

GOVERNMENT OF GUAM  
OFFICE OF THE GOVERNOR  
AGANA, GUAM

EXECUTIVE ORDER NO. 76-28

RULES AND REGULATIONS PERTAINING TO EATING AND DRINKING ESTABLISHMENTS

WHEREAS, there is a need to protect the health of the consumers of Guam by ensuring that the food they consume in establishments offering prepared food to the public is wholesome and prepared in a safe and sanitary manner; and

WHEREAS, it is essential that good sanitary practices be followed in the preparation of such food and further that such food be held under safe and sanitary conditions; and

WHEREAS, adequate kitchen and sanitary facilities must be provided in any establishment where food is prepared and served to the public; and

WHEREAS, personnel in these establishments must be properly trained to prepare and serve food to the public; and

WHEREAS, Title X, Chapter VI, Subchapter E, Section 9540 of the Government Code of Guam authorizes the Director of Public Health and Social Services to prescribe rules and regulations pertaining to eating and drinking establishments; and

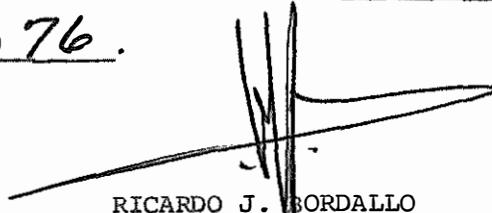
WHEREAS, public hearings regarding these rules and regulations were conducted on August 11 and 17, 1976; and

WHEREAS, the Director of Public Health and Social Services has adopted rules and regulations pertaining to eating and drinking establishments in accordance to the aforementioned needs;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby approve and promulgate, as attached hereto, "The Rules and Regulations Pertaining to Eating and Drinking Establishments.

This Order, shall be effective upon approval of the Governor and upon filing of said Order with the Legislative Secretary of Guam Legislature.

Signed and promulgated at Agana, Guam, this 12<sup>th</sup> day of September, 19 76.



RICARDO J. BORDALLO  
Governor of Guam

COUNTERSIGNED:



RUDOLPH G. SABLAN  
Lieutenant Governor

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
GOVERNMENT OF GUAM

REGULATIONS RELATIVE TO EATING AND DRINKING ESTABLISHMENTS

PART I

CHAPTER I

RULES AND REGULATIONS GOVERNING  
EATING AND DRINKING ESTABLISHMENTS

Rules and Regulations defining food, potentially hazardous food, adulterated, misbranded, eating and drinking establishments, temporary eating and drinking establishment, mobile food and drink establishment, Director, utensils, equipment, etc.; providing for the sale of only unadulterated, wholesome, properly branded food; regulating the sources of food; establishing sanitation standards for food, food protection, food-service operation, food equipment and utensils, sanitary facilities and controls, and other facilities.

SECTION 1. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of these regulations:

1.1 ADULTERATED shall mean the condition of a food (a) if bear or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (c) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed, or held under insanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

1.2 APPROVED shall mean acceptable to the Director based on his determination as to conformance with appropriate standards and good public health practice.

1.3 CLOSED shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

1.4 DIRECTOR shall mean the Director of the Guam Department of Public Health and Social Services.

1.5 CORROSION-RESISTANT MATERIAL shall mean a material which maintain its original surface characteristics under prolonged influence of the food, cleaning compounds, and sanitizing solutions which may contact it.

1.6 EASILY CLEANABLE shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

1.7 EMPLOYEE shall mean any person working in a food-service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

1.8 EQUIPMENT shall mean all stoves, ranges, hoods, meatblocks, tables, counters refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food-service establishment.

1.9 FOOD shall mean any raw, cooked, or processed edible substances, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

1.10 FOOD-CONTACT SURFACES shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

1.11 FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

1.12 EATING AND DRINKING ESTABLISHMENT shall mean any restaurant, coffee shop, public and private school cafeteria, lunchroom, luncheonette, lunchstand, lunch-counter, in-plant or employee eating establishment, soda fountain, bar, cafe, tavern, short order cafe, sandwich stand, drink stand, and any other eating establishment, organization, club, including veteran's club, boardinghouse, guesthouse, or political subdivision, which gives, sells, or offers for sale, food or beverage to the public, guests, patrons, or employees as well as kitchens in which food is prepared on the premises for serving elsewhere including catering functions. The term "eating and drinking establishment" shall not include itinerant restaurants, vending machines, vehicles, cooperative arrangements by employees who purchase food or beverage for their own consumption and where no employee is assigned full time to care for or operate equipment used in such arrangement, or private homes.

1.13 KITCHENWARE shall mean all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

1.14 MISBRANDED shall mean the presence of any written, printed, or graphic matter upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable local or Federal labelling requirements, or the absence of a label indicating the contents of packaged food.

1.15 MOBILE FOOD-SERVICE ESTABLISHMENT shall mean any mobile which may operate in a fixed location not to exceed twenty-four hours (24).

1.16 PERISHABLE FOOD shall mean any food of such type or in such conditions as may spoil.

1.17 POTENTIALLY HAZARDOUS FOOD shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

1.18 SAFE TEMPERATURES, as applied to potentially hazardous food, shall mean temperatures of 45°F. (degree Fahrenheit) or below, and 140°F. or above.

1.19 SANITIZE shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process which is effective in destroying micro-organism, including pathogens.

1.20 SEALED shall mean free of cracks or other openings which permit the entry or passage of moisture.

1.21 SINGLE-SERVICE ARTICLES shall mean cups, containers, lids or closures; plates, knives, forks, spoons, stirrers, paddles; straws, place mats, napkins, doilies, wrapping materials; and all similar articles which are constructed wholly or in part from paper, paper-board, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

1.22 TABLEWARE shall mean all multiuse eating and drinking utensils, including flatware (knives, forks and spoons).

1.23 TEMPORARY EATING AND DRINKING ESTABLISHMENT shall mean any eating and drinking establishment which operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

1.24 UTENSIL shall mean any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

## SECTION 2. FOOD

2.1 FOOD SUPPLIES: All food in eating and drinking establishments shall be from approved sources and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid, and low-acid food which has been processed in a place other than a commercial food-service establishment shall be used.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

### 2.1.1 General:

2.1.1.1 Food in the eating and drinking establishment shall be from an approved source and which is in compliance with applicable local laws and regulations. Food from such sources shall have been protected from contamination and spoilage during subsequent handling, packaging, and storage, and while in transit.

2.1.1.2 All food in the eating and drinking establishment shall be wholesome and free from spoilage, adulteration, and misbranding.

### 2.1.2 Milk and Milk Products:

2.1.2.1 All milk and milk products, including fluid milk, other fluid dairy products and manufactured milk products, shall meet the standards of quality established for such products by applicable local laws and regulations.

2.1.2.2 Only pasteurized fluid milk and fluid-milk products shall be used or served. Dry milk and milk products may be reconstituted in the establishment if used for food preparation purposes only.

2.1.2.3 All milk and fluid milk products for drinking purposes shall be purchased and served in the original, individual container in which they were packaged in the milk plant or shall be served from an approved bulk milk dispenser with a conspicuous sign posted as to the source of the milk being served.

### 2.1.3 Frozen Desserts:

2.1.3.1 All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices, and mix shall meet the standards of quality established for such products by applicable local laws and regulations.

### 2.1.4 Shellfish:

2.1.4.1 All oysters, clams, and mussels shall be from sources approved by the local shellfish authority: Provided, That if the source is outside Guam, it shall be one which is certified by the State of Origin.

2.1.4 Shell stock shall be identified with an official tag giving the name and certificate number of the original shell-stock shipper and the kind and quantity of shell stock. Fresh and frozen ~~stuffed~~ oysters, clams, and mussels, shall be packed in nonreturnable containers identified with the name and address of the packer, repacker, or distributor, and the certificate number of the packer or repacker preceded by the abbreviated name of the State.

2.1.4.3 Shucked shellfish shall be kept in the original container until used.

2.1.5 Meat and Meat Products:

2.1.5.1 All meat and meat products shall have been inspected for wholesomeness under an official regulatory program:

2.1.6 Poultry and Poultry Meat Products:

2.1.6.1 All poultry and poultry meat products shall have been inspected for wholesomeness under an official regulatory program:

2.1.7 Bakery Products:

2.1.7.1 All bakery products shall have been prepared in the eating and drinking establishment or in a food-processing establishment. All creamfilled and custard-filled pastries shall have been prepared and handled in accordance with the requirements of Subsection 2.2.3.5 of this Section.

2.1.8 Nonacid and Low-Acid Hermetically Sealed Food:

2.1.8.1 All non-acid and low acid hermetically sealed food shall have been processed in food-processing establishments.

2.2 FOOD PROTECTION: All food while being stored, prepared, displayed, served, or sold at eating and drinking establishments, or during transportation between such establishments, shall be protected from contamination. All perishable food shall be stored so as to protect against spoilage. All potentially hazardous food shall be maintained at safe temperature (45°F. or below, 140°F. or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffed poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again: Provided, That wrapped food which has not been unwrapped and which is wholesome may be re-served.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in eating and drinking establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

2.2.1 General:

2.2.1.1 All food, while being stored, prepared, displayed, served, or sold in eating and drinking establishments, or transported between such establishments, shall be protected against contamination from dust, flies, rodents, and other vermin; unclean utensils and work surfaces; unnecessary handling; coughs and sneezes; flooding, drainage, and overhead leakage; and any other source.

2.2.1.2 Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, display, and service. Each cold-storage facility used for the storage of perishable food in non-frozen state shall be provided with an indicating thermometer accurate to  $+2^{\circ}$  F., located in the warmest part of the facility in which food is stored, and of such type and so situated that the thermometer can be easily and readily observed for reading.

2.2.2 Temperatures:

2.2.2.1 All perishable food shall be stored at such temperatures as will protect against spoilage.

2.2.2.2 All potentially hazardous food shall, except when being prepared and served, and when being displayed for service, be kept at  $45^{\circ}$ F. or below, or  $140^{\circ}$ F. or above.

2.2.2.3 All potentially hazardous food, when placed on display for service, shall be kept hot or cold as required hereafter:

2.2.2.3.1 If served hot, the temperature of such food shall be kept at  $140^{\circ}$ F. or above;

2.2.2.3.2 If served cold, such food shall be:

2.2.2.3.2.1 Displayed in or on a refrigerated facility which can reduce or maintain the product temperature at  $45^{\circ}$  F. or below; or

2.2.2.3.2.2 Prechilled to a

temperature of 45° F. or below, when placed on display for service, and the food temperature shall at no time during the display period exceed 55° F.

2.2.2.4 Following preparation, hollandaise and other sauces which, pending service, must be held in the temperature range of 45° F. to 140° F., may be exempt from the temperature requirements of this subsection, if they are prepared from fresh ingredients and are discarded as waste within three hours after preparation. Where such sauces require eggs as an ingredient, only shell eggs shall be used.

2.2.2.5 Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerators of 45° F. or below; or under cool, potable running water (70° F. or below); or quick-thawed as part of the cooking process.

2.2.3 Preparation:

2.2.3.1 Convenient and suitable utensils, such as forks, knives, tongs, spoons, or scoops, shall be provided and used to minimize handling of food at all points where food is prepared.

2.2.3.2 All raw fruits and vegetables shall be washed thoroughly before being cooked or served. An approved vegetable sink shall be provided when the establishment routinely washes fruits and vegetables.

2.2.3.3 Stuffings, poultry, and stuffed meats and poultry shall be heated, throughout, to a minimum temperature of 165° F., with no interruption of the initial cooking process.

2.2.3.4 Pork and pork products which have not been specially treated to destroy trichinae shall be thoroughly cooked to heat all parts of the meat to at least 150° F.

2.2.3.5 Meat salads, poultry salads, potato salad, egg salad, cream-filled pastries, and potentially hazardous prepared food shall be prepared, (preferably from chilled products) with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized.

2.2.3.6 Custards, cream fillings, or similar products which are prepared by hot or cold processes, and which are used as puddings or pastry fillings, shall be kept at safe temperatures except during necessary periods of preparation and service, and shall meet the following requirements as applicable:

2.2.3.6.1 Pastry filling shall be placed in shells, crusts, or other baked goods either while hot (not less than 140°F.) or immediately following preparation, if a cold process is used; or

2.2.3.6.2 Such fillings and puddings shall be refrigerated at 45°F. or below in shallow pans, immediately after cooking or preparation, and held thereat until combined into pastries, or served.

2.2.3.6.3 All complete custard-filled and cream-filled pastries shall, unless served immediately following filling, be refrigerated at 45°F. or below promptly after preparation, and held thereat pending service.

#### 2.2.4 Storage:

2.2.4.1 Containers of food shall be stored above the floor, on clean racks, dollies, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

2.2.4.2 Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking.

2.2.4.3 Dry package food shall not be stored in a condition or place conducive to spoilage or contamination.

2.2.4.4 Food shall only be stored in its original container or in an approval container.

#### 2.2.5 Display and Service:

2.2.5.1 Where unwrapped food is placed on display in all types of food-service operations, including smorgasbords, buffets, and cafeterias, it shall be protected against contamination from customers and other sources by effective, easily cleanable, counter-protector devices, cabinets, display cases, containers, or other similar type of protective equipment. Self-service openings in counter guards shall be so designed and arranged as to protect food from manual contact by customers.

2.2.5.2 Tongs, forks, spoons, picks, spatulas, scoops, and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided.

2.2.5.3 Dispensing scoops, spoons, and dippers, used in serving frozen desserts, shall be stored, between uses in an approved running-water dipper well.

2.2.5.4 Sugar, salt, mustard and other similar materials are to be served only in covered dispensers or in containers, or wrapped packages. It is required that these containers be designed so that a spoon can not be inserted for use in the dispensing of these materials.

2.2.5.5 Individual portions of food once served to a customer shall not be served again: Provided, That wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be re-served.

2.2.6 Transportation:

2.2.6.1 The requirements for storage, display, and general protection against contamination, as contained in this subsection shall apply to the transporting of all food from an eating and drinking establishment to another location for service or catering operations, and all potentially hazardous food shall be kept at 45°F. or below, or 140°F. or above, during transportation.

2.2.6.2 During the transportation of food from an eating and drinking establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination.

2.2.7 Poisonous and Toxic Materials:

2.2.7.1 Only those poisonous and toxic materials required to maintain the establishment in a sanitary condition, and for sanitization of equipment and utensils, shall be present in any area used in connection with eating and drinking establishments.

2.2.7.2 All containers of poisonous and toxic materials shall be prominently and distinctively marked or labeled for easy identification as to contents.

2.2.7.3 When not in use, poisonous and toxic materials shall be stored in cabinets which are used for no other purpose, or in a place which is outside the food-storage, food-preparation, and cleaned equipment and utensil storage rooms. Bactericides and cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials.

2.2.7.4 Bactericides, cleaning compounds, or other compounds, intended for use on food-contact surfaces, shall not be used in such a manner as to leave a toxic residue on such surfaces, nor to constitute a hazard to employees or customers.

2.2.7.5 Poisonous polishing materials shall not be used on equipment or utensils, nor stored in the establishment.

2.2.7.6 Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food.

2.2.7.7 Poisonous materials shall not be used in any way as to contaminate food, equipment, or utensils, nor to constitute other hazards to employees or customers.

SECTION 3. PERSONNEL

3.1 HEALTH AND DISEASE CONTROLS: No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of an eating and drinking establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, shall send the employee home until well.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

3.1.1 Disease Control:

3.1.1.1 No person while affected with a disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, or an acute respiratory infection, shall work in an eating and drinking establishment in an area and capacity in which there is a likelihood of transmission of disease to patrons or to fellow employees, either through direct contact or through the contamination of food or food-contact surfaces with pathogenic organisms. No such person shall be employed in such an area and capacity in an eating and drinking establishment.

3.1.2 Reporting:

3.1.2.1 The manager or person in charge of an establishment shall make an inspection of all employees and persons found to have open sores, boils or infected pimples shall be removed from food-service areas, dishwashing areas and prohibited from handling or storing food by the manager or person in charge. Also the manager or person in charge shall send the employee home until well.

3.2 CLEANLINESS: All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.

Compliance: This section shall be deemed to have been satisfied when the following requirements are met:

3.2.1 Hand Washing:

3.2.1.1 All employees shall thoroughly wash their hands and arms with soap and warm water before starting to work, and shall wash hands during work hours as often as may be required to remove soil and contamination, as well as after visiting the toilet room.

3.2.1.2 The hands of all employees shall be kept clean while engaged in handling food and food-contact surfaces.

3.2.1.3 Employees shall keep their fingernails clean, reasonably short and neatly trimmed.

3.2.2 Clothing:

3.2.2.1 The outer garments of all persons, including dishwashers, engaged in handling food or food-contact surfaces shall be reasonably clean.

3.2.2.2 Headbands, caps, or other effective hair restraints shall be used by employees engaged in the preparation and service of food to keep hair from food and food-contact surfaces.

3.2.3 Tobacco

3.2.3.1 Employees shall not use tobacco in any form while engaged in food preparation or service, or while in equipment and utensil washing or food-preparation areas: Provided, That designated locations in such areas may be used for smoking, where no contamination hazards will result.

3.2.4 Other Practices:

3.2.4.1 Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

SECTION 4. FOOD EQUIPMENT AND UTENSILS

4.1 SANITARY DESIGN, CONSTRUCTION, AND INSTALLATION OF EQUIPMENT AND UTENSILS: All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant, and relatively nonabsorbent.

All equipment shall be approved by the National Sanitation Foundation and shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

Equipment in use at the time of adoption of this regulation which does not meet fully the above requirements may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic.

Single-service articles shall be made from nontoxic materials.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

4.1.1 Design, Construction, and Materials:

4.1.1.1 All equipment and utensils shall be so durable under normal conditions and operations as to be resistant to denting, buckling, pitting, chipping, crazing, and excessive wear; and shall be capable of withstanding repeated scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come in contact. No enamelware shall be used in preparation, storage or service of food.

4.1.1.2 Food-contact surfaces of equipment and utensils shall be smooth; shall be free of breaks, open seams, cracks, chips, pits, and similar imperfections; shall be in good repair; and shall be easily cleanable.

4.1.1.3 Materials used as food-contact surfaces of equipment and utensils shall, under use conditions, be corrosion resistant, relatively non-absorbent and nontoxic: Provided, That the corrosion-resistant requirements shall not preclude the use of cast iron as a food-contact material.

4.1.1.4 Food-contact surfaces of equipment and utensils shall be free of difficult-to-clean internal corners and crevices. Threads which routinely contact food shall be of a sanitary design, and non V-type threads shall be used in such a situation.

4.1.1.5 Lubricated bearings and gears of equipment shall be so constructed that lubricants cannot get into the food or onto food-contact surfaces.

4.1.1.6 All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and for inspection either:

4.1.1.6.1 Without being disassembled; or

4.1.1.6.2 By disassembling without the use of tools; or

4.1.1.6.3 By easy disassembling with the use of

only simple tools kept available near the equipment, such as a mallet, a screwdriver, or an open-end wrench.

4.1.1.7 Equipment intended for in-place cleaning shall be so designed and constructed that:

4.1.1.7.1 Cleaning and sanitizing solutions can be circulated throughout a fixed system.

4.1.1.7.2 Cleaning and sanitizing solutions will contact all interior surfaces.

4.1.1.7.3 The system is self-draining or otherwise completely evacuated.

4.1.1.7.4 Cleaning procedures result in thorough cleaning of the equipment.

4.1.1.8 Surfaces of equipment, not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth; washable; free of unnecessary ledges, projections, or crevices; readily accessible for cleaning; and of such material and in such repair as to be readily maintained in a clean and sanitary manner.

4.1.1.9 Cutting blocks and boards, and bakers' tables may be of hard maple or equivalent material which is nontoxic, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable. Wicker or plastic bread-baskets, when suitably lined, may be used for unwrapped food.

4.1.1.1.0 Soft solder, when used as a food-contact surface, shall be limited to joining metal or sealing seams between abutting metal surfaces; shall be of such formulation as to be nontoxic under use conditions; shall contain at least 50 percent tin; shall contain no more lead than necessary under good manufacturing practice; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

4.1.1.1.1 Hard solder (silver solder), when used as a food-contact surface, shall be of such formulation as to be nontoxic under use conditions; shall be corrosion resistant; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

4.1.1. Single-service articles shall be made from nontoxic materials.

4.1.2 Equipment Installation:

4.1.2.1 Equipment which is placed on tables or counters, unless readily movable, shall be sealed thereto or mounted on legs or feet at least 4 inches high, and shall be so installed as to facilitate the cleaning of the equipment and areas adjacent thereto.

4.1.2.2 Floor-mounted equipment, unless readily movable, shall be sealed to the floor; or shall be installed on raised platforms of concrete or other smooth masonry in such a manner as to prevent liquids or debris from seeping or settling underneath, between or behind such equipment in spaces which are not fully open for cleaning and inspection; or such equipment shall be elevated at least 6 inches above the floor. The space between adjoining units, and between a unit and the adjacent wall, shall be closed unless exposed to seepage, in which event it shall be sealed; or sufficient space shall be provided to facilitate easy cleaning between, behind, and beside all such equipment.

4.1.2.3 Aisles or working spaces between equipment, and between equipment and walls, shall be unobstructed, and of sufficient width to permit employees to perform readily their duties without contamination of food or food-contact surfaces by clothing or through personal contact.

4.1.3 Existing Equipment:

4.1.3.1 Equipment which was installed in an eating and drinking establishment prior to the effective date of this regulation, and which does not meet fully of the design and construction requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Such equipment shall be so located and installed as to enable reasonable compliance with all of the requirements of this subsection pertaining to equipment installation, and all of the requirements pertaining to food protection.

4.2 CLEANLINESS OF EQUIPMENT AND UTENSILS: All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.

All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day, or as often as necessary. All utensils and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized

prior to such use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

Eating and drinking establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

4.2.1 Equipment and Utensil Cleanliness:

4.2.1.1 After each usage, all tableware and trays shall be thoroughly cleaned to sight and touch.

4.2.1.2 After each usage, all kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces, used in the preparation, serving, display, or storage of food, shall be thoroughly cleaned to sight and touch. The cooking surfaces of grills, griddles, and similar cooking devices shall be cleaned at least once a day, or as often as necessary and shall be free of incrustated grease deposits and other soil.

4.2.1.3 Non-food-contact surfaces of all equipment used in the operation of an eating and drinking establishment, including tables, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, food particles, and other debris.

4.2.1.4 Detergents, soaps and abrasives shall be rinsed off food-contact surfaces.

4.2.1.5 Cloths used by waiters, chefs, and other personnel, shall be clean, and any such cloths used for wiping food-contact surfaces shall be used for no other purpose.

4.2.2 Equipment and Utensil Sanitization:

4.2.2.1 All tableware shall, after each use, be cleaned and sanitized. A spoon or other utensil, once used for tasting food, shall not be reused until it has been cleaned and sanitized.

4.2.2.2 All kitchenware and food-contact surface of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be cleaned and sanitized prior to such use, and following any interruption of operations during which contamination of the food-contact surfaces is likely to have occurred. Where equipment and

utensils are used for preparation of potentially hazardous food on a continuous or production-line basis, the food-contact surfaces of such equipment, and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule approved by the Director.

4.2.3 Methods and Facilities for Washing and Sanitizing:

4.2.3.1 Prior to washing, all equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

4.2.3.2 Effective concentrations of a suitable detergent shall be used in both manual and mechanical dishwashing.

4.2.3.3 When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a detergent solution which is kept reasonably clean, and then shall be rinsed free of such solution. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized by one of the following methods:

4.2.3.3.1 Immersion for at least one-half minute in clean hot water at a temperature of at least 170°F.

4.2.3.3.2 Immersion for a period of at least one (1) minute in a sanitizing solution containing:

4.2.3.3.2.1 At least 50 ppm of available chlorine at a temperature not less than 75°F.; or

4.2.3.3.2.2 At least 12.5 ppm of available iodine in a solution having a pH not higher than 5.0 and a temperature of not less than 75°F.; or

4.2.3.3.2.3 Any other chemical-sanitizing agent which is effective and non-toxic under use condition, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine at a temperature not less than 75°F.

4.2.3.3.3 Equipment too large to treat by methods 4.2.3.3.1 and 4.2.3.3.2 above may be treated:

4.2.3.3.3.1 With live steam from a hose, in the case of equipment in which steam can be confined; or

4.2.3.3.3.2 By rinsing with boiling water; or

4.2.3.3.3.3. By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization

Foundation) approved cold water glass washing machines may be used.

4.2.3.4 A three-compartment sink shall be provided and used wherever washing and sanitization of equipment or utensils are conducted manually; Provided, That establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a non-compartment sink may be used for this purpose. At least a two-compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. Single compartment utility sinks, such as cooks' and bakers' sinks, may be used for the rinsing of utensils.

4.2.3.5 Sinks used for manual washing and sanitizing operations shall be of adequate length, width, and depth to permit the complete immersion of the equipment and utensils, and each compartment of such sinks shall be provided and of such design as to permit complete immersion of the utensils and components being sanitized therein.

4.2.3.6 When hot water is used as the sanitizing agent in manual operations, thermometers, accurate to  $\pm 3^{\circ}\text{F}$ . shall be provided convenient to the sink and frequent checks of the water temperature shall be made.

4.2.3.7 Dish tables or drainboards, of adequate size for proper handling of soiled utensils prior to washing and for cleaned utensils following rinsing or sanitization, shall be provided, and shall be so located or constructed as not to interfere with the proper use of the dishwashing facilities: Provided, That drainboards shall not be required for cooks' and bakers' rinse sinks.

4.2.3.8 Sinks, dish tables, and drainboards shall be constructed of galvanized metal or better, suitably reinforced, of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining.

4.2.3.9 Spray-type dishwashing machines shall meet NSF standards.

4.2.3.10 When spray-type dishwashing machines are used, the following additional requirements shall be met:

4.2.3.1.0.1 Wash water shall be kept reasonably clean, and rinse water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

4.2.3.1.0.2 The flow pressure shall be not less than 15 or more than 25 pounds per square inch at the rinse water line at the machine, and not less than 10 pounds per square inch at the rinse nozzles. A suitable gage cock shall be provided immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water.

4.2.3.1.0.3 The wash water temperature shall be at least 150°F. and in single-tank conveyor machines shall be at least 160°F. When hot water is relied upon for sanitization, the final or fresh rinse water shall be at a temperature of at least 180°F. at the entrance of the manifold. When a pump rinse is provided, the water shall be at a temperature of at least 160°F. When chemicals are relied upon for sanitization, they shall be of a class or type approved by the Director, and shall be applied in such concentration and for such a period of time as to provide effective bactericidal treatment of the equipment and utensils.

4.2.3.1.0.4 Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

4.2.3.1.0.5 An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of  $\pm 3^\circ\text{F}$ . the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

4.2.3.1.0.6 Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

4.2.3.1.0.7 Wash and power rinse tanks shall be equipped with thermostatically controlled heaters, capable of maintaining temperatures specified above.

4.2.3.11 When an immersion-type dishwashing machine is employed for equipment and utensil washing and sanitizing, the applicable requirements pertaining to manual dishwashing shall be met: Provided, That a two-compartment system shall be deemed adequate when the temperature of the wash at a temperature of at least 170°F. is used as the sanitizing agent.

4.2.3.12 Any other type of machine may be used for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment as demonstrated by an average plate count per utensil (according to standard methods) surface examined, of not more than 100 colonies.

4.2.4 Storage and Handling of Cleaned Equipment and Utensils:

4.2.4.1 Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip-contact surfaces.

4.2.4.2 Cleaned and sanitized, portable equipment and utensils shall be stored above the floor in a clean, dry location, and suitable space and facilities shall be provided for such storage so that food-contact surfaces are protected from splash, dust, and other contamination. The food-contact surfaces of fixed equipment shall also be protected from splash, dust, and other contamination. Utensils shall be air dried before being stored or shall be stored in a self-draining position on suitably located hooks or racks constructed of corrosion-resistant material. Wherever practicable, stored containers and utensils shall be covered or inverted. Facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.

4.2.5 Single-Service Articles:

4.2.5.1 Single-service articles shall be stored in closed cartons or containers which protect them from contamination.

4.2.5.2 Such articles shall be handled and dispensed in such a manner as to prevent contamination of surfaces which may come into contact with food or with the mouth of the user.

4.2.5.3 Single-service articles shall be used only once.

4.2.5.4 All food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single service articles.

SECTION 5. SANITARY FACILITIES AND CONTROLS

5.1 WATER SUPPLY: The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed.

Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

5.1.2 Ice:

5.1.2.1 Ice shall be made from water meeting the requirements of paragraph a. (1) of this subsection, in an icemaking machine which is located, installed, operated, and maintained so as to prevent contamination of the ice shall be obtained from a source approved by the Director.

5.1.2.2 Ice shall be handled, transported, and stored in such a manner as to be protected against contamination. If block ice is used, the outer surfaces shall be thoroughly rinsed so as to remove any soil before it is used for any purpose.

5.1.2.3 If ice crushers are used, they shall be maintained in a clean condition and shall be covered when not in use.

5.1.2.4 If ice is used, approved containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single-service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. They shall be kept clean, and shall be stored and handled in a sanitary manner. Only sanitary containers shall be used for the transportation or storage of any ice used in the eating and drinking establishment. Canvas containers shall not be used unless provided with a sanitary, single-service liner so as to completely protect the ice.

5.2 SEWAGE DISPOSAL: All sewage shall be disposed of in a public sewerage system, or, in the absence thereof, in an approved manner.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

5.2.1 Water-Carried Sewage:

5.2.1.1 All water-carried sewage shall be disposed of by means of:

5.2.1.1.1 A public sewerage system; or

5.2.1.1.2 An approved sewage disposal system

which is constructed and operated in conformance with applicable local laws, and regulations.

5.3 PLUMBING: Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an insanitary condition or nuisance.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

### 5.3.1 General

5.3.1.1 All plumbing shall be sized, installed, and maintained in accordance with applicable local plumbing laws, and regulations. All plastic pipe used shall meet NSF standards.

5.3.1.2 The potable water-supply piping shall not be directly connected with any non-potable water-supply system whereby the non-potable water can be drawn or discharged into the potable water-supply system.

5.3.2.3 The potable water system shall be installed in such a manner so as to preclude the possibility of back-siphonage.

### 5.3.2 Drains:

5.3.2.1 Dishwashing machines, refrigerators, steam kettles, potato peelers, and similar types of enclosed equipment in which food, portable equipment, or utensils are placed, shall not be directly connected to the drainage system. Each waste pipe from such equipment shall discharge into an open accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped and vented. Indirect connections of drain lines from other equipment used in the preparation of food or washing of equipment and utensils may be required when, the installation is such that back-flow of sewage is likely to occur. Each walk-in refrigerator shall be equipped with a floor drain, so installed as to preclude the backflow of sewage into the refrigerator; or all parts of the floor of each walk-in refrigerator shall be graded to drain to the outside through a waste-pipe, doorway, or other opening.

5.3.2.2 Indirect waste connections shall be provided for drains, overflows, or relief vents from the water-supply system.

5.3.2.3 Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult-to-clean areas, or otherwise create a nuisance.

5.4 TOILET FACILITIES: Each eating and drinking establishment shall be provided with adequate conveniently locate toilet facilities for its employees within the same building housing the establishment. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. --The doors of all toilet rooms shall be self-closing.--Toilet tissue shall be provided.--Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subsection.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

5.4.1 General:

5.4.1.1 Toilet facilities shall be adequate and conveniently located, and shall be accessible to the employees at all times.

5.4.1.2 Toilet facilities shall be installed in accordance with applicable local laws and regulations.

5.4.1.3 Water closets and urinals shall be of a sanitary design.

5.4.1.4 Toilet rooms shall be completely enclosed, adequately ventilated to the outside, and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

5.4.2. Maintenance:

5.4.2.1 Toilet facilities, including the toilet room and fixtures, shall be kept clean and in good repair, and free of objectionable odors.

5.4.2.2 A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

5.5 HAND-WASHING FACILITIES: Each eating and drinking establishment shall be provided with adequate, conveniently located handwashing facilities for its employees including a lavatory or lavatories equipped with running water, handcleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

5.5.1 General

5.5.1.1 Lavatories shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered, lavatories shall also be located within the area where food is prepared.

5.5.1.2 Lavatories shall be adequate in size and number and shall be so located as to permit convenient and expeditious use by all employees.

5.5.1.3 Lavatories shall be installed in accordance with applicable local laws, and regulations.

5.5.1.4 Each lavatory shall be provided with running water. Steam mixing valves are prohibited. Spring closed valves are prohibited.

5.5.2 Maintenance:

5.5.2.1 An adequate supply of hand-cleansing soap or detergent shall be available at each lavatory. An adequate supply of sanitary towels or an approved hand-drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the hand-washing facilities.

5.5.2.2 Lavatories, soap dispensers, hand-washing facilities shall be kept clean and in good repair.

5.6 GARBAGE AND RUBBISH DISPOSAL: All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use: Provided, That such containers need not be covered when stored in a special vermin proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

5.6.1 Containers:

5.6.1.1 All garbage and rubbish containing food waste shall be kept in containers, constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

5.6.1.2 All containers shall be provided with tight-fitting lids or covers and shall, unless kept in a special vermin-proofed room or enclosure or in a waste refrigerator, be kept covered when stored or not in continuous use.

5.6.1.3 After being emptied, each container shall be thoroughly cleaned on the inside and outside in a manner so as not to contaminate food, equipment, utensils, or food-preparation areas. Brushes shall be provided for washing garbage containers and shall be used for no other purpose. Can-washing machines, steam-cleaning devices, or similar equipment should be used where the operation is large enough to warrant this type of equipment. Waste water from such cleaning operations shall be disposed of as sewage.

5.6.1.4 There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulated between periods of removal from the premises.

#### 5.6.2 Storage:

5.6.2.1 Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in an approved manner.

5.6.2.2 Storage facilities shall be adequate for the proper storage of all garbage and rubbish.

5.6.2.3 Storage areas shall be clean, and shall not constitute a nuisance.

5.6.2.4 Storage rooms or enclosures shall be constructed of easily cleanable, washable materials and shall be vermin-proofed. The floors, and the walls up to at least the level reached by splash or spray, shall be of relatively nonabsorbent materials. Garbage containers outside the establishment shall be stored either on a concrete slab, or on a rack which is at least 12 inches above the ground for a single bank of containers, or 18 inches above the ground for a multiple bank of containers.

#### 5.6.3 Food-Waste Grinders:

5.6.3.1 Food-waste grinders shall be so constructed and installed as to comply with applicable local plumbing laws, and regulations.

#### 5.6.4 Disposal:

5.6.4.1 All garbage and rubbish shall be disposed of daily, or at such frequencies in such a manner as to prevent a nuisance.

5.6.4.2 Where garbage or combustible rubbish is burned on the premises, an approved incinerator shall be provided, and shall be operated in such a manner as to comply with local regulations and so that it does not create a nuisance. Areas around such incinerators shall be kept in a clean and orderly condition.

5.7 VERMIN CONTROL: Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

5.7.1 General:

5.7.1.1 Effective measures shall be utilized to control or eliminate the presence of rodents, flies, roaches, and other vermin on the premises.

5.7.1.2 The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

5.7.2 Screening:

5.7.2.1 Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to the outer air shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means.

5.7.2.2 Screening material shall be not less than 16-mesh to the inch or equivalent.

5.7.2.3 Screen doors to the outer air shall be self-closing; and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight-fitting and free of breaks.

5.7.3 Rodent Proofing:

5.7.3.1 All openings to the outside shall be effectively protected against the entrance of rodents.

SECTION 6. OTHER FACILITIES AND OPERATIONS

6.1 FLOORS, WALLS AND CEILING: The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth, and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

6.1.1 Floors:

6.1.1.1 All floors shall be kept clean and in good repair. Sawdust or wood shavings shall not be used on the floors.

6.1.1.2 The floors of all food preparation, food storage, and utensil-washing rooms and areas, and walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be constructed of smooth, durable, nonabsorbent, and easily cleanable materials such as concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic: Provided, That in areas subject to spilling or dripping of grease or fatty substances, such floor coverings shall be of grease-resistant material.

6.1.1.3 Floor drains shall be provided in floors which are water-flushed for cleaning or which receive discharges of water or other fluid waste from equipment. Such floors shall be graded to drain.

6.1.1.4 Carpeting may be used on the floors of interior dining areas. Such carpeting shall be in good repair and kept clean.

6.1.1.5 The walking and driving surfaces of all exterior areas shall be kept clean and free of debris, and shall be properly drained so that water will not accumulate. Such areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust.

6.1.1.6 Mats or duckboards, if used, shall be so constructed as to facilitate being cleaned, and shall be kept clean. They shall be kept clean. They shall be of such design and size as to permit easy removal for cleaning.

6.1.1.7 All concrete, terrazzo, or ceramic tile floors, hereafter installed in food preparation, food storage, and utensil-washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all cases, the juncture between the floor and wall shall be closed.

6.1.2 Walls and Ceilings:

6.1.2.1 All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.

6.1.2.2 The walls of all food-preparation, utensil-washing, and hand-washing rooms or areas, shall have light-colored, smooth, easily cleanable surfaces, and such surfaces shall be washable up to at least the highest level reached by splash or spray. Acoustical materials may be used on the ceilings, provided ventilation is adequate to minimize grease and moisture absorption.

6.1.2.3 All covering materials such as wall sheet paper,

linoleum, plastic, paper, and similar materials, shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.

6.1.2.4 Studs, joists, and rafters shall not be left exposed in food preparation or utensil-washing areas or toilet rooms. If left exposed in other rooms or areas, they shall be suitably finished and shall be kept clean and in good repair.

6.1.2.5 Light fixtures, decorative material, and similar equipment and material attached to walls or ceilings, shall be kept clean.

6.2 LIGHTING: All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all clean-up activities adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

6.2.1 General:

6.2.1.1 At least 20 foot-candles of light shall be required on all working surfaces in food preparation, utensil-washing and handwashing areas, toilet rooms, and dining areas during cleaning operation. Sources of artificial light shall be provided and used to the extent necessary to provide the required amounts of light on these surfaces when in use and when being cleaned. At least 5 foot-candles of light at a distance of 30 inches from the floor shall be required in all other areas.

6.3 VENTILATION: All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food-preparation surfaces. Filters shall be used and shall be readily removable for cleaning or replacement. Ventilation systems shall discharge in such manner as not to create a nuisance.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

6.3.1 General:

6.3.1.1 All rooms shall be adequately ventilated, and ventilation facilities shall be maintained and operated so that all areas are kept reasonably free from excessive heat, steam, condensation, vapors, smoke, or fumes. Effective air-recovery systems may be used in the ventilation of these areas.

6.3.1.2 All rooms, areas, and equipment, from which contaminated

aerosols, obnoxious odors or noxious fumes or vapors or ignite, shall be effectively vented to the outside air.

6.3.1.3 Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters shall be readily removable for cleaning and replacement.

6.3.1.4 Where intake air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, or other contaminating materials.

6.3.1.5 Ventilation systems shall discharge in such manner as not to create a nuisance.

6.4 DRESSING ROOMS AND LOCKERS: Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food-preparation, storage, and serving areas, and the utensil-washing and storage areas: Provided, That such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

6.4.1 General:

6.4.1.1 Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided when, as a routine procedure, employees change clothing within the establishment. Such designated areas, shall be located outside of food-preparation, storage, and serving areas, and utensil-washing and storage areas: Provided, That such an area may be located in a storage room where only completely packaged food is stored.

6.4.1.2 Adequate lockers within dressing rooms or areas, or other suitable facilities within dressing rooms, shall be provided and used for the storage of employees' coats, clothing and personal belongings.

6.4.1.3 Dressing rooms or areas, and lockers, shall be kept in a clean condition.

6.5 HOUSEKEEPING: All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with an eating and drinking establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until

removed for laundering. Live birds or animals shall not be allowed in any area used in the conduct of eating and drinking establishment operations: Provided, That guide dogs accompanying blind persons, may be permitted in dining areas.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

6.5.1 General:

6.5.1.1 The establishment and all parts of the property used in connection with operation of the establishment shall be kept neat, clean, and free of litter and rubbish.

6.5.1.2 None of the operations connected with the establishment shall be conducted in any room used as living or sleeping quarters.

6.5.2 Dustless Cleaning:

6.5.2.1 Vacuum cleaning, wet cleaning, or other dustless method of floor and wall cleaning shall be used; or dust-arresting sweeping compounds and pushbrooms shall be employed; and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals.

6.5.3 Storage of Linens and Clothes:

6.5.3.1 Laundered cloths and napkins shall be stored in a clean place until used.

6.5.3.2 Approved containers shall be provided, and damp or soiled linens and clothes shall be kept therein until removed for laundering.

6.5.4 Live Birds and Animals:

No live birds or animals shall be allowed in any area used for the storage, preparation, or serving of food, or for the cleaning or storage of utensils, or in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area or facility used in the conduct of eating and drinking establishment operations: Provided, That guide dogs accompanying blind persons may be permitted in dining areas.

## SECTION 7. TEMPORARY EATING AND DRINKING

A temporary or a mobile eating and drinking establishment shall comply with all provisions of this regulation which are applicable to its operation.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

7.1 Unrestricted Establishments:

7.1.1 For unrestricted food-service operations, a temporary eating and drinking establishment shall meet fully the requirements of this regulation, as set forth in sections 2. through 6., which are applicable to its operation.

7.2 Restricted Establishments:

7.2.1 When no imminent hazard to the public health will result,

temporary eating and drinking establishments, which do not fully meet the requirements of section 2. through 6. of this regulation, may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth below:

7.2.1.1 The preparation of potentially hazardous food, such as cream-filled pastries, custards, and similar products, and meat, poultry, and fish in the form of salads or sandwiches, shall be prohibited: Provided, That this prohibition shall not apply to hamburgers, frankfurters, and other food which, prior to service, requires only limited preparation, such as seasoning and cooking: and Provided further, That this prohibition shall not apply to a potentially hazardous food which is obtained in individual servings, is stored in approved facilities which maintain such food at safe temperatures, and is served directly in the individual, original container in which it was packaged at a commercial food establishment.

7.2.1.2 Ice which will be consumed, or which will come into contact with food, shall be obtained from an approved source in chipped, crushed, or cubed form. Such ice shall be obtained in single-service, closed containers of an approved type, and shall be held therein until used.'

7.2.1.3 Wet storage of packaged food and beverage shall be prohibited: Provided, That wet storage of pressurized containers of beverages may be permitted when: (1) the water contains at least 50 ppm of available chlorine, or other approved sanitizing agent; and (2) the iced water is changed frequently enough to keep both the water and container clean.

7.2.1.4 Food-contact surfaces of food-preparation equipment such as grills, stoves, and worktables shall be protected from contamination by customers and dust. Where necessary, effective shields shall be provided.

7.2.1.5 Equipment shall be installed in such a manner that the establishment can be kept clean, and so that food will not become contaminated.

7.2.1.6 An adequate supply of water for cleaning and hand washing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes, shall be provided.

7.2.1.7 Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or nuisance condition.

7.2.1.8 Adequate facilities shall be provided for employee hand washing. Such facilities may consist of a pan, water, soap and individual paper towels.

7.2.1.9 Floors shall be of tight wood, asphalt, or other cleanable material: Provided, That dirt or gravel-covered floors when graded

to preclude the accumulation of liquids and covered with removable, cleanable, wooden platforms or duckboards.

7.2.1.10 Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. When flies are prevalent, counter service openings shall either be equipped with self-closing, fly-tight doors, or the opening protected by effective fans. Where fans are used for this purpose, the size of the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.

7.2.1.11 Any other requirement deemed necessary to protect the public health in view of the particular nature of the food-service operation shall be met.

#### SECTION 8.

8.1 The annual health certificate fee shall be fifteen dollars (\$15.00) for each new applicant.

8.2 For each duplicate issued, a fee of one dollar (\$1.00) shall be charged.

8.3 All new employees handling food shall complete a training course conducted by the Department before employment and before they could be issued a new health certificate.

8.4 All employees handling food, renewing their health certificates must take a written test and after passing the test must pay five dollars (\$5.00) for health certificate renewals.

8.5 All employees handling food, renewing their health certificates who fail to pass a written test must complete a training course conducted by the Department and must pay fifteen dollars (\$15.00) for health certificate renewal.

#### SECTION 9. MANAGEMENT SANITATION TRAINING AND CERTIFICATION

9.1 Effective one (1) year after the effective date of this regulation, each food establishment then or thereafter in operation, must be under the operational supervision of a resident managerial person who has been certified under this regulation.

9.2 Certification shall be achieved by successfully completing and examination offered by the Guam Department of Public Health and Social Services or other approved examination monitored by the Guam Department of Public Health and Social Services.

9.3 The Certificate of Certification shall be posted in the food service establishment.

9.4 The examination offered by the Guam Department of Public Health and

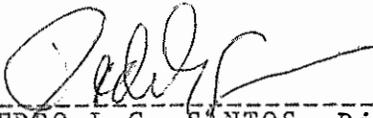
Social Services or other approved examinations to candidates for certification, under this regulation, must cause the candidate to demonstrate knowledge in food service sanitation, including but not limited to: microbiology, foodborne disease; laws, rules and regulations; food storage, preparation and service; equipment design and construction; personal hygiene; cleaning and sanitary procedures; and rodent and insect control.

9.5 Training programs to prepare candidates for the examination will be made available through cooperation with industry and educational institutions.

9.6 Effective one (1) year after the effective date of this regulation, admittance to the examination shall be permitted upon the satisfactory completion of a department approved training course.

9.7 Any Certificate of Certification may be revoked or suspended by the Department when the holder or persons under his supervision repeatedly fails to comply with these rules and regulations. Prior to suspension or revocation, the holder of said certificate shall be given the opportunity for a hearing before the Director or his representative.

Adopted this \_\_\_31st\_\_\_ day of \_\_\_August\_\_\_, 1976.



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PEDRO L.G. SANTOS, Director,  
Public Health and Social Services