

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 76-35

RULES AND REGULATIONS RELATIVE TO RETAIL FOOD ESTABLISHMENTS

WHEREAS, there is a need to protect the health of the consumers of Guam by ensuring that the food they purchase from establishments offering food for sale is wholesome, unadulterated, and held under safe, sanitary conditions, and

WHEREAS, it is essential that good sanitary practices be followed in establishments which prepare and offer food for sale; and

WHEREAS, adequate facilities for maintaining food in a safe and sanitary condition must be present in any establishment in which food is prepared and offered for sale to the public; and

WHEREAS, personnel in these establishments must be properly trained to prepare the food offered for sale; and

WHEREAS, Title X, Chapter VI Subchapter A, Section 9500.4 of the Government Code of Guam, authorizes the Director of Public Health and Social Services to prescribe rules and regulations pertaining to Public Health Programs; and

WHEREAS, a public hearing regarding these rules and regulations was held on September 30, 1976; and

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

NOW, THEREFORE, I, RICARDO J. BORDALIO, 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 Relative to Retail Food Establishments."

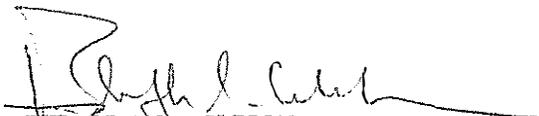
This Order, shall be effective upon approval of the Governor and upon filing of said Order with the Legislative Secretary of Guam Legislature.

Signed and promulgated at Agana, Guam, this 28th day of November 1976.



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 RETAIL FOOD ESTABLISHMENTS

PUBLIC HEALTH AND SANITATION RULES AND REGULATIONS 76-4

RULES AND REGULATIONS PERTAINING TO BOTTLING PLANTS
ADOPTED BY THE DIRECTOR OF PUBLIC HEALTH AND SOCIAL SERVICES
AND PROMULGATED BY THE GOVERNOR OF GUAM UNDER
AUTHORITY OF SECTION 9500.4 OF CHAPTER VI,
TITLE X, GOVERNMENT CODE OF GUAM

SECTION 1. DEFINITIONS

1.1 "Department" means the Department of Public Health and Social Services.

1.2 "Employee" means any person working in a retail food establishment.

1.3 "Equipment" means all display cases, storage cases, tables, counters, shelving, refrigerators, sinks, food preparation and packaging equipment, and other items used in the operation of a retail food establishment for food preparation, packaging, handling, displaying or storing for sale to the user or consumer.

1.4 "Easily Cleanable" means readily accessible and of such material and finish, and so fabricated that residues may be completely removed by normal cleaning methods.

1.5 "Food" means any article used or intended to be used for food, drink, confection or condiment, whether simple or compound or any part or ingredient thereof or the preparation thereof, and for human consumption.

1.6 "Hazardous Substances" is a substance or mixture of substance which is toxic, corrosive, an irritant, flammable, or which generates pressure through heat decomposition or other means; or which has been designated by the United States Product Safety Commission as a strong sensitizer, or a radioactive material or which "may cause substantial personal injury as substantial illness during or as a proximate result of any reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children".

1.7 "Operator" means any person, partnership, corporation, association, cooperative or other business unit having the direct and primary responsibility for the construction, maintenance and operation of any retail food establishment.

1.8 "Perishable Food" means any food of such type or in such condition or physical state as it may spoil or otherwise become unfit for human consumption.

1.9 "Potentially Hazardous Food" means 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 microorganisms..

1.10 "Retail Fruit and Vegetable Stand" means any place where fresh fruits and/or vegetables are offered for sale or sold at retail to the user or the consumer.

1.11 "Retail Food Establishment" (grocery store, food market, food store, etc.) means any room, building, structure, or place used or intended for use or operated for preparing, packaging, storing, handling or displaying food for sale at retail to the user or consumer. It does not include an eating or drinking establishment, retail meat market or bakery.

1.12 "Safe Temperatures" as applied to potentially hazardous food, means air temperatures of 45°F. or below and 140°F. or above.

1.13 "Sanitize" means effective treatment of physically clean surfaces of equipment, walls, refrigerators and utensils by a process which has been approved by the department as being effective in destroying microorganisms including pathogens.

1.14 "Wholesome" means food in sound condition, clean, free from adulteration and otherwise fit for human consumption.

1.15 "Director" means the Director of the Department of Public Health and Social Services.

SECTION 2. FLOORS

2.1 Floors in a retail food establishment shall be easily cleanable, smooth and of tight construction. All newly constructed, or reconstructed floors, shall be of nonabsorbent material. Where wood floors are used they shall be treated with protective non-toxic compounds which effectively seals cracks and crevices.

2.2 When subject to flood-type cleaning, such floors in new construction shall be sloped to drain and provided with drain meeting local plumbing code standards.

2.3 Joint at wall-floor junction shall be tight and in new construction shall be coved.

2.4 The floors shall be kept clean and in good repair. Sweeping compounds (dust arrestors) shall be used when dry sweeping floors.

SECTION 3. WALLS AND CEILING

3.1 The surface of walls and ceiling of all display rooms in a retail food establishment shall be reasonably smooth, impervious and easily cleanable, and washable light color.

3.2 All walls and ceilings shall be kept clean, tight and in good repair.

SECTION 4. DOORS AND WINDOWS

4.1 All openings to outside in a retail food establishment shall have tightfitting doors or screened windows. Properly operating air screens are acceptable.

4.2 All doors used by the public shall be self-closing and outward opening.

4.3 All outside opening shall be screened or mechanical devices may be used in lieu of screens subject to approval by the department. This does not apply to supply receiving and load out doors while in use providing they are kept closed at all other times.

SECTION 5. LIGHTING

5.1 All parts of the retail food establishment shall be provided a minimum of 30 foot-candle light intensity at 30 inches from the floor. There shall be at least a light intensity of 10 foot-candle in all other rooms.

SECTION 6. VENTILATION

6.1 Adequate means of ventilating all rooms in a retail food establishment shall be provided to keep them free from strong and undesirable odors, smoke, dust and any other undesirable type of air pollutants. Adequate make up air shall be provided.

6.2 Window and door openings into any area from the outside shall be provided with screens no coarser than 14 mesh.

SECTION 7. WATER SUPPLY

7.1 The water supply in a retail food establishment shall be from an approved source.

SECTION 18. TOILET AND HANDWASHING FACILITIES

8.1 The toilet and handwashing facilities in a retail food establishment shall be provided and plumbed to comply with local law or regulation.

8.2 The toilet and handwashing facilities must be adequate, clean, in good repair and conveniently located. Separate toilet rooms shall be provided for female and male personnel, if five or more employees are employed.

8.3 The door to the toilet and handwashing facilities shall be tight, self-closing and should not open directly into any room where food is exposed for sale. The toilet room shall be ventilated to the outside atmosphere by either screened direct openings or by screened ventilator ducts having no direct connection with the ventilating duct system of the processing or food storage rooms.

8.4 All handwashing facilities shall have running water, soap, and single service paper towels or approved air hand drying devices.

8.5 A handwashing notice shall be posted in each toilet room and handwashing facilities.

8.6 A floor drain shall be provided as in deemed necessary.

8.7 Only flush type toilets and urinals shall be used.

8.8 Waste disposal containers which are fireproof and are of sanitary design shall be used.

8.9 Toilet rooms shall be kept clean and free from obnoxious odors.

8.10 Handwashing facilities shall be provided convenient to food packaging and preparation area.

SECTION 9. HEALTH AND DISEASE CONTROL: PERSONNEL

9.1 No person known to be affected with any disease in a communicable form, or known to be a carrier of such disease, or known to be afflicted with boils, infected wounds, open sores, or known to have acute respiratory infection shall work in any area of a retail food establishment in any capacity in which there is a likelihood of such a person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or believed to be affected with any such disease or condition shall be employed in such an area or capacity while so affected.

9.2 The operator of any retail food establishment, when he knows or has reason to believe that any employee has contracted any disease in a communicable form transmissible through food or has become a carrier of such disease shall send the employee home until he is well.

SECTION 10. CLEANLINESS OF PERSONNEL

10.1 All employees in a retail food establishment shall wear clean outer garments, maintain personal cleanliness, and conform to necessary hygienic practices during all working periods.

10.2 All such employees shall wash their hands thoroughly with soap and warm water in adequate handwashing facilities and dry hands before starting work and as often as necessary to remove soil and contamination after handling non-food product.

10.3 No employee shall resume work after visiting the toilet room without first washing and drying hands as outlined in paragraph 10.2 above.

10.4 Employees shall keep their fingernails clean.

10.5 All employees in a retail food establishment packaging or preparing exposed food should wear suitable head covering.

SECTION 11. DRESSING AND LOCKER ROOM FACILITIES

11.1 A room or enclosure separate from food display, packaging and preparation areas in a retail food establishment should be provided where employees may change clothes, store outer garments and eat lunches. No eating in small establishment.

11.2 Dressing rooms and lunch rooms where provided shall be kept clean, in good repair and be provided with covered waste receptacles.

SECTION 12. WASTE DISPOSAL

12.1 All liquid wastes resulting from cleaning and rinsing utensils, equipment and floors, from flush toilets, from hands washing facilities, refrigeration devices, and air conditioners, shall be disposed of from a retail food establishment in a public sewage system or by an approved sewage disposal system.

12.2 All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent, easily cleanable containers be so stored as to be inaccessible to vermin and not kept inside more than 24 hours. Such containers unless kept in special vermin-proof room or enclosure shall be covered with tight-fitting lids. Disposable containers with leak-proof liners may be used.

12.3 Containers shall be provided for trash or rubbish.

12.4 The retail food establishment shall be free of unnecessary litter and rubbish, such as paper, empty containers or other material that might serve as a place for rodent harborage or other vermin.

12.5 Each waste container and the room or area in which such containers are stored, shall be thoroughly cleaned and sanitized to prevent a nuisance or health hazard.

12.6 All garbage and rubbish shall be disposed of at regular intervals of sufficient frequency and in such manner as to prevent the creation of objectionable conditions.

SECTION 13. VERMIN CONTROL

13.1 All reasonable measures shall be taken to protect the retail food establishment against the entrance into the establishment, and the breeding or presence on the premises of rodents, birds, flies, roaches, weevils and other vermin.

13.2 Unwrapped food display shall be covered when using aerosol method of applying approved pesticides for vermin control in the retail food establishment.

13.3 Rodent control poisons (rodenticides) shall be placed in covered bait boxes where required to prevent spillage on food or on employees. The bait boxes shall be properly labeled with a warning notice.

13.4 Pesticides and rodenticides used in retail food establishments shall be subject to approval by the department and be applied in accordance with

manufacturer's labeled instructions. Use of vaporizers and similar airborne applications and methods of pest control are prohibited in any room or area of the retail food establishment where unwrapped or exposed food is stored or displayed for sale.

SECTION 14. EXTERIOR CONSTRUCTION

14.1 The exterior of a retail food establishment shall be so designed, fabricated and finished as to minimize the entrance of insects, birds and rodents.

14.2 All necessary ventilation louvers of openings into retail food establishment, shall be effectively screened against insects, birds and rodents.

14.3 All service connections through the exterior wall of the retail establishment, including water, gas, electrical and refrigerator connections shall be grommeted or sealed to prevent the entrance of insects, birds and rodents.

SECTION 15. HOUSEKEEPING

15.1 All parts of the retail food establishment and its premises shall be kept clean and free of litter and rubbish.

15.2 Cleaning and sanitizing of equipment and utensils shall be conducted in such manner as to prevent contamination of food and food contact surfaces.

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

15.4 Soiled coats, aprons, uniforms, etc. shall be kept in laundry bags or other suitable containers until removed for laundering.

SECTION 16. FOOD SANITATION AND PROTECTION

16.1 Perishable and potentially hazardous foods in retail establishment shall be stored and/or displayed at a safe temperature in keeping with good trade practices to insure that when the food reaches the consumer it is safe and fit for human consumption.

16.2 All refrigerated food display cases, food storage refrigerators and walk-in coolers shall be equipped with an accurate visible thermometer located in the warmest storage area.

16.3 All frozen food shall be held at an air temperature of 0°F. or lower except for defrost cycles, loading and unloading, or for other temporary conditions beyond the immediate control of the person or company under whose care or supervision the frozen food is held. However, the internal product temperature of frozen food shall be maintained at 0°F. or lower except when the product is subjected to the above-mentioned conditions; then the internal product temperature shall not exceed 10°F., and such product shall be returned to 0°F. as quickly as possible.

16.4 All refrigerated food display cases, food storage refrigerators and walk-in coolers shall be kept clean and in good repair.

16.5 Refrigerated food display cases shall not be filled above loadline.

16.6 All frozen or chilled meat products except for whole fresh fish which are displayed for sale must be displayed in packaged form if the meats are subject to handling by customers.

SECTION 17. FRUIT AND PRODUCE

17.1 Fruit and vegetables displayed for sale in a retail food establishment shall be wholesome.

17.2 Tables, racks, counters, bins, cabinets, sinks and other such equipment shall be kept clean and in good repair.

17.3 Wet storage and display areas shall be properly drained and containers set on racks constructed of impervious, noncorrosive, nontoxic material.

17.4 Where ice is used, it shall from an approved source.

17.5 Exposed food shall not be held or stored in ice water.

SECTION 18. GROCERIES

18.1 Packaged foods for human consumption in cloth or paper containers shall not be stored directly on the floor.

18.2 Canned and packaged food display racks and shelving shall be kept clean and in good repair.

18.3 All unwrapped bakery products and candies shall be displayed in a sanitary container or showcase and protected from handling by the public.

18.4 Metal food containers shall be free of seam, rim and severe body dents, or rusts.

18.5 Animal foods shall be displayed separately from human food products.

18.6 All paper, cloth, plastic, glass and metal containers used for packaging of food shall be stored to prevent contamination.

18.7 Foods shall not be wrapped or packaged in newspapers, used wrapping papers, bags, boxes or other containers of used materials except those which should be expressly authorized.

SECTION 19. SIDEWALK OR STREET DISPLAY OF FOOD PRODUCTS.

19.1 Foods acceptable for sidewalk or street display shall be protected in such a manner as to be out of reach of pets and animals.

SECTION 20. DOMESTIC ANIMALS AND PETS

20.1 Pets, animals and fowl and/or domestic animals in food establishments are prohibited. Guide dogs accompanying blind persons are permitted.

SECTION 21. HAZARDOUS SUBSTANCES

21.1 Hazardous substances shall be stored and/or displayed entirely separate from all food products in such manner as to preclude any possible contamination of such foods being offered for sale.

21.2 Cleaning and sanitizing materials, pesticides, rodenticides for use in retail food establishment shall be stored in a ventilated room, in properly labeled containers, in a closed cabinet, or closet with hazardous substances warning notice on door.

SECTION 22. CONTAINERS OR PACKAGES OF FOOD: LABELING THEREOF

22.1 All labels on a closed container or package of food, whether printed, embossed or stamped thereon, shall be clearly readable and legible and shall contain or show all the data or information required under Subchapter W, and regulations thereunder relating to labeling. Any container or package not in compliance with such labeling requirements, shall be deemed to be misbranded as defined in Subchapter W.

22.2 All establishments selling date coded products must post a placard adjacent to the product which gives a full and complete explanation of the meaning of the product code.

22.3 All frozen or chilled meats must be identified as to source such as U.S., Australian or New Zealand, and the price be stated first as the price per pound, then with the total weight and total price, whether the meat is displayed in packaged form or not.

SECTION 23. DAMAGED CONTAINERS OF PACKAGES OF FOOD

23.1 All food and all containers of packages of food, that have been subjected to, or been in a fire, flood, storm or other similar incident or accident, cannot be offered for sale, or sold for human or animal food, until

and unless the department has first inspected all such food and has issued its written approval for disposition thereof.

23.2 All contaminated or adulterated foods shall be promptly removed to an isolated storage area inaccessible to rodents, flies, and other vermin to prevent further contamination or adulteration of other food.

SECTION 24. VEHICLES USED IN TRANSPORTATION OF FOOD PRODUCTS

24.1 All cars, trucks or other vehicles used by a retail food establishment in the transportation of food products shall be kept in a clean condition at all times. Refuse, dirt and waste products subject to decomposition must be removed daily. Food products shall be handled in such a manner so as to protect the food from deterioration while in transit. Vehicles used in transporting food products shall not be used for transporting pesticides or other hazardous substances.

SECTION 25. HEALTH CERTIFICATE

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

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

25.3 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.

25.4 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.

25.5 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.

Adopted the 3rd day of November 1976 .



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