

SECTION .2600 – THE SANITATION OF FOOD SERVICE ESTABLISHMENTS

Rules .2601 - .2643 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2601 - .2643); has been transferred and recodified from Rules .0443 - .0485 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0443 - .0485). Rule .2644 of Title 15A Subchapter 18A of the North Carolina Administrative Code (T15A.18A .2644); has been transferred and recodified from Rule .0487 Title 10 Subchapter 10A of the North Carolina Administrative Code (T10.10A .0487), effective April 4, 1990.

15A NCAC 18A .2601 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Section:

- (1) "Approved" means procedures and equipment determined by the Department to be in compliance with this Section. Food equipment that is certified for sanitation by an American National Standards Institute (ANSI) - accredited program shall be approved. ANSI sanitation standards are incorporated by reference including subsequent amendments and editions. These standards may be obtained from ANSI, 1819 L Street, NW, 6th Floor, Washington, DC 20036, at a cost of six-hundred sixty-five dollars (\$665.00) and are also available for inspection at the Division of Environmental Health.
- (2) "Catered elderly nutrition site" means an establishment or operation where food is served, but not prepared on premises, operated under the rules of the N.C. Department of Human Resources, Division of Aging.
- (3) "Commissary" means a food stand that services mobile food units and pushcarts. The commissary may or may not serve customers at the food stand's location.
- (4) "Critical Violation" means a violation relating to any one of the following risk factors that directly contribute to foodborne disease outbreaks:
 - (a) improper hot and cold holding, cooling or reheating potentially hazardous foods in accordance with Rules .2608 through .2609, .2612, .2615, .2638, or .2645 of this Section;
 - (b) inadequate cooking in accordance with Rule .2609 of this Section;
 - (c) poor personal hygiene of food handlers in accordance with Rules .2609, .2616, .2635, or .2638 of this Section;
 - (d) cross-contamination and contamination of food-contact surfaces in accordance with Rules .2608, .2610 through .2611, .2617 through .2620, .2622, .2635, .2638, or .2645 of this Section; or
 - (e) food from unapproved sources in accordance with Rules .2608, .2612 through .2613, .2622, or .2635 of this Section.
- (5) "Department of Environment and Natural Resources" or "Department" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department. For purposes of any notices required pursuant to the rules of this Section, notice shall be mailed to "Division of Environmental Health, Environmental Health Services Section, North Carolina Department of Environment and Natural Resources," 1632 Mail Service Center, Raleigh, NC 27699-1632.
- (6) "Drink stand" means those establishments in which only beverages are prepared on the premises and are served in multi-use containers, such as glasses or mugs.
- (7) "Employee" means any person who handles food or drink during preparation or serving, or who comes in contact with any eating, cooking, or processing utensils or equipment, or who is employed at any time in a room in which food or drink is prepared or served.
- (8) "Environmental Health Specialist" means a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.
- (9) "Equipment" means refrigeration, including racks and shelving used in refrigeration, utensil cleaning and culinary sinks and drainboards, warewashing and dishwashing machines, food preparation tables, counters, stoves, ovens, and other food preparation and holding appliances.
- (10) "Food" means any raw, cooked, or processed edible substance including meat, meat food products, poultry, poultry products, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

- (11) "Food service establishment" means any establishment or operation where food is prepared or served at wholesale or retail for pay, or any other establishment or operation where food is prepared or served that is subject to the provisions of G.S. 130A-248. The term does not include establishments which only serve such items as dip ice cream, popcorn, candied apples, or cotton candy.
- (12) "Food stand" means a food service establishment which prepares or serves foods and which does not provide seating facilities for customers to use while eating or drinking.
- (13) "Good repair" means that the item in question can be kept clean and used for its intended purpose.
- (14) "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its contents after processing.
- (15) "Highly susceptible population" means persons who are more likely than other persons in the general population to experience foodborne disease because they are:
 - (a) immunocompromised, preschool age children or adults, 55 years of age or older; and
 - (b) obtaining food as a patient or client at a facility that provides services such as custodial care, health care or assisted living, such as an adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.
- (16) "Limited food service establishment" means a food service establishment as described in G.S. 130A-247(7).
- (17) "Local health director" means the administrative head of a local health department or his authorized representative.
- (18) "Meat" or "meat food products" means meat and meat food products as defined in G.S. 106-549.15(14).
- (19) "Meat market" means those food service establishments as defined in G.S. 130A-247(1)(v).
- (20) "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily moved.
- (21) "Person" means any individual, firm, association, organization, partnership, business trust, corporation, or company.
- (22) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (A_w) value of 0.85 or less.
- (23) "Poultry" or "poultry products" means poultry and poultry products as defined in G.S. 106-549.51(25) and (26).
- (24) "Private club" means a private club as defined in G.S. 130A-247(2).
- (25) "Pushcart" means a mobile piece of equipment or vehicle which serves hot dogs or foods which have been prepared, pre-portioned, and individually pre-wrapped at a restaurant or commissary.
- (26) "Risk Factor" means a contributing factor that increases the chance of developing foodborne illness as it relates to food safety issues within a food service establishment.
- (27) "Responsible person" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee is the responsible person.
- (28) "Restaurant" means a food service establishment which prepares or serves food and which provides seating.
- (29) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (30) "Sewage" means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (31) "Shellstock" means any shellfish which remains in their shells. Shellfish which are shucked or on the half-shell shall not be considered shellstock.
- (32) "Single service" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one person use and then discarded.
- (33) "Substantially similar" means similar in importance, degree, amount, placement or extent.

- (34) "Temporary food establishment" means those food or drink establishments which operate for a period of 15 days or less, in connection with a fair, carnival, circus, public exhibition, or other similar gathering.
- (35) "Utensils" means any kitchenware, tableware, glassware, cutlery, containers and similar items with which food or drink comes in contact during storage, preparation, or serving.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. January 1, 1996; July 1, 1994; January 4, 1994; July 1, 1993;
Temporary Amendment Eff. April 8, 1996;
Amended Eff. August 1, 2007; April 1, 2005; October 1, 2004; January 1, 2002; August 1, 1998;
April 1, 1997.

15A NCAC 18A .2602 PERMITS

- (a) No permit to operate shall be issued to a person until an evaluation by the Department shows that the establishment complies with this Section.
- (b) Upon transfer of ownership of an existing food service establishment, the Department shall complete an evaluation. If the establishment satisfies all the requirements of the rules, a permit shall be issued. If the establishment does not satisfy all the requirements of the rules, a permit shall not be issued. However, if the Department determines that the noncompliant items are construction or equipment problems that do not represent a threat to the public health, a transitional permit may be issued. The transitional permit shall expire 180 days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of the transitional permit, the owner or operator shall have corrected the noncompliant items and obtained a permit, or the food service establishment shall not continue to operate.
- (c) The Department may impose conditions on the issuance of a permit or transitional permit. Conditions may be specified for one or more of the following areas:
- (1) The number of seats or persons served.
 - (2) The categories of food served.
 - (3) Time schedules in completing minor construction items.
 - (4) Modification or maintenance of water supplies.
 - (5) Use of facilities for more than one purpose.
 - (6) Continuation of contractual arrangements upon which basis the permit was issued.
 - (7) Submission and approval of plans for renovation.
 - (8) Any other conditions necessary for a food service operation to remain in compliance with this Section.
- (d) If a permit or transitional permit has been suspended, the suspension shall be lifted after the Department has evaluated the food service operation and found that the violations causing the suspension have been corrected. If a permit or transitional permit has been revoked, a new permit shall be issued only after the Department has evaluated the food service operation and found it to comply with all applicable rules. The evaluations shall be conducted within a reasonable length of time after the request is made by the operator.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; January 1, 1996; February 1, 1990; March 1, 1988; July 1, 1984.

15A NCAC 18A .2603 PUBLIC DISPLAY OF GRADE CARD

- (a) Upon initial inspection of a food service establishment or if a renovation or other change in the establishment makes the grade inconspicuous, the Environmental Health Specialist shall designate the location for posting of the grade card. The grade card shall be located in a conspicuous place where it may be readily observed by the public upon entering the establishment. If the responsible person of the food service establishment objects to the location designated by the Environmental Health Specialist, then the responsible person may suggest an alternative location which meets the criteria of this Rule.
- (b) Whenever an inspection of a restaurant, food stand, drink stand, or meat market is made, the Environmental Health Specialist shall remove the existing grade card, issue a new grade card, and post the new grade card in the

same location where the grade card was previously posted as long as that location remains conspicuous. The responsible person or operator of the food service establishment shall be responsible for keeping the grade card posted at the designated location at all times. The grade card may be posted in another location which meets the criteria of this Rule if agreed upon by the responsible person and Environmental Health Specialist.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998; July 1, 1986; July 1, 1984.

15A NCAC 18A .2604 INSPECTIONS AND REINSPECTIONS

(a) Upon entry into a food service establishment, Environmental Health Specialists shall identify themselves and their purpose in visiting that establishment. Environmental Health Specialists shall inquire as to the identity of the responsible person and invite the responsible person to accompany them during the inspection. If no employee is identified as the responsible person, Environmental Health Specialists shall invite an employee to accompany them on the inspection. Following the inspection, the Environmental Health Specialist shall offer to review the results of the inspection with the responsible person.

(b) The grading of restaurants, food stands, drink stands, or meat markets shall be done on an inspection form furnished by the Department to local health departments. The form shall provide for the following information:

- (1) the name and mailing address of the facility;
- (2) the name of person to whom permit is issued;
- (3) the permit and score given;
- (4) standards of construction and operation as listed in Rules .2607 through .2644 of this Section;
- (5) a short explanation for all points deducted;
- (6) the signature of the Environmental Health Specialist;
- (7) the date.

(c) In filling out the inspection form, points may be deducted only once for a single occurrence or condition existing within or outside of the food service establishment. Deductions shall be based on actual violations of the rules of this Section observed during the inspection. The Environmental Health Specialist shall take zero, one-half or a full deduction of points depending upon the severity or the recurring nature of the non-critical violations. Critical violations may be corrected during the inspection and no more than one-half of the total point value shall be deducted when the violation meets the following criteria:

- (1) the critical violation was not documented on the previous inspection; and
- (2) correction of the item is documented on the inspection form.

(d) At the time of inspection, if a critical violation is observed and not corrected, the Environmental Health Specialist shall take one-half or a full deduction of points depending upon the severity or the recurring nature of the violation. The Environmental Health Specialist shall specify a time frame of no more than 10 calendar days to correct the critical violation.

(e) In determining whether items or areas of an establishment are clean for purposes of enforcing the rules set forth in this Section and grading an establishment, the Environmental Health Specialist shall consider, among other things: the age of the accumulated material, the relative percentage of items which are clean and not clean, the cleaning practices of the establishment and the health risk posed by the circumstances.

(f) Upon request of the permit holder or his or her representative a reinspection shall be made.

(g) In the case of establishments that have been closed for failure to comply with the Rules of this Section, a reinspection to consider the issuance or reissuance of a permit shall be made at the earliest convenience of the Environmental Health Specialist.

(h) In the case of establishments which request an inspection for the purpose of raising the alphabetical grade, and which hold unrevoked permits, the Environmental Health Specialist shall make an unannounced inspection after the lapse of a reasonable period of time, not to exceed 15 days, from the date of the request.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. July 1, 2008; August 1, 2007; October 1, 2004; August 1, 1998; May 1, 1991;
March 1, 1988.

15A NCAC 18A .2605 INSPECTION FORMS

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991; July 1, 1984;
Repealed Eff. August 1, 1998.

15A NCAC 18A .2606 GRADING

(a) The sanitation grading of all restaurants, food stands, drink stands and meat markets is based on a system of scoring wherein all establishments receiving a score of at least 90 percent shall be awarded Grade A; all establishments receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B; all establishments receiving a score of at least 70 percent and less than 80 percent shall be awarded a Grade C; and permits shall be revoked for establishments receiving a score of less than 70 percent. The Sanitation Inspection of Restaurants or other Food Handling Establishments shall be used to document points assessed for violation of the rules of this Section as follows:

- (1) Violation of Rule .2616 of this Section related to personnel with infectious or communicable diseases shall equal no more than 3 percent.
- (2) Violation of Rules .2616 or .2632 of this Section related to employee tobacco or beverage use shall equal no more than 3 percent.
- (3) Violation of Rules .2616 or .2625 of this Section related to hands clean and properly washed shall equal no more than 4 percent.
- (4) Violation of Rule .2609 of this Section related to minimal bare hand contact with foods shall equal no more than 3 percent.
- (5) Violation of Rule .2625 of this Section related to lavatory facilities provided shall equal no more than 3 percent.
- (6) Violation of Rules .2608, .2612, .2615, and .2622 of this Section related to food obtained from approved source shall equal no more than 4 percent.
- (7) Violation of Rule .2609 of this Section related to food received at proper temperature shall equal no more than 3 percent.
- (8) Violation of Rules .2608 and .2615 of this Section related to food in good condition, safe, and unadulterated shall equal no more than 3 percent.
- (9) Violation of Rule .2612 of this Section related to shellstock tags retained shall equal no more than 2 percent.
- (10) Violation of Rules .2608, .2610, .2612, .2614, .2615 and .2622 of this Section related to food protected during storage, handling, display, service & transportation shall equal no more than 3 percent.
- (11) Violation of Rules .2617, .2618, .2619, and .2622 of this Section related to food contact surfaces cleaned and sanitized, approved and sanitizers required shall equal no more than 3 percent.
- (12) Violation of Rules .2608 and .2611 of this Section related to handling of returned, previously served, and adulterated food shall equal no more than 2 percent.
- (13) Violation of Rule .2609 of this Section related to cooking time and temperature shall equal no more than 4 percent.
- (14) Violation of Rule .2609 of this Section related to cooling shall equal no more than 4 percent.
- (15) Violation Rule .2609 of this Section related to reheating shall equal no more than 3 percent.
- (16) Violation of Rule .2609 of this Section related to hot holding temperatures shall equal no more than 4 percent.
- (17) Violation of Rules .2609 and .2612 of this Section related to cold holding temperatures shall equal no more than 4 percent.
- (18) Violation of Rule .2609 of this Section related to time as a public health control; and approved procedures available shall equal no more than 3 percent.
- (19) Violation of Rules .2618 and .2633 of this Section related to toxic substances properly identified, stored, and used shall equal no more than 3 percent.
- (20) Violation of Rule .2612 of this Section related to consumer advisory provided shall equal no more than 2 percent.

- (21) Violation of Rules .2618, .2622, and .2623 of this Section related to source in accordance with 15A NCAC 18A.1700; and hot and cold water under pressure and meets temperature requirements shall equal no more than 3 percent.
- (22) Violation of Rule .2609 of this Section related to refrigeration and freezer capacity sufficient shall equal no more than 1 percent.
- (23) Violation of Rule .2609 of this Section related to cooling methods used shall equal no more than 2 percent.
- (24) Violation of Rule .2609 of this Section related to thawing methods used shall equal no more than 1 percent.
- (25) Violation of Rule .2609 of this Section related to thermometers provided and accurate shall equal no more than 1 percent.
- (26) Violation of Rule .2610 of this Section related to dry food stored properly and labeled accordingly shall equal no more than 1 percent.
- (27) Violation of Rule .2615 of this Section related to original labeled container for storage of milk & shellfish shall equal no more than 1 percent.
- (28) Violation of Rule .2633 of this Section related to insects, rodents, and animals not present shall equal no more than 2 percent.
- (29) Violation of Rule .2616 of this Section related to clean clothes, and hair restraints shall equal no more than 1 percent.
- (30) Violation of Rules .2617 and .2633 of this Section related to linens, clothes and aprons clean, properly used and stored shall equal no more than 1 percent.
- (31) Violation of Rule .2609 of this Section related to washing fruits and vegetables shall equal no more than 1 percent.
- (32) Violation of Rule .2633 of this Section related to not used for domestic purposes shall equal no more than 1 percent.
- (33) Violation of Rules .2620 and .2622 of this Section related to in-use utensils properly stored shall equal no more than 1 percent.
- (34) Violation of Rules .2620 and .2622 of this Section related to utensils and equipment properly stored, air-dried, handled shall equal no more than 1 percent.
- (35) Violation of Rules 2612, .2618, and .2620 of this Section related to single use/single service articles properly stored, handled, used shall equal no more than 1 percent.
- (36) Violation of Rule .2617 of this Section related to food contact & non-food contact surfaces easily cleanable and in good repair shall equal no more than 1 percent.
- (37) Violation of Rule .2618 of this Section related to approved warewashing facilities of sufficient size shall equal no more than 1 percent.
- (38) Violation of Rules .2618, and .2619 of this Section related to warewashing facilities maintained, test strips used shall equal no more than 1 percent.
- (39) Violation of Rules .2612, .2613, .2617, .2618, .2620, and .2621 of this Section related to food service equipment and utensils approved shall equal no more than 1 percent.
- (40) Violation of Rules .2617, and .2618 of this Section related to non-food surfaces clean shall equal no more than 1 percent.
- (41) Violation of Rule .2626 of this Section related to wastewater discharged into approved, properly operating wastewater treatment and disposal system, other by-products disposed of properly shall equal no more than 3 percent.
- (42) Violation of Rule .2623 of this Section related to no cross connections shall equal no more than 3 percent.
- (43) Violation of Rules .2624, and .2625 of this Section related to toilet and lavatory facilities: supplied, properly constructed, clean, good repair, signs provided shall equal no more than 2 percent.
- (44) Violation of Rule .2626 of this Section related to garbage properly handled and disposed; and containers properly maintained shall equal no more than 1 percent.
- (45) Violation of Rules .2627, and .2628 of this Section related to floors, walls, and ceilings, properly constructed, clean, and in good repair shall equal no more than 1 percent.
- (46) Violation of Rules .2630, and .2631 of this Section related to meets illumination requirements; shields and; lighting & ventilation clean and in good repair shall equal no more than 1 percent.

- (47) Violation of Rules .2632, and .2633 of this Section related to storage space clean, storage above floor, and approved storage for brooms, mops, hoses, and other items shall equal no more than 1 percent.
- (48) Violation of Rule .2633 of this Section related to doors self-closing where required; and all windows screened shall equal no more than 1 percent.

One half of the percent value may be assessed for any rule violation in this Section based on the severity or recurring nature of the violation.

(b) The grading of restaurants, food stands, drink stands and meat markets shall be based on the standards of operation and construction as set forth in Rules .2607 through .2644 of this Section. An establishment shall receive a credit of two points on its score for each inspection if a manager or other employee responsible for operation of that establishment and who is employed full time in that particular establishment has successfully completed in the past three years a food service sanitation program approved by the Department. Request for approval of food service sanitation programs shall be submitted in writing to the Division of Environmental Health. The course shall include a minimum of 12 contact hours and provide instruction in the following subject areas:

- (1) basic food safety;
- (2) requirements for food handling personnel;
- (3) basic HACCP;
- (4) purchasing and receiving food;
- (5) food storage;
- (6) food preparation and service;
- (7) facilities and equipment;
- (8) cleaning and sanitizing;
- (9) pest management program; and
- (10) regulatory agencies and inspections.

Evidence that a person has completed such a program shall be maintained at the establishment and provided to the Environmental Health Specialist upon request. An establishment shall score at least 70 percent on an inspection in order to be eligible for this credit.

(c) The posted numerical grade shall not be changed as a result of a food sampling inspection.

(d) The posted grade card shall be black on a white background. All graphics, letters, and numbers for the grade card shall be approved by the State. The alphabetical and numerical sanitation score shall be 1.5 inches in height. No other public displays representing sanitation level of the establishment may be posted by the local health department, except for sanitation awards issued by the local health department. Sanitation awards shall be in a different color and size from the grade card and must be clearly labeled as an award.

(e) Nothing herein shall affect the right of a permit holder to a reinspection pursuant to Rule .2604 of this Section.

(f) Nothing herein shall prohibit the Department from immediately suspending or revoking a permit pursuant to G.S. 130A-23(d).

History Note: Authority G.S. 130A-248;

Eff. May 5, 1980;

Amended Eff. July 1, 2008; January 1, 2006; April 1, 2005; October 1, 2004; August 1, 2004; August 1, 1998; July 1, 1993; March 1, 1988.

15A NCAC 18A .2607 STANDARDS AND APPROVAL OF PLANS

(a) Plans, drawn to scale, and specifications, including the proposed menu, for new food service establishments shall be submitted for review and approval to the local health agency prior to initiating construction. Plans, drawn to scale, and specifications including the proposed menu shall also be submitted prior to construction of changes in the dimensions of food preparation areas, seating capacity or the addition of rooms to existing food service establishments. These plans shall include changes related to the increase in dimensions of food preparation areas, seating capacity or the addition of rooms.

(b) Plans, drawn to scale and specifications including the proposed menu, for prototype "franchised" or "chain" facilities shall be submitted for review and approval to the Environmental Health Services Section, Division of Environmental Health. Plans for "franchised" or "chain" facilities which are certified by an architect to be the same or substantially similar to the prototype facility and "franchised" or "chain" facilities which are not prototypes shall be submitted only to the local health agency as required in Paragraph (a) of this Rule. At the time of submission to the local health agency, an architect shall set forth in writing how these plans differ from the prototype plans

approved by the Division. Copies of this letter shall be submitted to the Environmental Health Services Section and the local health agency.

(c) Construction shall comply with approved plans and specifications.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; July 1, 1993; July 1, 1992; May 1, 1991; July 1, 1984.

15A NCAC 18A .2608 SOURCES OF FOOD

All food shall be obtained from sources that comply with all laws relating to food and food labeling and shall be identified. All meat, meat food products, poultry and poultry products shall have been inspected for wholesomeness, where required, under an official federal, state, or local regulatory program; and, in all cases, the source shall be identifiable from labeling on carcasses, cuts, unit packages, bulk packages, or from bills of sale. Food in hermetically sealed containers shall have been processed in a commercial food processing establishment operated in compliance with G.S. 106-120 through 106-145. Copies of G.S. 106-120 through 106-145 may be obtained from the Food and Drug Protection Division, North Carolina Department of Agriculture. All food shall be clean, wholesome, free from adulteration and spoilage, safe for human consumption, and shall be handled, served, or transported in such a manner as to prevent contamination, adulteration, and spoilage. Approved containers and utensils shall be used. Foods that are spoiled or otherwise unfit for human consumption shall be immediately disposed of as garbage or returned to the source except as specified in Rule .2641 of this Section. Foods to be returned to the source shall be marked as such and stored in a fashion so as not to contaminate other food.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998; May 1, 1991; July 1, 1984.

15A NCAC 18A .2609 REFRIGERATION: THAWING: AND PREPARATION OF FOOD

(a) All potentially hazardous foods, in a food service establishment, requiring refrigeration shall be kept at or below 45° F (7° C), except when being prepared or served. An air temperature thermometer accurate to 3° F (1.5°C) shall be provided in all refrigerators.

(b) Refrigeration and freezer capacity shall be sufficient to maintain required temperatures on all potentially hazardous foods.

(c) Potentially hazardous foods shall be thawed:

- (1) in refrigerated units at a temperature not to exceed 45° F (7° C);
- (2) under potable running water of a temperature of 70° F (21° C), or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
- (3) as a part of the conventional cooking process; or
- (4) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven.

(d) Employees preparing food shall have used antibacterial soap, dips or hand sanitizers immediately prior to food preparation or shall use clean, plastic disposable gloves or sanitized utensils during food preparation. This requirement is in addition to all other handwashing requirements in this Section. Food shall be prepared with the least possible manual contact, with utensils and on preparation surfaces that have been cleaned and rinsed prior to use. Preparation surfaces which come in contact with potentially hazardous foods shall be sanitized as provided in Rule .2618(c) of this Section. Raw fruits and raw vegetables shall be washed with potable water to remove soil and other contaminants before being cooked or served.

(e) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140° F (60° C) except as follows:

- (1) poultry, poultry stuffings, stuffed meats, and stuffings containing meat shall be cooked to heat all parts of the food to at least 165° F (74°C) with no interruption of the cooking process,
- (2) pork and any food containing pork shall be cooked to heat all parts of the food to at least 150° F (66° C),
- (3) ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C),

- (4) roast beef shall be cooked to an internal temperature of at least 130° F (54° C), and
 - (5) beef steak shall be cooked to a temperature of 130° F (54° C) unless otherwise ordered by the immediate consumer.
- (f) Liquid eggs, or uncooked frozen eggs, dry eggs and egg products shall be used only for cooking and baking purposes. This Paragraph does not apply to pasteurized products.
- (g) Potentially hazardous foods that have been cooked and then refrigerated shall be reheated to 165° F (74° C) or higher throughout before being served or before being placed in a hot food storage facility except that, food in intact packages from processing plants that are regulated by the food regulatory agency that has jurisdiction over the plants may initially be reheated to 135° F (57° C). Reheating time shall not exceed two hours.
- (h) All potentially hazardous foods shall be stored at temperatures of 135° F (57° C) or above; or 45° F (7° C) or below except during necessary periods of preparation and serving. However, roast beef, as described in Subparagraph (e)(4) of this Rule shall be stored at a temperature of at least 130° F (54° C) or above; or 45° F (7° C) or below.
- (i) Time only, rather than the temperature requirements set forth in Paragraph (h) of this Rule may be 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 if:
- (1) the food is marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
 - (2) the food is cooked and served, served if ready-to-eat, or discarded, within four hours from the point in time when the food is removed from required temperature control;
 - (3) food in unmarked containers or packages or marked to exceed the four hour limit in Subparagraph (1) of this Paragraph, is discarded; and
 - (4) written procedures approved by the Department, as being in accordance with the rules of this Section, are maintained in the establishment for the handling of food from the time of completion of the cooking process or when the food is otherwise removed from required temperature control.
- These procedures shall be made available to the Department upon request.
- (j) Time only, rather than temperature requirements as set forth in Paragraph (h) of this Rule may be 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 customer take-out, if:
- (1) the food is marked or otherwise identified to indicate the time that is two hours past the point in time when the food is removed from temperature control;
 - (2) the food is cooked and served, served if ready-to-eat, or discarded, within two hours from the point in time when the food is removed from required temperature control;
 - (3) food in unmarked containers or packages or marked to exceed the two hour limit in Subparagraph (1) of this Paragraph, is discarded; and
 - (4) written procedures approved by the Department, as being in accordance with the Rules of this Section, are maintained in the establishment for the handling of food from the time of completion of the cooking process or when the food was otherwise removed from required temperature control.
- These procedures shall be made available to the Department upon request.
- (k) An establishment wishing to move foods controlled under Paragraphs (i) and (j) of this Rule for immediate consumption on the premises, shall have their written procedures for the handling of the food from the time of completion of the cooking process or when the food was otherwise removed from required temperature control, approved by the Department, as being in accordance with the rules of this Section, and shall maintain those approved procedures in the establishment.
- (l) In a food establishment that serves a highly susceptible population, time only, rather than temperature, may not be used as the public health control for raw eggs.
- (m) All potentially hazardous food that is transported must be maintained at temperatures as noted in Paragraph (h) of this Rule.
- (n) A metal stem-type thermometer accurate to 2° F (1° C) shall be available to check food temperatures.
- (o) Cooked potentially hazardous food shall be cooled:
- (1) from 135°F (57°C) to 70°F (21°C) within two hours; and
 - (2) from 135°F (57°C) to 45°F (7°C) or less within a total of six hours.
- (p) Potentially hazardous food shall be cooled to 45°F (7°C) or less within four hours, if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

- (q) Cooling shall be accomplished in accordance with the time and temperature criteria specified in Paragraphs (o) and (p) of this Rule by using one or more of the following methods based on the type of food being cooled:
- (1) placing the food in shallow pans;
 - (2) separating the food into smaller or thinner portions;
 - (3) using rapid cooling equipment;
 - (4) stirring the food in a container placed in an ice water bath;
 - (5) using containers that facilitate heat transfer;
 - (6) adding ice as an ingredient; or
 - (7) other effective methods.
- (r) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:
- (1) arranged in the equipment to provide maximum heat transfer through the container walls; and
 - (2) loosely covered, or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food.

*History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. November 1, 2007; May 1, 2005; October 1, 2004; August 1, 1998; October 1, 1993; May 1, 1991; October 1, 1990.*

15A NCAC 18A .2610 STORAGE: HANDLING: AND DISPLAY OF FOOD

- (a) All unwrapped or unenclosed food and drink on display shall be protected in such manner that the direct line from the customer's mouth to the food shall be intercepted by glass or similar shields and shall be otherwise protected from public handling or other contamination, except that hand openings may be permitted on counter fronts. A beverage station staffed with an employee who is serving on a continual basis is not required to provide glass or similar shields for beverages, ice and beverage garnishes. The employee shall remove contaminated beverages, ice or beverage garnishes from the beverage station. Counter protector installations are required for all cafeteria counters, salad bars, and similar type service to prevent contamination by customers' coughing and sneezing. Nothing in this Rule requires food kept in enclosed cases to be wrapped or covered so long as effective measures are taken to prevent contamination in multi-level shelving units.
- (b) Customer self-service is permitted only under the following conditions:
- (1) Buffet-style Service. Protective shields, equivalent to counter protectors, are provided to intercept contamination.
 - (2) Customer Self-Service. When customers are allowed to return to a self-service area, clean and sanitized tableware other than flatware, beverage cups and glasses, shall be made available for each return trip. Written notice shall be provided informing customers that clean tableware must be used for return trips.
 - (3) Family-style Service. In establishments featuring this style of service, patrons elect to participate in the family dining-table type of service. Ordinary serving dishes and utensils are acceptable.
 - (4) Private events. When service is provided for a club, organization or private individual at a planned event from which the public is excluded:
 - (A) Potentially hazardous foods shall be replaced at least every two hours;
 - (B) Food containers shall be arranged so customers' clothing does not come in contact with food;
 - (C) Long-handled serving spoons, tongs, or other utensils shall be provided and used;
 - (D) At the conclusion of the event, food that has not been consumed, shall be discarded; and
 - (E) Protective shields are not required for buffet-style service.
- (c) Foods, except raw vegetables which are to be cooked, shall be kept under cover when not in the process of preparation and serving. Food shall not be stored on the floor, or in direct contact with shelves and racks of cold storage boxes, or permitted to come in contact with dirty clothes, newspapers, pasteboard, previously-used paper, or other contaminated surfaces. If open dishes and pans containing food are stacked, food shall be protected with wax paper or foil. Food transported to a food service establishment shall not be accepted unless wrapped, boxed, or covered so as to prevent contamination and maintained at temperatures required in Rule .2609 of this Section. Food and drink shall not be served to the general public in the kitchen. In the case of "drive-in" restaurants, all food shall be covered or wrapped before delivery to patrons' vehicles, to exclude vermin or insects, dust, and other contamination.

- (d) Containers for onions, slaw, mustard, and other condiments not kept in accordance with the requirements of Paragraph (a) of this Rule shall have covers and be kept covered when not in use. Sugar shall be dispensed with either pour-type dispensers or individual packages. Waiters and waitresses shall avoid unnecessary handling of food in the process of serving.
- (e) Dustless methods of floor cleaning shall be used and all except emergency floor cleaning shall be done during those periods when the least amount of food and drink is exposed, such as after closing, or between meals.
- (f) The offering of free unwrapped food samples which were prepared by, or served by, the establishment on its premises, shall be maintained at a location within sight of and under the immediate supervision of an employee or agent for the purposes of observing customer use.
- (g) Foods shall not be stored under exposed sewer lines.
- (h) Dry beans, grits, flour, sugar, and similar food products shall be stored in approved, covered containers, glass jars, or equal and labeled accordingly.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998; July 1, 1994; April 1, 1994; July 1, 1992; May 1, 1991.

15A NCAC 18A .2611 RE-SERVING OF FOOD

Food once served to a customer shall not be served again and not left for the next customer. Packaged food, other than potentially hazardous food, that is still packaged and is still wholesome, may be re-served.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980.

15A NCAC 18A .2612 SHELLFISH

- (a) All shellfish and crustacea meat shall be obtained from sources in compliance with 15A NCAC 18A .0100 through .0900 which may be obtained from the Department. If the source of clams, oysters, or mussels is outside the state, the shipper's name shall appear on the "Interstate Certified Shellfish Shippers List" as published monthly by the Shellfish Sanitation Branch, Food and Drug Administration. If the source of the cooked crustacea meat is within the United States, the processor's name, address, and certificate number with State abbreviation shall appear on the container. If the source of the cooked crustacea meat is outside the United States, containers must meet Federal labeling requirements, Food and Drug Administration, HHS Food Labeling requirements, 21 CFR Chapter 1, Part 101-Food Labeling.
- (b) All shucked shellfish and all cooked crustacea meat shall be stored in the original container. Each original container shall be identified with the name and address of the packer or repacker, and the certification number, and the abbreviated name of the state or territory. Shucked shellfish unit containers shall be dated in accordance with 15A NCAC 18A .0600.
- (c) All shellstock shall be stored in the containers in which packed at the source. Each original container shall be identified with a uniform tag or label bearing the name and address of the shipper, the certificate number issued by the state or territory regulatory authority, the abbreviated name of the state, the name of the waters from which the shellfish were taken, the date of harvest, the kind and quantity of the shellstock in the container, and the name and address of the consignee.
- (d) Shellstock shall be stored at temperatures and by methods in accordance with 15A NCAC 18A .0427. The re-use of single-service shipping containers and the storage of shucked shellfish in other containers are not allowed.
- (e) After each container of shellstock has been emptied, the management shall remove the tag and retain it for a period of at least 90 days.
- (f) With the exception of opening shellfish for immediate consumption on the premises, no shellfish shucking shall be performed unless the establishment holds a valid shellfish shucking permit.
- (g) Shellstock washing facilities shall consist of a mechanical shellfish washer, or a sink or slab with catch basin, indirectly drained into a sewage collection, treatment, and disposal system. The washing shall be done in a clean area, protected from contamination. A can wash facility shall not be used for the washing of shellstock or other foods.
- (h) The cooking of shellfish shall be accomplished in an area meeting the requirements of the rules of this Section.

(i) Re-use of shells for the serving of food is prohibited. It shall not be considered reuse to remove a shellfish from its shell and return it to that same shell for service to the public. Shells shall be stored in a manner to prevent flies, insects, rodents, and odors.

(j) All establishments that prepare, serve, or sell raw shellfish shall post in a conspicuous place where it may be readily observed by the public prior to consumption of shellfish, the following consumer advisory:

"Consumer Advisory

Eating raw oysters, clams, or mussels may cause severe illness. People with the following conditions are at especially high risk: liver disease, alcoholism, diabetes, cancer, stomach or blood disorder, or weakened immune system. Ask your doctor if you are unsure of your risk. If you eat shellfish and become sick, see a doctor immediately."

(k) Cooked crustacea meat shall be held at 40° F or less.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991; July 1, 1984;
Temporary Amendment Eff. February 1, 1998;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. October 12, 1998;
Amended Eff. January 1, 2006; April 1, 2005; April 1, 1999.

15A NCAC 18A .2613 BARBECUE PLACES

The following standards shall be followed in the application of the restaurant sanitation requirements of this Rule in the grading of establishments preparing barbecue:

- (1) Barbecue Pits:
 - (a) Barbecue pits and barbecue machines shall be enclosed in a room protected from the weather, dust, flies, and animals. The room shall be kept clean and free of garbage, rubbish, and other miscellaneous storage.
 - (b) Floors shall be constructed of easily cleanable concrete or equal and graded to drain.
 - (c) Floors, walls, and ceilings shall be kept clean.
 - (d) Water under pressure shall be provided in barbecue pit rooms for floor cleaning.
 - (e) Barbecue pit rooms shall be properly ventilated by ducts, doors, or equal in order that smoke and fumes may be removed.
 - (f) Spits, holders, or racks shall be cleaned daily.
- (2) Barbecue shall be chopped or processed in a restaurant kitchen or in a room meeting the requirements of sanitation specified for restaurant kitchens.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; May 1, 1991.

15A NCAC 18A .2614 OUTDOOR DINING

- (a) No outdoor food serving facilities, stations, or cooking facilities shall be allowed for restaurants except equipment such as portable cooking or serving facilities for service which is provided to a club, organization or private individual as a planned event and from which the public is excluded.
- (b) This Rule shall not prohibit outdoor dining or beverage service.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; May 1, 1991.

15A NCAC 18A .2615 MILK AND MILK PRODUCTS

(a) Only Grade "A" pasteurized milk and milk products shall be used. The term "milk products" means those products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the

Department of Environment and Natural Resources, Division of Environmental Health, 1632 Mail Service Center, Raleigh, North Carolina 27699-1632.

- (b) Mixing of cream and milk or the pouring of either into jars, bottles, or other containers for storage therein is prohibited.
- (c) Bulk milk dispenser containers, as received from the distributor, shall be sealed, labeled with the name and grade of the contents and identity of the distributor. Only the outlet seal shall be broken in the establishment.
- (d) Milk and milk products shall be stored in a sanitary manner and shall be kept refrigerated, except when being served. Milk containers shall not be completely submerged in water; however, nothing in the rules of this Section shall prohibit the placement of these items on ice while on display or being served.
- (e) Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998; December 1, 1991; May 1, 1991; July 1, 1986;
July 1, 1984.

15A NCAC 18A .2616 REQUIREMENTS FOR EMPLOYEES

- (a) All employees shall wear clean outer clothing and shall be clean as to their person and methods of foodhandling. No employee shall use tobacco in any form while engaged in the washing of eating and cooking utensils or in the preparation, handling, or serving of food.
- (b) Employees shall wash their hands thoroughly in a handwashing lavatory which meets the requirements of Rule .2625 of this Section before starting work, after each visit to the toilet, and as often as may be necessary to remove soil and contamination.
- (c) Effective hair restraints such as hairnets, caps, or wrap around visors shall be worn by employees engaged in the preparation or handling of food to prevent the contamination of food or food contact surfaces. Wigs and hairspray do not constitute compliance with this Rule. This Rule does not apply to employees such as counter staff who only serve beverages and wrapped or packaged foods, hosts, hostesses and wait staff if they present a minimal risk of contaminating exposed food.
- (d) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or a disease with sudden onset and severe symptoms including cough or nasal discharge, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.
- (e) Employees are allowed to have beverages in areas where food is prepared so long as those beverages are covered and consumed in a sanitary manner. Beverage containers shall not be stored on or above a food contact surface and must be handled in a way so as to avoid cross-contamination.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; July 1, 1991.

15A NCAC 18A .2617 UTENSILS AND EQUIPMENT

- (a) All eating, drinking, and cooking utensils, tables, sinks, cabinets, hoods, shelves, equipment, fixtures, and other items used in connection with the preparation of food shall be kept clean and in good repair.
- (b) All surfaces with which food or drink comes in contact shall consist of smooth, not readily corrodible, non-toxic materials in which there are no open cracks or joints that will collect food particles and slime, and be kept clean.
- (c) Shelves, tables, and counters shall not be covered with paper, cardboard, oil cloth, or other absorbent material, and shall be free of crevices. Dining table linen or similar dining table coverings, if used, shall be kept clean and in good repair.
- (d) Equipment shall meet ANSI sanitation standards. If equipment is not listed by an ANSI accredited education service program, the owner or operator shall submit documentation to the Department that demonstrates that the equipment is equivalent to ANSI sanitation standards. If the components of the equipment are the same as those meeting ANSI sanitation standards, then the Department shall deem the equipment equivalent. For purposes of

these Rules, toasters, mixers, microwave ovens, water heaters and hoods shall not be considered to be equipment and shall not be required to meet ANSI sanitation standards.

(e) Beverage dispensers installed or replaced after August 1, 1998 shall be designed to avoid activation by the lip of a cup or glass when these dispensers are used to refill customer cups or glasses.

*History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. April 1, 2005; October 1, 2004; August 1, 1998; May 1, 1991.*

15A NCAC 18A .2618 CLEANING OF EQUIPMENT AND UTENSILS

(a) All equipment and fixtures shall be kept clean. All cloths used by chefs and other employees in the kitchen shall be clean.

(b) Single-use articles such as formed buckets, bread wrappers, aluminum pie plates and No. 10 cans shall be used only once except that containers made of plastic, glass or other food grade material having smooth sides and of a construction so as to be easily cleaned may be reused.

(c) All multi-use eating and drinking utensils shall be washed, rinsed, and subjected to a bactericidal treatment specified in Rule .2619 of this Section after each usage. The supply of eating and drinking utensils shall be of sufficient quantity to allow washing, rinsing, sanitizing and air-drying before re-use. All multi-use utensils except pizza pans and similar type pans (not used for table service) used in the storage, preparation, cooking, or serving of food or drink shall be cleaned and rinsed immediately after the days' operations, after each use, or upon completion of each meal as indicated. Pizza pans and similar type pans (not used for table service) which are continually subjected to high temperatures do not require cleaning after each use or day's use but shall be kept clean and maintained in good repair.

(d) In addition to washing and rinsing multi-use utensils as indicated in Paragraph (c) of this Rule, preparation surfaces which come in contact with potentially hazardous foods and are not subjected to heat during routine cooking operations shall be sanitized. Utensils and equipment that have been used for the preparation of raw meat or raw poultry shall not be used for the preparation of cooked meat, cooked poultry, or other ready-to-eat products unless such utensils and equipment have been cleaned and sanitized. Examples of food contact surfaces which must be sanitized are utensils used in preparing cold salads and cold beverages, cutting boards, table tops, knives, saws, and slicers. For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, and for those establishments which do not have dishwashing equipment, a spray-on or wipe-on sanitizer may be used. When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required in Rule .2619 of this Section for sanitizing multi-use eating and drinking utensils.

(e) Hand dishwashing facilities shall consist of an approved three-compartment sink of sufficient size and depth to submerge, wash, rinse and sanitize utensils and shall have splash back protection and drainboards that are an integral part of and continuous with the sink. These drainboards shall be of a sufficient size to accommodate the drainage of liquids of the washed utensils after being sanitized. Air drying of utensils may be accomplished with the use of a drainboard, overhead or wall mounted shelves, or with the use of stationary or portable racks or by cross-stacking.

(f) Where the Department determines that the volume of dishes, glasses and utensils to be washed cannot be processed in a single warewashing facility, separate dish, glass or utensil washing facilities shall be required. Separate vegetable washing facilities shall be provided in establishments which wash raw vegetables except where plan review shows that volume and preparation frequency do not require separate vegetable washing facilities or where vegetables are purchased prewashed and packaged. Establishments which scale, eviscerate, thaw, or wash fish, raw poultry, or other food shall provide separate sinks with preparation space for these processes except where plan review shows that volume and preparation frequency do not require separate washing facilities.

(g) When warewashing machines are used, the machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions. Machines shall be fitted with drainboards on each side, and include a countersunk sink or other approved means for pre-cleaning, pre-flushing, or pre-soaking of the utensils in the dirty dish lane. Thermometers indicating the wash and rinse water temperatures shall be provided and kept in good repair.

(h) When warewashing machines are used, the machines shall be approved as sufficient for size, capacity, and type for the number of utensils to be washed. Glasses may be washed with power-driven brushes and passed through door-type machines, which are also used for dishwashing, for final rinse and bactericidal treatment. For this method, a motor-driven glass-washer and a single-vat sink shall suffice.

(i) Warewashing machines shall render equipment clean to sight and touch and provide bactericidal treatment in accordance with Rule .2619 of this Section.

- (j) At least an approved two-compartment sink shall be provided in meat markets and those food service establishments which only use single-service eating and drinking utensils. This sink shall be of sufficient size to submerge, wash, rinse and sanitize utensils and shall have splash back protection and drainboards that are an integral part of and continuous with the sink. These drainboards shall be of sufficient size to accommodate the drainage of liquids of the washed utensils after being sanitized. Air drying of utensils may be accomplished with the use of a drainboard, overhead or wall mounted shelves, or with the use of stationary or portable racks.
- (k) Facilities for the heating of water shall be provided. Capacity of hot water heating facilities shall be based on number and size of sinks, capacity of warewashing machines, and other food service and cleaning needs. Hot water storage tanks shall provide at least 130° F (54° C) hot water when water is not used for sanitizing. When hot water is used for sanitizing, a minimum storage temperature of 140° F (60° C) hot water is required.
- (l) No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.
- (m) In determining the sufficiency of the size of drainboards, machine dishwashers and sinks in an establishment, the Environmental Health Specialist shall consider the number and size of multi-use utensils regularly cleaned. For drainboards only, the Specialist shall also consider the available shelf space, racks and other areas which may be used for air drying.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; September 1, 1999; August 1, 1998; January 1, 1996; July 1, 1993; July 1, 1991.

15A NCAC 18A .2619 METHODS OF BACTERICIDAL TREATMENT

- (a) In a hand dishwashing operation, after cleaning and rinsing, all multi-use eating and drinking utensils shall be subjected to one of the following or other equivalent bactericidal processes:
- (1) Immersion for at least one minute in the 3rd compartment in clean hot water at a temperature of at least 170° F (77° C). A thermometer accurate to 3°F (5° C) shall be available and convenient to the compartment. Where hot water is used for bactericidal treatment, a booster heater that maintains a water temperature of at least 170° F (77° C) in the 3rd compartment at all times when utensils are being washed shall be provided. The heating device may be integral with the immersion compartment.
 - (2) Immersion for at least two minutes in the 3rd compartment in a chemical bactericide of a strength, approved by the Department:
 - (A) for chlorine products, a solution containing at least 50 ppm of available chlorine at a temperature of at least 75° F (24° C);
 - (B) for iodophor products, a solution containing at least 12.5 ppm of available iodine and having a pH not higher than 5.0 and having a temperature of at least 75° F (24° C);
 - (C) for quaternary ammonium products, a solution containing at least 200 ppm of QAC and having a temperature of at least 75° F (24° C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.
 - (3) Other equivalent products and procedures approved in 21 CFR 178.1010 "Sanitizing solutions" from the "Food Service Sanitation Manual" published by the US Food and Drug Administration. 21 CFR 178.1010 is adopted by reference in accordance with G.S. 150B-14(c).
- (b) A suitable testing method or equipment shall be available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991; July 1, 1984.

15A NCAC 18A .2620 STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT

- (a) After bactericidal treatment, utensils in a food service establishment shall be air-dried and stored above the floor in a clean place. Wherever practicable, containers and utensils shall be covered or inverted or stored in tight, clean cabinets; and glasses and cups shall be stored inverted. It is not considered practicable to invert plates and bowls

which slide when inverted or to cover plates and bowls positioned for immediate use during business hours. Utensils used in restaurants or food service establishments and equipment shall be handled in such a manner as to prevent contamination, and employees shall avoid handling clean surfaces that will come in contact with customers' mouths.

(b) Drain racks, trays, and shelves shall not be made of corrodible material, and shall be kept clean. These items are not required to be made of plastic.

(c) Spoons, spatulas, dippers, and other in-use utensils shall be stored between use in the food product with the handles extending out of the food, stored dry on a clean surface or in a container of water if the water is maintained at a temperature of at least 135°F (57°).

(d) When utensils are used to dispense frozen products or moist foods, the utensils may be stored in running water dipper wells only when the water has sufficient velocity to flush food residues into the overflow drain.

(e) Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a manner to prevent contamination of the utensils by hands. Single-service cup dispensers or similar devices shall be used when single-service cups are used. Nothing in the rules in this Section shall prohibit the use of plastic bags in which single-service cups or similar devices are received as the dispenser for those items.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. November 1, 2007; February 1, 2004; August 1, 1998.

15A NCAC 18A .2621 DRINKING WATER FOUNTAINS

If drinking fountains are provided, they shall meet ANSI sanitation standards, be of approved angle-jet type and be kept clean. This Rule shall not be interpreted as prohibiting the pitcher service of ice water or the service of bottled water.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. April 1, 2005; August 1, 1998.

15A NCAC 18A .2622 STORAGE: HANDLING: AND USE OF ICE

(a) Ice which is to be used in fountain drinks, ice water, tea, and coffee, or in connection with the chilling or serving of food shall be manufactured from an approved water supply and shall be stored and handled in a sanitary manner.

(b) Storage boxes shall be covered, located away from sources of contamination, maintained in good repair, and kept clean. Storage bins or boxes shall be provided with rims and covers designed to exclude spillage and drip.

(c) Ice grinders, pans, and buckets used in preparing chipped or crushed ice shall be protected from contamination, cleaned between usages, and kept in good repair; buckets and other containers used in the transportation of ice shall be stored above the floor in a clean place.

(d) Ice shall be dispensed or transferred with a scoop, spoon, or other sanitary method. When not in use, an ice scoop or spoon may be stored in the ice with the handle protruding or on a clean surface. Ice scoops shall not be stored in water. Fountain ice compartments, bowls, buckets, or other containers shall be in good repair; washed and kept free of scum, rust; and shall be protected from drip, dust, splash, and other means of contamination. Ice shall not be received, used, or accepted when there is evidence that it is not being handled and transported in a sanitary manner.

(e) Ice machines shall be kept clean.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998.

15A NCAC 18A .2623 WATER SUPPLY

(a) The water supply used shall be in accordance with 15A NCAC 18A .1700.

(b) Prior to the issuance of a permit, non-community water supplies shall be listed with the Public Water Supply Section, Division of Environmental Health.

(c) In food service establishments with non-community water supplies, water samples for bacteriological analysis shall be collected by the Department and submitted to the laboratory section of the Department or another laboratory certified by the Department for analysis, and at least annually thereafter for bacteriological analysis.

(d) Cross-connections with sewage lines; unapproved water supplies or other potential sources of contamination are prohibited. Hot and cold running water under pressure shall be provided to food preparation, utensil and handwashing areas, and any other areas in which water is required for cleaning. Running water under pressure shall be provided in sufficient quantity to carry out all food preparation, utensil washing, hand washing, cleaning, and other water-using operations.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; May 1, 1991; July 1, 1986; July 1, 1984.

15A NCAC 18A .2624 TOILET FACILITIES

(a) Unless specified elsewhere in the rules of this Section every food service establishment shall be provided with toilet facilities conveniently located and readily accessible to employees during all business hours. Restaurants, in addition, shall be provided with toilet facilities conveniently located and readily accessible to customers during all business hours. Toilets shall be under control of the management. Toilets for patrons shall be so located that the patrons do not pass through the kitchen to enter the toilet rooms. Intervening rooms or vestibules, if provided, shall be constructed and maintained in accordance with this Rule. Floors and walls shall be constructed of non-absorbent, washable materials. Floors, walls, and ceilings shall be kept clean and in good repair. Toilet rooms shall be provided with self-closing doors, and kept free of flies. Windows shall be screened if used for ventilation. Toilet rooms shall not be used for storage of food, utensils, or equipment. Fixtures shall be kept clean and in good repair.

(b) Signs shall be posted to advise the public of the locations and identities of the toilet rooms. Legible signs which read that employees must wash their hands before returning to work shall be posted conspicuously in each employees' toilet room.

(c) Screens and doors are not required for toilet rooms at stadiums or facilities in which toilet rooms open into the interior of a building and the exterior doors of the building are self-closing.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998; January 1, 1996; July 1, 1992; April 1, 1992; May 1, 1991.

15A NCAC 18A .2625 LAVATORY FACILITIES

(a) Lavatory facilities, including hot and cold running water and a combination supply faucet or tempered water and sanitary towels or approved hand-drying devices and soap, shall be provided for employees and customers.

(b) For employees, at least one lavatory shall be provided in the kitchen area in addition to any lavatories which may be provided in employees' toilet rooms.

(c) Dishwashing sinks, vegetable sinks, and pot sinks shall not be used as handwashing facilities.

(d) The lavatories shall be kept clean and in good repair.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991.

15A NCAC 18A .2626 DISPOSAL OF WASTES AND BY-PRODUCTS

(a) All waste water shall be disposed of in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.

(b) Garbage shall be collected and stored in water-tight garbage cans or other approved containers or methods and provided with tightfitting lids. Lids shall be kept in place, except for cans inside the kitchen which are being used during normal operations. The contents of these cans shall be removed frequently and the cans shall be washed. The rules of this Section do not require lids to be kept on garbage cans or containers which are in use at work stations where food is being prepared.

- (c) Garbage and trash resulting from the food service establishment shall be removed from the building as necessary and disposed of in an approved manner. All dry rubbish including scrap paper, cardboard, or similar items shall be stored in containers, rooms or areas in an approved manner.
- (d) Indoor or outdoor facilities shall be provided for the washing and storage of all garbage cans and mops. Cleaning facilities shall include combination faucet, hot and cold water, threaded nozzle, and curbed impervious pad sloped to drain or other approved facilities or methods.
- (e) Where containerized systems are used for garbage storage, facilities shall be provided for the cleaning of such systems. In the alternative, a contract for off-site cleaning shall constitute compliance with this provision and evidence of such contract shall be made available within 21 days to the Environmental Health Specialist upon request.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998; May 1, 1991; July 1, 1984.

15A NCAC 18A .2627 FLOORS

- (a) The floors of all rooms in which food is stored, prepared, handled, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, and shall be kept clean and in good repair. Food waste on the floor as a result of that day's preparation process is not a violation of the rules of this Section so long as the food waste is removed at regular intervals and prior to closing.
- (b) Floors in areas where food is to be prepared or stored shall be of sealed concrete, terrazzo, quarry or vinyl tile, wood covered with composition flooring, or equal, except that:
- (1) carpet may be used in wait stations and self-service bars.
 - (2) there are no flooring requirements for portable cooking units which may be used in a dining room for occasional service at individual tables.
 - (3) nothing in this Section shall prohibit the use of approved anti-skid floor applications where needed for safety reasons.
- (c) The joints between walls and floors shall be rounded or be otherwise constructed to provide a tight seal between the floor and wall.
- (d) Floors which are subjected to flood type cleaning shall be provided with floor drains and shall slope to drain.
- (e) Clean carpet, in good repair, may be used in dining areas.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. October 1, 2004; August 1, 1998; May 1, 1991.

15A NCAC 18A .2628 WALLS AND CEILINGS

- (a) Walls and ceilings of all rooms in which food is stored, handled, prepared, or served or in which utensils are washed or stored shall be kept clean and in good repair. Water stains on walls or ceilings do not constitute a violation of this Rule unless mold or mildew are present.
- (b) The walls of kitchens and other rooms used for the preparation of food and the washing of utensils shall be smooth, washable and be kept clean. Acceptable wall materials include but are not limited to glazed tile; fiberglass reinforced panels, stainless steel, wood or metal; wall board painted with washable, non-absorbent paint; and brick, cinder blocks, slag blocks, or concrete blocks, if glazed, tiled, plastered or filled so as to provide a smooth surface. Ceilings in kitchens and other rooms used for the preparation of food or the washing of utensils shall be washable. Acceptable materials include, but are not limited to perforated or non-perforated vinyl faced acoustical tile, fiberglass reinforced panels, and painted wall board.
- (c) The walls and ceilings of the dining rooms and other food serving rooms shall be of sound construction.
- (d) The walls and ceilings of dry storage rooms shall be of sound construction; however, a washable finish is not required.
- (e) The walls and ceilings of the wait stations that prepare beverages and bars that only prepare beverages and wash utensils with no food preparation other than garnishes for drinks shall be of sound construction, provided that the interior walls of these wait stations and bars shall be finished to be smooth and washable.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;

Amended Eff. August 1, 1998; May 1, 1991.

15A NCAC 18A .2629 DOORS AND WINDOWS

*History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. April 1, 1992; May 1, 1991;
Repealed Eff. October 1, 2004.*

15A NCAC 18A .2630 LIGHTING

(a) All areas in which food is prepared, or in which utensils are washed, shall be provided with at least 50 foot-candles of light on food preparation work levels and at utensil washing work levels. At least 10 foot-candles of light at 30 inches above the floor shall be provided in all other areas, including storage rooms and walk-in units. This shall not include dining and lounge areas except during cleaning operations. Fixtures shall be kept clean and in good repair.

(b) In determining whether the lighting at a particular location meets the requirements of this Rule, the Environmental Health Specialist shall take the measurement with the light meter at the level where work is performed or at 30 inches above the floor if not at a work station identified in Paragraph (a) of this Rule. The Environmental Health Specialist shall place the meter on the surface where the measurement is to be taken and shall not obstruct the path of the light to the surface in question. Instruments used to measure lighting shall be maintained and operated by the Environmental Health Specialist in accordance with the manufacturer's instructions so as to insure their accuracy.

(c) Light bulbs in food preparation, storage, and display areas shall be shatter-proof or shielded so as to preclude the possibility of broken bulbs or lamps falling into food. Shatter-proof or shielded bulbs need not be used in food storage areas where the integrity of the unopened packages will not be affected by broken glass falling onto them and the packages, prior to being opened, are capable of being cleaned.

(d) Heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

*History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; April 1, 1992; May 1, 1991.*

15A NCAC 18A .2631 VENTILATION

Ventilation equipment shall be kept clean and in good repair.

*History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991; July 1, 1986; October 1, 1985.*

15A NCAC 18A .2632 STORAGE SPACES

(a) Storage spaces shall be kept clean. The contents shall be neatly arranged to facilitate cleaning.

(b) All items stored in rooms where food or single-service items are stored shall be at least 12 inches (30.48 cm.) above the floor when placed on stationary storage units or 6 inches (15.24 cm.) above the floor when placed on portable storage units or otherwise arranged so as to permit thorough cleaning. For purposes of this Rule the term "portable" does not require wheels.

(c) Shelves in storage rooms where food or single-service items are stored shall be constructed approximately 1 in. (2.54 cm.) from the wall, unless stripped or caulked.

(d) Bulky items shall be stored on slatted shelves or movable dollies.

(e) Nothing in this Rule shall prohibit the use of non-absorbent wooden shelves which are in good repair in dry storage areas.

*History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; January 1, 1996; May 1, 1991.*

15A NCAC 18A .2633 PREMISES: MISCELLANEOUS: VERMIN CONTROL

- (a) None of the operations in a food service establishment shall be conducted in any room used for domestic purposes. A domestic kitchen shall not be used in connection with the operation of a food service establishment.
- (b) When a meat market is located in the same room with a grocery store or other establishment, the area in which the meat, meat food products, poultry, or poultry products are stored, handled, and displayed shall be kept free from other merchandise, and the grocery store or other establishment shall be kept clean and free of vermin.
- (c) Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. Laundered table linen and cleaning cloths shall be stored in a clean place until used.
- (d) Toxic materials, cleaners, sanitizers, or similar products used in a food service establishment shall be labeled with the common name or manufacturer's label.
- (e) An area for storage of toxic materials shall be provided and marked as toxic materials. This requirement does not apply to cleaners and sanitizers used frequently in the operation of the food service establishment that are stored for availability and convenience if the materials are stored to prevent the contamination of food, equipment, utensils, linens and single-service items.
- (f) Storage shall be provided for mops, brushes, brooms, hoses, and other items in routine use.
- (g) Effective measures such as fly repellent fans, self-closing doors, screens, and routine use of pesticides identified in Paragraph (i) of this Rule shall be taken to keep insects, rodents, animals and other public health pests out of the establishment and to prevent their breeding or presence on the premises.
- (h) Except as specified below, live animals are not allowed on the premises of a food service establishment. Live animals are allowed in the following situations if the owner or operator does not permit animals to physically contact food, serving dishes, utensils, tableware, linens, unwrapped single-service and single-use articles or other food service items that may result in contamination of food or food contact surfaces and does not permit animals to physically contact employees engaged in the preparation or handling of food:
- (1) fish or crustacea in aquariums or display tanks;
 - (2) patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas; and sentry dogs in outside fenced areas;
 - (3) service animals accompanying persons with disabilities in areas that are not used for food preparation; and
 - (4) dogs (*Canis lupus familiaris*) and cats (*Felis catus*) in outdoor dining areas; provided that dogs and cats are physically restrained, and do not pass through any indoor areas of the food service establishment.

Except for service animals described in Subparagraph (3) of this Paragraph, nothing in this Rule prohibits a food service establishment from prohibiting dogs and cats in outdoor dining areas.

(i) Only those pesticides that have been registered with the U.S. Environmental Protection Agency and with the North Carolina Department of Agriculture and Consumer Services shall be used. These pesticides shall be used as directed on the label and shall be handled to avoid health hazards.

*History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. September 1, 2010; October 1, 2004; August 1, 1998; May 1, 1991.*

15A NCAC 18A .2634 REQUIREMENTS FOR FOOD STANDS

Food stands shall comply with all the requirements of this Section, with the following exceptions:

- (1) In Rule .2624 of this Section, only toilets for employees shall be required. These shall be convenient and shall comply in every way with the standards for restaurant toilets.
- (2) In Rule .2625 of this Section, only handwashing facilities for employees shall be required. In addition, for food stands in which the customer serves himself, a lavatory shall be provided for customers. These shall be convenient and comply with restaurant standards insofar as the rule is concerned.
- (3) In order to qualify for a permit, or when a facility is renovated, warewashing facilities shall comply with Rule .2618 of this Section.
- (4) The requirements in Rule .2629 of this Section shall not apply to a foodstand within a mall, grocery store, or other multi-purpose building providing protection from flies, dust, vermin or other sources of contamination.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991; July 1, 1984.

15A NCAC 18A .2635 REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS

The following requirements shall be satisfied in order for temporary food establishments to qualify for a permit under Rule .2602 of this Section:

- (1) Temporary food establishments shall be located in clean surroundings and kept in a clean and sanitary condition. They shall be so constructed and arranged that food, utensils, and equipment will not be exposed to insects, dust, and other contamination. Protection against flies and other insects shall be provided by screening or by effective use of fans.
- (2) Where food or griddles are exposed to the public or to dust or insects, they shall be protected by glass, or otherwise, on the front, top, and ends, and exposed only as much as may be necessary to permit handling and serving of the food.
- (3) All griddles, warmers, spatulas, refrigerators, and other utensils and equipment shall be cleaned routinely and maintained in a sanitary manner.
- (4) Running water under pressure shall be provided. The water supply shall be approved and of a safe, sanitary quality. Provisions shall be made for heating water for the washing of utensils and equipment. At least a single vat sink, large enough in which to wash cooking utensils, pots, and pans, must be provided. At least one drainboard or counter top space must be provided.
- (5) Facilities shall be provided for employees' handwashing. These may consist of a pan, soap, and single-use towels.
- (6) Convenient and approved toilet facilities shall be provided for use by employees. Public toilet facilities provided on the grounds are acceptable if reasonably convenient, adequate, and kept clean. Sewage shall be disposed of in an approved manner.
- (7) Potentially hazardous foods shall be refrigerated in accordance with Rule .2609 of this Section. All food shall be stored, handled, and displayed in accordance with Rule .2610(a) through (d) of this Section. Food service equipment shall be stored in accordance with Rule .2620 of this Section.
- (8) Garbage and refuse shall be collected and stored in standard water-tight garbage cans provided with tightfitting lids or other approved containers or methods. Garbage and refuse shall be removed at least daily and disposed of in a sanitary manner. Waste water shall be so disposed of as not to create a nuisance. Each operator shall keep his immediate premises clean.
- (9) All food served shall be clean, wholesome, and free from adulteration. Potentially hazardous foods such as cream-filled pastries and pies, and salads such as potato, chicken, ham, crab, etc., shall not be served in a temporary food establishment. Hamburgers shall be obtained from an approved market or plant in patties separated by clean paper, or other wrapping material, and ready to cook. Wrapped sandwiches shall be obtained from an approved source. Poultry shall be prepared for cooking in an approved market or plant. Drinks served shall be limited to packaged, canned, or bottled drinks, packaged milk, coffee, or carbonated beverages from approved dispensing devices.
- (10) Food prepared by local groups shall be prepared in an approved kitchen, and such groups shall maintain a record of the type and origin of such foods. These foods shall be prepared, transported, and stored in a sanitary manner protected from contamination and spoilage.
- (11) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work in a temporary food establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. January 1, 1996; May 1, 1991; July 1, 1984.

15A NCAC 18A .2636 REQUIREMENTS FOR TEMPORARY RESTAURANTS

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Repealed Eff. January 1, 1996.

15A NCAC 18A .2637 EMPLOYEES' COOK TENTS

- (a) Cooking facilities that serve only employees of the fair, carnival, circus, or other similar organizations are not subject to these Rules. Such tents shall be located away from public area and a sign reading "For Employees Only" shall be prominently displayed.
- (b) If employee cooking facilities also serve the public, they shall meet all requirements for a temporary food stand or temporary restaurant.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991.

15A NCAC 18A .2638 GENERAL REQUIREMENTS FOR PUSHCARTS AND MOBILE FOOD UNITS

- (a) A permit shall be issued by the local health department which provides sanitation surveillance for the restaurant or commissary from which the pushcart or mobile food unit is to operate, if the local health department determines that the pushcart or mobile food unit complies with the rules of this Section.
- (b) The permit shall be posted on the pushcart or mobile food unit. Grade cards shall not be posted.
- (c) The local health department which issues the permit shall be provided by individuals receiving a permit a list of counties and locations where each pushcart or mobile food unit will operate.
- (d) Individuals receiving a permit to operate a pushcart or mobile food unit shall provide the local health department in each county in which food service operations are proposed a list of locations where they will operate. Such lists must be kept current.
- (e) Prior to initiating food service operations in a particular jurisdiction, the operator of the pushcart or mobile food unit shall submit to that particular jurisdiction such carts or units for inspection or reinspection to determine compliance with this Section.
- (f) Pushcarts or mobile food units shall operate in conjunction with a permitted restaurant or commissary and shall report at least daily to the restaurant or commissary for supplies, cleaning, and servicing. Facilities, in compliance with this Section, shall be provided at the restaurant or commissary for storage of all supplies. The pushcart shall also be stored in an area that protects it from dirt, debris, vermin and other contamination. Water faucets used to supply water for pushcarts and mobile food units shall be protected to prevent contact with chemicals, splash and other sources of contamination. Solid waste storage and liquid waste disposal facilities must also be provided on the restaurant or commissary premises.
- (g) All foods shall be obtained from approved sources and shall be handled in a manner so as to be clean, wholesome, and free from adulteration.
- (h) All potentially hazardous foods shall be maintained at 45° F (7° C) or below or 135° F (57° C) or above, or as required in Rule .2609 of this Section. A metal stem-type thermometer accurate to 2°F (1° C.) shall be available to check food temperatures.
- (i) Only single-service eating and drinking utensils shall be used in serving customers. Single-service items shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a manner to prevent contamination.
- (j) All garbage and other solid waste shall be stored and disposed of in an approved manner.
- (k) Employees shall be clean as to their person and foodhandling practices. Clean outer clothing and hair restraints are required for employees engaged in the preparation or handling of food to prevent the contamination of food or food contact surfaces.
- (l) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work with a pushcart or mobile food unit in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.
- (m) All equipment and utensils shall comply with the rules of this Section.

(n) The pushcart or mobile food unit shall be kept in a clean and sanitary condition and be free of flies, roaches, rodents, and other vermin.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. November 1, 2007; August 1, 1998; January 4, 1994; September 1, 1991; May 1, 1991.

15A NCAC 18A .2639 SPECIFIC REQUIREMENTS FOR PUSHCARTS

- (a) Only hot dogs shall be prepared, handled, or served from a pushcart; however, foods which have been prepared, pre-portioned and individually pre-wrapped at a restaurant or commissary may be served from a pushcart.
- (b) Food and utensils on the cart exposed to the public or to dust or insects shall be protected by glass, or otherwise, on the front, top, and ends, and exposed only as much as may be necessary to permit the handling and serving of hot dogs.
- (c) Toilet facilities, lavatory facilities, and running water are not required. Single-service towels are required.
- (d) The permit applicant or permittee shall provide documentation to the Department which demonstrates the ability of all pre-portioned, individually pre-wrapped foods placed on the pushcart to hold temperatures under conditions approximating actual use, for the time periods specified by the permit applicant.
- (e) Each pre-wrapped food item shall bear the name of the restaurant or commissary at which it was prepared, the name of the food item and the time and date of expiration. The wrapper shall enclose the food at all times but sealing is not required.
- (f) Pre-portioned, individually pre-wrapped food that remains after the specified time period has elapsed shall not be sold for human consumption.
- (g) Pushcarts shall not be provided with seating facilities.
- (h) Pushcarts shall not be used for consumer self-service.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. January 4, 1994; September 22, 1980.

15A NCAC 18A .2640 SPECIFIC REQUIREMENTS FOR MOBILE FOOD UNITS

- (a) The mobile food unit shall be constructed and arranged so that food, drink, utensils, and equipment will not be exposed to insects, dust, and other contamination. Protection against flies and other insects shall be provided by screening or by effective use of fans. Where food or griddles are exposed to the public or to dust or insects, they shall be protected by glass, or otherwise, on the front, top, and ends, and exposed only as much as may be necessary to permit the handling and serving of food.
- (b) A mobile food unit shall have a potable water system under pressure. The system shall furnish hot and cold water for all food preparation, utensil cleaning, and handwashing. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled.
- (c) Water heating facilities shall be provided.
- (d) Handwashing lavatory with hot and cold water, combination supply faucet, soap, and single-service towels shall be provided.
- (e) At least an approved single-compartment sink shall be provided. This sink shall be of sufficient size to submerge, wash, and rinse cooking utensils and shall have splashback protection and drainboards that are an integral part of, and continuous with, the sink. These drainboards shall be of sufficient size to accommodate the drying of washed utensils. However, in cases where no food is prepared on the mobile food unit and all utensils are effectively cleaned at the restaurant, the equipment sink is not required.
- (f) Sewage disposal must be provided either by means of an approved sewage disposal system or approved sewage storage tanks. Sewage storage tanks must be maintained in a manner so as not to create a health hazard or nuisance and to prevent contamination of foods or water supply. Toilets are not required on the unit. Liquid waste that results from the operation of a mobile food unit shall be disposed of in an approved sewage disposal system or stored in a permanently installed sewage storage tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the sewage storage tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different

size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(g) A servicing operations area shall be established at a restaurant for the mobile food unit. Potable water servicing equipment shall be installed, stored, and handled to protect the water and equipment from contamination. The mobile food unit's sewage storage tank shall be thoroughly flushed and drained during servicing operation. All sewage shall be discharged to an approved sewage disposal system.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991; April 1, 1985.

15A NCAC 18A .2641 PROCEDURE WHEN INFECTION SUSPECTED

When the local health department has reason to suspect the possibility of exposure to, or transmission of, infection within a foodhandling operation from any person or from any food or drink, the local health director shall act in accordance with the Communicable Disease Laws and Rules (G.S. 130A-133 through 148, 15A NCAC 19A).

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991.

15A NCAC 18A .2642 SEVERABILITY

If any rule in this Section, or the application thereof to any person or circumstance, is held invalid, the remainder of these Rules, or the application of such provision to other persons or circumstances, shall not be affected thereby.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980.

15A NCAC 18A .2643 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

(a) If a permit holder disagrees with a decision of an Environmental Health Specialist on the interpretation, application or enforcement of the rules of this Section the permit holder may:

- (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
- (2) Initiate an appeal in accordance with G.S. 150B.

(b) The permit holder is not required to complete the alternative dispute resolution prior to initiating an appeal in accordance with G.S. 150B.

(c) When a petition for a contested cases is filed, the informal review process shall terminate.

(d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand-delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall briefly state the issues in dispute. In the event the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the restaurant is located, or when the county or area has only one Environmental Health Specialist assigned to inspect restaurants, the Regional Environmental Health Specialist assigned to that county or area shall conduct the local informal review. As soon as possible but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

(e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision and shall be postmarked or hand-delivered to the Local Health Department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. Notice of the time and place of this conference shall be provided to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within

10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of an establishment, the Environmental Health Specialist shall post a new grade card reflecting that new score.

(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.

(h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .2604 of this Section.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. August 1, 1998; February 1, 1987.

15A NCAC 18A .2644 REQUIREMENTS FOR CATERED ELDERLY NUTRITION SITES

Catered Elderly Nutrition Sites shall comply with all the requirements provided in Rules .2601 - .2633 of this Section with the following exceptions:

- (1) sites responsible for the cleaning of coffee and tea preparation pitchers and related utensils shall have at least a two-compartment domestic sink for these purposes that shall not be required to meet the standards in Rules .2617(d) and .2618(h); the sink shall be constructed of non-toxic, corrosion-resistant materials which are smooth and durable under conditions of actual use; and under this provision, all other service utensils shall be returned to the caterer for washing and sanitizing;
- (2) if refrigerated storage is limited to foods that do not require cooling or reheating, mechanical refrigeration equipment shall be required but shall be exempt from meeting the standards in Rule .2617(d);
- (3) the following shall apply in place of the requirements in Rule .2626 (b), (d) and (e):
 - (a) garbage receptacles shall be kept clean and in good repair, with tight-fitting lids;
 - (b) can liners shall be required for all garbage receptacles unless the site has approved can-wash facilities;
 - (c) mop or can-cleaning water shall not be disposed of in the utensil sink; all waste water from mopping, can-cleaning, and other cleaning operations shall be disposed of in a mop sink or another approved manner in accordance with Rule .2626(a) of this Section; and
 - (d) dumpster lids shall be kept closed.

History Note: Authority G.S. 130A-248;
Eff. March 1, 1989;
Amended Eff. July 1, 1993.

15A NCAC 18A .2645 REQUIREMENTS FOR LIMITED FOOD SERVICE ESTABLISHMENTS

Limited food service establishments shall comply with all the restaurant requirements of this Section, except that the following provisions shall apply in lieu of .2602, .2603, .2604(c), .2605, .2606, .2607, .2610(f), .2617(d), .2618(d) and (h), .2624, .2626(d), .2627 through .2629, and .2630(a):

- (1) The permit for a limited food service establishment shall be posted at a conspicuous place where it can be readily seen by the public at all times. Permits for limited food service establishments shall expire on December 31 of each year. A new permit from the Department shall be obtained before the limited food service establishment shall be allowed to operate each year. Transitional permits shall not be issued. Limited food service establishments shall not be subject to grading.
- (2) The permit application shall be submitted to the local health department at least four weeks prior to construction or commencement of operation. The permit application shall include a proposal for review and approval which includes a menu, plans and specifications for the proposed limited food service establishment, and location and dates of operation.
- (3) Limited food service establishments shall not prepare any potentially hazardous foods prior to the day of sale.
- (4) Potentially hazardous foods which have been heated at the limited food service establishment and remain at the end of the day shall not be sold.

- (5) Foods which have been heated at the limited food service establishment shall not be reheated or placed in refrigeration to be used another day.
- (6) Salads containing potentially hazardous foods shall not be prepared by the limited food service establishment.
- (7) All meats, poultry, and fish shall be purchased in a pre-portioned, ready-to-cook form.
- (8) Domestic equipment which is in good repair and operating properly may be used. However, food brought into a limited food service establishment shall not have been prepared in a domestic kitchen. At least a two compartment utensil- washing sink with drainboards on each end or counter space on both sides of the sink shall be provided for air-drying of clean sanitized utensils. The sink shall be of sufficient size and depth to submerge, wash, rinse, and sanitize utensils.
- (9) Only single-service articles shall be used.
- (10) Customer self-service is prohibited except for condiments in individual packages or in pour-type or squeeze-type containers.
- (11) Any area where food is handled, prepared, cooked, or stored shall be provided with a weatherproof roof.
- (12) Floors, walls and ceilings of limited food service establishments which are located in permanent structures on the effective date of this rule shall meet the requirements in Rule .2627 and .2628 of this Section no later than July 1, 1996. Floors, walls, and ceilings of limited food service establishments which are located in permanent structures constructed after the effective date of this rule shall comply with Rule .2627 and .2628 of this Section. Limited food service establishments shall use dustless methods of floor cleaning and all except emergency floor cleaning shall be done during those periods when the least amount of food and drink is exposed, such as after closing, or between meals.
- (13) The limited food service establishment shall be connected to necessary utilities such as electrical service at all times food is present in the establishment.
- (14) All areas in which food is handled, prepared, or in which utensils are washed shall be provided with artificial lighting. Fixtures shall be kept clean and in good repair.
- (15) Convenient toilet facilities shall be provided for use by employees. Public toilet facilities provided on the grounds are acceptable if kept clean. Toilet facilities for the public are not required.
- (16) Durable, legible signs which read that employees must wash their hands before returning to work shall be posted or stenciled conspicuously at each employees' hand washing facility.
- (17) Garbage can liners shall be required for all garbage receptacles unless the site has can wash facilities.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1994.