if time only, 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:

(i) Written procedures shall be prepared in advance, maintained in the establishment and made available to the regulatory authority upon request, that specify:

(A) Methods of compliance with Chapter 3, Section 61 (b) (i)-(iii) or (c) (i)-(v); and

(B) Methods of compliance with Chapter 3, Section 31 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

(b) If time only, rather than time in conjunction with temperature control, up to a maximum of 4 hours, is used as the public health control:

(i) The food shall have an initial temperature of 41ºF (5ºC) or less if removed from cold holding temperature control or 135ºF (57ºC) or greater if removed from hot holding temperature control:

(ii) 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;

(iii) 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;

(iv) The food in unmarked containers or packages or marked to exceed

a four (4) hour limit shall be discarded.

(c) If time only, rather than time in conjunction with temperature control, up to a maximum of 6 hours, is used as the public health control:

(i) The food shall have an initial temperature of 41ºF (5ºC) or less when removed from temperature control and the food temperature may not exceed 70ºF (21ºC) within a maximum time period of 6 hours;

(ii) The food shall be monitored to ensure the warmest portion of the food does not exceed 70ºF (21ºC) during the 6-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 70ºF (21ºC) during the 6-hour holding period;

(iii) The food shall be marked or otherwise identified to indicate:

(A) The time when the food is removed from 41ºF (5ºC) or less cold holding temperature control, and

(B) The time that is 6 hours past the point in time when the food is removed from cold holding temperature control;

(iv) The food shall be:

(A) Discarded if the temperature of the food exceeds 70°F (21°C), or

(B) Cooked and served, served if ready-to-eat, or discarded within a maximum of 6 hours from the point in time when the food is removed from 41ºF (5ºC) or less cold holding temperature control; and

(v) The food in unmarked containers or packages, or marked with a time that exceeds the 6-hour limit shall be discarded.

(d) A food establishment that serves a highly susceptible population may not use time as specified in Chapter 3, Section 62 (a)-(c) as the public health control for raw eggs.

Section 63. Variance Requirement.

(a) An establishment or processing plant shall obtain a variance from the regulatory authority as specified in Chapter 1, Section 6, and under Chapter 1, Section 7, before:

(i) Smoking food as a method of food preservation rather than as a method of flavor enhancement;

(ii) Curing food;

(iii) Using food additives or adding components such as vinegar:

(A) As a method of food preservation rather than as a method of flavor enhancement, or

(B) To render a food so that it is not potentially hazardous;

(iv) Packaging food using a reduced oxygen packaging method except where the growth of and toxin formation by *Clostridium botulinum* and the growth of Listeria monocytogenes are controlled as specified under Chapter 3, Section 64;

(v) Operating a molluscan shellfish life-support system display tank used to store or display shellfish that are offered for human consumption;

(vi) Custom processing animals that are for personal use as food and not for sale or service in an establishment or processing plant;

(vii) Preparing food by another method that is determined by the regulatory authority to require a variance; or

(viii) Sprouting seeds or beans.

Section 64. Reduced Oxygen Packaging without a variance, Criteria.

(a) Except for an establishment or processing plant that obtains a variance as specified under Chapter 3, Section 63, an establishment or processing plant that packages potentially hazardous food using a reduced oxygen packaging method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.

(b) An establishment or processing plant that packages potentially hazardous food using a reduced oxygen packaging method shall have a HACCP plan that contains the information specified under Chapter 10, Section 2(a)(iv), and that:

(i) Identifies the food to be packaged;

(ii) Except as specified in (c) and (e) and as specified in (d) of this Section, requires that the packaged food shall be maintained at 41ºF (5ºC) or less and meet at least one of the following criteria:

(A) Has an a_w of 0.91 or less;

(B) Has a pH of 4.6 or less;

(C) Is a meat or poultry product cured at a food processing plant regulated by the U.S.D.A. using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation and is received in an intact package; or

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

(iii) 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 41ºF (5ºC) 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;

(iv) Limits the refrigerated shelf life to no more than fourteen (14) calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's “sell by" or "use by" date, whichever occurs first;

(v) Includes operational procedures that:

(A) Prohibit contacting ready-to-eat food with bare hands as specified under Chapter 3, Section 39 (b);

(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 limited to responsible trained personnel familiar with the potential hazards of the operation; and

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

(vi) 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 under Chapter 3, Section 64(a)(vi), and Chapter10, Section 2(a)(iv).

(c) Except for fish that is frozen before, during, and after packaging, an establishment may not package fish using a reduced oxygen packaging method.

(d) Except as specified in (c) of this Section, an establishment or processing plant that packages food using a cook-chill or sous vide process shall:

(i) Implement a HACCP plan that contains the information as specified in Chapter 10, Section 2 (iv);

(ii) Ensure the food is:

(A) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the packaged product to another business entity or the consumer,

(B) Cooked to heat all parts of the food to a temperature and for a time as specified in Chapter 3, Section 41,

(C) Protected from contamination before and after cooking,

(D) Placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below 135°F (57°C),

(E) Cooled to 41°F (5°C) in the sealed package as specified in Chapter 3, Section 31 and subsequently:

(I) Cooled to 34°F (1°C) within 48 hours of reaching 41°F (5°C); and held at that temperature until consumed or discarded within 30 days after the date of packaging;

(II) Cooled to 34°F (1°C) within 48 hours of reaching 41°F (5°C), removed from refrigeration equipment that maintains a 34°F (1°C) food temperature and then held at 41°F (5°C) or below for no more than 72 hours, at which time the food must be consumed or discarded.

(III) Cooled to 38°F (3ºC) or less within 24 hours of reaching 41ºF (5ºC) and held there for no more than 72 hours from packaging, at which time the food must be consumed or discarded; or

(IV) Held frozen with no shelf life restriction while frozen until consumed or used.

(F) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,

(G) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation, and

(H) Labeled with the product name and the date packaged; and

(iii) The records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP plan, are maintained and:

(A) Make such records available to the regulatory authority upon request, and

(B) Hold such records for at least 6 months; and

(iv) Implement written operational procedures as specified in (b) (v) of this Section and a training program as specified in (b) (vi) of this Section.

(e) An establishment that packages cheese using a reduced oxygen packaging method shall:

(i) Limit the cheeses packaged to those that are commercially manufactured in a processing plant with no ingredients added in the establishment and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;

(ii) Have a HACCP plan that contains the information specified in Chapter 10, Section 2 (a) (iv) and as specified under (b)(i), (b)(iii)(A) and (b)(vi) of this Section;

(iii) Labels the package on the principal display panel with a "use by" date that does not exceed 30 days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and

(iv) Discards the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.

Section 65. Standards of Identity, Date Information.

(a) Packaged food shall comply with standard of identity requirements as specified in law including the Wyoming Food, Drug and Cosmetic Safety Act, W. S. 35-7-110 through 35-7-127, 21 CFR 131-169 and 9 CFR 319 Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR 130 - Food Standards: General and 9 CFR 319 Subpart A - General.

(b) Food establishment or manufacturers' dating information on foods may not be concealed or altered and must comply with law including the Wyoming Food, Drug and Cosmetic Safety Act, W. S. 35-7-110 through 35-7-127

Section 66. Honestly Presented.

(a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer and as specified in law including the Wyoming Food, Drug and Cosmetic Safety Act, W. S. 35-7-110 through 35-7-127.

(b) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food and as specified in law including the Wyoming Food, Drug and Cosmetic Safety Act, W. S. 35-7-110 through 35-7-127.

Section 67. Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.

(a) Except as specified in Chapter 3, Section 41 (c) and (d) (iv) and in Chapter 3, Section 69 (a) (iii), if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens either in ready-to-eat form or as an ingredient in another ready-to-eat food, the license holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in (b) and (c) of this section using brochures, deli case or menu advisories, label statements, table tents, placards or other effective written means.

(b) Disclosure shall include:

(i) A description of the animal-derived foods, such as “oysters on the half shell (raw oysters)” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order)”; or

(ii) Identification of the animal-derived food by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may

contain) raw or undercooked ingredients.

(c) Reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:

(i) Written information is available upon request regarding the safety of these items;

(ii) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of food borne illness; or

(iii) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of food borne illness, especially if you have certain medical conditions.

Section 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 an approved procedure or discarded.

(b) Food that is not from an approved source as specified under Chapter 3, Sections 1-4 and 8-10, shall be discarded.

(c) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under Chapter 1, Section 13, shall be discarded.

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

Section 69. Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(a) In an establishment that serves a highly susceptible population:

(i) The following criteria apply to juice:

(A) For the purposes of this paragraph only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

(B) Prepackaged juice or a prepackaged beverage containing

juice that bears a warning label as specified in 21 CFR, Section 101.17(g) Food Labeling, or a packaged juice or beverage containing juice, that bears a warning label as specified under Chapter 3, Section 76 (a) (ii) may not be served or offered for sale; and

(C) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan that contains the information specified under Chapter 10, Section 2 (a)(ii)-(v) and as specified in 21 CFR Part 120 - Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.24 Process controls.

(ii) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of:

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

(B) Except as specified in Chapter 3, Section 69 (v), recipes in which more than one egg is broken and the eggs are combined;

(iii) The following foods may not be served or offered for sale in a ready-to-eat form:

(A) Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare;

(B) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue; and

(C) Raw seed sprouts.

(iv) Time only, as the public health control as specified in Chapter 3, Section 62 (d), may not be used for raw eggs.

(v) Chapter 3, Section 69 (a) (ii)(B), does not apply if:

(A) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified in Chapter 3, Section 41(a)(i), and served immediately, such as an omelet, soufflé, or scrambled eggs;

(B) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or

(C) The preparation of the food is conducted under a HACCP plan that:

(I) Identifies the food to be prepared;

(II) Prohibits contacting ready-to-eat food with bare hands;

(III) Includes specifications and practices that ensure:

(1.) *Salmonella enteritidis* growth is controlled before and after cooking; and

(2.) *Salmonella enteritidis* is destroyed by cooking the eggs according to the temperature and time specified in Chapter 3, Section 41(a)(ii);

(IV) Contains the information specified in Chapter 10, Section 2(a)(iv), including procedures that:

(1.) Control cross contamination of ready-to-eat food with raw eggs; and

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

(V) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

Section 70. Extraction of Honey.

(a) Honey should be extracted only from combs free from blood of the bees or the larvae of the wax moth, and combs that are properly capped.

(i) Combs from colonies containing dead adults or larvae, pesticides, antibiotics or any other adulterants shall not be extracted.

Section 71. Pumping Honey.

(a) Before pumping honey, it shall first be strained through a screen of at least eight mesh to the inch, or pumped from a baffled sump tank which provides a constant supply of honey for the pump.

Section 72. Honey Grading.

(a) All honey or honey product sold or offered for sale or grade shall conform to the grading requirements of 50 FR 15861 United States Standards for Grades of Extracted Honey or 32 FR 7565 United States Standards for Grades of Comb Honey for the specific grade to which reference is made.

Section 73. Meat and Poultry Establishment Processing Requirements.

(a) Meat and poultry products processed in an official establishment shall meet the requirements of 9 CFR 318 Products and Other Articles Entering Official Establishments, 319 Definitions and Standards of Identity or Composition, and 381 Poultry Products Inspection Regulations, Subpart O- Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements, and Subpart P- Definitions and Standards of Identity or Composition.

Section 74. Tagging Food Products, "Wyoming Retained."

(a) Any food product suspected of being adulterated or in any way unfit for human food may be tagged with a "Wyoming Retain" tag by the regulatory authority.

(i) The regulatory authority shall:

(A) Record the tag number; and

(B) The kind and amount of the food product retained.

(ii) The retain tag shall:

(A) Accompany the food product to the room in which it is retained for final inspection; and

(B) Not be removed except under the following condition:

(I) When the final inspection is made, if the food product is an inspected meat product the disposition shall be determined by the regulatory authority.

(iii) The regulatory authority shall make a complete record of the transaction.

(iv) If, upon final inspection, the food product is passed for food, the regulatory authority shall remove the retain tag and record the transaction.

(c) No meat food product which does not meet the requirements of the

Federal Meat Inspection Act, the Poultry Products Inspection Act, or 9 CFR 300 to End, may be prepared or sold.

(i) Any meat food product found to violate subsection (b) may be tagged with a "Wyoming Retain" tag by the regulatory authority;

(ii) The retained product shall not be sold or disposed of until an investigation is performed by the regulatory authority; and

(iii) The "Wyoming Retain" tag shall only be removed by the regulatory authority.

Section 75. Juice Treated.

(a) Pre-packaged juice shall:

(i) Be obtained from a processor with a HACCP system as specified in 21 CFR 120;

(ii) Be obtained pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24; or

(iii) Bear a warning label as specified in 21 CFR Section 101.17(g).

Section 76. Treating Juice.

(a) Juice packaged in an establishment or processing plant shall be:

(i) Treated under a HACCP plan as specified in Chapter 10, Section 2(a)(ii)-(v) to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; or

(ii) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of pubic health significance:

(A) As specified under Chapter 4, and

(B) As specified in 21 CFR 101.17(g) with the phrase, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

CHAPTER 4

LABELING

Section 1. Labels.

(a) Food packaged in an establishment or processing plant shall be labeled as specified in law, including 21 CFR 101 Food Labeling and 9 CFR 317 Labeling, Marking Devices, and Containers.

(b) Label information shall include:

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

(ii) 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;

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

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

(v) 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;

(vi) For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin; and

(vii) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.

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

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

(ii) A card, sign, or other method of notification that includes the

information specified under Chapter 4, Section 1(b) (i), (ii), and (v).

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

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

(ii) There are no state or local laws requiring labeling; and

(iii) The food is manufactured or prepared on the premises of the establishment or processing plant or at another establishment or a processing plant that is owned by the same person and is regulated by the regulatory authority.

Section 2. Other Forms of Information.

(a) If required by law, consumer warnings shall be posted.

(b) Establishment, processing plant, or manufacturers' dating information on foods may not be concealed or altered.

Section 3. Country of Origin Food Labeling; Requirements and Inspections.

(a) Pursuant to 7 CFR 60 Country of Origin Labeling for Fish and Shellfish and 7 CFR 65 Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Macadamia Nuts, and Peanuts, every Perishable Agricultural Commodities Act (PACA) licensed retailer who sells or offers for sale in this state is required to notify customers of the country of origin of covered commodities.

(i) "Covered Commodities" include raw muscle cuts of beef (including veal), lamb, chicken, goat and pork; ground beef, lamb, pork, goat and chicken; wild and farm-raised fish and shellfish; perishable agricultural commodities; macadamia nuts, pecans, peanuts, and ginseng.

(A) Covered commodities are excluded from this part if the commodity is a processed food.

(ii) "Perishable agricultural commodity" means fresh and frozen fruits and vegetables of every kind and character which have not been manufactured into articles of a different kind or character, including cherries in brine.

(iii) "Processed food item" means a retail item derived from a covered commodity that has undergone specific processing resulting in a change in the character of the covered commodity, or that has been combined with at least one (1) other covered

commodity or other substantive food component (e.g., chocolate, breading, sauces), except that the addition of a component (such as water, salt or sugar) would not in itself result in a processed food item. Specific processing that results in a change in the character of the covered commodity includes cooking, curing, smoking and restructuring.

(iv) "Retailer" as defined by the Perishable Agricultural Commodities Act (PACA) of 1930 refers only to retailers handling fresh and frozen fruits and vegetables with an invoice value of at least $230,000.00 annually. Those retailers are required to be licensed under PACA.

(v) "Wholesaler" any establishment that supplies retailers with one or more of the covered commodities and will be required by retailers to provide country of origin and, if applicable, method of production information so that the retailers can accurately supply that information to customers.

(b) The following labeling is required:

(i) Country of origin declarations which can be in the form of a placard, sign, label, sticker, band twist tie, pin tag, or other format which allows consumers to identify the country of origin.

(A) The declaration of the country of origin of a product may be in statement form such as “Product of the USA”, “Produce of the USA”, or “Grown in Mexico”, may state the country of origin only, such as USA or Canada; or may be indicated by a check box.

(B) The declaration of the country of origin must be legible and in a conspicuous location, which makes it likely to be read and understood by the customer under normal conditions of purchase.

(C) The declaration of country of origin may be typed, printed, or handwritten and must not obscure other labeling information.

(D) Bulk containers such as display cases, shipper containers, bins, cartons and barrels used at retail level to present product to consumers, may contain covered commodities from more than one country of origin provided all possible country of origins are listed.

(E) Only those country abbreviations approved for use under Customs and Border Protection rules, regulations and policies, such as “UK” for “The United Kingdom of Great Britain and Northern Ireland”, “Luxemb” for Luxembourg, and “U.S.” or “USA” for the “United States of America” are acceptable.

(I) Symbols or flags may be used to denote country of origin with or as part of a proper label.

(F) Domestic perishable agricultural commodities, peanuts, pecans, macadamia nuts and ginseng may use abbreviated U.S. state declarations as long as the federal Country Of Origin Labeling (COOL) regulations are followed and the official U.S. Postal Service abbreviations are used.

(G) Method of production for fish and shellfish can also be declared on the form described in Chapter 4, Section 3 (b) (i). Acceptable forms of production designations include, “wild caught”, “wild”, “farm-raised”, or “farmed”.

(I) Method of production designations of “ocean caught”, “caught at sea”, “line caught”, “cultivated”, or “cultured”, are not acceptable.

(c) The following record keeping is required:

(i) All records must be legible and may be maintained in either electronic or hard copy formats. Due to the variation in inventory and recordkeeping systems, various forms are acceptable.

(ii) Meat suppliers and retailers shall make records maintained in the normal course of business that verify an origin claim available to the director, upon request.

(A) Such records shall be provided within 5 business days of the request.

(iii) A supplier that provides a covered commodity to a retailer, whether directly or indirectly, must provide the country (ies) of origin information for covered commodities.

(iv) Country of origin labeling records, including pre-labeled consumer packages or master containers, must contain information identifying the retail supplier, the product, the country (ies) of origin and method of production (if applicable) tracking, linking the documentation to the covered commodity.

(A) Acceptable forms of tracking include:

(I) Invoices;

(II) Bills of lading; or

(III) Purchase orders; which must contain:

(1.) Purchase order number;

(2.) Date;

(3.) Product unique identifier, best by date, or lot number; and

(4.) Package size, brand name, etc.

(v) All records that identify a covered commodity shall be maintained for a period of one (1) year from the date the retailer makes the country of origin declaration.

(d) Inspectors of the Wyoming Department of Agriculture shall, as part of their routine evaluations of retail establishments, inspect the covered commodity declarations of country of origin and method of production, including the records maintained for covered commodities.

Section 4. Exemptions to Country of Origin Labeling.

(a) Exemptions to the country of origin labeling requirements are found in 7 CFR 65.140 Food Service Establishment and 7 CFR 65.220 Processed Food Item.

(b) Retailers not required to be PACA licensed are exempt from Section 3 above.

Section 5. Official Marks, Devices, Marking Products and Their Containers.

(a) The official inspection legend, marks, devices and certificates required by 9 CFR 312 Official Marks, Devices and Certificates, as amended, and 9 CFR 316 Marking Products and Their Containers, as amended, shall be applied and used on inspected and passed carcasses and parts of carcasses of cattle, sheep, swine and goats, meat food products in animal casings, and other products as approved by the director and shall be in the appropriate form.

(i) Meat inspection stamps which contain the words "Wyoming Inspected and Passed" and "Wyoming Inspected and Condemned" shall be provided by the Wyoming Department of Agriculture to all establishments which have been approved and granted state meat or poultry inspection service by the department.

(b) The use of the inspection legend is prohibited except under supervision of the director.

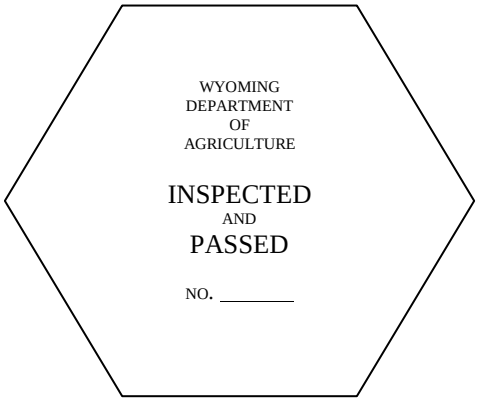
(i) No person shall affix or place or cause to be affixed or place the inspection legend, or any abbreviation, copy or representation thereof, to or on any product or container thereof except under the supervision of the director; and

(ii) No person shall fill or cause to be filled in whole or in part with any product, any container bearing or intended to bear the inspection legend or any abbreviation, copy or representation thereof, except under the supervision of the director.

(c) Brands and marking devices shall be approved by the director, and strict control of brands shall be maintained.

(i) The department shall furnish or have approved such ink brands, burning brands and like devices for marking products as the director may require.

(A) The mark of inspection on such a device shall be in the following form as a facsimile of one of the official brands using the size best suited for the purpose intended:



(ii) In advance of manufacture, brands and marking devices shall:

(A) Have complete and accurate descriptions and designs as specified in Chapter 4, Section 4(c) (i) (A), submitted to and approved by the director;

(B) Every such brand and device which bears the inspection legend shall be delivered into the custody of the Wyoming Department of Agriculture;

and

(C) Be used only under the supervision of the Wyoming Department of Agriculture;

(iii) When not in use for marking inspected and passed product, all such brands and devices bearing the inspection legend shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of the regulatory authority.

(d) No person shall remove or cause to be removed from an official establishment any article which this Rule requires to be marked.

(e) Branding ink shall be:

(i) Furnished by the official establishment for marking product;

(ii) Made with harmless ingredients that are approved by the Wyoming Department of Agriculture; and

(iii) Of proper color.

(f) Brands or marking devices shall be of such style and type as will make a clear and legible impression as determined by the Wyoming Department of Agriculture.

(g) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the inspection legend in accordance with 9 CFR 316 Marking Products and Their Containers and 9 CFR 381, Subpart M-Official Marks, Devices and Certificates; Export Certificates; Certification Procedures.

(h) The official inspection legend, marks, devices and certificates required by 9 CFR 352 Exotic Animals; Voluntary Inspection or 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof shall be applied and used on inspected and passed carcasses and parts of carcasses of exotic animals or rabbits as approved by the director and shall be in the appropriate form.

(i) The specific requirements for use of an official mark of inspection shall be the same as Section 5 (a)-(g) above and Section 6 below.

Section 6. Specific Labeling Requirements for Inspected and Passed Meat and Poultry Products, Label Contents and Approval.

(a) Any inspected and passed meat or poultry product placed or packed in any

can, pot, tin, canvas or other receptacle or covering constituting an immediate or true container shall be labeled as specified in this Rule, or in law, including 9 CFR 317 Labeling, Marking Devices and Containers and 9 CFR 381, Subpart N-Labeling and Containers.

(b) Labels shall be approved by the director.

(i) No label shall be used on any product until it has been approved in its final form by the director.

(A) The label shall be submitted in triplicate to the director for approval; and

(B) The label shall be submitted as it appears in its final form.

(ii) Inserts, tags, liners, posters and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be:

(A) Submitted for approval in the same manner as provided for labels in Chapter 4, Section 6 (b) (i), except that:

(I) Inspectors may permit use of such devices which contain no reference to product and bear no misleading feature.

(iii) The inspector may permit the use of approved labels or other marking modifications provided the labeling or marking as modified is so used as not to be false or deceptive.

(iv) Approved labels shall only be used on:

(A) Products to which they are applicable; and

(B) Products for which they are approved.

Section 7. Ungraded Eggs.

(a) A person selling ungraded eggs in Wyoming shall follow the requirements for an exempt producer as defined in 7 CFR 57, Inspection of Eggs (Egg Products Inspection Act).

(b) Any person selling ungraded, uninspected eggs in Wyoming shall:

(i) Label the carton:

(A) Ungraded eggs;

(B) Include the name and address of the exempt producer; and

(C) Include a packing date and the statement "Keep Refrigerated."

(c) Reuse of cartons:

(i) Only cartons that are clean and in good condition may be reused;

(ii) Cartons with a USDA Grade shield shall not be reused; and

(iii) All wording and dates on reused cartons shall be completely marked out.

Section 8. Bottled Water Labeling Requirements.

(a) All bottled water shall conform to 21 CFR 101 Food Labeling and be labeled in compliance with the following standards:

(i) Mineral water may be labeled "mineral water," or "natural mineral water."

(ii) Spring water may be labeled "spring water" or "natural spring water."

(iii) Water containing carbon dioxide that emerges from the source and is bottled directly with its entrapped gas or from which the gas is naturally occurring in the water may bear on its label the words "naturally carbonated" or "naturally sparkling."

(iv) Bottled water which contains carbon dioxide other than that which is naturally occurring in the source of the product shall be labeled with the words "carbonated" or "sparkling" when the carbonation is obtained from a natural or manufactured source.

(v) Well water may be labeled "well water" or "natural well water."

(vi) Artesian water may be labeled "artesian water," "natural artesian water," "well water" or "natural well water."

(vii) Purified water shall be labeled "purified water" and the method of preparation shall be stated on the label. However, nothing contained herein shall preclude

labeling purified water produced by distillation as "distilled water."

(viii) Drinking water may be labeled "drinking water."

(ix) Any bottler, distributor or vendor of bottled water whose corporate name, brand name or trademark contains the words "spring," "springs," "well," "artesian well," "mineral" or "natural" or any derivative of those words shall label each bottle with the source of the water in type face at least equal to the size of the type face of the corporate name or trademark, if the source of the bottled water is different from the source stated in the corporate name, brand name or trademark.

(x) The use of words "spring," "spring fresh," "spring brand," "spring type," or other language containing the word "spring" to describe water that is not spring water as defined herein shall be prohibited.

(xi) A product meeting more than one definition may be identified by any of the applicable product names, except where otherwise specifically prohibited.

(xii) Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but shall not imply properties of the product or preparation methods which are not factual.

CHAPTER 5

PERSONAL HYGIENE

Section 1. Employee Health.

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

Section 2. Clean Condition.

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

Section 3. Cleaning Procedure.

(a) Except as specified in Chapter 5, Section 3 (d), food employees shall clean their hands and exposed portions of their arms (or surrogate prosthetic devices for hands or arms) for at least 20 seconds, using a cleaning compound in a lavatory that is equipped as specified under Chapter 8, Section 55(a)

(b) Food employees shall use the following cleaning procedure:

(i) Administering vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands and arms (or by vigorously rubbing the surrogate prosthetic devices for hands or arms) for at least 10 to 15 seconds, followed by;

(ii) Thorough rinsing under clean, running warm water; and

(iii) Immediately follow the cleaning procedure with thorough drying of cleaned hands and arms (or surrogate prosthetic devices) using a method as specified in Chapter 8, Section 58.

(c) Food employees shall pay particular attention to the areas underneath the fingernails during the cleaning procedure.

(d) An automatic handwashing facility, capable of removing the types of soils encountered in the food operations involved and approved by the Department, may be used by food employees to clean their hands or surrogate prosthetic devices.

Section 4. When To Wash.

(a) Food employees shall clean their hands and exposed portions of their arms as specified under Chapter 5, Section 3, immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

(i) After touching bare human body parts other than clean hands and clean, exposed portions of arms;

(ii) After using the toilet room;

(iii) After caring for or handling service animals or aquatic animals as specified in Chapter 5, Section 9(e);

(iv) Except as specified in Chapter 5, Section 9 (b) (i), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;

(v) After handling soiled equipment or utensils;

(vi) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;

(vii) When switching between working with raw food and working with ready-to-eat food;

(viii) Before donning gloves for working with food;

(ix) After dressing or handling diseased carcasses, inedibles, viscera, or paunches; and

(x) After engaging in other activities that contaminate the hands.

Section 5. Where To Wash.

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

Section 6. Hand Antiseptics.

(a) A hand antiseptic used as a topical application, a hand antiseptic solution

used as a hand dip, or a hand antiseptic soap shall:

(i) Comply with one of the following:

(A) Be an approved drug that is listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness; or

(B) Have active antimicrobial ingredients that are listed in:

(I) The FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash; and

(ii) Comply with one of the following:

(A) Have components that are exempted from the requirement of being listed in federal Food Additive regulations as specified in 21 CFR 170.39 - Threshold of regulation for substances used in food-contact articles; or

(B) Comply with and be listed in:

(I) 21 CFR 178- Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as an additive with conditions of safe use; or

(II) 21 CFR 182 - Substances Generally Recognized as Safe, 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food; and

(iii) Be applied only to hands that are cleaned as specified under Chapter 5, Section 3.

(b) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Chapter 5, Section 6(a), use shall be:

(i) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

(ii) Limited to situations that involve no direct contact with food by the bare hands.

(c) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred (100) mg/l chlorine.

Section 7. Gloves, Use Limitation.

(a) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

(b) Except as specified in Chapter 5, Section 7(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 as specified under Chapter 3, Section 41, such as frozen food or a primal cut of meat.

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

(d) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under Chapter 3, Section 41, such as frozen food or a primal cut of meat.

Section 8. Clothing.

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

(b) Except as provided in Chapter 5, Section 8(c), food employees 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, and linens; and unwrapped single-service and single-use articles.

(c) This Section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

Section 9. Employee Practices.

(a) Except as specified in Chapter 5, Section 9(b), 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 cannot result.

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

(i) The employee's hands;

(ii) The container; and

(iii) Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

(c) While preparing food, food employees may not wear jewelry on their arms or hands. This Section does not apply to a plain ring such as a wedding band.

(d) Except as specified in Chapter 5, Section 9 (e), food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in Chapter 9, Section 52 (b)(ii)-(iv).

(e) Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under Chapter 5, Sections 3 and 4 (a) (iii).

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

(g) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

CHAPTER 6

EQUIPMENT AND UTENSILS

Section 1. Equipment and Utensils, Design and Construction.

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

Section 2. Lead in Ceramic, China, and Crystal Utensils; Use Limitation.

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

Utensil Category	Ceramic Article Description	Maximum Lead mg/l
Beverage Mugs, Cups, Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls 1.1 L (1.16 qt)	1
Small Hollowware (excluding cups & mugs)	Bowls < 1.1 L (1.16 qt)	2.0
Flat Tableware	Plates, Saucers	3.0

(b) Pewter alloys containing lead in excess of 0.05% may not be used as a food contact surface.

(c) Solder and flux containing lead in excess of 0.2% may not be used as a food contact surface.

Section 3. Copper, Use Limitation.

(a) Except as specified in Chapter 6, Section 3(b), copper and copper alloys such as brass may not be used in contact with a food that has a pH below 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 may be used in contact with beer brewing ingredients that have a pH below 6 in the pre-fermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

Section 4. Galvanized Metal, Use Limitation.

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

Section 5. Single-Service and Single-Use.

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

(i) May not:

(A) Allow the migration of deleterious substances; or

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

(ii) Shall be:

(A) Safe; and

(B) Clean.

Section 6. Wood, Plastic; Use Limitation.

(a) Except as specified in Chapter 6, Section 6 (b), (c), and (d), wood and wood wicker may not be used as a food-contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for:

(i) Cutting blocks; cutting boards; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

(ii) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above.

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

(d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(i) Untreated wood containers; or

(ii) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.

(e) Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods may be used.

Section 7. Shells, Use Limitation.

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

Section 8. Single-Service and Single-Use Articles, Use Limitation.

(a) Single service and single-use articles may not be reused.

(b) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one (1) inch (2.5 cm) protruding from the chilled dispensing head.

Section 9. Single-Service and Single-Use Articles, Required Use.

(a) An establishment without facilities specified under Chapter 7, Sections 1 and 2, for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

Section 10. Food Equipment, Certification and Classification.

(a) Food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program is deemed to comply with Sections 1 and 11, of this Chapter.

Section 11. Characteristics of Food Contact Surfaces.

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

(i) Safe;

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

(iii) Sufficient in weight and thickness to withstand repeated warewashing;

(iv) Finished to have a smooth, easily cleanable surface; and

(v) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

Section 12. Conditioning Device, Design.

(a) 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.

Section 13. Nonstick Coatings, Use Limitation.

(a) 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.

Section 14. Food-Contact Surfaces.

(a) Multi-use food-contact surfaces shall be:

(i) Smooth;

(ii) Free of breaks, open seams, cracks, chips, pits, and similar imperfections;

(iii) Free of sharp internal angles, corners and crevices;

(iv) Finished to have smooth welds and joints; and

(v) Accessible for cleaning and inspection by one of the following

methods:

(A) Without being disassembled;

(B) By disassembling without the use of tools; or

(C) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and allen wrenches.

Section 15. Cast Iron, Use Limitation.

(a) Except as specified in Chapter 6, Section 15(b) and (c), cast iron may not be used for utensils or food-contact surfaces of equipment.

(b) Cast iron may be used as a surface for cooking.

(c) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

Section 16. "V" Threads, Use Limitation.

(a) "V" type threads may not be used on food-contact surfaces. This Section does not apply to hot oil cooking equipment or filtering equipment.

Section 17. Hot Oil Filtering Equipment.

(a) Hot oil filtering equipment shall meet the characteristics specified under Chapter 6, Sections 14 and 33, and shall be readily accessible for filter replacement and cleaning of the filter.

Section 18. Molluscan Shellfish Tanks.

(a) Except as specified under Chapter 6, Section 18(b), molluscan shellfish life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(b) Molluscan shellfish life-support system display tanks that are used to store or display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the regulatory authority as specified

in Chapter 1, Section 5, and a HACCP Plan that:

(i) Is submitted by the license holder and approved as specified under Chapter 1, Section 6; and

(ii) 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 the use of the tank; and

(C) The identity of the source of the shellstock is retained as specified under Chapter 3, Section 15.

Section 19. Can Openers.

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

Section 20. Can Openers on Vending Machines.

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

Section 21. 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 two-tenths (.2) of an inch (5 millimeters).

(c) Except as specified under Chapter 6, Section 21(d), 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:

(i) The piping, temperature measuring devices, rotary shafts, and other

parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and

(ii) The opening shall be flanged as specified under Chapter 6, Section 21(b).

Section 22. Vending Machine, Vending Stage Closure.

(a) 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:

(i) 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

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

Section 23. Vending Machines, Automatic Shutoff.

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

(i) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified under Chapter 3, Section 50; and

(ii) If a condition specified under Chapter 6, Section 23(a)(i), occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3, Section 50.

(b) When the automatic shutoff within a machine vending potentially hazardous food is activated:

(i) In a refrigerated vending machine, the ambient temperature may not exceed 41°F (5°C) or 45°F (7°C) as specified under Chapter 3, Section 50(a)(iii), for more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked; or

(ii) In a hot holding vending machine, the ambient temperature may not be less than 135ºF (57.2ºF) for more than one hundred twenty (120) minutes

immediately after the machine is filled, serviced, or restocked.

Section 24. 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-sixteenth (1/16) inch (1.5 millimeters) or by:

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

(ii) Being effectively gasketed;

(iii) Having interface surfaces that are at least one-half (2) inch (13 millimeters) wide; or

(iv) 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-sixteenth (1/16) inch or (1.5 millimeters).

Section 25. Bearings and Gear Boxes, Leakproof.

(a) 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.

Section 26. Food-Contact Surface Lubricants.

(a) Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

Section 27. Condenser Unit, Separation.

(a) 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.

Section 28. Dispensing Equipment, Protection of Equipment and Food.

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

(i) 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;

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

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

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

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

(iv) 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.

Section 29. Beverage Tubing, Separation.

(a) Beverage tubing and cold-plate beverage cooling devices may 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.

Section 30. Ice Units, Separation of Drains.

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

Section 31. Warewashing Sinks and Drainboards, Self-Draining.

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

Section 32. Equipment Compartments, Drainage.

(a) 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.

Section 33. CIP Equipment.

(a) CIP equipment shall meet the characteristics specified under Chapter 6, Section 14, and shall be designed and constructed so that:

(i) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and

(ii) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.

(b) 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.

Section 34. 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:

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

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

(c) Shutoff devices specified under Chapter 6, Section 34(b)(ii), 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.

Section 35. 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 or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(b) Except as specified in Chapter 6, Section 35(c), cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

(c) Chapter 6, Section 35(b), 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, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.

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

(e) Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than 2°F or 1°C in the intended range of use.

Section 36. Food Temperature Measuring Devices.

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

(b) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to ± 1°C in the intended range of use.

(c) Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to ± 2°F in the intended range of use.

Section 37. Temperature Measuring Devices, 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 1.5°C in the intended range of use.

(b) Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to 3°F in the intended range of use.

Section 38. Pressure Measuring Devices, Mechanical Warewashing Equipment.

(a) 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 14 kilopascals (2 pounds per square inch) in the 100-170 kilopascals (15-25 pounds per square inch) range.

Section 39. Nonfood-Contact Surfaces.

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

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

Section 40. Kick Plates, Removable.

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

(i) Removable by one of the methods specified under Chapter 6, Section 14 (a)(v)(A) - (C), or capable of being rotated open; and

(ii) Removable or capable of being rotated open without unlocking equipment doors.

Section 41. Case Lot Handling Apparatuses, Movability.

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

Section 42. Heating, Ventilating, Air Conditioning System Vents.

(a) 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-contact surfaces, equipment, or utensils.

Section 43. Ventilation Hood Systems, Drip Prevention.

(a) Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducts shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

Section 44. Ventilation Hood Systems, Filters.

(a) 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.

Section 45. Equipment Repair and Proper Adjustment.

(a) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under Chapter 6, Sections 1 and 11.

(b) Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with 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.

Section 46. Utensil Repair and Calibration.

(a) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under Chapter 6, Sections 1 and 11, or shall be discarded.

(b) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their 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.

Section 47. Cutting Surfaces.

(a) 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.

Section 48. Microwave Ovens.

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

Section 49. Fixed Equipment, Elevation or Sealing.

(a) Except as specified under Chapter 6, Section 49(b) and (c), floor-mounted equipment that is not easily movable shall be sealed to the floor or on legs that provide at least a six (6) inch (15 centimeter) 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 (15 centimeters) from the point of cleaning access, the clearance space may be only four (4) inches (10 centimeters).

(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 under Chapter 6, Section 49(e), counter-mounted equipment that is not easily movable shall be elevated on legs that provide at least a four (4) inch (10 centimeter) clearance between the table and the equipment.

(e) The clearance space between the table and counter-mounted equipment may be:

(i) Three (3) inches (7.5 centimeters) if the horizontal distance of the table top under the equipment is no more than twenty (20) inches (50 centimeters) from the point of access for cleaning; or

(ii) Two (2) inches (5 centimeters) if the horizontal distance of the table top under the equipment is no more than three (3) inches (7.5 centimeters) from the point of access for cleaning.

Section 50. Fixed Equipment, Spacing or Sealing.

(a) Equipment that is fixed because it is not easily movable shall be installed so that it is:

(i) Spaced to allow access for cleaning along the sides, behind, and above the equipment;

(ii) Spaced from adjoining equipment walls, and ceilings a distance of not more than one thirty-second (1/32) inch or 1 millimeter; or

(iii) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

(b) Counter-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

(i) Sealed; or

(ii) Elevated on legs as specified under Section Chapter 6, Section 49(d).

CHAPTER 7

CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT AND UTENSILS

Section 1. Equipment Food-Contact Surfaces and Utensils.

(a) Equipment food-contact surfaces and utensils shall be cleaned:

(i) Except as specified in Chapter 7, Section 1(b), between each use of a different type of raw animal species such as beef, fish, lamb, pork, or poultry;

(ii) Each time there is a change from working with raw food to working with ready-to-eat food;

(iii) Between uses with raw fruits and vegetables and potentially hazardous food;

(iv) Before using or storing a food temperature measuring device; and

(v) At any time during the operation when contamination may have occurred.

(b) Chapter 7, Section 1(a)(i), does not apply if raw animal foods that require cooking temperatures specified under Chapter 3, Section 41(a)(iii), are prepared after foods that require cooking temperatures specified under Chapter 3, Section 41(a)(i) and (ii) and b.

(c) Except as specified in Chapter 7, Section 1(d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four (4) hours.

(d) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four (4) hours if:

(i) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned when they are empty;

(ii) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart: and

(A) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Temperature	Cleaning Frequency
41ºF (5.0ºC) or less	24 hours
>41ºF - 45ºF (>5.0ºC - 7.2ºC)	20 hours
>45ºF - 50ºF (>7.2ºC - 10.0ºC)	16 hours
>50ºF - 55ºF (>10.0ºC - 12.8º C)	10 hours

and

(B) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the establishment or processing plant;

(iii) Containers in serving situations, such as salad bars, delis, and cafeteria lines that hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under Chapter 3, 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;

(iv) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under Chapter 3;

(v) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues;

(vi) The cleaning schedule is approved 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;

(vii) In-use utensils are intermittently stored in a container of water in which the water is maintained at 135ºF (60ºC) or more and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

(e) Except when dry cleaning methods are used as specified under Chapter 7, Section 4, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned:

(i) At any time when contamination may have occurred;

(ii) At least every twenty four (24) hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles; or

(iii) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers;

(f) 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 shall be cleaned:

(i) At a frequency specified by the manufacturer; or

(ii) At a frequency necessary to preclude accumulation of soil or mold in the absence of manufacturer specifications.

Section 2. 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 Chapter 7, Section 1(d)(vi).

(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.

(c) Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(d) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

Section 3. Nonfood-Contact Surfaces.

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

(b) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

Section 4. Dry Cleaning Methods.

(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 may not be used for any other purpose.

Section 5. Wiping Cloths Used for One Purpose.

(a) Cloths used for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:

(i) Maintained dry; and

(ii) Used for no other purpose.

(b) Cloths used for wiping counters and other equipment surfaces shall be:

(i) Held between uses in a chemical sanitizer solution at a concentration specified in Chapter 7, Section 18; and

(ii) Laundered daily as specified Chapter 9, Section 47 (d).

(c) Cloths used for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.

(d) Dry wiping cloths and the chemical sanitizing solutions specified in (b) (i) of this Section in which wet wiping cloths are held between uses shall be free of food debris and visible soil.

(e) Containers of chemical sanitizing solutions specified in (b)(i) of this Section in which wet wiping cloths are held between uses shall be stored off the floor and

used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.

(f) Single-use disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions.

Section 6. Sponges, Use Limitation.

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

Section 7. Manual Warewashing, Sink Compartment Requirements.

(a) Except as specified in Chapter 7, Section 7(c), a sink with at least three (3) compartments shall be provided for manual washing, rinsing and sanitizing equipment and utensils.

(b) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink or a warewashing machine, alternative equipment as specified in Chapter 7, Section 7(c), shall be used.

(c) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include:

(i) High-pressure detergent sprayers;

(ii) Low- or line-pressure spray detergent foamers;

(iii) Other task-specific cleaning equipment;

(iv) Brushes or other implements;

(v) Two (2)-compartment sinks as specified under Chapter 7, Section 7(d) and (e); or

(vi) Receptacles that substitute for the compartments of a multicompartment sink.

(d) Before a two (2)-compartment sink is used:

(i) The license holder shall have its use approved; and

(ii) The permit holder shall limit the number of kitchenware items cleaned and sanitized in the 2-compartment sink, and shall limit warewashing to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another or cleanup at the end of a shift, and shall:

(A) Make up the cleaning and sanitizing solutions immediately

before use and drain them immediately after use, and

(A) Use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under Chapter 7, Section 20; or

(B) Use a hot water sanitization immersion step as specified under Chapter 7, Section 22(a)(ii).

(e) A two (2)-compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

Section 8. Washing, Procedures for Alternative Manual Warewashing Equipment.

(a) If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified under Chapter 7, Section 7(c), in accordance with the following procedures:

(i) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;

(ii) Equipment components and utensils shall be scraped or rough cleaned to remove food particle accumulation; and

(iii) Equipment and utensils shall be washed as specified under Chapter 7, Section 11(a).

Section 9. Drainboards Provided.

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

Section 10. Warewashing Equipment, Cleaning Frequency.

(a) A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw food, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under Chapter 7, Section 9, shall be cleaned:

(i) Before use;

(ii) 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

(iii) If used, at least every twenty four (24) hours.

Section 11. Wet Cleaning Methods.

(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, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(b) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

Section 12. Warewashing Equipment, Cleaning Agents.

(a) When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified under Chapter 7, Section 7(c), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

Section 13. Manual Warewashing Equipment, Wash Solution Temperature.

(a) The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 110°F (43°C) or the temperature specified on the cleaning agent manufacturer's label instructions.

Section 14. Rinsing Procedures.

(a) 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:

(i) 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 as specified under Chapter 7, Section 7(c); or

(C) A three (3)-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment;

(ii) Use of a detergent-sanitizer as specified under Chapter 7, Section 20, if using:

(A) Alternative warewashing equipment as specified under Chapter 7, Section 7(c), that is approved for use with a detergent-sanitizer; or

(B) A warewashing system for CIP equipment;

(iii) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2)-compartment sink operation;

(iv) If using a warewashing machine that does not recycle the sanitizing solution as specified under Chapter 7, Section 14(a)(v), or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:

(A) Integrated in the application of the sanitizing solution; and

(B) Wasted immediately after each application; or

(v) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

Section 15. Food-Contact Surfaces and Utensils.

(a) Equipment food-contact surfaces and utensils shall be sanitized.

Section 16. Before Use After Cleaning.

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

Section 17. Hot Water and Chemical Sanitization.

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

(i) Hot water manual operations by immersion for at least 30 seconds as specified under Chapter 7, Section 21;

(ii) Hot water mechanical operations by being cycled through equipment that is set up as specified under Chapter 7, Sections 21, 26 and 27, and achieving a utensil surface temperature of 160°F (71°C) as measured by an irreversible registering temperature indicator; or

(iii) 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 Chapter 7, Section 18. Contact times shall be consistent with those on EPA-registered label use instructions by providing:

(A) Except as specified under Chapter 7, Section 17(a)(iii)(B), a contact time of at least ten (10) seconds for a chlorine solution specified under Chapter 7, Section 18(a);

(B) A contact time of at least seven (7) seconds for a chlorine solution of fifty (50) mg/l that has a pH of ten (10) or less and a temperature of at least 100°F (38°C) or a pH of eight (8) or less and a temperature of at least 75°F (24°C);

(C) A contact time of at least thirty (30) seconds for other chemical sanitizing solutions; or

(D) A contact time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization.

Section 18. Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.

(a) A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under Chapter 7, Section 17(a)(iii), shall meet the criteria specified in Chapter 9, Section 29 Sanitizers, Criteria, shall be used in accordance with the EPA-registered label use instructions, and shall be used as follows:

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

Concentration Range	Minimum Temperature	
mg/l	pH 10 or less ^{o}F (^{o}C)	pH 8 or less ^{o}F (^{o}C)
25-49	120 (49)	120 (49)
50-99	100 (38)	75 (24)
100	55 (13)	55 (13)

(ii) An iodine solution shall have a:

(A) Minimum temperature of 68 ^{o}F (20 ^{o}C);

(B) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective; and

(C) Concentration between 12.5 mg/l and 25 mg/l.

(iii) A quaternary ammonium compound solution shall:

(A) Have a minimum temperature of 75°F (24°C);

(B) Have a concentration as specified under Chapter 9, Section 29, and as indicated by the manufacturer's use directions included in the labeling; and

(C) Be used only in water with 500 mg/l hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions.

(iv) If another solution of a chemical specified under Chapter 7, Section 18 (a) (i)-(iii) is used, the license holder shall demonstrate to the regulatory authority that the solution achieves sanitization and the use of the solution shall be approved; or

(v) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the EPA-registered label use instructions.

Section 19. Warewashing Equipment, Clean Solutions.

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

Section 20. Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.

(a) 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.

Section 21. Manual Warewashing Equipment, Hot Water Sanitization Temperatures.

(a) If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 171°F (77°C) or above.

Section 22. Manual Warewashing Equipment, Heaters and Baskets.

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

(i) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F (77°C); and

(ii) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

Section 23. Temperature Measuring Devices, Manual Warewashing.

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

Section 24. Sanitizing Solutions, Testing Devices and Determining Chemical Sanitizer Concentration.

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

(b) Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

Section 25. Warewashing Machine, Data Plate Operating Specifications.

(a) 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:

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

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

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

Section 26. 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 manufacturers' instructions.

(b) A warewashing machine’s conveyor speed or automatic cycle times shall be maintained and accurately timed in accordance with manufactures’ specifications.

Section 27. Mechanical Warewashing Equipment, Sanitization Pressure.

(a) The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than fifteen (15) pounds per square inch (100 kilopascals) or more than twenty five (25) pounds per square inch (170 kilopascals) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

Section 28. 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 one-fourth (¼) inch or (6.4 millimeter) iron pipe size (ips) valve.

(c) Chapter 7, Section 28(a) and (b), do not apply to a machine that uses only

a pumped or recirculated sanitizing rinse.

Section 29. Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers.

(a) A warewashing machine that is installed after adoption of this Rule by the regulatory authority, shall be equipped to:

(i) Automatically dispense detergents and sanitizers; and

(ii) Incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

Section 30. Warewashing Machines, Temperature Measuring Devices.

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

(i) In each wash and rinse tank; and

(ii) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

Section 31. Warewashing Machines, Internal Baffles.

(a) 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.

Section 32. Precleaning of Equipment and Utensils.

(a) Food debris on equipment and utensils shall be scraped over a waste disposal unit, 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 preflushed, presoaked, or scrubbed with abrasives.

Section 33. Loading of Soiled Items, Warewashing Machines.

(a) Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets, or onto conveyors, in a position that:

(i) Exposes the items to the unobstructed spray from all cycles; and

(ii) Allows the items to drain.

Section 34. Mechanical Warewashing Equipment, Wash Solution Temperature.

(a) The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:

(i) For a stationary-rack, dual-temperature machine 150ºF (66°C);

(ii) For a stationary-rack, single-temperature machine, 165ºF (74°C);

(iii) For a single tank, conveyor, dual temperature machine, 160ºF (71°C);

(iv) For a multitank, conveyor, multitemperature machine 150ºF (66°C).

(b) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 120ºF (49ºC).

Section 35. Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.

(a) Except as specified under Chapter 7, Section 35(b), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 194°F (90°C), or less than:

(i) For a stationary rack, single temperature machine, 165°F (74°C); or

(ii) For all other machines, 180°F (82°C).

(b) The maximum temperature specified under Chapter 7, Section 35(a), 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.

Section 36. Equipment and Utensils, Air-Drying Required.

(a) After cleaning and sanitizing, equipment and utensils:

(i) Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940 Sanitizing solutions, before contact with food; and

(ii) May not be cloth dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

Section 37. Returnables, Cleaning for Refilling.

(a) Except as specified under Chapter 7, Section 37(b) and (c), returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated establishment or processing plant.

(b) A food-specific container for beverages may be refilled at an establishment or processing plant if:

(i) Only a beverage that is not a potentially hazardous food is used as specified under Chapter 3, Section 55(a);

(ii) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home, in the establishment or processing plant;

(iii) 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;

(iv) The consumer-owned container returned to the establishment or processing plant for refilling is refilled for sale or service only to the same consumer; and

(v) The container is refilled by:

(A) An employee of the establishment or processing plant; or

(B) The owner of the container if the beverage system includes a contamination-free transfer process that cannot 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.

Section 38. Equipment Reassembling.

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

Section 39. Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.

(a) Except as specified under Chapter 7, Section 39(d), cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:

(i) In a clean, dry location;

(ii) Where they are not exposed to splash, dust, or other contamination; and

(iii) At least six (6) inches (15 cm) above the floor.

(b) Clean equipment and utensils shall be stored as specified under Chapter 7, Section 39(a), and shall be stored:

(i) In a self-draining position that allows air drying; and

(ii) Covered or inverted.

(c) Single-service and single-use articles shall be stored as specified under Chapter 7, Section 39(a), and 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 (15 cm) above the floor on dollies, pallets, racks, and skids that are designed as provided under Chapter 6, Section 43.

Section 40. Clean Equipment Storage Prohibitions.

(a) Except as specified under Chapter 7, Section 40(b), cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored:

(i) In locker rooms;

(ii) In toilet rooms;

(iii) In garbage rooms;

(iv) In mechanical rooms;

(v) Under sewer lines that are not shielded to intercept potential drips;

(vi) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

(vii) Under open stairwells; or

(viii) 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.

Section 41. Equipment, Clothes Washers and Dryers, and Storage Cabinets; Contamination Prevention.

(a) Except as specified in Chapter 7, Section 41(b), 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 may not be located:

(i) In locker rooms;

(ii) In toilet rooms;

(iii) In garbage rooms;

(iv) In mechanical rooms;

(v) Under sewer lines that are not shielded to intercept potential drips;

(vi) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

(vii) Under open stairwells; or

(viii) Under other sources of contamination.

(b) A storage cabinet used for linens or single-service or 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, and linens; and unwrapped single-service and single-use articles.

Section 42. Kitchenware and Tableware Handled, Displayed, Dispensed.

(a) Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed, and dispensed so that contamination of food-contact and lip-contact surfaces is prevented.

(b) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

(c) Except as specified under Chapter 7, Section 42(b), single-service articles that are intended for food-contact or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

Section 43. Soiled and Clean Tableware.

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

Section 44. Preset Tableware.

(a) If tableware is preset:

(i) It shall be protected from contamination by being wrapped, covered, or inverted; or

(ii) If exposed, unused settings shall be removed when a consumer is seated; or

(iii) Exposed, unused settings shall be cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

Section 45. Sanitation Requirements at Official Meat and Poultry Establishments.

(a) Each establishment must be operated and maintained in a manner

sufficient to prevent the creation of insanitary conditions and to ensure that product is not adulterated.

(i) Sanitation requirements shall meet the requirements as specified in 9 CFR 416 Sanitation.

Section 46. Tagging Insanitary Equipment, Utensils, Rooms or Compartments.

(a) When, in the opinion of the regulatory authority, any equipment, utensil, room or compartment at an establishment is unclean or its use would be in violation of this Rule, a "Wyoming Rejected" tag may be applied.

(i) No equipment, utensil, room or compartment so tagged shall again be used until made acceptable; and

(ii) Such tag so placed shall not be removed by anyone other than the regulatory authority.

Section 47. Rinsing Equipment and Utensils after Cleaning and Sanitizing.

(a) After being cleaned and sanitized, equipment and utensils shall not be rinsed before air drying or use unless:

(i) The rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified in Chapters 6 & 7; and

(ii) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

CHAPTER 8

SANITARY FACILITIES AND CONTROLS

Section 1. Approved Water Source.

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

(i) A public water system; or

(ii) A nonpublic water system that is constructed, maintained, and operated according to law.

Section 2. Approved Water System.

(a) Water shall be received from the source through the use of:

(i) An approved public water main; or

(ii) One or more of the following that shall be constructed, maintained, and operated according to law:

(A) Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances;

(B) Water transport vehicles; and

(C) Water containers.

Section 3. Alternative Water Supply.

(a) Water meeting the requirements specified under Chapter 8, Sections 1, 5 and 8, shall be made available for a mobile establishment, for a temporary establishment, an establishment or processing plant without a permanent water supply, and for an establishment or processing plant with a temporary interruption of its water supply through:

(i) A supply of containers of commercially bottled drinking water;

(ii) One or more closed portable water containers;

(iii) An enclosed vehicular water tank;

(iv) An on-premises water storage tank; or

(v) Piping, tubing, or hoses connected to an adjacent approved source.

Section 4. System Flushing and Disinfection.

(a) A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

Section 5. Quality Standards.

(a) Except as specified under Chapter 8, Section 38:

(i) Water from a public water system shall meet 40 CFR 141 National Primary Drinking Water Regulations; and

(ii) Water from a nonpublic water system shall meet the standards set by this Rule.

Section 6. Sampling.

(a) Except when used as specified under Chapter 8, Section 38, water from a nonpublic water system that will be used as drinking water in an establishment shall have a bacteriological test performed on it at least semi-annually.

Section 7. Sample Report.

(a) The most recent sample report for the nonpublic water system shall be retained on file in the establishment or processing plant.

Section 8. Capacity.

(a) The water source and system shall be of sufficient capacity to meet the peak water demands of the establishment or processing plant.

Section 9. Bottled Drinking Water.

(a) Bottled drinking water used or sold in an establishment or processing plant

shall be obtained from approved sources as specified in 21 CFR 129 Processing and Bottling of Bottled Drinking Water.

Section 10. Water Pressure.

(a) 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 under Chapter 8, Section 3(a)(i), and (ii), to a temporary establishment or in response to a temporary interruption of a water supply need not be under pressure.

Section 11. Hot Water; 170ºF Water Required in Commercial Meat Slaughter Establishments.

(a) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the establishment or processing plant.

(b) At least 170ºF water shall be used for the sanitizing of inspection equipment and other equipment, floors, walls and the like in commercial meat slaughter establishments, which are subject to contamination by the dressing or handling of diseased carcasses, their viscera and parts.

(i) A conveniently located thermometer shall be installed to show the temperature of the water at the point of use.

Section 12. Conveying Sewage.

(a) 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.

Section 13. Removing Mobile Establishment Wastes.

(a) Sewage and other liquid wastes shall be removed from a mobile establishment at an approved waste servicing station or by a sewage transport vehicle in such a way that an imminent health hazard or nuisance is not created.

Section 14. Flushing a Waste Retention Tank.

(a) A tank for liquid waste retention shall be thoroughly flushed and drained

in a sanitary manner during the servicing operation.

Section 15. Approved Sewage Disposal System.

(a) Sewage shall be disposed through an approved facility that is:

(i) A public sewage treatment plant; or

(ii) An individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

Section 16. Other Liquid Wastes and Rainwater.

(a) Condensate drainage and other non-sewage liquids and rainwater shall be drained from point of discharge to disposal in accordance with law.

Section 17. Capacity and Drainage.

(a) A sewage holding tank in a mobile establishment shall be:

(i) Sized fifteen percent (15%) larger in capacity than the water supply tank; and

(ii) Sloped to a drain that is one (1) inch (25 mm) in inner diameter or greater, and that is equipped with a shut-off valve.

Section 18. Approved System and Cleanable Fixtures.

(a) A plumbing system shall be designed, constructed, and installed according to International Plumbing Code.

(b) A plumbing fixture such as a handwashing sink, toilet, or urinal shall be easily cleanable.

Section 19. Approved Plumbing Materials.

(a) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to the International Plumbing Code.

(b) A water filter shall be made of safe materials.

Section 20. Conditioning Device, Location.

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

Section 21. Scheduling Inspection and Service for a Water System Device.

(a) A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions; and

(b) Records demonstrating inspection and service shall be maintained by the person in charge.

Section 22. Water Reservoir of Fogging Devices, Cleaning.

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

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

(ii) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under Chapter 8, Section 22(b), whichever is more stringent.

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

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

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

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

(iv) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/l hypochlorite solution.

Section 23. Plumbing System Maintained in Good Repair.

(a) A plumbing system shall be:

(i) Repaired according to the International Plumbing Code; and

(ii) Maintained in good repair.

Section 24. Materials Approved, Water Tanks.

(a) Materials that are used in the construction of a mobile water tank, mobile establishment water tank, and appurtenances shall be:

(i) Safe;

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

(iii) Finished to have a smooth, easily cleanable surface.

Section 25. Enclosed System, Sloped to Drain.

(a) A mobile water tank shall be:

(i) Enclosed from the filling inlet to the discharge outlet; and

(ii) Sloped to an outlet that allows complete drainage of the tank.

Section 26. Inspection and Cleaning Port, Protected and Secured.

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

(i) Flanged upward at least one-half (½) inch (13 mm); and

(ii) Equipped with a port cover assembly that is:

(A) Provided with a gasket and a device for securing the cover in place; and

(B) Flanged to overlap the opening and sloped to drain.

Section 27. "V" Type Threads, Use Limitation.

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

Section 28. Tank Vent, Protected.

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

(i) 16 mesh to 1 inch (16 mesh to 25.4 mm) screen or equivalent when the vent is in a protected area; or

(ii) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

Section 29. Inlet and Outlet, Sloped to Drain.

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

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

Section 30. Hose, Construction and Identification.

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

(i) Safe;

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

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

(iv) Finished with a smooth interior surface; and

(v) Clearly and durably identified as to its use if not permanently attached.

Section 31. Filter, Compressed Air.

(a) 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.

Section 32. Protective Cover or Device.

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

Section 33. Mobile Establishment Tank Inlet.

(a) A mobile establishment's water tank inlet shall be:

(i) Three-fourths (3/4) inch (19.1 mm) in inner diameter or less; and

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

Section 34. System Flushing and Disinfection.

(a) A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of non-use.

Section 35. Using a Pump and Hoses, Backflow Prevention.

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

Section 36. Protecting Inlet, Outlet, and Hose Fitting.

(a) If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under Chapter 8, Section 32.

Section 37. Tank, Pump, and Hoses; Dedication.

(a) Except as specified under Chapter 8, Section 37(b), a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.

(b) Water tanks, pumps, and hoses approved for liquid food may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

Section 38. Nondrinking Water.

(a) A nondrinking water supply shall be used only if its use is approved by the regulatory authority.

(b) Nondrinking water shall be used only for non-culinary purposes such as air-conditioning, nonfood equipment cooling, and fire protection.

Section 39. Prohibiting a Cross Connection.

(a) Except as specified in 9 CFR 308.3 (d) for firefighting, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.

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

Section 40. Backflow Prevention Device, Carbonator, When Required.

(a) If not provided with an air gap as specified under Chapter 8, Section 41, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 1 inch (25.4mm) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(b) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under Chapter 8, Section 40(a).

(c) 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 establishment or processing plant, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by the regulatory authority, by:

(i) Providing an air gap as specified under Chapter 8, Section 41; or

(ii) Installing an approved backflow prevention device as specified under Chapter 8, Section 42.

Section 41. Backflow Prevention, Air Gap.

(a) An air gap between the water supply inlet and the flood level rim of the

plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch (25 mm).

Section 42. Backflow Prevention Device, Design Standard.

(a) A backflow or back-siphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

Section 43. Backflow Prevention Device, Location.

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

Section 44. Grease Trap.

(a) If used, a grease trap shall be located to be easily accessible for cleaning and cleaned on a regular basis.

Section 45. Establishment Drainage System.

(a) Establishment or processing plant drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under Chapter 8, Section 18.

Section 46. Backflow Prevention, Indirect Drain.

(a) Except as specified under Chapter 8, Section 46(b), a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.

(b) 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 (1.5 m) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

(c) Paragraph (a) of this Section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.

Section 47. Toilet Rooms.

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

Section 48. Toilets and Urinals.

(a) At least one (1) toilet and not fewer than the toilets required by the International Plumbing Code shall be provided. If authorized by the International Plumbing Code, and urinals are substituted for toilets, the substitution shall be done as specified in the International Plumbing Code.

Section 49. Toilet Rooms, Enclosed.

(a) A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door except that this requirement does not apply to a toilet room that is located outside an establishment or processing plant and does not open directly into the establishment or processing plant such as a toilet room that is provided by the management of a shopping mall.

(b) Toilet room doors as specified under Chapter 8, Section 49(a), shall be kept closed except during cleaning and maintenance operations.

Section 50. Toilet Tissue, Availability.

(a) A supply of toilet tissue shall be available at each toilet.

Section 51. Toilet Room Receptacle, Covered.

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

Section 52. Handwashing Sink, Minimum Number.

(a) Except as specified under Chapter 8, Section 52(b), at least 1(one) handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under Chapter 8, Section 53, and not fewer than the number of handwashing sinks required by the International Plumbing Code shall be provided.

(b) If approved by the regulatory authority and capable of removing the types

of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands.

(c) If approved by the regulatory authority, when food exposure is limited and handwashing sinks are not conveniently available, such as in some mobile or temporary establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing.

Section 53. Handwashing Sink Location.

(a) A handwashing sink shall be located:

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

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

Section 54. Using a Handwashing Sink.

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

(b) A handwashing sink may not be used for purposes other than handwashing. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

Section 55. Handwashing Sink, Water Temperature, Supply and Flow.

(a) Each handwashing sink shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.

(i) A handwashing sink shall be equipped to provide water at a temperature of at least 100°F (38°C) through a mixing valve or combination faucet.

(b) 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.

(c) A steam-mixing valve may not be used at a handwashing sink.

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

Section 56. Handwashing Cleanser, Availability.

(a) Each handwashing sink or group of two (2) adjacent sinks shall be provided with a supply of hand-cleaning liquid, powder, or bar soap.

Section 57. Handwashing Aids and Devices, Use Restrictions.

(a) A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing sink as specified under Chapter 8, Section 56.

Section 58. Hand Drying Provision.

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

(i) Individual, disposable towels;

(ii) A continuous towel system that supplies the user with a clean towel;

(iii) A heated-air hand drying device; or

(iv) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

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

Section 59. Maintaining and Using Handwashing Sinks, Signs Posted.

(a) Handwashing sinks shall be kept clean, maintained and used as specified under Chapter 8, Section 54.

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

Section 60. Waste Receptacles, Inedible Products.

(a) Except as specified under Chapter 8, Section 60(b), receptacles and waste

handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect and rodent-resistant, leakproof, and nonabsorbent.

(i) Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark and shall not be used for handling edible products.

(b) Plastic bags and wet-strength paper bags may be used to line receptacles for storage inside the establishment or processing plant, or within closed outside receptacles.

Section 61. Covering Waste Receptacles.

(a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

(i) Inside the establishment or processing plant if the receptacles and units:

(A) Contain food residue and are not in continuous use; or

(B) After they are filled; and

(ii) With tight-fitting lids or doors if kept outside the establishment or processing plant.

Section 62. Waste Receptacles in Vending Machines.

(a) A waste receptacle may not be located within a vending machine, except that a receptacle for beverage bottle cap closures may be located within a vending machine.

Section 63. Outside Waste Receptacles.

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

(b) Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that an accumulation of debris which attract and/or

harbor insects and/or rodents are minimized, effective cleaning is facilitated around and under the unit if it is not installed flush with the base pad.

Section 64. Waste Receptacle Drain Plugs.

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

Section 65. Cleaning Waste Receptacles.

(a) Receptacles and waste handling units 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 Chapter 8, Section 12.

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

Section 66. Cleaning Implements and Supplies.

(a) Except as specified under Chapter 8, Section 66(b), suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

(b) If approved by the regulatory authority, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

Section 67. Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units; Location.

(a) An area designated for refuse, recyclables, returnables, and, except as specified under Chapter 8, Section 67(b), 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 hazard or nuisance is not created.

(b) A redeeming machine may be located in the packaged food storage area or consumer area of an establishment or processing plant if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the

machines and a public health hazard or nuisance is not created.

(c) The location of receptacles and waste handling units for refuse, recyclables, and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

Section 68. Storing Refuse, Recyclables, and Returnables.

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

Section 69. Areas, Enclosures, and Receptacles; Good Repair.

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

Section 70. Outside Storage Prohibitions.

(a) Except as specified under Chapter 8, Section 70(b), refuse receptacles not meeting the requirements specified under Chapter 8, Section 60, such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.

(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.

Section 71. Storage Areas, Rooms, and Receptacles.

(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 establishment, processing plant or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

Section 72. Maintaining Refuse Areas and Enclosures.

(a) A storage area and enclosure for refuse, recyclables, or returnables shall be kept clean and maintained free of unnecessary items, as specified under Chapter 9, Section 40.

Section 73. Indoor Storage Area.

(a) If located within the establishment or processing plant, a storage area for refuse, recyclables, and returnables shall meet the requirements specified under Chapter 8, Sections 71 and 72, and Chapter 9, Sections 1, 2 and 9.

Section 74. Outdoor Enclosure.

(a) An outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

Section 75. Outdoor Storage Surface.

(a) 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.

Section 76. Refuse Disposal Frequency.

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

Section 77. Refuse Removal Receptacles or Vehicles.

(a) Refuse, recyclables, and returnables shall be removed from the premises by means of:

(i) Portable receptacles that are properly constructed and maintained; or

(ii) A transport vehicle that is properly constructed, maintained, and operated.

Section 78. Community or Individual Facility.

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

Section 79. Controlling Pests.

(a) The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by:

(i) Routinely inspecting incoming shipments of food and supplies;

(ii) Routinely inspecting the premises for evidence of pests;

(iii) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under Chapter 8, Sections 82 and 83, and Chapter 9, Section 32; and

(iv) Eliminating harborage conditions.

Section 80. Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests.

(a) 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.

Section 81. Insect Control Devices, Design and Installation.

(a) Insect control 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:

(i) The devices are not located over a food preparation area; and

(ii) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

Section 82. Rodent Bait Stations.

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

Section 83. Tracking Powders, Pest Control and Monitoring.

(a) A tracking powder pesticide may not be used in an establishment or processing plant.

(b) If used, a nontoxic tracking powder such as talcum or flour may not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

Section 84. Outer Openings, Protected.

(a) Except as specified under Chapter 8, Section 84(b) and (c), outer openings of an establishment or processing plant shall be protected against the entry of insects and rodents by:

(i) Filling or closing holes and other gaps along floors, walls and ceilings;

(ii) Closed, tight-fitting windows; and

(iii) Solid self-closing, tight-fitting doors.

(b) Chapter 8, Section 84(a), does not apply if an establishment or processing plant opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

(c) Exterior doors used as exits need not be self-closing if they are:

(i) Solid and tight-fitting;

(ii) Designated by the appropriate fire protection authority for use only when an emergency exists; and

(iii) Restricted so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

(d) Except as specified under Chapter 8, Section 84(b) and (d), if the windows or doors of an establishment or processing plant, or of a larger structure within which an establishment or processing plant is located, are kept open for ventilation or other

purposes or a temporary establishment is not provided with windows and doors as specified under Chapter 8, Section 84(a), the openings shall be protected against the entry of insects and rodents by:

(i) Sixteen (16) mesh to one (1) inch (16 mesh to 25.4mm) screens;

(ii) Properly designed and installed air curtains to control flying insects; or

(iii) Other effective means.

(e) Chapter 8, Section 84(c), does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

(f) In processing plants that are processing honey, the doors and windows and other openings to the outside shall be properly screened and kept in good repair and equipped with bee escape or other method for disposing of the bees.

Section 85. Exterior Walls and Roofs, Protective Barrier.

(a) Perimeter walls and roofs of an establishment or processing plant shall effectively protect the establishment or processing plant from the weather and the entry of insects, rodents, and other animals.

Section 86. Operating and Storage Rooms for Inedibles; Outside Premises, Maintained in Clean Condition.

(a) All operating and storage rooms and departments of establishments used for inedible materials shall be maintained in acceptable clean conditions and meet the requirements as specified in 9 CFR 314 Handling and Disposal of Condemned or Inedible Products at Official Establishments and 9 CFR 381.95 Disposal of Condemned Poultry Products.

(b) The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure is forbidden.

CHAPTER 9

CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

Section 1. Floor, Wall, and Ceiling Surface Characteristics.

(a) Except as specified under Chapter 9, Section 1(b), materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(i) Smooth, durable, and easily cleanable for areas where establishment or processing plant operations are conducted;

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

(iii) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile establishment servicing areas, and areas subject to flushing or spray cleaning methods.

(b) In a temporary establishment:

(i) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud; and

(ii) Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.

Section 2. Floors, Walls, and Ceilings; Designed and Installed.

(a) Except as specified under Chapter 9, Section 3, 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.

Section 3. Floor Carpeting, Restrictions and Installation.

(a) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

(b) If carpeting is installed as a floor covering in areas other than those specified

under Section (a), it shall be:

(i) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by other approved method; and

(ii) 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.

Section 4. Absorbent Materials on Floors, Use Limitation.

(a) Except as specified under Chapter 9, Section 12(b), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

Section 5. Floor Covering, Mats and Duckboards.

(a) Mats and duckboards shall be designed to be removable and easily cleanable.

Section 6. Floor and Wall Junctures, Coved, and Enclosed or Sealed.

(a) In establishments or processing plants 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 (l/32) inch (1 mm).

(b) The floors in establishments or processing plants in which water flush cleaning methods are used shall be provided with drains and be graded to drain and the floor and wall junctures shall be coved and sealed.

Section 7. Floors, Walls, and Ceilings; Utility Lines.

(a) Utility service lines and pipes may not be unnecessarily exposed.

(b) Exposed utility service lines and pipes shall be installed to not obstruct or prevent cleaning of the floor, walls, or ceilings.

(c) Exposed horizontal utility service lines and pipes may not be installed on the floor.

Section 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.

Section 9. Walls and Ceilings, Studs, Joists, and Rafters.

(a) Studs, joists, and rafters may not be exposed in areas subject to moisture. This requirement does not apply to temporary establishments.

Section 10. Walls and Ceilings, Attachments.

(a) Except as specified under Chapter 9, Section 10(b), 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.

Section 11. Cleaning, Frequency and Restrictions.

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

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

Section 12. Cleaning Floors, Dustless Method.

(a) Except as specified under Chapter 9, Section 12(b), only dustless methods of cleaning shall be used, such as vacuum cleaning, wet 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:

(i) Without the use of dust-arresting compounds; and

(ii) 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.

Section 13. Warewashing Sinks, Use Limitation.

(a) A warewashing sink may not be used for handwashing or dumping mop water.

(b) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under Chapter 7, Section 10, before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under Chapter 7, Section 16, before and after using the sink to wash produce or thaw food.

Section 14. Cleaning Maintenance Tools, Preventing Contamination.

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

Section 15. Service Sink.

(a) 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.

(b) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

Section 16. Light Intensity.

(a) The light intensity shall be:

(i) At least 10 foot candles (108 lux) at a distance of thirty (30) inches (75 cm) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

(ii) At least twenty (20) foot candles (215 lux):

(A) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;

(B) Inside equipment such as reach-in and under-counter refrigerators;

(C) At a distance of thirty (30) inches (75 cm) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and

(iii) At least fifty (50) foot candles (540 lux) at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor; and

(iv) A minimum of fifty (50) foot candles (540 lux) of shadow free lighting at the inspection surfaces of the head, viscera, and carcass.

Section 17. Light Bulbs, Protective Shielding.

(a) Except as specified under Chapter 9, Section 17(b), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens; or 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:

(i) The integrity of the packages cannot be affected by broken glass falling onto them; and

(ii) 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.

Section 18. Mechanical Ventilation.

(a) 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.

Section 19. Ventilation Hood Systems, Adequacy.

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

Section 20. 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 may not create a public health hazard or nuisance or unlawful discharge.

Section 21. Storage of Other Personal Care Items.

(a) Except as specified under Chapter 9, Sections 37 and 38, employees shall store their personal care items in facilities as specified under Chapter 9, Section 23.

Section 22. Employee Accommodations.

(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 cannot occur.

Section 23. Dressing Rooms and Lockers.

(a) Dressing rooms shall be designated and used by employees if the employees regularly change their clothes in the establishment or processing plant.

(b) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

(c) In new construction, lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

Section 24. Presence and Use of Toxic Materials.

(a) Only those poisonous or toxic materials that are required for the operation and maintenance of an establishment or processing plant, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in an establishment or processing plant.

(b) Chapter 9, Section 24(a) does not apply to packaged poisonous or toxic materials that are for retail sale.

Section 25. Identifying Information, Prominence.

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

Section 26. Working Containers, Chemicals.

(a) 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.

Section 27. Chemical Storage.

(a) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(i) Separating the poisonous or toxic materials by spacing or partitioning; and

(ii) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Section 28. Storage and Display.

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

(i) Separating the poisonous or toxic materials by spacing or partitioning; and

(ii) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

Section 29. Sanitizers, Criteria.

(a) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions).

Section 30. Drying Agents, Criteria.

(a) Drying agents used in conjunction with sanitization shall:

(i) Contain only components that are listed as one of the following:

(A) Generally recognized as safe for use in food as specified in 21 CFR 182 -Substances Generally Recognized as Safe, or 21 CFR 184 -Direct Food Substances Affirmed as Generally Recognized as Safe;

(B) Generally recognized as safe for the intended use as specified in 21 CFR 186 -Indirect Food Substances Affirmed as Generally Recognized as Safe;

(C) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181 -Prior-Sanctioned Food Ingredients;

(D) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR parts 175 Indirect Food Additives: Adhesives and Components of Coatings through 21 CFR 178 Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; or

(E) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; and

(ii) When sanitization is with chemicals, the approval required under Chapter 9, Section 30(a)(i)(C) or (a)(i)(E), or as an indirect food additive required under Chapter 9, Section 30(a)(i)(D), shall be specifically for use with chemical sanitizing solutions.

Section 31. Lubricants.

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

Section 32. Restricted Use Pesticides, Criteria.

(a) Restricted use pesticides specified under Chapter 9, Section 34(a)(iii), shall meet the requirements specified in 40 CFR 152 Subpart I - Classification of Pesticides.

Section 33. Boiler Water Additives, Criteria.

(a) Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310 Boiler Water Additives.

Section 34. Conditions of Use.

(a) Poisonous or Toxic Materials shall be:

(i) Used according to:

(A) Law and this Rule;

(B) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in an 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 regulatory authority; and

(ii) 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.

(iii) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 U.S.C. 136(e) certified applicator, of the federal insecticide, fungicide and rodenticide act, or a person under the direct supervision of a certified applicator.

Section 35. Poisonous or Toxic Material Containers.

(a) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

Section 36. Medicines.

(a) Only those medicines that are necessary for the health of employees shall be allowed in an establishment or processing plant. This Section does not apply to medicines that are stored or displayed for retail sale.

(b) Medicines that are in an establishment or processing plant for the employees' use shall be labeled as specified under Chapter 9, Section 25, and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Section 37. Refrigerated Medicines, Storage.

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

(i) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and

(ii) Located so they are inaccessible to children.

Section 38. First Aid Supplies.

(a) First aid supplies that are in an establishment or processing plant for the employees' use shall be:

(i) Labeled as specified under Chapter 9, Section 25; and

(ii) Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Section 39. Facilities in Good Repair.

(a) The physical facilities shall be maintained in good repair.

Section 40. Maintaining Premises, Unnecessary Items and Litter.

(a) The premises shall be free of:

(i) Items that are unnecessary to the operation or maintenance of the establishment or processing plant such as equipment that is nonfunctional or no longer used; and

(ii) Litter.

Section 41. Private Homes and Living or Sleeping Quarters, Use Prohibition.

(a) A private home, a room used as living or sleeping quarters or an area directly opening into a room used as living or sleeping quarters may not be used for conducting an establishment or processing plant operations.

Section 42. Living or Sleeping Quarters, Separation.

(a) Living or sleeping quarters located on the premises of an establishment or processing plant such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for an establishment or processing plant operations by complete partitioning and solid self-closing doors.

Section 43. Clothes Washers and Dryers.

(a) Except as specified in Chapter 9, Section 43(b), 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 Chapter 9, Section 46, a mechanical clothes washer and dryer need not be provided.

Section 44. Use of Laundry Facilities.

(a) Except as specified under Chapter 9, Section 44(b), laundry facilities on the premises of an establishment shall be used only for the washing and drying of items used in the operation of the establishment or processing plant.

(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 establishment or processing plant items.

Section 45. Mechanical Washing.

(a) Except as specified under Chapter 9, Section 45(b), linens shall be mechanically washed.

(b) In establishments or processing plants in which only wiping cloths are laundered as specified under Chapter 9, Section 43(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 Chapter 7, Section 10.

Section 46. Wiping Cloths, Air-Drying Locations.

(a) Wiping cloths laundered in an establishment or processing plant that does not have a mechanical clothes dryer as specified under Chapter 9, Section 43(b), 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 as specified under Chapter 7, Section 18.

Section 47. Clean Linens.

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

Section 48. Linen 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 used as specified under Chapter 5, Section 7(d), shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork, and fish.

(c) Linens and napkins that are used as specified under Chapter 3, Section 24, and cloth napkins shall be laundered between each use.

(d) Wet wiping cloths shall be laundered daily.

(e) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

Section 49. Storage of Soiled Linens.

(a) 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.

Section 50. Drying Mops.

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

Section 51. Storing Maintenance Tools.

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

(i) Stored so they do not contaminate food, utensils, equipment, linens, and single-service and single-use articles; and

(ii) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

Section 52. Prohibiting Animals.

(a) Except as specified under Chapter 9, Section 52(b) and (c), live animals may not be allowed on the premises of an establishment or processing plant.

(b) Live animals may be allowed in the following situations if the

contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result:

(i) Edible fish, or decorative fish in aquariums, shellfish, or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(ii) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(iii) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person if a health or safety hazard will not result from the presence or activities of the service animal; and

(iv) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(A) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;

(B) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(C) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(v) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.

(c) Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

Section 53. Outdoor Surface Characteristics.

(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 establishments or processing plants shall be of weather-resistant materials.

(c) Outdoor storage areas for refuse, recyclables, or returnables shall be of

materials specified under Chapter 8, Sections 74 and 75.

Section 54. Outdoor Food Vending Areas, Overhead Protection.

(a) 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.

Section 55. Outdoor Servicing Areas, Overhead Protection.

(a) 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.

Section 56. Outdoor Walking and Driving Surfaces, Graded to Drain.

(a) Exterior walking and driving surfaces shall be graded to drain.

Section 57. Outdoor Refuse Areas, Curbed and Graded to Drain.

(a) Outdoor refuse areas shall be curbed and graded to drain to collect and dispose of liquid waste resulting from the refuse and/or from cleaning the area and waste receptacles.

Section 58. Facilities, Sanitation at Official Establishments Requiring Inspection.

(a) Official establishments shall be adequate for conducting inspection and meet the requirements specified in 9 CFR 307 Facilities For Inspection; 416 Sanitation; and 9 CFR 381 Poultry Products Inspection Regulations, Subpart G Facilities for Inspection; Overtime and Holiday Service; Billing Establishments, Subpart H Sanitation, and Subpart I Operating Procedures.

CHAPTER 10

HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP)

Section 1. When a HACCP Plan is Required.

(a) Before engaging in an activity that requires a HACCP plan, a license applicant or license holder shall submit to the regulatory authority for approval a properly prepared HACCP plan as specified under Chapter 10, Section 2, and the relevant provisions of this Rule if:

(i) Submission of a HACCP plan is required according to law;

(ii) A variance is required as specified under Chapter 3, Sections 41(d)(iv), 62, or Chapter 6, Section 18 (b); or

(iii) The regulatory authority determines that a food preparation or processing method requires a variance based on a plan submittal specified under Chapter 2, Section 7, an inspection finding, or a variance request.

(b) A license applicant or license holder shall have a properly prepared HACCP plan as specified under Chapter 3, Section 63.

Section 2. Contents of a HACCP Plan.

(a) For an establishment or processing plant that is required under Chapter 10, Section 1, to have a HACCP plan, the plan and specification shall indicate:

(i) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or other foods that are specified by the regulatory authority;

(ii) A flow diagram by 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;

(iii) Food employee and supervisory training plan that addresses the food safety issues of concern;

(iv) A statement of standard operating procedures for the plan under consideration including clearly identifying:

(A) Each critical control point;

(B) The critical limits for 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 standard 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;

(F) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and

(v) Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

Section 3. Trade Secrets.

(a) The regulatory authority shall treat as confidential in accordance with law information that meets criteria specified in law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under Chapter 2, Section 7, and Chapter 10, Section 2.

Section 4. HACCP Plans Required in Official Meat and Poultry Establishments.

(a) Every official establishment shall have a written HACCP plan as specified in 9 CFR 417 Hazard Analysis and Critical Control Point (HACCP) Systems.

CHAPTER 11

BOTTLED WATER REQUIREMENTS

Section 1. Water Quality and Source.

(a) All bottled water except mineral water shall meet quality standards prescribed in 21 CFR 165.110 Bottled Water. Mineral water shall not contain any contaminant in quantities injurious to health taking into account the natural constituents and the rate of consumption of mineral water, as compared to drinking water.

Section 2. Good Manufacturing Practices and Operational Requirements.

(a) All bottled water, including mineral water, shall be processed and packaged in accordance with 21 CFR 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food, and 21 CFR 129 Processing and Bottling of Bottled Drinking Water.

(b) Bottled water shall not be processed or bottled through a line or other equipment that is used for any other food.

(c) Artesian water may be collected with the assistance of external force to enhance the natural underground pressure so long as such measures do not alter the composition and quality of the water.

(d) Natural water may be treated to reduce the concentration of any substance which exceeds standards set under 21 CFR. 165.110 Bottled Water. It may be collected and transported by pipes, tunnels, trucks and similar devices.

(e) Spring water shall be collected only at the natural orifice of the spring or through a bore hole that is adjacent to the natural orifice. Spring water collected with the assistance of external force to protect the water source shall retain all the physical properties of and be of the same composition and quality as the water that flows naturally to the surface of the earth.

Section 3. Source Water Sampling.

(a) Water samples shall be:

(i) Taken from approved sources by the plant as often as necessary but at least annually to assure compliance with 21 CFR 129.35 (a) (3) Sanitary Facilities;

(ii) Analysis for microbiological contaminants shall be weekly if the source is other than a public water system;

(iii) The sampling and analyses shall be by qualified personnel and shall be in addition to any sampling performed by government agencies or laboratory;

(iv) Records of the sampling and analyses shall be maintained on file at the plant for two years;

(v) Analysis of the samples shall be performed by an accredited Laboratory;

(vi) Analysis for chemical contaminants shall be at a minimum frequency of once each year; and

(vii) Analysis for radiological contaminants shall be at a minimum frequency of once every four (4) years.

Section 4. Finished Product Sampling.

(a) To assure the plant's production of bottled water is in compliance with 21 CFR 129.80 Processes and Controls, the following product analyses shall be performed by an accredited laboratory:

(i) According to 21 CFR 129.80 Processes and Controls, analyze a representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant at least weekly for microbiological purposes; and

(ii) According to 21 CFR 129.80 Processes and Controls, analyze a representative sample from a batch or segment of continuous product run for each type of bottled drinking water produced by the plant at least annually for chemical, physical, and radiological purposes.

(b) The representative sample shall be derived from the bottled product.

(c) All records pertaining to sampling and analysis shall be maintained at the plant for two years. All required documents shall be available for official review upon request.

Section 5. Exemptions.

(a) A bottled water plant operator may request an exemption from sampling source water and finished product if bottling is conducted less than on a weekly basis.

(i) An operator exempted under this section shall sample source water and finished products each production day.

(b) Bottled soda or seltzer or other food complying with 21 CFR 165.110 Bottled Water, is exempt from the requirements of this Rule.

CHAPTER 12

BULK WATER REQUIREMENTS

Section 1. Applicability.

(a) This Rule applies to all persons engaged in the business of hauling bulk quantities of water for human consumption or for use in a licensed establishment or processing plant.

(i) Bulk water haulers shall be licensed according to Chapter 2, Section 2.

Section 2. General Standards.

(a) All bulk water covered shall be obtained from an approved source meeting one (1) of the following requirements:

(i) A regulated public water system that meets the requirements of 40 CFR 141 which is designed, operated, maintained, and sampled according to law;

(ii) A non-public water system that is designed, operated, and maintained according to law with current satisfactory or negative sampling results for coliform bacteria where samples are collected at least semiannually; or

(iii) An approved well or developed spring with an established history of current satisfactory or negative sampling results for coliform bacteria; and

(A) Routine sampling conducted at least quarterly or immediately prior to filling the bulk tank.

(b) Bulk water to be hauled, sold, or used shall not contact any surface or object which is not specifically designed for the sanitary handling and transfer of potable water. All equipment and plumbing coming in contact with the bulk water must be used exclusively for handling potable water and not for any other purpose.

(c) Tanks previously used to haul any beverage, food, or food-grade substance other than potable water, shall be tested for volatile organic chemicals (VOC) and inorganic chemicals (IOC) before being put into service.

(d) Tanks which have previously been used for hauling non-food grade liquids or petroleum products shall not be used to haul potable water.

(e) Bulk water tanks shall be completely sealed and latched at all times except when filling, cleaning, or servicing the bulk tank.

(i) Air vents shall terminate downward, if not otherwise protected by the manhole cover, and be equipped with a dust filter capable of removing particulate material which exceeds 10 microns in diameter.

(A) A twenty four (24) mesh, or finer, screen may be used during the winter months if the filter is likely to become frozen.

(f) All licensed bulk water hauling tanks shall display a "Wyoming Tested and Approved" seal on the outside of the tank or inside the water handling equipment compartment showing the most recent date of inspection.

(g) Water shall not be stored in the bulk tank longer than three (3) days.

Section 3. Vehicle Identification.

(a) The name and address of the person or firm hauling bulk water shall:

(i) Appear on both sides of the tank, or

(ii) On both of the truck cab doors if the bulk tank is not a separate unit.

(A) The size of the lettering shall be at least four (4) inches (10 cm) in height; and

(B) Must be fully visible and legible at all times.

(b) The words "drinking water only" or "potable water only" shall:

(i) Appear on both sides of the tank in letters at least four (4) inches (10 cm) in height;

(ii) On the rear of the tank in letters at least two (2) inches (5 cm) in height; and

(iii) Must be fully visible and legible at all times.

Section 4. Vehicle and Equipment Standards.

(a) All containers, tanks, hoses, fittings, caps and other equipment used to haul, store or transfer bulk water shall:

(i) Be constructed of approved food grade materials and coatings as defined in 40 CFR 141 and 21 CFR 174 and 175.

(b) All pumps must be constructed of food grade, corrosion resistant materials, and have permanently sealed, self-lubricating bearings.

(c) All parts of the tank, filling system, delivery system and associated pumps and hoses must be readily accessible for cleaning and inspection.

(d) All hoses and tubing shall:

(i) Be provided with threaded or clamped caps; and

(ii) The caps shall be in place at all times the fitting or hose is not in use.

(A) All caps shall be appropriately tethered to equipment to prevent loss and misuse.

(e) When hose bibs are available for filling canteens or portable water containers, a vacuum breaker shall be used to prevent backflow contamination.

(i) All hose bibs shall be provided with caps and shall be kept capped except when in use.

(f) All bulk tank openings and valves shall be kept closed and completely sealed at all times to prevent contamination from entering the tank.

(g) A manhole shall be provided for routine maintenance, cleaning and sanitizing.

(i) The manhole shall be large enough to enter for inspection.

(h) A drain at the lowest point in the tank shall be provided to allow for complete drainage.

(i) All reducers, adapters, pipe fittings and any other water-handling equipment carried on board must be stored protected in dust-proof containers.

(j) All tank valves and other openings shall be kept closed, latched, and sealed when not in use.

Section 5. Fill Point Standards.

(a) When using an overhead standpipe filling source, the filler hose shall terminate at least two hose diameters above the overflow of the tank and must be supported by a device which will provide for overhead protection of the fill hole.

(i) Threaded or clamped caps must be attached to the discharge and entry points of the standpipe and shall be used to protect the standpipe when it is not in use for filling.

(b) When filling through a direct connection:

(i) A vacuum breaker or other suitable means to prevent backflow from the bulk tank into the water system is required at the filling source; and

(ii) Filler hoses remaining attached to a hydrant shall be:

(A) Tightly capped; and

(B) Stored off the ground; or

(C) Flushed; and

(D) The connecting end sprayed with a sanitizing solution prior to connecting to the bulk tank.

Section 6. Discharge Requirements.

(a) When water is discharged from the bulk tank, the manhole and all other openings to the air must remain closed and be properly vented and screened to prevent the entrance of contaminants.

(b) The fill hose opening of the receiving tank must be protected from contamination during the filling procedure.

(c) During discharge, backflow of water from the receiving tank to the discharge (bulk) tank shall be prevented by one of the following methods:

(i) Maintaining an air gap between the discharge hose and the receiving tank;

(ii) Use of a vacuum breaker on the bulk tank or it's pump; or

(iii) By elevating and securing the discharge hose six (6) inches above

the filler neck or overflow pipe of the discharge (bulk) tank.

Section 7. Sampling and Evaluation.

(a) A water sample from the tanker shall be submitted to an accredited laboratory by the hauler for a Coliform determination at least every six (6) months and after an extended interruption of water hauling services on the tanker.

(i) The sample shall be collected from the most commonly used discharge port of the bulk tank; and

(ii) A copy of the results shall be provided to the regulatory authority upon request.

Section 8. Records.

(a) The water hauler shall maintain a log of activities including:

(i) Dates, times, and quantities of all bulk water deliveries;

(ii) All water source(s);

(iii) All delivery points including addresses;

(iv) Copies of all agreements and contracts;

(v) Results of all required bacteriological analysis of samples collected from the bulk tank; and

(vi) A record of all cleaning, maintenance, and bulk tank repairs.

(b) These records shall be maintained for two (2) years in a central location and made available for review by the regulatory authority.

Section 9. Exemptions.

(a) Persons hauling water for their own use or for the use of their non-paying guests are not subject to the requirements of this Rule, providing they are not engaged in a profit oriented enterprise or sponsor of a free business or recreational camp where the public would be expected to consume the water.

(b) In emergency situations, equipment and/or water not approved under the auspices of this Rule shall be approved by the regulatory authority if all of the following conditions are met:

(i) The equipment selected for emergency use shall not have been previously used for hauling substances that are potentially unsafe for humans, such as sewage or chemicals;

(ii) All equipment must be thoroughly cleaned and sanitized before use;

(iii) The water shall be sufficiently disinfected to insure it is safe for human consumption; and

(iv) An exemption shall only be granted after inspection and approval by the regulatory authority.

Section 10. Sanitation.

(a) All water transfer equipment and any other equipment having the possibility of coming in contact with the bulk water shall be washed, rinsed, sanitized, and replaced as often as necessary to effectively maintain the sanitary quality of the bulk water.

(b) The bulk tank interior must be visually inspected by the hauler prior to the initial filling each day, and whenever potential contamination is suspected.

(c) The inside of the bulk tank must be cleaned and sanitized:

(i) Any time contamination has occurred or possibly occurred;

(ii) After back siphonage of water has occurred from a receiving tank;

(iii) When a visual inspection reveals sediment, rust, or foreign material inside the tank;

(iv) After more than thirty (30) days of non-use;

(v) After repairs have been made to the inside of the tank;

(vi) After filling with water from a source where a “boil order” has been imposed; and

(vii) Upon receipt of unsatisfactory results from a routine bacteriological test of water drawn from the tank.

(d) Approved methods for sanitizing bulk tanks include:

(i) Manual (by brushing, spraying, or immersion) application of a sanitizing solution containing chlorine (200 ppm) or quartenary ammonium (200-400 ppm) directly to all interior tank surfaces, allowing a 30 minute contact time then followed by a potable water rinse;

(ii) Filling the tank with a diluted (50 ppm) chlorine sanitizing solution and allowing it to sit in the tank for twenty four (24) hours. Approximately one (1) gallon of bleach containing 5.25% sodium hypochlorite will make one thousand (1,000) gallons of a sanitizing solution with a concentration of fifty (50) ppm. A chemical test kit must be used for verifying the concentration of sanitizers; or

(iii) Steam contact application to the interior surfaces of the bulk tank.

(e) A spray bottle or tank sprayer containing either a chlorine (100-200 ppm) or quaternary ammonium (200-400 ppm) sanitizing solution shall be kept with the hauler at all times.

(i) Sanitizing solutions shall be applied as needed to pipe fittings, hose bibs, caps, tank openings and other possible points of contamination.

(f) Good hygiene shall be practiced by the hauler during filling, delivery and handling equipment including:

(i) Avoid touching the interior surfaces of hoses, clamps, fittings, and covers;

(ii) Prevent the contamination or unnecessary handling of any surface inside a receiving tank; and

(iii) Hand washing, use of disposable gloves, or the application of an alcohol-based gel-type hand sanitizer is required before handling any equipment surface that may come in contact with the bulk water.

CHAPTER 13

FOOD SALVAGE

Section 1. Handling of Distressed Merchandise.

(a) Any person owning or having possession of distressed merchandise shall contact the director:

(i) Within 24 hours after the merchandise becomes distressed; and

(ii) Prior to its removal from the place at which it was located when it became distressed merchandise.

(b) If emergency removal of such distressed merchandise is required, or immediate contact with the director cannot be made, such notice to the director shall be made as soon thereafter as possible.

(c) The salvage distributor or manager of the salvage processing plant shall contact the director within forty-eight (48) hours whenever distressed merchandise subject to the provisions of this Rule is obtained.

(d) Distressed and salvageable merchandise shall:

(i) Be moved from the site of a fire, flood, sewer backup, wreck or other cause as expeditiously as possible so as not to become putrid, a rodent or insect harborage, or otherwise a menace to public health;

(ii) If of a perishable nature prior to reconditioning, be transported only in vehicles provided with adequate refrigeration if necessary for product maintenance; and

(iii) Not be shipped interstate without prior approval of the director.

(e) Distressed articles other than food that are also salvaged shall be handled in rooms separate from those in which foods are reconditioned.

(f) Sufficient precautions shall be taken to prevent cross-contamination (animal feed to human food, etc.) among the various types of merchandise which are salvageable or salvaged.

(g) Contaminated foods shall be separated immediately from non-contaminated foods.

Section 2. Reconditioning and Labeling of Distressed Merchandise.

(a) All salvageable merchandise shall be reconditioned prior to sale or distribution except for such sale or distribution to a person who meets all applicable requirements of this Rule and is acceptable to the director.

(b) All metal cans of food offered for sale or distribution shall be essentially free from rust (pitting) and dents (especially at rim, end double seams and/or side seams).

(i) Leakers, springers, flippers, and swells shall be deemed unfit for sale or distribution.

(ii) Metal or glass containers of food with press caps, screw caps, pull rings or other types of openings which have been in contact with:

(A) Water, liquid foam; or

(B) Other deleterious substances, as a result of fire fighting efforts, flood, sewer backups or similar mishaps, shall be:

(I) Deemed unfit for sale or distribution, and considered non-salvageable merchandise.

(c) Metal containers of food, other than those mentioned in (b) above:

(i) Whose integrity has not been compromised;

(ii) Whose integrity would not be compromised by reconditioning; and

(iii) Which have been partially or totally submerged in water, liquid foam, or other deleterious substance as the result of flood, sewer backup or other reasons shall be:

(A) Thoroughly cleaned; and

(B) Subjected to a sanitizing rinse of a concentration of 100 ppm available chlorine for a minimum period of one minute; or

(C) Sanitized by another method approved by the director.

(iv) Shall subsequently be treated to inhibit rust formation.

(d) Cans or tins showing surface rust shall have:

(i) Labels removed;

(ii) The outer surface cleaned by buffing;

(iii) A protective coating applied when necessary; and

(iv) New labels applied.

(e) Relabeling of other salvageable non-metal (glass, plastic, etc.) containers shall be required when original labels are missing or illegible.

(f) All salvageable merchandise shall:

(i) Be labeled to indicate that the merchandise has been salvaged; and

(ii) Be in containers provided with labels meeting the requirements of W.S. 35-7-119 Fair packaging and labeling provisions, and regulations promulgated under that Act for products in interstate commerce.

(d) If original labels that are removed from containers which are to be resold or redistributed, the distributor must show the name and address of the salvage processing plant, as well as the date of reconditioning for sale or distribution.

Section 3. Handling of Non-Salvageable Merchandise.

(a) Foods shall be deemed to be non-salvageable merchandise if:

(i) They are contaminated and/or adulterated by pesticides or other chemicals;

(ii) They are potentially hazardous foods which have been exposed to a temperature above 41EF (5EC) for a period exceeding four (4) hours;

(iii) They are foods found unfit for salvage upon examination;

(iv) They are foods packaged in paper or other porous materials which have been subject to contamination; and

(v) They are foods so packaged that contaminating residues cannot be removed.

(b) Non-salvageable merchandise shall not be sold or distributed as food, but shall be disposed of in a manner approved by and under the supervision of the regulatory authority.

Section 4. Records.

(a) A written record or receipt of distressed, salvageable and salvaged merchandise shall be kept by the salvage processing plant for inspection by the regulatory authority during business hours.

(i) The records shall include:

(A) The name of the product;

(B) The name and address of the manufacturer or distributor;

(C) The production code;

(D) Container sizes;

(E) Source of the distressed merchandise;

(F) The date received;

(G) The type of damage; and

(H) The salvage process conducted.

(ii) These records shall be kept on the premises of the salvage processing plant for a period of two (2) years following the completion of transactions.

(b) A written record shall be kept by salvage handlers on forms provided by the director.

(i) The record shall include, among other information requested by the director:

(A) Name and address of manufacturer or distributor;

(B) Description of food;

(C) Production codes;

(D) Container sizes;

(E) Date and time of accident or other event which caused merchandise to be distressed;

(F) Date and time of removal;

(G) Hours without refrigeration, when applicable;

(H) Type and extent of damage;

(I) Methods used for moving;

(J) Amount of merchandise destroyed;

(K) Method of destruction;

(L) Landfill receipt number;

(M) Location of landfill; and

(N) License and trailer numbers of all vehicles used to transport distressed food.

Section 5. Embargo of Distressed Food.

(a) Whenever a "notice of embargo" has been placed on or about any premises or vehicle by the regulatory authority, any person, acting as a salvage handler, must handle the distressed merchandise within the conditions outlined on the notice.

(1) The Anotice of embargo@ must be kept in the general area of the distressed merchandise at all times.

(b) Distressed merchandise which is under embargo may be transferred and moved to a nearby location for further handling.

(1) In all cases the regulatory authority must be notified when distressed merchandise is moved.

(c) Upon final disposition of all distressed merchandise, the salvage handler must return the "notice of embargo" and all other records required by this Rule to the regulatory authority within three (3) days.

CHAPTER 14

FEDERAL REGULATIONS

Section 1. Adoption of Federal Regulations.

(a) For the purpose of all Chapters, the citations herein are referenced throughout this Rule.

(i) The Code of Federal Regulations (CFR): 7 CFR 56 Regulations Governing the Voluntary Grading of Shell Eggs; 7 CFR 57 Inspection of Eggs (Egg Products Inspection Act); 7 CFR 60 Country of Origin Labeling for Fish and Shellfish; 7 CFR 65 Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Macadamia Nuts, and Peanuts; 9 CFR 301 Definitions; 9 CFR 302 Application of Inspection and Other Requirements; 9 CFR 303 Exemptions; 9 CFR 304 Application for Inspection; Grant of Inspection; 9 CFR 305 Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violation; 9 CFR 306 Assignment and Authorities of Program Employees; 9 CFR 307 Facilities for Inspection; 9 CFR 309 Antemortem Inspection; 9 CFR 310 Postmortem Inspection; 9 CFR 311 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; 9 CFR 312 Official Marks, Devices and Certificates; 9 CFR 313 Humane Slaughter of Livestock; 9 CFR 314 Handling and Disposal of Condemned or other Inedible Products at Official Establishments; 9 CFR 315 Rendering or other Disposal of Carcasses and Parts Passed for Cooking; 9 CFR 316 Marking Products and Their Containers; 9 CFR 317 Labeling, Marking Devices, and Containers; 9 CFR 318 Entry into Official Establishments; Reinspection and Preparation of Products; 9 CFR 319 Definitions and Standards of Identity or Composition; 9 CFR 320 Records, Registration, and Reports; 9 CFR 321 Cooperation with States and Territories; 9 CFR 325 Transportation; 9 CFR 329 Detention; Seizure and Condemnation; Criminal Offenses; 9 CFR 352 Exotic Animals; Voluntary Inspection; 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof; 9 CFR 362 Voluntary Poultry Inspection Regulations; 9 CFR 381 Poultry Products Inspection Regulations; 9 CFR 412 Label Approval; 9 CFR 416 Sanitation; 9 CFR 417 Hazard Analysis and Critical Control Point (HACCP) Systems; 9 CFR 418 Recalls; 9 CFR 424 Preparation and Processing Operations; 9 CFR 430 Requirements for Specific Classes of Product (*Listeria monocytogenes*); 9 CFR 441.10 Retained Water; 9 CFR 442 Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights; 9 CFR 500 Rules of Practice; 9 CFR 590 Inspection of Eggs and Egg Products (Egg Products Inspection Act); 21 CFR 1.20-1.24 Subpart B-General Labeling Requirements; 21 CFR 7.1-7.13 Enforcement Policy Subpart A-General Provisions and 7.40-7.59 Subpart C-Recalls (Including Product Corrections)-Guidance on Policy, Procedures, and Industry Responsibilities; 21 CFR 70 Color Additives; 21 CFR 73.1-73.615 Listing of Color Additives Exempt From Certification Subpart A-Foods; 21 CFR 74.101-74.706 Listing of Color Additives Subject to Certification Subpart A-Foods; 21 CFR 81 General Restrictions for Provisional Color Additives for Use in Foods, Drugs, and Cosmetics; 21 CFR 82.3-82.706 Listing of Certified Provisionally Listed Colors and Specifications Subpart A-General Provisions and Subpart B-Drugs and Cosmetics; 21 CFR 100.155 Salt and Iodized Salt; 21 CFR 101 Food Labeling; 21 CFR 102 Common or Usual Name for Nonstandardized Foods (except 102.19); 21

CFR 104 Nutritional Quality Guidelines for Foods; 21CFR 105 Foods for Special Dietary Use; 21 CFR 108.25-108.35 Emergency Permit Control Subpart B-Specific Requirements and Conditions for Exemption From or Compliance With an Emergency Permit; 21CFR 109 Unavoidable Contaminants in Food for Human Consumption and Food-Packaging Material; 21 CFR 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food; 21 CFR 111 Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements; 21 CFR 113 Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; 21 CFR 114 Acidified foods; 21 CFR 115 Eggs, Refrigeration; 21 CFR 120 Hazard Analysis and Critical Control Point (HACCP) Systems; 21 CFR 123 Fish and Fishery Products; 21 CFR 129 Processing and Bottling of Bottled Drinking Water; 21 CFR 130 Food Standards: General; 21 CFR 131 Milk and Cream; 21 CFR 133 Cheeses and Related Cheese Products; 21 CFR 135 Frozen Desserts; 21 CFR 136 Bakery Products; 21 CFR 137 Cereal Flours and Related Products; 21 CFR 139 Macaroni and Noodle Products; 21 CFR 145 Canned Fruits; 21 CFR 146 Canned Fruit Juices; 21CFR 150 Fruit Butters, Jellies, Preserves, and Related Products; 21 CFR 152 Fruit Pies; 21 CFR 155 Canned Vegetables; 21 CFR 156 Vegetable Juices; 21 CFR 158 Frozen Vegetables; 21 CFR 160 Eggs and Egg Products; 21 CFR 161 Fish and Shellfish; 21 CFR 163 Cacao Products; 21 CFR 164 Tree Nut and Peanut Products; 21 CFR 165 Beverages; 21CFR 166 Margarine; 21 CFR 168 Sweeteners and Table Syrups; 21 CFR 169 Food Dressings and Flavorings; 21 CFR 170 Food Additives; 21 CFR 171 Food Additive Petitions; 21 CFR 172 Food Additives Permitted for Direct Addition to Food for Human Consumption; 21 CFR 173 Secondary Direct Food Additives Permitted in food for Human Consumption; 21 CFR 174 Indirect Food Additives: General; 21 CFR 175 Indirect Food Additives: Adhesives and Components of Coatings; 21 CFR 176 Indirect Food Additives: Paper and Paperboard Components; 21 CFR 177 Indirect Food Additives: Polymers; 21 CFR 178 Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; 21 CFR 179 Irradiation in the Production, Processing and Handling of Food; 21 CFR 180 Food Additives Permitted in Food or in Contact with Food on an Interim Basis Pending Additional Study; 21 CFR 181 Prior-Sanctioned Food Ingredients; 21 CFR 182 Substances Generally Recognized as Safe; 21 CFR 184 Direct Food Substances Affirmed as Generally Recognized as Safe; 21 CFR 186 Indirect Substances Affirmed as Generally Recognized as Safe; 21 CFR 189 Substances Prohibited From Use in Human Food; 21 CFR 190 Dietary Supplements; 21 CFR 219.80 Processes and Controls; 21 CFR 1030.10 Microwave Ovens; 21 CFR Subpart D – Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60 (d); 40 CFR 141 National Primary Drinking Water Regulations; 40 CFR 152 Subpart I – Classification of Pesticides; 40 CFR 152.175 Pesticides Classified for Restricted Use; 40 CFR 180.940 Sanitizing Solutions; 40 CFR 185 Tolerances for Pesticides in Food; 50 CFR 17 Endangered and Threatened Wildlife and Plants.

(ii) 7 USC 136(e) Certified Applicator, etc; Federal Food, Drug, and Cosmetic Act §201(s), (t) & (ff); Federal Food, Drug, and Cosmetic Act, 21 USC 301 (v); Federal Food, Drug, and Cosmetic Act, 21 USC 343; Federal Food, Drug, and Cosmetic Act §402; Federal Food, Drug, and Cosmetic Act §403(Q)(3)-(5); Federal Food, Drug, and Cosmetic Act §409; Federal Food, Drug, and Cosmetic Act §703; Federal Food, Drug, and Cosmetic Act §706; National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish; U.S. Public Health Service/FDA "Grade A Pasteurized Milk Ordinance"; "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National

Conference on Interstate Milk Shipments", and "Methods of Making Sanitation Ratings of Milk Shippers"; United States Department of Agriculture/Agriculture Marketing Service "Milk for Manufacturing Purposes and its Production and Processing"; the International Plumbing Code; the USDA AMS 56 U.S. Standards, Grades, and Weight Classes for Shell Eggs; 50 FR 15861 United States Standards for Grades of Extracted Honey, 32 FR 7565 United States Standards for Grades of Comb Honey; Federal Meat Inspection Act (including the Wholesome Meat Act)/Poultry Products Inspection Act, Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282); and the Humane Methods of Slaughter Act 1978.

(iii) Regulations, rules, and other authorities listed in (i) and (ii) above which are in effect on January 1, 2015, are hereby adopted by the Wyoming department of agriculture and do not include any later amendments or editions. These documents are available for public inspection and may be purchased at cost from the office of the Wyoming department of agriculture.

(iv) Rules, regulations and other authorities adopted are readily available to the public and may be purchased from:

(A) The Code of Federal Regulations; http://bookstore.gpo.gov

(B) Federal Food, Drug & Cosmetic Act; United States Code; Federal Meat Inspection Act/Poultry Products Inspection Act; http://www.fda.gov/

(C) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish; http://www.cfsan.fda.gov/~ear/nss3-toc.html

(D) Grade A Pasteurized Milk Ordinance, Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, Methods of Making Sanitation Ratings of Milk Shippers; http://www.fda.gov/

(E) Milk for Manufacturing Purposes and its Production and Processing; http://www.ams.usda.gov/dairy/prop_manufmlk.pdf

(F) International Plumbing Code; www.iccsafe.org

(G) USDA AMS 56 U.S. Standards, Grades, and Weight Classes for Shell Eggs; http://www.usda.gov

(H) 50 FR 15861 United States Standards for Grades of Extracted Honey; http://www.ams.usda.gov/standards/exhoney.pdf

(I) 32 FR 7565 United States Standards for Grades of Comb Honey; http://www.ams.usda.gov/standards/comhoney.pdf

(J) Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282); http://www.cfsan.fda.gov/~dms/alrgact.html

(K) Humane Methods of Slaughter Act 1978; http://www.access.gpo.gov/uscode/title7/chapter48_.html

CHAPTER 15

EGG GRADING REQUIREMENTS

Section 1. Licensing and Standardizaion

(a) In order to candle and grade eggs for sales to establishments, a license shall be applied for in accordance with Chapter 2, Section 2, (a) (ii) of this Rule.

(b) Standardization is required to ensure knowledge and consistency in candling and grading eggs and shall consist of the following:

(i) Upon receipt of the completed license application form and the license fee, an authorized representative of the Wyoming Department of Agriculture, Consumer Health Services Division shall provide a written and performance examination to the license applicant;

(ii) The written examination shall determine the license applicant's knowledge of egg quality and size standards established in this chapter;

(ii) The performance examination shall determine the license applicant's ability to candle and grade eggs; and

(iv) The license applicant shall obtain a grade of 80% or higher on the written examination and not exceed a deviation of ± 15% on the candling performance examination to qualify for an egg grader standardization.

Section 2. General Definitions

(a) The following definitions apply to this chapter of the Wyoming Food Safety Rule:

(i) “Candling” means the careful examination of the whole egg by means of a strong light in a partially dark room or place.

(ii) “Chalazas” a white structure that is continuous with the chalaziferous layer which suspends the yolk in the center of the white.

(iii) "Check" means an egg with a broken or cracked shell but with membranes intact and no leaking contents.

(iv) “Grader” means a person who determines the quality and size of eggs in accordance with Wyoming laws and rules through candling.

(v) “Haugh unit value” means the value resulting from the correlation of the height of the thick white when broken out as measured by a micrometer and the weight of the egg when broken out.

(vi) "Leaker" means an egg that has a crack or break in the shell and shell membrane to the extent that the egg content is exuding or free to exude through the shell.

(vii) "Loss egg" means an egg that is inedible, smashed or broken so that the contents are leaking, overheated, frozen, or contaminated.

Section 3. Eggs Deemed Unfit for Human Consumption

(a) Eggs defined and described in this section are deemed unfit for human food and may not be sold or offered for sale for human consumption.

(i) "Addled" or "white rot" means an egg that is putrid or rotten.

(ii) "Moldy" means an egg which has deteriorated so that mold spores have formed within the egg.

(iii) "Blood spot" is a spot of blood in excess of 1/8 inch (3.2 mm) in aggregate which adheres to the yolk of the egg.

(iv) "Black rot" means an egg which has deteriorated to such an extent that the whole interior presents a blackened appearance.

(v) "Blood ring" means an egg in which the germ has developed to such an extent that blood is formed.

(vi) "Adherent yolk" means an egg in which the yolk has become fastened to the shell.

(vii) "Incubated eggs" means eggs which have been subjected to incubation, whether natural or artificial, for more than 48 hours.

(viii) "Bloody white" means an egg with a general reddish appearance due to blood mixed through the albumen which may show spots of blood floating in the white.

(ix) "Meat spot" means that the egg has a speck of foreign matter adhering to the yolk or floating in the white.

(x) An egg that is smashed or broken and the contents are leaking.

(xi) Eggs which are otherwise unwholesome or adulterated as defined in 7 CFR 57 Inspection of Eggs (Egg Products Inspection Act).

Section 4. Sales of Checked Shell Eggs

(a) Checked shell eggs shall not be sold on or off premises to:

(i) Hospitals, institutions, nursing homes, convalescent homes, retirement homes, or schools, whether owned privately or by a governmental body;

(ii) Food establishments subject to licensing by the Wyoming Department of Agriculture, including but not limited to, bakeries, restaurants, cafes, drive-ins, and food processing plants; or

(iii) Private clubs, organizations, churches or church groups if members, the public and/or non-members and guests are served food.

(b) Checked shell eggs may be sold to a breaking plant approved by the department or for non-human food purposes to an animal-food processing plant in accordance with 7 CFR 57 Inspection of Eggs (Egg Products Inspection Act).

(c) Checked shell eggs may be sold on the premises to the end consumer only if conforming to the requirements of 7 CFR 57 Inspection of Eggs (Egg Products Inspection Act) and as follows:

(i) Each container of checked shell eggs sold or offered for sale shall have a label printed on the container, inserted into the container or by other means attached to the container advising the consumer that the eggs are being sold only for cooking and baking purposes where the cooking temperatures will reach or exceed 165°F. (73.9 C.). Each label must contain the words "checked shell" and the printing on each label shall be clean, clear and of such size print so as to be easily read by the consumer.

(ii) The label and/or container may not have on or in it any words, phrase or graphic material which might tend to mislead the purchaser or consumer that the eggs have been inspected by the department or that they have been candled or graded.

(iii) All references on the containers to size, grade, freshness and seals or imprint seals must be obliterated prior to sale to the consumer.

Section 5. Adulterating of Shell Eggs and Egg Products

(a) No person shall adulterate eggs or egg products except:

(i) Department-approved non-toxic substances or colorings may be added only to make them inedible for humans or for rechanneling eggs and egg products into an animal-food processing plant.

Section 6. Regrading Shell Eggs

(a) All eggs and egg products produced or sold in the state of Wyoming may be regraded by the regulatory authority in order to ascertain compliance with the rules contained in this chapter wherever they are produced, processed, held, kept, sold, offered or intended for sale.

(b) Eggs and egg products which do not comply with the rules contained in this chapter shall be ordered returned to the supplier by the regulatory authority. The supplier shall be notified why the eggs are being returned in writing by the regulatory authority.

Section 7. Candling Procedures

(a) The Wyoming standards for quality of shell eggs contained in this chapter only apply to eggs that are the product of the domesticated chicken hen and remain in the shell.

(b) Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light that will enable the grader to make consistently accurate determinations of the interior quality of shell eggs may be used. The grader shall break-out an occasional egg and compare the broken-out and candled appearance to aid in correlating the candled and broken-out appearance by determining the Haugh unit value of the broken-out egg.

Section 8. Shell

(a) A "clean" shell is an unbroken shell free from foreign material and stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains or cage marks, if such specks, stains or cage marks are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs which show traces of processing oil on the shell are considered clean unless otherwise soiled.

(b) A "dirty" shell is an unbroken shell which has dirt or foreign material adhering to its surface, has prominent stains, or has moderate stains covering more than 1/32 of the shell surface if localized or 1/16 of the shell surface if scattered.

(c) A "check egg" is an egg with a broken shell or crack in the shell, but with its shell membranes intact and its contents not leaking. A check egg is considered to be lower quality than a dirty egg.

(d) A "practically normal" (AA or A quality) shell is an unbroken shell that approximates the usual egg shape and is sound and free from thin spots. Ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.

(e) An "abnormal" (B quality) shell is an unbroken shell that is somewhat unusual, decidedly misshapen, faulty in soundness or strength, or shows pronounced ridges or thin spots.

Section 9. Air Cell

(a) The "depth of air cell" (air space between shell membranes, normally in the large end of the egg) is the distance from its top to its bottom when the egg is held air cell upward.

(b) A "free air cell" is an air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(c) A "bubbly air cell" is a ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

Section 10. White

(a) A "clear" (AA, A quality) white is free from discoloration or from any foreign bodies floating in it. (Prominent chalazas should not be confused with foreign bodies, such as spots and blood clots.)

(b) A "firm" (AA quality) white is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled. With respect to the broken-out egg, a firm white has a Haugh unit value of 72 or higher when measured at a temperature between 45°F. (7.2 C.) and 60°F. (15.6 C.).

(c) A "reasonably firm" (A quality) white is a white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to approach the shell more closely which results in a fairly well defined yolk outline when the egg is twirled. With respect to a broken-out egg, a reasonably firm white has a Haugh unit value of 60 up to 71 when measured at a temperature between 45°F. (7.2 C.) and 60° F. (15.6).

(d) A "weak and watery" (B quality) white is weak, thin and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus

causing the yolk outline to appear plainly visible and dark when the egg is twirled. With respect to the broken-out egg, a weak and watery white has a Haugh unit value lower than 60 when measured at a temperature between 45°F. (7.2 C.) and 60°F. (15.6 C.)

(e) Eggs containing "blood clots and/or spots" which are small blood or meat spots (aggregating not more than 1/8 inch (3.2 mm) diameter) are to be classified as B quality.

(f) A "bloody white" is an egg, with a white which has blood diffused through it. Such a condition may be present in new-laid eggs. Eggs with bloody whites are classified as a loss.

Section 11. Yolk

(a) An "outline slightly defined" (AA quality) yolk is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(b) An "outline fairly well defined" (A quality) yolk is discernable but not clearly outlined as the egg is twirled.

(c) An "outline plainly visible" (B quality) yolk is clearly visible as a dark shadow when the egg is twirled.

(d) An "enlarged and flattened" (B quality) yolk is one in which the membranes and tissues have weakened and moisture has been absorbed from the white to such an extent that it appears definitely enlarged and flat.

(e) A "practically free from defects" (AA or A quality) yolk shows no germ development, but may show other very slight defects on its surface.

(f) A "clearly visible germ development" (B quality) yolk is one in which the development of the germ spot of a fertile egg has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(g) "Blood due to germ development" is blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. An egg having blood due to germ development is classified as inedible.

Section 12. Egg Quality Grades

(a) AA Quality:

(i) The shell must be clean, unbroken and practically normal;

(ii) The air cell may not exceed 1/8 inch (3.2 mm) in depth, may show unlimited movement and may be free or bubbly;

(iii) The white must be clear and at least reasonably firm so that the yolk is only slightly defined when the egg is twirled before a candling light; and

(iv) The yolk must be clear and firm.

(b) A Quality:

(i) The shell must be clean, unbroken and practically normal;

(ii) The air cell may not exceed 3/16 inch (4.8 mm) in depth, may show unlimited movement and may be free or bubbly;

(iii) The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light; and

(iv) The yolk must be practically free from apparent defects.

(c) B Quality:

(i) The shell must be unbroken, may be abnormal and may have slightly stained areas.

(A) Moderately stained areas are permitted if they do not cover more than 1/32 of the shell surface if localized or 1/16 of the shell surface if scattered.

(B) Eggs having shells with prominent stains or adhering dirt are not permitted.

(ii) The air cell may be over 3/16 inch (4.8 mm) in depth, may show unlimited movement, and may be free or bubbly.

(iii) The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light.

(iv) The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development but no blood due to germ development.

(A) The yolk may show other serious defects that do not render the egg inedible.

(B) Small blood spots or meat spots (aggregating not more than 1/8 inch (3.2 mm) in diameter) may be present.

Section 13. General Requirements for Buildings and Plant Facilities

(a) Plans and specifications shall be submitted to the Consumer Health Services inspector prior to beginning construction of the separate room or building for processing eggs.

(b) The building shall be constructed and maintained to prevent the entrance or harboring of vermin.

(c) Grading and packing rooms must be of sufficient size to permit installation of necessary equipment and the conduct of grading and packing in a sanitary manner.

(d) A toilet room is required for employees and shall be kept in a clean and sanitary condition.

(i) A hand sink shall be provided with hot and cold running water tempered by means of a mixing valve or combination faucet.

(ii) Toilet rooms must be vented to outside the building.

(iii) Signs instructing employees to wash their hands before returning to work shall be posted in the restrooms

(iv) All waste containers shall be of the covered type and be kept closed when not in use.

(h) Lights in the egg room/building shall either be shielded or utilize shatter proof bulbs.

(i) If mechanical equipment is used, adequate light must be provided for the detection and removal of stained and dirty shells and determining the condition of the packing material.

(i) The walls, floor and ceiling in the egg room or building shall be smooth, non-absorbent, easily cleanable and of a light color.

(j) The egg washing room may double as the egg grading and candling room if it can be adequately darkened to make accurate quality determinations of candled eggs.

(k) The candling lights shall deliver a reasonably uniform intensity of light at the candling aperture which will facilitate accurate quality determinations.

(l) Easily cleanable, certified scales shall be used to check the accuracy of weight classing.

(m) Adequate ventilation shall be provided.

(n) Cooler rooms shall have refrigeration capable of reducing and holding the maximum volume of eggs handled to a temperature of 45°F (7.2 C.) or below within 24 hours.

(i) A thermometer shall be conspicuously located in the refrigerated areas.

(ii) Cooler rooms shall be free from objectionable odors, dirt and pooled wastes.

Section14. Shell Egg Protecting Operations

(a) Shell egg protecting (oil processing) operations shall be conducted to avoid contamination of the product and maximize conservation of its quality.

(i) Eggs with excess moisture on the shell shall not be shell protected.

(ii) Oil that is obviously contaminated shall not be used in shell egg protection.

(iii) Processing oil that has been previously used or which has become contaminated shall be filtered and heat-treated at 180°F. (82.2 C.) for three (3) minutes prior to use.

(b) Shell egg processing equipment shall be washed, rinsed and treated with a bactericidal agent each time the oil is removed.

(i) Processing oil shall be filtered and heat-treated and shell egg processing equipment cleaned daily when in use.

(ii) Egg processing equipment shall be covered and protected against dust and dirt when not in use.

Section 15. Shell Egg Cleaning Operations

(a) Shell egg cleaning equipment shall be kept clean and in good repair and operating condition. It must be cleaned after each day's use or more frequently if necessary. Visible mineral deposits must be removed, either manually or by de-liming agents.

(b) Waste water from egg washing equipment shall be indirectly drained and wastewater from all drains shall drain to an approved sewage system.

(c) The egg room/candling and grading room shall contain a separate hand sink with hot and cold running water tempered by means of a mixing valve faucet.

(d) Facilities shall have means to wash, rinse and sanitize eggs in a sanitary manner.

(i) The water in continuous-type washers shall be completely changed as required and at least once during each shift and at the end of each shift.

(ii) The minimum maintained temperature of the wash water shall be 90°F. (32.2 C.) Pre-wetting by submersion may not exceed five (5) minutes.

(iii) Eggs shall be removed from the washing and rinsing area of the egg washer during rest periods and from the scanning area whenever there is a build-up of heat.

(iv) Only cleaning and sanitizing compounds approved by the department shall be used.

(v) The use of metered equipment for dispensing the compounds into solution is recommended.

(vi) The entire shell egg cleaning and drying operation shall be continuous and shall be completed as rapidly as possible.

(vi) Only potable water may be used to wash eggs.

(A) Water from a nonpublic water system shall be sampled and tested for coliform bacteria at least semi-annually.

(B) An analysis of the iron content of the water supply, stated in parts per million, is also required. An iron content of less than two (2) ppm is required.

(vii) All washed eggs must be effectively sanitized in warm, potable water which contains an approved sanitizing compound that is no less than fifty (50) ppm nor more than two hundred (200) ppm of available chlorine or it's equivalent.

(viii) Washed eggs must be reasonably dry before cartoning or casing.

(e) Steam or vapors originating from the washing operation shall be continuously and directly removed to the outside of the building.

(f) Eggs that are to be transported to another location for sale shall be maintained at 45°F (7.2 C.) or colder during transportation.

Section 16. Packaging and Labeling

(a) The cartons used to package eggs shall be new and labeled with:

(i) Establishment name;

(ii) Establishment address;

(iii) Egg grade;

(iv) Safe handling instructions;

(v) Number of eggs in carton;

(vi) Packaging date; and

(vii) Wording “Keep Refrigerated”

(b) Cases and packaging material shall be visibly clean, free of mold, mustiness and off odors and shall be of sufficient strength and durability to adequately protect eggs during normal distribution.

(c) Every reasonable precaution shall be exercised to prevent eggs from sweating.

(d) The Wyoming certified grader’s number shall be stamped on the carton in a conspicuous location prior to entering commerce.

Section 17. Pesticides

(a) Pesticides, insecticides and rodenticides used in the plant must be approved by the department and shall be stored, handled and applied in accordance with the manufacturer's instructions.

Section 18. Health and Hygiene of Personnel

(a) No person known to have a communicable or infectious disease shall come in contact with eggs or egg products.

(b) Plant personnel coming in contact with eggs and egg products shall wear clean, washable clothing.

Section 19. Wyoming Grade and Weight Sampling Requirements for Shell

Eggs

(a) The grades provided below are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. Reference in these standards to the term "case" means thirty (30) dozen eggs per case as used in commercial practices in the United States. A minimum of one hundred (100) eggs must be examined per sample case. For lots which consist of less than one (1) case, a minimum of fifty (50) eggs must be examined. If the lot consists of less than fifty (50) eggs, all eggs will be examined. Whenever grading service is performed on a representative sample basis, the sample shall be drawn and consist of not less than the minimum number of cases as indicated in the following table:

MINIMUM NUMBER OF CASES, RANDOMLY SELECTED, COMPRISING A REPRESENTATIVE SAMPLE

Cases in Lot	Cases in Sample
1	1
2 to 10 inclusive	2
11 to 25	3
26 to 50	4
51 to 100…	5
101 to 200…	8
201 to 300…	11
301 to 400…	13
401 to 500…	14
501 to 600…	16

(Include one (1) additional case for each fifty (50) cases or fraction thereof in excess of six hundred (600) cases.)

(b) Aggregate tolerances are permitted within each grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading, and reasonable variations of grader's interpretation.

(c) Substitution of higher qualities for lower qualities specified is permitted.

(d) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official Wyoming grade or that have been contaminated by smoke, chemicals, or other foreign material which has seriously affected the character, appearance, or flavor of the eggs.

Section 20. Wyoming Consumer Grades and Weight Classes for Shell Eggs

(a) Grades.

(i) Wyoming grade AA.

(A) Wyoming consumer grade AA must consist of eggs which are 85% AA quality at origin. Within the 15% which may be below AA quality, not more than 5% may be B quality or checks in any combination. No dirties or loss eggs are permitted.

(B) Wyoming consumer grade AA must consist of eggs which are 80% AA quality at destination. Within the 20% which may be below AA quality, not more than 5% may be B quality, checks in any combination, and not more than 0.5% leakers or dirties in any combination.

(ii) Wyoming grade A.

(A) Wyoming consumer grade A at origin must consist of eggs which are 85% A quality or better. Within the 15% which may be below A quality, not more than 5% may be checks. No dirties or loss eggs are permitted.

(B) Wyoming consumer grade A at destination must consist of eggs which are 80% A quality or better. Within the 20% which may be below A quality, not more than 5% may be checks, and not more than 0.5°% leakers and dirties.

(iii) Wyoming grade B:

(A) Wyoming consumer grade B at origin must consist of eggs which are 85% B quality or better. Not more than 10% may be checks. No dirties or loss eggs are permitted.

(B) Wyoming consumer grade B at destination must consist of eggs which are 80% B quality or better. Not more than 10% may be checks and not more than 0.5% leakers and dirties.

(iv) Additional tolerances:

(A) In lots of two (2) or more cases:

(I) For grade AA:

(1.) No individual case may exceed 10% fewer AA quality eggs than the minimum permitted for the lot average.

(II) For grade A:

(1.) No individual case may exceed 10% fewer A quality eggs than the minimum permitted for the lot average.

(III) For grade B:

(1.) No individual case may exceed 10% fewer B quality eggs than the minimum permitted for the lot average.

(B) In lots of 2 or more cartons, no individual carton may contain less than 8 eggs of the specified quality and no individual carton may contain less than ten (10) eggs of the specified quality and the next lower quality. The remaining two (2) eggs may consist of a combination of qualities below the next lower quality (i.e., in lots of grade A, not more than two (2) eggs of the qualities in individual cartons within the sample may be checks.)

(b) Weight classes:

(i) The Wyoming consumer grades and weight classes for shell eggs are as indicated in the following table and shall apply to eggs sold by size.

Size or Weight Class	Minimum Net Weight Per Dozen	Minimum Net Weight Per 30 Dozen	Minimum Weight for Individual Eggs at Rate Per Dozen
	Oz (kgms)	Lbs (kgm)	Oz (gms)
Jumbo	30 (.85)	56 (25.4)	29 (.82)
Extra Large	27 (.77)	50 ½ (22.9)	26 (.74)
Large	24 (.68)	45 (20.4)	23 (.65)
Medium	21 (.6)	39 ½ (17.9)	20 (.57)
Small	18 (.51)	34 (15.4)	17 (.48)
Peewee	15 (.43)	28 (12.7)	--

(ii) A lot average tolerance of 3.3% for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5%.

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