

# Butte County Retail Food Facility **Field Inspection Guide**

-October 8, 2014-



Butte County Public Health Department  
Environmental Health Division  
Consumer Protection Programs  
(530) 538-7281



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Dear Butte County Retail Food Facility Owner/Operator:

Butte County Environmental Health, a Division of the Butte County Public Health Department, is pleased to present you with our Field Inspection Guide.

The enclosed Guide provides a reference list of key elements to ensure food safety, as well as, examples of common violations. This guide should help you prepare for and succeed in future inspections.

Butte County Environmental Health is prepared to assist you with this transition. Please feel free to call (530) 538-7281 if you should have questions.

Sincerely,

Brad Banner  
Environmental Health Director

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## INTRODUCTION

Butte County Environmental Health is dedicated to improving the quality of life and ensuring the public health and safety for all residents and visitors of the County, through education, surveillance, enforcement and community service.

While the food supply in the United States is one of the safest in the world, the Centers for Disease Control and Prevention (CDC) estimates that approximately 76 million people suffer from foodborne illness each year. Of these, more than 300,000 are hospitalized, and 5,000 die. Preventing foodborne illness and death remains a major public health challenge.

The CDC has identified five foodborne illness risk factors and five public health interventions that when addressed during an inspection of a retail food establishment should lead to a reduction in the incidents of foodborne illness and to an increased protection for consumer health.

The five most common CDC risk factors are:

1. Improper Holding Temperatures
2. Inadequate Cooking
3. Poor Personal Hygiene
4. Contaminated Equipment
5. Food from Unsafe Sources

It is the responsibility of Butte County Environmental Health to conduct routine inspections of retail food establishments in our county in order to ensure compliance with the California Health and Safety Code. This Guide is intended to provide information to food service operators on matters related to retail food inspections, and has been developed to improve standardization among environmental health specialists during their routine inspections of retail food facilities by providing them with a reference list of common violations.

The procedures outlined in this Guide are to be used in conjunction with the Butte County Food Facility Inspection Report. **The guidelines provided are not intended to be all-inclusive due to the fact that individual establishments and the severity of their violations can vary greatly.**

## COMMON TERMINOLOGY

**Approved Source** is a producer, manufacturer, distributor, or other food facility that is properly licensed or permitted by a local, state or federal agency.

**California Retail Food Code** is part of the California Health and Safety Code addressing the regulation of retail food establishments.

**Compliance Agreement** is a written agreement between the food facility owner and Environmental Health that specifies a mutually agreed upon timeline for correction of specific Minor violations.

**Cross Contamination** is the transfer of harmful microorganisms from one food to another.

**Department** is the County of Butte Public Health Department.

**Diligent Preparation** is a process in which a food handler is actively engaged in the preparation of a food item.

**Fabric Implement** is a cloth or fabric, including, but not limited to, burlap and cheesecloth, that is used as a part of the food process and comes in direct contact with food that is subsequently cooked.

**HACCP Plan** is a written document that details the formal procedures for following the Hazardous Analysis Critical Control Point (HACCP) principles that were developed by the National Advisory Committee on Microbiological Criteria for Foods.

**Imminent Health Hazards** are major violations that pose a significant threat of causing foodborne illness and require immediate correction or closure of the facility.

**Limited food preparation** means food preparation that is restricted to one or more of the following:

1. Heating, frying, baking, roasting, popping, blending, or assembly of non-prepackaged food.
2. Bulk dispensing of non-potentially hazardous beverages.
3. Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.
4. Slicing and chopping of food on a heated cooking surface during the cooking process.
5. Cooking and seasoning to order.

Limited food preparation does not include: (a) Slicing and chopping unless it is on the heated cooking surface, (b) Thawing, (c) Cooling of cooked potentially hazardous food, (d) Grinding raw ingredients or potentially hazardous food, (e) Reheating for hot holding, (f) Washing of foods, (g) Cooking of potentially hazardous foods for later use

**Major Violations** are food product, handling practices, circumstances, or events that that are most likely to result in foodborne illness and therefore receive the highest priority for correction.

**Minor Violations** are conditions that do not constitute an imminent health hazard but which create non-sanitary conditions for the preparation of food. Minor violations include some food temperature violations, plumbing issues, excessive build-up of grease and debris in non-food contact areas, and walls, floors, or equipment that cannot be easily cleaned due to dilapidated conditions.

**Potentially Hazardous Food (PHF)** is:

- (a) A food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation.
- (b) Potentially hazardous food includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat treated or consists of raw seed sprouts, cut melons, cut tomatoes, or mixtures of cut tomatoes that are not modified to render them unable to support pathogenic micro-organism growth or toxin formation, and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth or toxin formation as specified under subdivision (a).
- (c) Potentially hazardous foods do not include foods that:
  - 1. Have a pH level of 4.6 or below, or
  - 2. Have a water activity (Aw) value of 0.85 or less under standard conditions,
  - 3. Are in hermetically sealed containers processed to meet the commercial sterility standard, or
  - 4. Have been shown through appropriate microbiology challenge studies not to support the rapid and progressive growth of infectious or toxigenic microorganisms
  - 5. Are air-cooled, hard-boiled eggs with shell intact, or eggs with shell intact that are not hard boiled, but have been pasteurized to destroy all viable salmonellae.

**Voluntary Condemnation and Destruction (VCandD)** is a voluntary action taken by an operator to dispose of food suspected to be unsafe, spoiled or adulterated.

## Food Safety Risk Factors

DEMONSTRATION OF KNOWLEDGE	
<b>1a. Demonstration of knowledge</b>	
<b>CalCode 113947</b>	All food employees must have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties.
<b>Major Violations</b>	N/A
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The line cook was not aware that the chicken in the make-line reach-in refrigerator was in the Danger Zone (51°F-129°F), and when asked what temperature it should be, they did not know.</li> </ul> <p><b>Note:</b> Potentially hazardous foods found in the danger zone, Inspection Item #7, would also be marked as a major violation.</p> <ul style="list-style-type: none"> <li>• The employee washing dishes did not know what concentration the sanitizer in the dishwasher should be or how to check the concentration of the sanitizer.</li> <li>• The cook who is cooking hamburgers did not know the final cooking temperature for ground beef or how to calibrate their probe thermometer.</li> <li>• Food handlers lacking essential basic knowledge of food safety and personal hygiene.</li> </ul>
<b>Notes:</b>	
This Inspection Item should not be marked for an isolated incident, but rather for an overall evaluation of the food employee's ability to ensure proper performance of their assigned duties.	

<b>1b. Lack of Food Safety Certification</b>	
<b>CalCode 113947.1 113948 113949.2</b>	<p>Food facilities that prepare, handle or serve non-prepackaged potentially hazardous food (PHF) must have an employee who has passed an approved food safety certification examination.</p> <p>All food workers who do not have a food safety certification must have a Food Handler Card from an American Standards Institute accredited training provider.</p> <p>Facility owner or employee with Food Manager's Certification to instruct all employees regarding food safety and personal hygiene.</p>
<b>Major Violations</b>	N/A
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The original food safety certificate or a copy of a Food Handler Card is not available during the inspection.</li> </ul>

	<ul style="list-style-type: none"> <li>• The food safety certificate or handler card is expired</li> <li>• A new facility which prepares potentially hazardous foods has been operating for longer than 60 days without a certified employee</li> </ul>
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**Notes:**

If less than 60 days has elapsed, and the lack of a valid food safety certificate is due to a new facility and/or change of ownership, or when the food safety certified person is no longer employed at the facility the violation box should not be marked. The inspection report should be noted to require proof of a certified owner or employee within 60 days [§113947.1(a)].

The certificate is valid for 5 years from date of issuance.

The certification organization must be accredited by the American National Standards Institute (ANSI).

No certified person at a food facility may serve at any other food facility as the person required to be certified.

Food facilities that handle non-prepackaged non-potentially hazardous foods are required to have food employees who can demonstrate knowledge relative to their assigned duties or they can comply by having at least one food safety certified owner or employee [113947.1(b)(2)].

EMPLOYEE HEALTH and HYGIENIC PRACTICES	
<b>2. Communicable diseases, wounds and rashes</b>	
<b>CalCode</b> <b>113949.2</b> <b>113949.5</b> <b>113950(b)</b> <b>113950.5</b>	<p>Employees with a communicable disease that is transmissible through food must be excluded from the food facility. An employee experiencing an acute gastrointestinal illness must be restricted from working with food and/or clean utensils/equipment/linens.</p> <p>A food worker with an open, draining wound is prohibited from handling food and must properly cover (bandage and/or glove) any other wounds or rashes on hands or exposed portions of the arms.</p> <p>The permit holder must require food employees to report incidents of illness or injury to the person in charge and comply with all applicable restrictions.</p>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• The person in charge is aware of an employee with a communicable disease or aware that two or more food employees are concurrently experiencing symptoms associated with an acute gastrointestinal illness and the person in charge has not reported to the Butte County Public Health Department; (530) 538-7281.</li> <li>• The person in charge is aware of a food employee who is suffering from an acute gastrointestinal illness and has not restricted the duties of the food employee to prevent spreading the illness.</li> <li>• The person in charge removes a restriction from a food employee before resolution of the symptoms.</li> <li>• The person in charge allows an excluded employee to return to work before receiving local health officer clearance.</li> <li>• A food worker with an open and draining wound is found to be handling food or making contact with food contact surfaces.</li> <li>• A food worker handling food or making contact with food contact surfaces has a wound or rash on their hand that is not properly covered.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The person in charge does not have knowledge of proper employee health and hygiene practices.</li> </ul>
<p><b>Notes:</b></p> <p><b><i>Acute Gastrointestinal Illness</i></b> means a short duration illness most often characterized by one of the following symptoms or groups of symptoms, which are known to be commonly associated with the agents most likely to be transmitted from infected food employees through contamination of food:</p> <ul style="list-style-type: none"> <li>a. Diarrhea, either alone or in conjunction with other gastrointestinal symptoms, such as vomiting, fever, or abdominal cramps.</li> </ul>	

- b. Vomiting in conjunction with either diarrhea or two other gastrointestinal symptoms, such as fever or abdominal cramps.

**“Communicable diseases that are transmissible through food”** means a condition caused by any of the following infectious agents:

- *Salmonella typhi*,
- *Salmonella spp.*,
- *Shigella spp.*,
- *Entamoeba histolytica*,
- Enterohemorrhagic or shiga toxin producing *Escherichia coli*,
- Hepatitis A virus,
- Norovirus,
- Other communicable diseases listed in the California Code of Regulations that are transmissible through food.

**“Exclude”** means to prevent a person from working as a food employee or entering a food facility except for those areas open to the general public.

**“Person in Charge”** means the individual present who is responsible for the operation of the food facility.

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

Violations pertaining to artificial nails, nail polish, rings, or uncleanable orthopedic support devices should be marked in Inspection Item #5.

<b>3. Discharge from the eyes, nose, or mouth</b>	
<b>CalCode 113974</b>	Food employees are not allowed to work with exposed food, clean equipment, clean utensils, or clean linens while experiencing persistent sneezing, coughing or runny nose that is associated with discharges from the eyes, nose or mouth that cannot be controlled by medication.
<b>Major Violations</b>	<p><u>Examples:</u></p> <ul style="list-style-type: none"> <li>• A food employee is suffering from uncontrolled allergies. The employee's symptoms may include a constantly runny nose, sneezing, itchy/watery eyes or coughing and is engaged in food preparation.</li> <li>• A waiter with discharge from the eyes due to allergies is slicing bread.</li> </ul>
<b>Minor Violations</b>	N/A
<p><b>Corrective Action:</b></p> <p>If a food employee is found working while having discharges from the eyes, nose, or mouth, they need to be restricted from working with exposed food, clean equipment, clean utensils, and clean linens until the symptoms have subsided.</p>	

<b>4. Proper eating, drinking, or tobacco use</b>	
<b>CalCode 113977</b>	No employee must eat, drink, or smoke in any area where contamination of non-prepackaged food, clean equipment, clean utensils, clean linens, unwrapped single-use articles, or other items may result.
<b>Major Violations</b>	N/A
<b>Minor Violations</b>	<p><u>Examples:</u></p> <ul style="list-style-type: none"> <li>• Employee drink without lid in food preparation area.</li> <li>• Employee is observed eating, drinking or smoking in non-designated areas where contamination may result.</li> </ul>
<p><b>Notes:</b></p> <p>Personal drinks will be allowed in food preparation areas if the risk of contaminating the employee's hands, the beverage container, non-prepackaged food, and food-contact surfaces with the employee's saliva is eliminated. Approved practices include drinking from a closed container that is handled to prevent contamination of employee's hands or from a beverage container with a tight fitting lid and straw.</p> <p>Inspection Item #13 is marked when a food employee is observed using a utensil to taste food more than once without being washed, rinsed, and sanitized between uses.</p>	

PREVENTING CONTAMINATION BY HANDS	
<b>5. Hands clean and properly washed; gloves used properly</b>	
<b>CalCode</b> <b>113806</b> <b>113952</b> <b>113953.3</b> <b>113953.4</b> <b>113961</b> <b>113968</b> <b>113973</b> <b>(b-f)</b>	<p>Employees are required to wash their hands:</p> <ul style="list-style-type: none"> <li>•before beginning work,</li> <li>•before handling food or clean equipment / utensils,</li> <li>•as often as necessary during food preparation to remove soil and contamination,</li> <li>•when switching from working with raw to ready to eat foods,</li> <li>•after touching body parts,</li> <li>•after using the restroom,</li> <li>•any time when contamination may occur.</li> </ul> <p>Hand sanitizer must be approved and must be applied only to hands that have been properly cleaned.</p> <p>Bare hand contact with exposed, ready-to-eat food is prohibited, except when washing fruits and vegetables.</p> <p>Bare hand and arm contact with non-prepackaged ready-to-eat food that is not in a read-to-eat form must be minimized by using utensils such as scoops, tongs, gloves, paper wrappers, or other implements.</p> <p>Food employees must keep their fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough.</p> <p>Gloves must be properly used and changed when required.</p>
<b>Major Violations</b>	<p>Major hand washing violations may be documented when:</p> <p>(a) There is indication of direct contamination of food or food contact surfaces (such as in use cutting boards and utensils) has occurred by unclean hands that have been in contact with:</p> <ul style="list-style-type: none"> <li>• Secretions of the eyes, ears, nose and mouth</li> <li>• Sweat</li> <li>• Raw animal product</li> <li>• Or other object that most likely contains high levels of contamination, for example exterior garbage dumpsters or toilets.</li> </ul> <p>(b) Indication during inspection of <u>direct contamination</u> of exposed, ready-to-eat food resulting from unwashed bare hand contact from contaminated gloves.</p> <p><u>Examples:</u></p> <ul style="list-style-type: none"> <li>• An employee handles raw meat and then proceeds to handle vegetables or clean customer utensils without washing their hands.</li> </ul>

	<ul style="list-style-type: none"> <li>• An employee wearing gloves handles raw meat, and then takes off his gloves. The employee touches the contaminated outer surface of the gloves with his bare hands. The employee then proceeds to handle ready to eat food items.</li> <li>• An employee is observed handling raw meat. The employee then applies hand sanitizer without properly washing their hands prior to the sanitizer application. The employee then handles ready to eat food items.</li> <li>• An employee that handles food, clean equipment or utensils, clean linens, or single service utensils did not wash their hands after using the restroom.</li> <li>• An employee did not wash their hands after eating or smoking and before handling food.</li> </ul>
<p><b>Minor Violations</b></p>	<ul style="list-style-type: none"> <li>• Improper hand washing procedures are observed during an inspection, but do not meet the criteria for a Major Violation.</li> <li>• Bare hand contact with exposed, ready-to-eat food but where proper hand washing is observed.</li> <li>• Dishwasher loads dirty dishes into dishwasher and then stacks clean dishes without first washing hands.</li> <li>• Food preparer leaves preparation area and returns to engage in open food preparation without washing hands (no direct contamination observed as in major violation criteria).</li> <li>• An employee washes hands and instead of using paper towels to dry their hands, the employee uses a clean cloth towel.</li> <li>• A food employee with artificial nails, nail polish, or rings (other than a plain ring, such as a wedding band) is observed handling unpackaged food or clean utensils without the use of gloves (no cross contamination observed as in major violation criteria).</li> <li>• A food employee is not using a utensil to minimize bare hand contact with food.</li> <li>• An employee did not wash hands after talking on the phone or handling money and before handling food.</li> <li>• No procedural violation observed but food worker reports incorrect procedure.</li> </ul>
<p><b>Corrective Action:</b></p> <p>Depending on the severity of contamination indicated and the type of food exposed, mitigation measures when bare hand contact with exposed, not pre-packaged ready-to-eat food is observed may vary from discarding food to requiring that food workers don gloves at the time of inspection.</p> <p>Food workers need to wash their hands and portion of arms as required and use utensils when possible to minimized hand contact with other types of food.</p>	
<p><b>Notes:</b></p>	

Food that has already been served to the consumer needs to be handled only with utensils. These utensils need to be properly washed and sanitized before reuse.

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

Hands are not required to be washed when changing gloves if the employee is performing the same task. For example: an employee changes gloves while continuing to make sandwiches. However if changing gloves presents an opportunity for cross-contamination, proper hand washing procedures must be exercised.

Single use gloves may not be reused. Washing is allowed for multi-use gloves only, usually made of a heavy rubber material.

Violations pertaining to handling food with cuts, sores, or rashes on the hands should be marked in Inspection Item #2.

An exception process may allow bare hand contact with exposed, ready-to-eat food in some cases. Contact Environmental Health for more information about possible exceptions.

<b>6. Hand washing facilities provided, supplied, and accessible</b>	
<b>CalCode</b> <b>113953</b> <b>113953.1</b> <b>113953.2</b> <b>114067</b>	<p>Adequate facilities must be provided for hand washing.</p> <p>Hand washing cleanser and sanitary single-use towels must be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.</p> <p>Hand washing facilities must be provided within or adjacent to toilet rooms. The number of hand washing facilities required must be in accordance with local building and plumbing codes.</p> <p>The hand washing facility must be separated from the ware washing sink by at least 24 inches or by a metal splashguard with a height of at least 6 inches.</p>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• No soap or paper towels adjacent to the handwash sink in the kitchen.</li> <li>• Lack of soap and/or paper towels in the employee or public restroom(s).</li> <li>• Handwash sink is not accessible without moving obstruction.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• No soap or paper towels adjacent to the handwash sink in the food preparation area but there are other handwash sinks within a reasonable proximity that are stocked.</li> <li>• Handwash sink is not easily accessible but hand washing is still possible.</li> <li>• Bar soap is used at the food preparation area handwash sink instead of liquid soap in approved dispenser.</li> <li>• Handwash sink is installed less than 24 inches away from a ware washing drainboard or food preparation areas and no splashguard is installed.</li> <li>• No sanitary paper towel dispenser at hand washing sink.</li> </ul>
<p><b>Corrective Action:</b></p> <p>Handwash facilities must be available to make hand washing not only possible, but likely. Violations must be immediately resolved so that hand washing can be performed properly otherwise the facility may be subject to closure.</p>	
<p><b>Notes:</b></p> <p>Except when it is determined that nonconforming structural conditions pose a public health hazard, existing facilities need to be in compliance with the law (113953) pending replacement or renovation.</p> <p>Food facilities constructed or extensively remodeled after January 1,1996, that handle non-prepackaged food, need to provide facilities exclusively for hand washing in food preparation areas and in ware washing areas that are not located within or immediately adjacent to food preparation areas.</p> <p>A ware washing sink should not be used for hand washing except in food facilities that were constructed prior to January 1, 1996, and where there are no facilities exclusively for hand washing in food preparation areas. [114125] A violation of this nature would be marked in</p>	

Inspection Item #34. Violations pertaining to water and water temperatures would be marked in Inspection Item #21.

TIME AND TEMPERATURE RELATIONSHIPS	
<b>7. Proper hot and cold holding temperatures</b>	
<b>CalCode</b> <b>113996</b> <b>113998</b>	<p>Potentially hazardous food (PHF) must be held at or below 41<sup>0</sup>F or at or above 135<sup>0</sup>F.</p> <p>Food preparation outside of required holding temperatures shall in no case exceed 2 cumulative hours without a return to the specified holding temperatures.</p>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Potentially hazardous hot food is held at 129<sup>0</sup>F or below as a result of an improper process, practice or equipment failure.</li> <li>• Potentially hazardous cold food is held at 51<sup>0</sup>F or above as a result of an improper process, practice or equipment failure.</li> </ul> <p><b>Examples:</b></p> <ul style="list-style-type: none"> <li>• Deli display case holding items at 52<sup>0</sup>F.</li> <li>• PHF is thawing improperly and its temperature is 55<sup>0</sup>F.</li> <li>• Cooked pasta and cream sauce in a container on the counter at 71<sup>0</sup> F. The manager states that it is under time management – placed out 3 hours ago according to cook – no written log available. (Since no log is available, “time as a public health control” does not apply).</li> <li>• Pooled eggs held at temperatures of 51<sup>0</sup>F-129<sup>0</sup>F.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• PHF is held at or between 130<sup>0</sup>F-134<sup>0</sup>F.</li> <li>• PHF is held at or between 42<sup>0</sup>F-50<sup>0</sup>F.</li> <li>• PHF is thawing in standing water or under warm running water and the temperature of the PHF is between 42<sup>0</sup>F-50<sup>0</sup>F.</li> <li>• No procedural violation observed but food worker reports incorrect procedure.</li> </ul>
<p><b>Exceptions:</b></p> <p>Refrigerated PHFs may be at a temperature of 45°F or below when received, if the PHF is cooled to 41°F or below within four hours of receipt. [114037]</p> <p>If a temperature other than 41°F for a PHF is specified in law governing its distribution, the PHF may be received at the specified temperature and cooled as specified in subdivisions (d) and (e) of Section 114002. [114037]</p> <p>PHF that is received hot needs to be at a temperature of 135<sup>0</sup>F or above. [114037]</p> <p>Live molluscan shellfish should not be accepted unless received at a temperature of 45°F or below. A temperature above 45°F is acceptable if the Molluscan shellfish is received on the date of harvest. [114037]</p>	

The following foods may be held at or below 45°F: [113996]

1. Raw shell eggs.
2. Unshucked live molluscan shellfish.
3. Pasteurized milk and pasteurized milk products in the original sealed containers.
4. PHFs held for dispensing in serving lines and salad bars during periods not to exceed 12 hours in any 24-hour period. Note: Foods held as previously described must be discarded after the 12 hour period.
5. PHFs held for sampling at a certified farmers' market. (discard after 2 hrs)
6. PHFs held during transportation. (30 min max)

**Notes:**

When temperature violations are noted, steps should be taken by the person in charge to ensure compliance in the future. Examples include repairing malfunctioning or inoperative equipment or implementing a risk control plan (RCP) to modify preparation procedures or to institute a procedure for monitoring holding temperatures of food.

For purposes of this section, a display case is not be deemed to be a serving line.

**Corrective Action:**

If a major violation is found and it is determined that food was held between 51°F to 129°F for more than 4 hours the food should be voluntarily discarded or impounded, forms such as those used for impound or embargo must be completed following the jurisdiction's procedures. Disposition of any impounded food item needs to be conducted within 30 days as specified in Section 114393.

Roasts cooked to a temperature and for a time as specified in subdivision (b) of section 114004 may be held at a temperature of 130°F or above. (See Inspection Item #10 "Proper Cooking Time and Temperature" for details.

<b>8. Time as a public health control; procedures and records</b>	
<b>CalCode 114000</b>	When time only, rather than time in conjunction with temperature is used as a public health control, proper records and documentation must be maintained
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>.PHF found between 51<sup>0</sup>F-129<sup>0</sup>F and the time on the sticker has expired</li> <li>.PHF found between 51<sup>0</sup>F-129<sup>0</sup>F and time tracking is not utilized (no time logs or time stickers)</li> <li>.PHF is reheated/refrigerated to reset the time.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Written procedures are not maintained when using time as a public health control</li> <li>• A PHF is at 42<sup>0</sup>F-50<sup>0</sup>F or 130<sup>0</sup>F -134<sup>0</sup>F and facility is not tracking time (no temp logs, no stickers), but claims to be using time as health control factor for the PHF in question. It is determined that the food item in question has not been in the danger zone for over 4 hours</li> </ul>
<b>Corrective Action:</b>	
<p>If food is found in the temperature danger zone due to improper implementation of time as a public health control, it may be determined that food should be voluntarily discarded or impounded. Forms such as those used for impound or embargo must be completed following the jurisdiction's procedures. Disposition of any impounded food item needs to be conducted within 30 days as specified in Section 114393.</p>	
<b>Notes:</b>	
<p>If the PHF is found in the temperature danger zone, written procedures are not available and time stamps or written time/temperature logs are not used "Time as a public health control" does not apply. Inspection Item #7 "Proper Hot and Cold Holding Temperatures" would be marked.</p> <p>Time as a public health control cannot be used for raw eggs in licensed health care facilities or in public and private school cafeterias.[114000]</p> <p>Food may not be reheated or refrigerated in an effort to reset holding time while using Time as a Public Health Control. Additionally, once Time as a Public Health control methods are initiated, foods must be discarded after 4 hours.</p>	

<b>9. Proper cooling methods</b>	
<b>CalCode</b> <b>114002</b> <b>114002.1</b>	<p>All potentially hazardous food must be rapidly cooled from 135°F to 41°F, within 6 hours, and during this time the decrease in temperature from 135°F to 70°F, must occur within 2 hours.</p> <p>Potentially hazardous food must be cooled within 4 hours to 41°F or less if prepared from ingredients at ambient temperature, (such as reconstituted foods and canned tuna) or is received at temperature above 41°F as specified in section 114037.</p> <p>Potentially hazardous foods must be rapidly cooled using one or more of the following methods.</p> <ul style="list-style-type: none"> <li>• Placing the food in shallow pans,</li> <li>• Separating the food into smaller or thinner portions,</li> <li>• Using rapid cooling equipment,</li> <li>• Using containers that facilitate heat transfer,</li> <li>• Adding ice as an ingredient,</li> <li>• Using ice paddles (stir frequently),</li> <li>• Inserting appropriately designed containers in an ice bath and stirring frequently,</li> <li>• In accordance with an HACCP plan adopted pursuant to this part,</li> <li>• Utilizing other effective means that have been approved by the enforcement agency.</li> </ul> <p>Note: When cooling food, leave uncovered to allow heat to escape.</p>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Food cooling with or without intervention that has exceeded the first critical time/temp limit will be documented as a major violation.</li> <li>• Food cooling with or without intervention that has exceeded the second critical time/temperature limit shall be documented as major violation.</li> </ul> <p>Note: In either of the above cases, the food needs to be either impounded or voluntarily condemned and destroyed (VCD).</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Food cooling without intervention and has not exceeded the first critical time/temp limit will be documented as a Minor violation.</li> </ul> <p>Note: Approved intervention or rapid reheating needs to be initiated immediately.</p> <ul style="list-style-type: none"> <li>• No procedural violation observed but food worker reports incorrect procedure.</li> </ul>

**10. Proper cooking time and temperatures**

**CalCode**  
**114004**  
**114008**  
**114010**

Comminuted meat (ground beef/hamburger/ground pork), injected meats, and raw shell eggs must be heated to 155°F for 15 seconds or using the time and cooking temperature relationships specified in the following chart:

Minimum Time and Temperature Requirements	
145°F	3 minutes
150°F	1 minute
158°F	<1 second (instantaneous)

Single pieces of beef, lamb, veal, and pork; fish, or eggs served for immediate service must be heated to 145°F for 15 seconds.

Poultry, comminuted poultry (ground turkey/ground chicken), stuffed fish/meat/poultry must be heated to 165°F for 15 seconds.

Raw foods of animal origin cooked in a microwave oven must meet all of the following requirements:

- Be rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat.
- Be covered to retain surface moisture.
- Be heated to a temperature of at least 165°F in all parts of the food.
- Stand covered for at least two minutes after cooking to obtain temperature equilibrium.

Fruits and vegetables that are cooked for hot holding must be cooked to a minimum temperature of 135°F.

**Major Violations**

- Any temperature variations below the minimum temperature requirements are considered major violations.
- Food temperatures checked do not meet the temperature requirements for cooking and the employee doing the cooking attempts to serve the product without returning the product to the cooking process.

**Example:**

- The final cooking temperature of a hamburger patty was measured at 140°F (see Inspection Report #19 for made-to-order items).

**Minor Violations**

- Food handlers do not systematically check food temperatures with a thermometer when removing food from cooking process.

**Corrective Action:**

If required cooking temperatures are not met, the operator must continue cooking the food until the proper temperature is reached.

**Exceptions:**

If the consumer specifically orders the food less than thoroughly cooked.

The food facility notifies the consumer, orally or in writing, at the time of ordering that the food is raw or less than thoroughly cooked.

Whole beef roasts, corned beef roasts, pork roasts and cured pork roasts, such as ham, needs to be cooked as specified in both of the following:

1. In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

Oven Type	Oven Temperature based on roast weight	
	Less than 10 lbs	10 lbs or more
Still Dry	350 <sup>0</sup> F or more	250 <sup>0</sup> F or more
Convection	325 <sup>0</sup> F or more	250 <sup>0</sup> F or more
High Humidity*	250 <sup>0</sup> F or less	250 <sup>0</sup> F or less
* Relative humidity greater than 90% for at least 1 hour measured in the cooking chamber or in a moisture impermeable bag that provides 100% humidity.		

2. As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

Temperature (°F)	Time* in Minutes	Temperature (°F)	Time* in Seconds
130	112	147	134
131	89	149	85
133	56	151	54
135	36	153	34
136	28	155	22
138	18	157	14
140	12	158	0
142	8		
144	5		
145	4		
* Holding time may include postoven heat rise.			

**Notes:**

If a food is cooked below the required temperature, but the facility has a Consumer Advisory or an approved variance with a HACCP plan for that food item, then no violation has occurred.

If no cooking is observed during the inspection, but the facility does cook PHFs, the next routine inspection should be at a different time so that cooking procedures can be observed.

The cooking temperatures of food will be measured to determine compliance or noncompliance. Compliance or noncompliance will not be determined based on discussions with managers. The temperature of raw animal food and each species cooked during the inspection should be taken. (For instance, if the facility fries chicken, scrambles eggs, bakes fish, grills hamburgers, and slow-roasts prime rib during the inspection – the final cooking temperatures of all of the products should be measured and documented).

<b>11. Proper reheating procedures for hot holding</b>	
<b>CalCode</b> <b>114014</b> <b>114016</b>	Any potentially hazardous food that has been cooked, cooled and subsequently reheated for hot holding must be rapidly reheated so that all parts of the food reach a temperature of 165 <sup>0</sup> F for at least 15 seconds.  Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature.
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Food is not rapidly reheated to 165<sup>0</sup>F before being placed into the steam table for hot holding.</li> <li>• Observed food that has been previously cooked and cooled and is in the temperature danger zone of the reheating process being served before it reaches 165<sup>0</sup>F.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• No procedural violation observed but food worker reports incorrect procedure.</li> </ul>
<b>Exceptions:</b>  Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant needs to be heated to a temperature of at least 135 <sup>0</sup> F for hot holding.[114016]	
<b>Notes:</b>  In order for reheating to be documented as a major violation, the incorrect / inadequate process must be observed. If reheating practices are not witnessed during the inspection, knowledge of the facility's practices should be obtained through discussions with cooks and/or managers.  Reheating for hot holding needs to be done rapidly, and the time the food is between 41 <sup>0</sup> F and 165 <sup>0</sup> F should not exceed two hours.  Remaining unsliced portions of roasts that are cooked as specified under CalCode Section 114004 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions as specified in Section 114004.	

<b>PROTECTION FROM CONTAMINATION</b>	
<b>12. No re-service of returned food</b>	
<b>CalCode 114079</b>	No unpackaged food that has been served to a consumer will be re-served or later used for human consumption.
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Left over tortilla chips from one consumer were re-served to another consumer.</li> <li>• Leftover bread from tables was made into croutons.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• No procedural violation observed but food worker reports incorrect procedure.</li> <li>• Re-use of unapproved food dispensing containers, such as wide-mouth jars, on customer tables.</li> </ul>
<p><b>Notes:</b></p> <p>A container of food that is not potentially hazardous may be transferred from one consumer to another if the food is dispensed so that it is protected from contamination and the container is closed between uses, such as salt and pepper shakers, a narrow-neck bottle containing catsup, steak sauce, or if the food, such as crackers is in an unopened original package and is maintained in sound condition, and if the food is checked on a regular basis. Undamaged, unopened, non-potentially hazardous, individually prepackaged food may be re-served to another customer.</p>	

<b>13. Food free from contamination and adulteration</b>	
<p><b>CalCode</b>  <b>113967</b>  <b>113976</b>  <b>113980</b>  <b>113988</b>  <b>113990</b>  <b>114035</b>  <b>114254(c)</b>  <b>114254.3</b></p>	<p>Any food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health.</p> <p>No employee will commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.</p> <p>All food must be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage; will have been obtained from approved sources; must be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination; must otherwise be fully fit for human consumption.</p> <p>Ice that has been used as a medium for cooling foods or prepackaged foods will not be used for human consumption.</p> <p>Food must be inspected as soon as practical upon receipt and prior to any use, storage, or resale.</p> <p>Potentially hazardous food must be inspected for signs of spoilage and randomly checked for adherence to the temperature requirements as specified in Section 113996.</p> <p>A container previously used to store poisonous or toxic materials will not be used to store, transport, or dispense food, utensils, or linens.</p>
<p><b>Major Violations</b></p>	<ul style="list-style-type: none"> <li>• Major violations include any violation of these sections when actual contamination or adulteration of food has occurred.</li> </ul> <p><b>Examples:</b></p> <ul style="list-style-type: none"> <li>• Foreign object found in food (glass, bandage).</li> <li>• Rodent droppings, cockroach, fly in food product.</li> <li>• Chemical contamination of food.</li> <li>• Containers that were previously used to store toxic materials are now used for food storage (laundry detergent bucket used for food storage).</li> <li>• A food employee is observed using a utensil more than once to taste food without properly washing and sanitizing the utensil between uses.</li> <li>• Washing produce in a ware washing compartment without first cleaning and sanitizing the compartment.</li> <li>• Use of moldy, spoiled food.</li> <li>• Lubricants that are not food grade are used on food contact surfaces.</li> <li>• Bloated or leaking cans.</li> <li>• Same tong used for raw meat and ready to eat food items.</li> </ul>

<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Fruit flies, weevils or moths in food items.</li> <li>• Moldy food stored in the walk in refrigerator not intended for service or moldy food on retail shelf in market.</li> <li>• Major dents on the rim or seams of cans.</li> <li>• Employee beverage stored in consumable ice.</li> </ul>
<p><b>Corrective Action:</b></p> <p>If food is found to be contaminated or adulterated it needs to be voluntarily discarded or impounded. In addition, the Environmental Health Specialist should ensure that management and food employees are aware of the risk of serving contaminated or adulterated food. Disposition of any impounded food item should be conducted within 30 days as specified in Section 114393.</p>	
<p><b>Notes:</b></p> <p>This Inspection Item is marked when actual contamination has occurred, whereas prevention from contamination would be covered in Inspection Items such as #26-29 identified under "General Food Safety Requirements".</p>	

<b>14a. Food contact surfaces: clean and sanitized as required</b>	
<b>CalCode</b> <b>113984(d)</b> <b>114097</b> <b>114099.1</b> <b>114101</b> <b>114105</b> <b>114109</b> <b>114111</b> <b>114113</b> <b>114115</b> <b>(a,b,c)</b> <b>114117</b> <b>114125</b> <b>114141</b> <b>11499.2</b>	<p>Utensils and surfaces of equipment in contact with <b><i>potentially hazardous</i></b> food must be cleaned and sanitized at the following times:</p> <ul style="list-style-type: none"> <li>• Between each use with a different type of raw food of animal origin such as beef, fish, lamb, pork, or poultry, unless used in succession of higher cooking temperatures as outlined in exception (8), below.</li> <li>• Each time there is a change from working with raw foods to working with ready-to-eat foods or produce.</li> <li>• At any time during the operation when contamination may have occurred.</li> <li>• After each use or every 4 hours of continuous use.</li> <li>• Before using or storing thermometers.</li> </ul> <p>Utensils and surfaces of equipment in contact with <b><i>non-potentially hazardous</i></b> food must be cleaned and sanitized at the following times:</p> <ul style="list-style-type: none"> <li>• At any time when contamination may have occurred.</li> <li>• At least every 24 hours.</li> <li>• Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers.</li> <li>• At a frequency specified by the manufacturer, or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold. In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment.</li> </ul>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Contamination of food-contact surfaces that could result in food contamination.</li> <li>• Meat slicer not properly cleaned after use with PHFs.</li> <li>• In use preparation surfaces (including knives, basting brushes etc.) are not cleaned and sanitized a minimum of every four hours.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Equipment and utensils that are not currently in use are not clean to sight and touch.</li> <li>• The food preparation or ware washing sink is used to wash produce or thaw food and the sink is not cleaned and sanitized before and after each specific use.</li> <li>• No procedural violation observed but food worker reports incorrect procedure.</li> </ul>
<b>Exceptions</b>	
Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four hours if any of the following occurs:	

- (1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures as specified in Section 113996 and the containers are cleaned when they are empty.
- (2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at or below 55°F. In that case, the utensils and equipment must be cleaned at the frequency that corresponds to the temperature as depicted in the following chart and the cleaning frequency based on the ambient temperature of the refrigerated room or area must be documented and records needs to be maintained in the food facility and made available to the enforcement agency upon request:

Temperature	Cleaning Frequency
5.0°C (41°F) or less	24 hours
>5.0°C - 7.2°C (>41°F - 45°F)	20 hours
>7.2°C - 10.0°C (>45°F - 50°F)	16 hours
>10.0°C - 12.8°C (>50°F - 55°F)	10 hours

- (3) Containers in serving displays such as salad bars, delis, and cafeteria lines holding ready-to-eat potentially hazardous foods that are maintained at the temperatures specified in Section 113996 are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned and sanitized at least every 24 hours.
- (4) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified in Sections 113996 and 114004.
- (5) Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.
- (6) The cleaning schedule is approved based on consideration of characteristics of the equipment and its use, the type of food involved, the amount of food residue accumulation, and the temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic micro-organisms that are capable of causing foodborne disease.
- (7) In-use utensils are intermittently stored in a container of water in which the water is maintained at or above 135°F and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.
- (8) Cleaning of the utensil or food-contact-surfaces of equipment is not required if the food contact surface or utensil is in contact with a succession of different raw foods of animal origin, each requiring a higher cooking temperature as specified in Section

114004 than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board. [114117(b)]	
<b>Corrective Actions:</b>	
A food facility must not be operating if there is gross contamination of food-contact surfaces that may result in the contamination of food products. The food facility needs to cease operation of the food facility until all food contact surfaces have been thoroughly cleaned and sanitized. If found operating, the enforcement officer will suspend the permit to operate until the food facility is able to properly clean and sanitize equipment or utensils. The enforcement officer will require that all equipment and utensils be cleaned and sanitized prior to reinstating the permit.	
<b>14b. Proper ware washing procedure and/or sanitization</b>	
<b>CalCode</b> <b>114099.4</b> <b>114099.6</b>	<p>Manual ware washing must be accomplished by using a three-compartment sink where the utensils are first pre-cleaned, then washed, rinsed, sanitized, and air dried.</p> <p>All food contact surfaces of utensils and equipment must be sanitized as required. Manual sanitization must be accomplished by one of the following:</p> <ul style="list-style-type: none"> <li>• Contact with 100 ppm chlorine solution for 30 seconds.</li> <li>• Contact with 25 ppm iodine solution for 1 minute.</li> <li>• Contact with 200 ppm quaternary ammonia solution for 1 minute.</li> <li>• Contact with water of at least 171<sup>o</sup>F for 30 seconds.</li> </ul> <p>Automatic warewash units must meet manufacturers specifications for sanitizer concentrations.</p>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Employee skips sanitization step during manual dishwashing.</li> <li>• Dish machine in use and is running with sanitizer reading &lt;50 ppm or manual dish washing with sanitizer &lt;100 ppm for chlorine or &lt;200 ppm for quaternary ammonium.</li> </ul> <p><u>Note:</u> If the dish machine can't be fixed during inspection and no manual dishwashing facilities are available, the facility is subject to closure.</p> <ul style="list-style-type: none"> <li>• Water at high temperature dishwasher is &lt;160<sup>o</sup>F at the dish.</li> <li>• Dishes/equipment/food contact surface washed manually or in an automatic dishwasher without soap/detergent and dishes are still soiled after a full cycle.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Employee observed washing dishes using approved steps in the wrong order.</li> <li>• Inadequate contact time with sanitizer (chlorine &lt;30 seconds, quaternary ammonium &lt;1 minute).</li> <li>• Towel drying of dishware (towel appears clean).</li> </ul>

	<ul style="list-style-type: none"> <li>• Equipment and utensils are not air dried or properly stored to facilitate drying after sanitizing.</li> <li>• Equipment and utensils are not allowed to adequately drain of sanitizer before reuse.</li> <li>• The water temperature in the low temperature automatic dishwasher is not reaching proper temperature per manufacturer’s specifications but the dishes are coming out clean.</li> <li>• Water temperature in wash compartment of ware washing sink is less than 100°F.</li> <li>• No procedural violation observed but food worker reports incorrect procedure.</li> </ul>
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**Corrective Action:**

A food facility that prepares food must cease operation if there is no method to properly clean and sanitize equipment or utensils. The food facility must cease operation immediately. The food facility needs to remain closed until a method to clean and sanitize equipment or utensils is provided.

If found operating, the enforcement officer will suspend the permit to operate until the food facility is able to properly clean and sanitize equipment or utensils.

The enforcement officer will require that all equipment and utensils be cleaned and sanitized prior to reinstating the permit.

**Notes:**

For dishwashing in an automatic unit, manufacturer specifications for sanitizer concentrations should be followed, usually 50-100ppm chlorine.

Machine sanitization of utensils using high temperature must be at least 160°F measured at the dish.[114099.6]

Lack of testing equipment for applicable sanitization method should be marked in Inspection Item #34

Drying wet clean utensils with a damp soiled cloth should be marked as a major in Inspection Item #14.

Lack of hot water to the facility should be marked in Inspection Item #21

<b>FOOD FROM APPROVED SOURCES</b>	
<b>15. Food obtained from approved source</b>	
<b>CalCode</b> <b>113980</b> <b>113982</b> <b>114021</b> <b>114023</b> <b>114024</b> <b>114025</b> <b>114027</b> <b>114029</b> <b>114031</b> <b>114041</b> <b>114365</b>	<p>All food must be obtained from an approved source.</p> <p>All food must be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage; must have been obtained from approved sources; must be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination; must otherwise be fully fit for human consumption.</p> <p>Food prepared in a private home may not be used or offered for sale in a food facility, except as provided by the Homemade Food Act.</p> <p>Liquid, frozen, and dry eggs and egg products must be obtained pasteurized.</p> <p>Frozen milk products, such as ice cream, must be obtained pasteurized as specified in 21 C.F.R. 135 –Frozen Desserts.</p> <p>Fluid and dry milk and milk products complying with Grade A standard as specified in law must be obtained pasteurized.</p> <p>Ice for use as a food or a cooling medium must be made from potable water.</p> <p>Fish that is received for sale or service must be commercially and legally caught or harvested.</p> <p>Molluscan shellfish must be obtained from sources according to law or the requirements specified in the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.</p> <p>Molluscan shellfish received in interstate commerce must be from sources that are listed in the Interstate Certified Shellfish Shippers List.</p> <p>Molluscan shellfish that are recreationally caught must not be received for sale or service.</p> <p>Game animals must be received from an approved source and must not be received for sale or service if it is a species of wildlife that is listed in 50 C.F.R. 17 Endangered and Threatened Wildlife and Plants or is listed as an endangered or threatened animal by the Department of Fish and Game.</p> <p>Shell eggs must be received clean and sound and may not exceed the restricted egg tolerances for United States Consumer Grade B Standards.</p>
<b>Major Violations</b>	Major violations include any violations of these sections.
<b>Minor Violations</b>	N/A

**Exceptions:**

Properly labeled prepackaged raw milk and raw milk products obtained from an approved source and dispensed and sold at retail by the food facility in compliance with 17 CCR 11380 are not required to be pasteurized. [114024]

The enforcement agency may approve the use of legally obtained donated fish and game by nonprofit organizations authorized to serve meals to indigent persons. "Fish," as used in this subdivision, will be defined as that term is used in Section 45 of the Fish and Game Code. "Game," as used in this subdivision, means any game bird, as defined in Section 3500 of the Fish and Game Code, or game mammal, as defined in Section 3950 of the Fish and Game Code. [114031]

**Corrective Action:**

If food is from an unapproved, unsafe, or otherwise unverifiable source, the food must be voluntarily discarded or impounded. Forms such as those used for impound or embargo must be completed following the jurisdiction's procedures. Disposition of any impounded food item will be conducted within 30 days as specified in Section 114393.

**Note:**

Prepackaged items that only have their label on their large shipping containers must have labeling information visible at their retail display.

Food transportation vehicles may be inspected only when the transporter has arrived at the retail food facility, when stationary at an agricultural inspection station, or at a border crossing. Food transporter violations should be referred to the State Department for follow-up. Violations observed on vehicles found at a food facility should be marked in this Inspection Item if the facility has accepted delivery of food from the transporter.

<b>16. Compliance with shellstock tags, condition, display</b>	
<b>CalCode</b> <b>114039</b> <b>114039</b>	Shellstock must have certification tags and must be properly stored and displayed. Molluscan shellfish life support system display tanks that are used to store and display shellfish that are offered for human consumption must be operated and maintained in accordance with a HACCP plan as specified in Section 114419.1.
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Missing or incomplete shellfish certification tags or improper wet storage of shellfish (includes commingling of shellfish).</li> <li>• A bag of molluscan shell fish lacking tags.</li> <li>• Shell fish from two different bags stored together (co-mingled).</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• When received, shellstock is not discarded when not reasonably free of mud, dead shellfish, or broken shells.</li> <li>• Shell stock has been removed from the original container unless displayed on drained ice or held in a display container with source properly identified.</li> <li>• An operator buys live shellstock, places it inside the freezer then finally thaws them out to place in the retail area; the operator has not labeled the shellstock as “Previously Frozen”.</li> </ul>
<p><b>Exceptions:</b></p> <p>If the shellstock harvester's tag or label is designed to accommodate each dealer's identification, individual dealer tags or labels need not be provided. [114039.1(c)]</p> <p>Shellstock may be removed from the container in which they are received and displayed on drained ice or held in a display container. A quantity specified by a consumer may be removed from the display or display container and provided to the consumer if the source of the shellstock on display is identified as specified under Section 114039.1 and recorded as specified under Section 114039.4 and the shellstock are protected from contamination. [114039.3]</p> <p>Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if the labeling information for the shellfish on display as specified under Section 114039 is retained and correlated to the date when, or dates during which, the shellfish are sold or served and the shellfish are protected from contamination. [114039.3]</p> <p>Molluscan shellfish life support system display tanks that were in operation prior to the effective date of this part need not comply with Section 114419. [114039.5]</p>	
<p><b>Corrective Action:</b></p> <p>If food is from unapproved, unsafe, or otherwise unverifiable sources and it is determined that food should be voluntarily discarded or impounded, forms such as those used for impound or embargo must be completed following the jurisdiction’s procedures. Disposition of any impounded food item will be conducted within 30 days as specified in Section 114393.</p> <p>A package of raw shucked shellfish or shellstock that is not labeled or the label does not contain all the information required by subdivision (a) needs to be voluntarily discarded or impounded.</p>	

<b>17. Compliance with Gulf Oyster Regulations</b>	
<b>CalCode 113707</b>	Raw Gulf Oysters will not be offered for sale, without evidence of approved treatment, between the months of April 1-October 31.
<b>Title 17 CCR § 13675</b>	Raw Gulf Oyster warning signs are required to be posted for untreated oysters between the months of November 1-March 31.
<b>Major Violations</b>	Major violations include any violations of these sections.
<b>Minor Violations</b>	N/A
<p><b>Corrective Action:</b></p> <p>Immediately remove untreated Gulf Oysters from sale during banned months (April 1-October 31) unless evidence is provided that the oysters have been treated by a method approved by the California Department of Health Services Food and Drug Branch. If the oysters are not voluntarily removed by the operator, then the Environmental Health Specialist should impound the oysters and await disposition of the product. If signs are missing during November 1-March 31, immediate corrective action should be taken to provide the approved signage.</p>	

**CONFORMANCE WITH APPROVED PROCEDURES**

**18. Compliance with HACCP plans, specialized process, and variances**

<p><b>CalCode</b> <b>113799</b> <b>113801</b> <b>114057</b> <b>114057.1</b> <b>114417.6</b> <b>114419</b></p>	<p>HACCP plan (Hazard Analysis Critical Control Point) means a written document that complies with the requirements of Section 114419.1 and that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. These principles include completion of the following basic steps:</p> <ul style="list-style-type: none"><li>(a) Completion of hazard analysis identification by identifying the likely hazards to consumers presented by a specific food.</li><li>(b) Determination of critical control points in receiving, storage, preparation, displaying, and dispensing of a food.</li><li>(c) Setting of measurable critical limits for each critical control point determined.</li><li>(d) Developing and maintaining monitoring practices to determine if critical limits are being met.</li><li>(e) Developing and utilizing corrective action plans when failure to meet critical limits is detected.</li><li>(f) Establishing and maintaining a recordkeeping system to verify adherence to a HACCP plan.</li><li>(g) Establishing a system of audits to do both of the following:<ul style="list-style-type: none"><li>(1) Initially verify the effectiveness of the critical limits set and appropriateness of the determination of critical control points.</li><li>(2) Periodically verify the effectiveness of the HACCP plan.</li></ul></li></ul> <p>Potentially hazardous foods that are packed by the food facility in reduced-oxygen packaging or have been partially cooked and sealed in any container or configuration that creates anaerobic conditions must be plainly date coded. The date coding must state "Use By," followed by the appropriate month, day, and year.</p> <p>A food facility that packages potentially hazardous food using a reduced-oxygen packaging method must operate under a HACCP plan which has been approved by the California Department of Public Health.</p> <p>Food facilities may engage in the following only pursuant to a HACCP plan that has been approved by the California Department of Public Health:</p> <ul style="list-style-type: none"><li>(a) Using acidification or water activity to prevent the growth of <i>Clostridium botulinum</i>.</li></ul>
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	<p>(b) Packaging potentially hazardous food using a reduced-oxygen packaging method as specified in Section 114057.1.</p> <p>If the California Department of Public Health grants a variance, or if a HACCP plan is required pursuant to Section 114419, the permit holder must follow all requirements listed in CalCode.</p> <p>Food facilities may engage in any of the following activities only pursuant to a HACCP plan as specified in Section 114419.1:</p> <ul style="list-style-type: none"> <li>(a) Smoking food as a method of food preservation rather than as a method of flavor enhancement.</li> <li>(b) Curing food.</li> <li>(c) Using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement, or to render a food so that it is not potentially hazardous.</li> <li>(d) Operating a molluscan shellfish life support system display tank used to store and display shellfish that are offered for human consumption.</li> <li>(e) Custom processing animals that are for personal use as food and not for sale or service in a food facility.</li> <li>(f) Preparing food by another method that is determined by the enforcement agency to require a HACCP plan.</li> </ul>
<p><b>Major Violations</b></p>	<ul style="list-style-type: none"> <li>• The food facility is not following the California Department of Public Health approved HACCP plan procedures.</li> <li>• The food facility has obtained a Variance from the California Department of Public Health to allow for deviation from specific code requirements and is not following the approved variance conditions or procedures.</li> <li>• The food facility is packaging potentially hazardous food products using a reduced-oxygen packaging (ROP) method and has not obtained HACCP plan approval from the California Department of Public Health.</li> <li>• The food facility is modifying food using acidification or water activity as a means to prevent the growth of Clostridium botulinum and has not obtained HACCP plan approval from the Department.</li> </ul>
<p><b>Minor Violations</b></p>	<ul style="list-style-type: none"> <li>• If the food facility operator is utilizing a practice that requires a HACCP plan without having an approved written HACCP plan, or is not following the HACCP plan as written.</li> <li>• If the food facility operator is utilizing any of the following practices without a written HACCP plan, or is not following the HACCP plan as written: <ul style="list-style-type: none"> <li>✓ Smoking food as a method of preservation.</li> <li>✓ Curing food.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>✓ Using food additives as a method of preservation or as a means to change the food to non-PHF.</li> <li>✓ Operating a molluscan shellfish life support tank for shellfish intended for human consumption.</li> <li>✓ Custom processing animals as food for personal use.</li> <li>✓ Preparing food by another method that requires a HACCP plan as determined by the enforcement officer.</li> </ul> <ul style="list-style-type: none"> <li>• If the food facility operator is not operating according to a variance approved by the California Department of Public Health.</li> </ul>
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**Exceptions:**

Except for fish that is frozen before, during, and after packaging, a food facility must not package fish using a reduced-oxygen packaging method. [114057.1(c)]

Whole Chinese-style roast duck (§114425) and Korean Rice Cakes (§114429) do not require a HACCP plan.

**Corrective Action:**

If it is determined during an inspection that a California Department of Public Health approved HACCP plan is required or that the California Department of Public Health approved HACCP plan is not being followed, the affected food products should be impounded.

If a California Department of Public Health variance is issued, a copy of the variance letter must be kept at the food facility and provided to the enforcement officer upon request. If it is determined during an inspection that the alternate procedures detailed in the variance letter are not being followed, the enforcement officer should impound the affected food products and notify the California Department of Public Health in writing as soon as possible.

HACCP plans that are required, but that do not require prior California Department of Public Health approval, must still be developed and followed to ensure a safe food product. If, during an inspection, it is determined that a HACCP plan is required but is either not available or not being followed, the enforcement officer should conduct a risk assessment to determine the disposition of the affected food products.

**Notes:**

Except for HACCP plans requiring approval by the California Department of Public Health, HACCP plans do not require prior approval by the enforcement agency prior to implementation.

However, if it is determined during an inspection that a HACCP plan is required, the written HACCP plan and supporting documentation should be reviewed.

The specific food handling procedures detailed in the HACCP plan should then be evaluated to verify that the HACCP plan is being followed as written."

<b>CONSUMER ADVISORY</b>	
<b>19. Consumer advisory provided for raw or undercooked foods</b>	
<b>CalCode</b> <b>114012</b> <b>114093</b>	Ready-to-eat food containing undercooked food or raw egg and unpackaged confectionery food containing more than ½% alcohol may only be served if the facility notifies the consumer.
<b>Major Violations</b>	N/A
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Pasteurized eggs or pasteurized egg products are not substituted for raw shell eggs in foods such as Caesar salad dressing or Hollandaise sauce and no consumer warning is provided.</li> <li>• If the food facility serves raw or undercooked food and fails to provide an advisory (orally or in writing) that a food item is being served less than thoroughly cooked.</li> </ul>
<p><b>Exception:</b></p> <p>A consumer advisory for sashimi, seared Ahi tuna, and steak tartar is not required because it is common knowledge that these items are served raw.</p> <p>A consumer advisory is not required when a consumer specifically orders food raw or undercooked.</p>	
<p><b>Notes:</b></p> <p>For violations pertaining to Gulf oysters, see Inspection Item #17.</p>	

<b>HIGHLY SUSCEPTIBLE POPULATIONS</b>	
<b>20. Licensed health care facilities and public / private schools: prohibited foods not offered</b>	
<b>CalCode 114091</b>	Prohibited foods may not be offered in licensed health care facilities or public/private schools.
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Unpasteurized juice, fluid milk or dry milk is served.</li> <li>• Unpasteurized shell eggs are used, unless raw eggs are used for one consumer's serving at a single meal and cooked as required by code, or combined as an ingredient before baking and thoroughly cooked to a ready-to-eat form, or the facility is operating pursuant to a HACCP Plan.</li> <li>• Food in an opened original package is re-served.</li> <li>• Ready-to-eat foods that contain raw food of an animal origin or partially cooked foods are served.</li> <li>• Raw seed sprouts are served.</li> </ul>
<b>Minor Violations</b>	No procedural violation observed but food worker reports incorrect procedure.
<p><b>Note:</b></p> <p>For highly susceptible populations, discussions with the person in charge and employees regarding whether or not certain foods are served or certain practices occur in the licensed health care facility and public or private school, along with observations should be used to determine compliance.</p>	

WATER / HOT WATER	
<b>21. Hot and cold water available</b>	
<b>CalCode</b> <b>113953(c)</b> <b>114099.2(b)</b> <b>114101(a)</b> <b>114163(a)</b> <b>114189</b> <b>114192</b> <b>114192.1</b> <b>114195</b>	<p>An adequate, protected, pressurized, potable supply of hot water and cold water must be provided through a mixing valve.</p> <p>Hot water must be supplied at a minimum temperature of 120<sup>0</sup>F measured from the food preparation sink and ware washing sink faucets.</p> <p>Hand washing facilities must be equipped to provide warm water (100<sup>0</sup>F) under pressure for a minimum of 15 seconds through a mixing valve or combination faucet. If the temperature of water provided to a hand washing sink is not readily adjustable at the faucet, the temperature of the water must be at least 100<sup>0</sup>F, but not greater than 108<sup>0</sup>F.</p>
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Hot water from the faucet at ware washing sinks is less than 110<sup>0</sup>F.</li> <li>• Contaminated or unapproved water supply.</li> <li>• No potable water is available to the facility.</li> <li>• Water at the hand washing sink is too hot to wash hands making the hand washing sink unusable (when water temperature is not readily adjustable at the faucet).</li> <li>• Lack of water at hand sink, proximity to functional sink needs to be considered before documenting it as major or Minor Violation.</li> </ul> <p><u>Note:</u> If all hand sinks lacked running water, the facility would be subject to closure, unless remedied during the inspection.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Lack of hot water at a food preparation sink.</li> <li>• Hot water from the faucet at the ware washing sink is between 111<sup>0</sup>F - 119<sup>0</sup>F.</li> <li>• Lack of hot water at a janitorial sink.</li> <li>• Water &lt;100<sup>0</sup>F at the handwash sink.</li> </ul>
<b>Exceptions:</b>	
<p>A food facility may provide only warm water if the water supply is used only for hand washing, as required in Section 113953.</p>	
<b>Corrective Action:</b>	
<p>A food facility with hot water measured below 110<sup>0</sup>F at the ware washing sink faucet needs to immediately correct the violation (relighting a pilot light for example), find a suitable alternative, or cease food preparation in the impacted areas until water, hot water, or potable water is restored.</p> <p>It is important to note that if a food facility is found operating without hot water (below 110<sup>0</sup>F), the Environmental Health Specialist will evaluate the risks associated with the lack of hot water and the ware washing sink requirements (as specified in Sections 114115 and</p>	

114117) when determining whether: the food facility could remain open for a short time until hot water can be restored; the impacted area should be closed; a suitable alternative could be implemented as a temporary measure; or if the food facility's permit should be suspended until the hot water is restored.

If there is no water, or the water supply is contaminated, a food facility must immediately cease preparation of foods. In each of these cases, the food facility must close or discontinue food preparation (and only sell prepackaged food items) provided potable water (or bottled water) is utilized for hand washing in the toilet rooms. Food items, including ice, prepared using non-potable water will be voluntarily discarded and ice machines and beverage dispensers will be cleaned and sanitized prior to reuse (once potable water becomes available).

The water temperatures once it reaches maximum must remain at the required temperature. Peaks and valleys in water temperature may be due to an inadequately sized water heater.

<b>LIQUID WASTE DISPOSAL</b>	
<b>22. Sewage and wastewater properly disposed</b>	
<b>CalCode 114197</b>	Liquid waste must be disposed through the approved plumbing system and must discharge into the public sewerage or into an approved private sewage disposal system.
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Overflows or back-ups of sewage / wastewater into the food facility.</li> <li>• A clogged floor sink/grease interceptor that adversely impacts the use of necessary equipment.</li> <li>• Lack of operable toilet facilities.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Mop water disposed of in area other than approved plumbing system.</li> <li>• One floor sink is clogged or draining slowly but there is no sign of sewage on the floor and facility plumbing can function properly without that sink, and the equipment for which that sink is used is not necessary for the facility to operate.</li> </ul>
<p><b>Corrective Action:</b></p> <p>A food facility must cease operation if there is sewage overflowing or backing up in the food facility or there are no operable toilets available for food employees. The food facility needs to cease operation in the impacted areas of the food facility immediately until the sewage disposal problem has been repaired. The food facility, or impacted areas, will remain closed until all plumbing problems have been corrected and all contaminated surfaces have been cleaned and sanitized. Any contaminated food product needs to be voluntarily discarded.</p> <p>In the event the overflow from the facility is occurring outside, the source of the discharge must immediately cease. If a septic tank and/or grease interceptor is used and is the source of the problem, it needs to be pumped as often as necessary until the sewage system can be restored to a fully functional condition.</p>	

<b>VERMIN</b>	
<b>23. No rodents, insects, birds, or animals</b>	
<b>CalCode</b> <b>114259.1</b> <b>114259.4</b> <b>114259.5</b>	Each food facility must be kept free of vermin: rodents (rats, mice), cockroaches, flies.
<b>Major Violations</b>	<ul style="list-style-type: none"> <li>• Cockroaches, mice, rats, flies and similar disease carrying vermin are present as a significant infestation within the food facility. Evidence of their presence would include: live bodies, fresh droppings, vomitus, urine stains, or gnaw marks.</li> </ul>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Minor evidence of disease carrying vermin.</li> <li>• Non disease carrying insects, weevils, gnats present in facility.</li> <li>• Live animals (other than service animals) are allowed in a food facility.</li> </ul>
<p><b>Corrective Action:</b></p> <p>A food facility needs to cease operation when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility must cease operation of the food facility immediately. The food facility will remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.</p> <p>A food facility found operating while experiencing a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s) will be closed by the Environmental Health Specialist until corrective action is taken and reopening is approved by the Environmental Health Division.</p> <p>Food that has been adulterated due to the presence of insects or vermin must be voluntarily discarded.</p>	
<p><b>Notes and Exceptions:</b></p> <p>Food employees with service animals may handle or care for their service animals if they wash their hands as required.</p> <p>Food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as required.</p> <p>Live animals may be allowed in specific situations as detailed in CalCode if the contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result.</p> <p>Live animals are allowed in an outdoor dining area as long as food and clean equipment etc. are protected, but are not allowed in indoor dining or food prep area. Service animals are allowed as per Americans with Disabilities Act guidelines. Fish tanks are allowed in dining areas.</p> <p>Pets may not enter indoor dining or food preparation areas.</p>	

## APPROVED RETAIL PRACTICES

SUPERVISION	
<b>24. Person in charge is present and performs duties</b>	
<b>CalCode</b> <b>113945</b> <b>113945.1</b> <b>113947</b> <b>113984.1</b> <b>113945.1(b)</b> <b>114075</b>	<p>A “person in charge” who is responsible for operation of facility must be present at the food facility during all hours of operation.</p> <p>“Person in charge” must have knowledge of safe food handling practices as they relate to the specific food preparation activities that occur at the food facility.</p> <p>“Person in charge” must ensure that customer access through preparation area is limited and in compliance with requirements.</p> <p>And consumers must be notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets.</p> <p>Drinking cups may be refilled provided that the refill process does not permit contamination.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The person in charge is not present during operating hours.</li> <li>• The person in charge lacks knowledge of safe food handling practices as they relate to the specific food preparation activities that occur at the food facility.</li> <li>• Customers are allowed access through the food preparation, ware washing, and open food storage areas.</li> <li>• Consumers are not notified orally or in writing that they must use clean tableware when returning to self-service areas such as salad bars and buffets.</li> </ul>
<p><b>Notes:</b></p> <p>The permit holder or person designated by the permit holder is the person in charge (PIC). The PIC does not have to be the certified food safety certificate holder.</p>	

<b>PERSONAL CLEANLINESS</b>	
<b>25. Personal cleanliness and hair restraints</b>	
<b>CalCode</b> <b>113969</b> <b>113971</b>	All food employees preparing, serving or handling food or utensils must wear clean, washable outer garments or uniforms and must wear a hairnet, cap, or other suitable covering to confine hair.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Food employees preparing, serving or handling food or utensil are not wearing hair restraints, such as hats, hair coverings or nets.</li> <li>• Food employees observed with soiled clothing.</li> </ul>
<p><b>Exceptions:</b></p> <p>Food employees such as counter staff, who only serve beverages and wrapped or prepackaged foods, hostesses, and wait staff, need not confine their hair if the hair presents a minimal risk of contaminating non-prepackaged food, clean equipment, utensils, linens, and/or unwrapped single-use articles.</p>	

<b>GENERAL FOOD SAFETY REQUIREMENTS</b>	
<b>26. Approved thawing methods</b>	
<b>CalCode</b> <b>114018</b> <b>114020</b>	Food must be thawed under refrigeration; completely submerged under cold running water of sufficient velocity to flush loose particles; in microwave oven as part of the cooking process; during the cooking process.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Potentially hazardous food not being properly thawed using an approved procedure. Examples include:               <ul style="list-style-type: none"> <li>○ Hot water used to thaw food.</li> <li>○ Potentially hazardous food thawing sitting on counter top.</li> </ul> </li> </ul>
<p><b>Notes:</b></p> <p>Foods found in the temperature danger zone should be marked under Inspection Item #7 "Proper hot and cold holding temperatures".</p>	

<b>27. Food protected from contamination during storage</b>	
<b>CalCode</b> <b>113984</b> <b>114067(d)</b> <b>113986</b> <b>114060</b> <b>114077</b> <b>114073</b>	<p>All food must be separated and protected from contamination.</p> <p>Food preparation must be conducted within a fully enclosed food facility.</p> <p>Food must be protected from cross-contamination.</p> <p>Food on display must be protected from contamination by the use of packaging, covers, sneeze guards, containers with tight-fitting securely attached lids, display cases, mechanical dispensers, or other effective means.</p> <p>Overhead protection must be provided above all food preparation, food display, and food storage areas.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Food items in stored in open/uncovered bag or container.</li> <li>• Raw meat or other raw products of animal origin stored above ready-to-eat food items and there is a potential for cross contamination.</li> <li>• Food is not being prepared in a fully enclosed food facility.</li> <li>• Limited food preparation is not conducted within an approved food compartment defined in Section 113784 or as approved by the enforcement agency.</li> <li>• Uncovered muffins displayed for sale on counter.</li> <li>• Foods other than prepackaged non-potentially hazardous food or uncut produce are displayed outdoors.</li> <li>• Bulk milk container dispensing tubes not cut diagonally so as to leave no more than 1 inch protruding from the chilled dispensing head.</li> <li>• The open-air barbecue or outdoor wood burning oven is not separated from public access to prevent food contamination or injury to public.</li> <li>• Preparing food in a dining room, office or any other unapproved area.</li> <li>• Use of a cutting board on top of a trash can.</li> <li>• Beverage bottles/cans stored in ice in customer self service area completely buried in ice or floating in ice water.</li> <li>• Food stored under soap or paper towel dispenser.</li> </ul>
<p><b>Exceptions:</b></p> <p>French style, hearth-baked, or hard-cruste loaves and rolls will be considered properly wrapped if contained in an open-end bag that encloses the loaves or rolls.</p> <p>Food does not have to be stored in packages, covered containers, or wrappings if:</p> <ol style="list-style-type: none"> <li>1. It is whole uncut raw fruits, vegetables, and nuts in the shell.</li> <li>2. Raw meat hung on clean, sanitized hooks or racks.</li> <li>3. Food is in the cooling process.</li> <li>4. It is shellstock.</li> </ol>	

**Notes:**

Limited food preparation may be conducted within a food compartment.

This section addresses prevention measures only. Actual contamination of food is marked in Inspection Item #13 "Food in good condition, safe and unadulterated".

Beverage bottles/cans stored in ice in customer self service area with neck and top out of ice are allowed.

<b>28. Washing fruits and vegetables before use</b>	
<b>CalCode</b> <b>113992</b> <b>113992</b> <b>(b)</b>	Produce must be thoroughly washed in potable water prior to being cut, combined with other ingredients, cooked, served, or offered for human consumption.  Chemicals used to wash or peel produce must meet the requirements specified in 21 C.F.R. 173.315.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>Raw whole produce has not been washed prior to being cut, combined with other ingredients, cooked, served, or offered for human consumption in the ready-to-eat form.</li> </ul>
<p><b>Exception:</b></p> <p>Produce that is intended for washing by the consumer before consumption such as that found in the produce section of a retail market.</p> <p>Unless labeled otherwise, produce that comes prewashed and commercially packaged is not required to be washed before serving.</p>	

<b>29. Toxic substances properly identified, stored, or used</b>	
<b>CalCode</b> <b>114254</b> <b>114254.1</b> <b>114254.2</b>	<p>Only those pesticides that are necessary and specifically approved for use in a food facility may be used (in accordance with the manufacturer's instructions).</p> <p>All poisonous substances, detergents, bleaches, cleaning compounds, must be stored and used only in a manner that is not likely to cause contamination or adulteration of food, food contact surfaces, utensils, or packaging materials.</p> <p>A container previously used to store poisonous or toxic materials will not be used to store, transport, or dispense food, utensils, and/or linen.</p> <p>Containers of poisonous or toxic materials and personal care items must bear a legible manufacturer's label.</p> <p>Working containers of cleaners and sanitizers taken from bulk supplies must be clearly and individually identified with the common name of the material.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• An insecticide, rodenticide, or other pesticide is not used in accordance with the manufacturer's instructions.</li> <li>• A poisonous substance, detergent, bleach, cleaning compound, personal care item, or any other injurious or poisonous material is stored or used in a manner that is likely to cause contamination or adulteration of food, food-contact surfaces, utensils, or packaging materials.</li> <li>• Household pesticide unapproved for use at food facility in use at food facility.</li> <li>• Spray bottle for cleaner lacking legible label.</li> <li>• Chemicals not stored separate from food items.</li> </ul>
<p><b>Exception:</b></p> <p>Equipment and utensil cleaners and sanitizers may be stored in a ware washing area for availability, if these materials are stored to prevent contamination of food, equipment, utensils, linens, and single-use articles.</p>	
<p><b>Note:</b></p> <p>If food is found to be contaminated or adulterated during storage, Inspection Item #13 "Food in good condition, safe and unadulterated" should be marked.</p>	

<b>Food Storage / Display / Service</b>	
<b>30a. Food stored 6 inches above floor</b>	
<b>CalCode</b> <b>114047(a)</b> <b>114047 (b)</b>	Adequate and suitable space must be provided for the storage of food. Food must be protected from contamination by storing the food in a clean, dry location, where it is not exposed to splash, dust, vermin, or other forms of contamination or adulteration, and at least six inches above the floor.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Food storage area is not clean, dry, or an adequate amount of storage space is not available.</li> <li>• Food is not stored at least 6 inches above the floor (except food stored on dollies, pallets, or similar equipment).</li> </ul>
<p><b>Exceptions:</b></p> <p>Food in packages and working containers may be stored less than six inches above the floor on case lot handling equipment as specified under Section 114165.</p> <p>Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture. [114047 (d)]</p> <p>Items in enclosed packages may be stored less than six inches above the floor on dollies, pallets, racks, or skids that are designed to be easily movable. [114178 (d)]</p>	
<p><b>Notes:</b></p> <p>If food is found to be contaminated or adulterated during storage, Inspection Item #13 "Food in good condition, safe and unadulterated" should be marked. (113980)</p>	
<b>30b. Food stored in approved location within enclosed facility</b>	
<b>CalCode</b> <b>114049</b> <b>114053</b> <b>114055</b> <b>114067(h)</b> <b>114069(b)</b>	<p>Food must not be stored in lockers, toilet rooms, dressing rooms, refuse rooms, mechanical rooms, under unshielded sewer lines, leaking water lines, or under other sources of contamination.</p> <p>Prepackaged foods may not be stored in direct contact with ice or water if the food is subject to the entry of water.</p> <p>Products held by the permit holder for return to the manufacturer must be segregated and held in designated areas that are separate from food, equipment, utensils, linens, and single use articles.</p> <p>Food and utensils must be stored inside the fully enclosed permanent food facility when satellite food service is not being conducted.</p> <p>Food displayed outdoors during operating hours, must be stored inside the fully enclosed food facility during non-business hours.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Facility is using employee restroom to store prepackaged food items.</li> </ul>

	<ul style="list-style-type: none"> <li>• Returned or damaged food products are not stored in designated area.</li> <li>• Prepackaged beverage containers stored outside of food facility in an unapproved cargo container or auxiliary structure.</li> </ul>
<p><b>Exceptions:</b></p> <p>Whole raw fruits or vegetables, cut raw vegetables, and tofu may be stored or displayed in contact with ice or water.</p> <p>Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.</p>	
<p><b>Notes:</b></p> <p>If food is found to be contaminated or adulterated during storage, Inspection Item #13 "Food in good condition, safe and unadulterated" should be marked.</p>	
<p><b>30c. Food containers properly labeled</b></p>	
<p><b>CalCode</b> <b>114051</b></p>	<p>Working containers holding food or food ingredients must be identified with the common name of the food, except those foods that can be readily and unmistakably recognized.</p>
<p><b>Minor Violations</b></p>	<ul style="list-style-type: none"> <li>• Bulk ingredient containers not labeled.</li> <li>• Spray bottle without a label on preparation table.</li> </ul>
<p><b>Exception:</b></p> <p>Containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be identified.</p>	

<b>31a. Customer self-service</b>	
<b>CalCode</b> <b>114063</b> <b>114065</b>	<p>Non prepackaged food may be displayed in bulk for consumer self-service if all of the following conditions are satisfied:</p> <ul style="list-style-type: none"> <li>• A label is provided. Nonfood items must be displayed and stored in an area separate from food.</li> <li>• A suitable food dispensing utensil is provided for each container.</li> <li>• Consumer self-service operations such as buffets and salad bars must be checked periodically on a regular basis by food employees trained in safe operating procedures.</li> </ul> <p>Consumer self-service bulk beverage dispensing operations may not be required to be located within an enclosed facility if all the requirements in CalCode are met.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• A food scooping utensil is not provided for each container at the buffet and salad bars.</li> <li>• Consumer self-service bulk beverage dispensers are not properly operated or maintained. (§114065)</li> <li>• Straws stored in unenclosed dispenser.</li> <li>• Utensils (spoons, forks) stored with mouth part exposed in customer self service area.</li> </ul>
<p><b>Exceptions:</b></p> <p>Produce and food requiring further processing, except raw food of animal origin, may be displayed on open counters or in containers.</p> <p>Salad bar and buffet-type food service does not require labels.</p>	
<b>31b. Raw, open animal products excluded from self-service</b>	
<b>CalCode</b> <b>114063(a)</b>	Raw, non-prepackaged food of animal origin, such as beef, lamb, pork, poultry, and eviscerated fish, will not be offered for consumer self-service.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Raw, non-prepackaged food of animal origin such as lamb, beef, pork, poultry, and eviscerated fish is offered for customer self-service.</li> </ul>
<p><b>Exceptions:</b></p> <p>Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish.</p> <p>Ready-to-cook individual portions for immediate cooking and consumption on the premises, such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue, or raw, frozen shrimp, lobster, finfish, or scallop abductor muscle, or frozen breaded seafood.</p>	

<b>32. Food properly labeled and honestly presented</b>	
<p><b>CalCode</b>  <b>114087</b>  <b>114089</b>  <b>114089.1(a)</b>  <b>114090</b>  <b>114093.1</b></p>	<p>Any food is misbranded if its labeling is false or misleading, if it is offered for sale under the name of another food, or if it is an imitation of another food for which a definition and standard of identity has been established by regulation.</p> <p>Food offered for human consumption must be honestly presented in a way that does not mislead or misinform the consumer.</p> <p>Food prepackaged in a food facility must bear a label that complies with the labeling requirements prescribed by the Sherman Food, Drug, and Cosmetic Law, Part 5 and label information must include:</p> <ol style="list-style-type: none"> <li>1. The common name of the food.</li> <li>2. If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food.</li> <li>3. An accurate declaration of the quantity of contents.</li> <li>4. The name and place of business of the manufacturer, packer, or distributor.</li> </ol> <p>Bulk food that is available for consumer self-service must be prominently labeled with either of the following information in plain view of the consumer:</p> <ol style="list-style-type: none"> <li>1. The manufacturer's or processor's label that was provided with the food.</li> <li>2. A card, sign, or other method of notification that includes the information specified above.</li> </ol> <p>Bakery items that are not considered bulk food available to the consumer must have a protective wrapping which bears a label which complies with the Sherman Food, Drug, and Cosmetic Law, Part 5 commencing with section 109875.</p> <p><b>Note:</b></p> <p>Bakery products sold directly to a restaurant, catering service, retail bakery, or sold over the counter directly to the consumer by the manufacturer or bakery distributor is exempt from these labeling requirements.</p>
<p><b>Minor Violations</b></p>	<ul style="list-style-type: none"> <li>• "Fresh" fish is advertised, but the fish had been frozen.</li> <li>• "Quarter Pounder" is not ¼ lb. before cooking.</li> <li>• Pink light shields used in a meat display case.</li> <li>• Bulk food available for consumer self-service does not have label information or does not have a sign or other method of notification that includes the label information.</li> <li>• Any prepackaged food item (regardless of whether item was packaged at the retail facility or at the manufacturer level) not labeled in compliance with the Sherman Food, Drug and Cosmetic Law.</li> <li>• The manufacturer's dating information on foods is concealed.</li> </ul>

<b>Equipment / Utensils / Linen</b>	
<b>33. Non-food contact surfaces clean</b>	
<b>CalCode</b> <b>114115</b> <b>(c)</b>	Nonfood-contact surfaces of equipment must be kept free of an accumulation of dust, dirt, food residue, and other debris.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Shelving throughout facility is sticky/dirty.</li> <li>• Residue buildup on refrigerator door handle.</li> <li>• Grease accumulation on sides of deep fryer.</li> </ul>

<b>34. Ware washing facilities maintained; test strips available</b>	
<b>CalCode</b> <b>114099(a)</b> <b>114067(f)</b> <b>114099.3</b> <b>114067(g)</b> <b>114101 (a-d)</b> <b>114101.1</b> <b>114101.2</b> <b>114103 (a)</b> <b>114103 (b)</b> <b>114103 (e)</b> <b>114107 (a-b)</b> <b>114125</b> <b>114099.5</b>	<p>A ware washing machine must be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications.</p> <p>A ware washing machine must be equipped with a temperature measuring device that indicates the temperature of the water as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.</p> <p>All ware washing sinks must be provided with two integral metal drainboards of adequate size, sloped in construction.</p> <p>Testing equipment and materials must be provided to adequately measure the applicable sanitization method.</p> <p>A ware washing sink will not be used for hand washing except in food facilities that were not constructed or extensively remodeled since January 1, 1996, and where there are no facilities exclusively for hand washing in food preparation areas.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The food facility prepares food and does not have a 3-compartment sink with 2 integral metal drain boards (see exception below for “grandfathered” sinks).</li> <li>• Sink compartments are not large enough to accommodate the largest piece of equipment or utensil and facility does not have any procedure in place to wash rinse and sanitize the larger utensils.</li> <li>• The drain boards unavailable for dishwashing as they are in use to store equipment.</li> <li>• Lack of plugs/stoppers to allow ware washing sink basins to be filled.</li> <li>• Washing utensils in a 1 or 2-compartment sink, when a 3-compartment sink is available.</li> <li>• Mechanical ware washing machine is not installed and operated according to manufacturer's specifications.</li> <li>• The ware washing machine does not have an easily accessible and readable data plate affixed to the machine by the manufacturer that lists the machine's operating specifications.</li> <li>• The ware washing machine is not equipped with a temperature measuring device that indicates the temperature of the water.</li> <li>• Means for adequately measuring the applicable sanitization method are not readily available (i.e. sanitizer test strips).</li> <li>• An employee is observed washing their hands in the warewash sink instead of the nearby handwash sink.</li> </ul>

**Exceptions:**

A two compartment sink that is in use on January 1, 1996, need not be replaced when used as specified in Section 114099.3 (e).

Restricted food service facilities need not comply with Section 114130 if the domestic or commercial dishwasher utilized for ware washing is capable of providing heat to the surface of the utensils of a temperature of at least 160°F.

**Notes:**

- (1) Alternative manual ware washing equipment (two-compartment sink) may be used if the permit holder limits the number of utensils cleaned and sanitized in the two-compartment sink, limits ware washing to batch operations for cleaning and sanitizing utensils, such as between cutting one type of raw meat and another or cleanup at the end of a shift, and does either of the following:
  - (a) Makes up the cleaning and sanitizing solutions immediately before use and drains them immediately after use, as well as uses a detergent sanitizer to clean and sanitize in accordance with the manufacturer's label instructions where there is no distinct water rinse between the washing and sanitizing steps. The agent applied in the sanitizing step needs to be the same detergent sanitizer that is used in the washing step.
  - (b) Use a hot water sanitization immersion step that incorporates a non-distinct water rinse.
- (2) A two-compartment sink should not be used for ware washing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of utensils in an ongoing ware washing process.

<b>35a. Equipment and utensils – approved and in good repair</b>	
<b>GENERAL</b>	
<b>CalCode</b> <b>114175</b> <b>114130(a -b)</b> <b>114130 (d)</b> <b>114130.1</b> <b>114130.2.</b> <b>114130.3(a-b)</b> <b>114130.4</b> <b>114130.5(a-b)</b> <b>114132 (a-b)</b> <b>114133</b> <b>114137</b> <b>114139</b> <b>114153</b> <b>114165</b> <b>114167</b> <b>114169</b> <b>114177</b>	<p>All utensils and equipment must be fully operative and in good repair. All utensils and equipment must be approved, installed properly, and meet applicable standards.</p> <p>Multiuse food-contact surfaces must be all of the following:</p> <ul style="list-style-type: none"> <li>• Smooth.</li> <li>• Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.</li> <li>• Free of sharp internal angles, corners, and crevices.</li> <li>• Finished to have smooth welds and joints.</li> <li>• Accessible for cleaning.</li> </ul> <p>Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning must be constructed of a corrosion-resistant, nonabsorbent, and smooth material that allows easy cleaning.</p> <p>Soft wood such as wood wicker cannot be used as a food-contact surface. Hard maple or equivalent may be used as cutting boards, rolling pins, chopsticks, etc.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Equipment and utensils are not designed and constructed to be durable and retain characteristic qualities under normal use.</li> <li>• New and/or replacement food equipment is not certified or classified for sanitation by an ANSI accredited certification program.</li> <li>• New electrical appliances do not meet UL standards for electrical equipment.</li> <li>• Plastic shopping bags used to store potentially hazardous food.</li> <li>• Fried shrimp stored in a cardboard box.</li> <li>• Cardboard used to line shelves.</li> <li>• Reuse of empty food can to store food or equipment.</li> <li>• Raw wood or wood wicker is used as a food contact surface.</li> <li>• Copper or copper alloys are used in contact with food that has a pH below 6.0 such as vinegar, fruit juice, or wine, or form a fitting between a backflow prevention unit and a carbonator.</li> <li>• Dollies, pallets, racks, or skids are not designed to be moved by hand, hand truck or forklifts.</li> </ul>

	<ul style="list-style-type: none"> <li>• Condensation pooling at the bottom of a reach in refrigerator due to a plugged condensation line.</li> <li>• Cutting or piercing parts of can openers are not readily cleanable and removable.</li> <li>• Beverage tubing or cold-plate beverage cooling devices are installed in contact with ice intended to be used for food or drink (see Inspection Item #13 if actual contamination has resulted).</li> <li>• Equipment and utensils are not kept clean, fully operative, and in good repair.</li> <li>• Surfaces of equipment such as cutting blocks and boards are scratched and scored so that they can no longer be effectively cleaned and sanitized.</li> <li>• Equipment used for cooling and heating food, and for holding cold and hot food, is not sufficient in number and/or capacity to ensure proper food temperature.</li> </ul>
<p><b>Exceptions:</b></p> <p>Raw fruit, vegetables, and nuts in the shell may be kept in wood shipping containers.</p> <p>Does not apply to cold plates constructed integrally with an ice storage bin.</p> <p>Does not apply to display shelving, refrigeration, and freezer units located in consumer shopping areas if floor under these units is maintained clean.</p> <p>Copper and copper alloys may be used in contact with beer brewing ingredients.</p>	
<p><b>35b. Equipment and utensils – approved and in good repair</b></p> <p><b>MOLLUSCAN SHELLFISH TANKS</b></p>	
<p><b>CalCode</b> <b>114039.5</b></p>	<p>Molluscan shellfish life-support system display tanks that are used to store and display shellfish to be offered for human consumption must be operated and maintained in accordance with a HACCP plan that is submitted by the Permit Holder and approved by the Enforcement Agency.</p> <p>If the molluscan shellfish life support system is operated without an approved HACCP plan, the tanks may be used for display only. Display shellfish may not be used for consumption and must be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.</p>
<p><b>Minor Violations</b></p>	<ul style="list-style-type: none"> <li>• Molluscan shellfish life-support system display tanks are not marked conspicuously so that it is obvious to the consumer that the shellfish are for display only.</li> </ul>
<p><b>35c. Equipment and utensils – approved and in good repair</b></p> <p><b>FOOD PREPARATION SINK</b></p>	
<p><b>CalCode</b> <b>114163</b></p>	<p>A food preparation sink must be provided in permanent food facilities for the washing, rinsing, soaking, thawing, or similar preparation of foods.</p>

<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>An approved food preparation sink is not provided in a food facility that serves foods requiring washing, rinsing, soaking, thawing, or similar preparation.</li> </ul>
<p><b>Exception:</b></p> <p>Food facilities that were approved for operation without a food preparation sink prior to July 1, 2007 need not provide a food preparation sink unless the food facility makes a menu change or changes their method of operation. Facilities undergoing a change of ownership or which have been previously out of business may be required to install a preparation sink if required by the type of food preparation to be conducted.</p>	
<p><b>35d. Equipment and utensils – approved and in good repair</b></p> <p><b>WATER SUPPLY SYSTEM</b></p>	
<p><b>CalCode</b>  <b>114180(a)</b>  <b>114180(b)</b>  <b>(1- 4)</b>  <b>114180(c)</b></p>	<p>A system that is used to supply water to a device, such as a produce fogger, must be cleaned and maintained in accordance with manufacturer's specifications, or according to the procedures specified below, whichever is more protective.</p> <p>Cleaning procedures must include at least the following steps and must be conducted at least once a week:</p> <ol style="list-style-type: none"> <li>1. Draining and complete disassembly of the water and aerosol contact parts.</li> <li>2. Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with an approved cleaning solution.</li> <li>3. Flushing the complete system with water to remove the cleaning solution and particulate accumulation.</li> <li>4. Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with an approved sanitizer as specified in Section 114099.6.</li> </ol> <p>No fogging devices installed after the effective date of this part can use a reservoir for holding water for fogging, but shall employ water under pressure for fogging or misting of foods.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>A reservoir that supplies water to a produce fogger is not clean.</li> <li>Mold in produce fogger.</li> </ul>

<b>36a. Equipment, utensils, and linens properly used and stored</b>	
<b>UTENSILS / TABLEWARE</b>	
<b>CalCode</b> <b>114074</b> <b>114075</b> <b>114081</b> <b>(a-d)</b> <b>114119</b>	<p>If tableware is preset, exposed, and unused, extra settings must either be removed when a customer is seated or all tableware (clean and soiled) must be cleaned and sanitized before use by another party.</p> <p>Multi-use utensils handled, displayed and dispensed in an approved manner.</p> <p>Single use utensils and tableware intended for customer self-service must be provided in a wrapper or from an approved dispenser</p> <p>Food preparation and dispensing utensils must be stored in an approved manner.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• After a customer is finished eating, extra place settings that had been on the table are re-used without cleaning and sanitizing.</li> <li>• Multi-use utensils are stored in a way that the working part of the utensil may become contaminated.</li> <li>• Clean equipment and utensils are not stored covered or inverted to prevent contamination of the food contact surface.</li> <li>• Single-use articles are not kept in original protective package or otherwise protected from contamination until used.</li> <li>• Handle to ice scoop is in contact with ice.</li> </ul>
<b>Note:</b>	
Soiled tableware needs to be removed from consumer eating and drinking areas and handled so that clean tableware, food, and food-contact surfaces do not become contaminated.	
<b>36b. Equipment, utensils, and linens properly used and stored</b>	
<b>STORAGE AREAS</b>	
<b>CalCode</b> <b>114161</b> <b>114179(a)</b> <b>(1 -8)</b> <b>114172</b> <b>114178(a)</b>	<p>Cleaned and sanitized equipment, utensils, laundered linens, single-use articles, and cabinets used for the storage of food, cleaned and sanitized equipment, utensils, laundered linens, and single use articles must not be in any of the following locations:</p> <ul style="list-style-type: none"> <li>• In locker rooms.</li> <li>• In restrooms.</li> <li>• In refuse rooms.</li> <li>• In mechanical rooms.</li> <li>• Under sewer lines that are not shielded to intercept potential drips.</li> <li>• Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed.</li> <li>• Under other sources of contamination.</li> </ul>

	<p>All cleaned equipment and utensils, laundered linens, and single-use articles must be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.</p> <p>All pressurized cylinders must be securely fastened to a rigid structure.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Open boxes of to-go containers stored next to a handwash sink.</li> <li>• Utensils stored in a location where they are exposed to handwash splash.</li> <li>• Cabinets used for storing food are located in a janitorial closet.</li> <li>• Pressurized cylinders are not securely fastened to a rigid structure.</li> </ul>
<b>Exceptions:</b>	
<p>Laundered linens and single-use articles may be stored in a locker room if protected by packaging or a storage compartment.</p> <p>Items in enclosed packages may be stored less than six inches above the floor on dollies, pallets, racks, or skids that are designed to be easily movable. (114178 (d))</p>	
<b>36c. Equipment, utensils, and linens properly used and stored</b>	
<b>LINENS</b>	
<b>CalCode</b>	<p>“Fabric Implement” means cloth or fabric, including but not limited to burlap and cheesecloth, that is used as a part of the food process and comes in direct contact with food that is subsequently cooked. Shall be washed and sanitized before or after every use in direct contact with food.</p>
<b>113778.4</b>	
<b>114118</b>	
<b>114130.6</b>	
<b>114185</b>	<p>Materials that are used in fabric implements must not allow the migration of deleterious substances or impart colors, odors, or tastes to food. Under normal use conditions it must be safe, durable, and sufficient in strength to withstand repeated cleaning or laundering and must be resistant to fraying and deterioration.</p>
<b>114185.2</b>	
<b>114185.3(a-c)</b>	<p>Except for linen used as fabric implement, linen cannot be used in contact with food unless they are used to line a container for the service of foods and are replaced each time the container is refilled for a new consumer and laundered prior to reuse.</p>
<b>114185.4</b>	<p>All clean and in-use linens must be free of food residues and other soiling matter.</p> <p>Adequate and suitable space must be provided for the storage of clean linens used as fabric implement.</p> <p>Soiled linens must be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of clean surfaces.</p>

<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Linens are used to cover food.</li> <li>• Fabric implement linen not washed and sanitized prior to reuse.</li> <li>• Clean linens /fabric implements stored at unclean place.</li> <li>• Linen used as fabric implement also used as wiping rag.</li> <li>• Soiled linens are stored on a shelf next to dry storage items.</li> </ul>
<p><b>Note:</b> It is recommended that a fabric implement be sanitized in boiling water.</p>	
<p><b>36d. Equipment, utensils, and linens properly used and stored</b> <b>LAUNDERING OF LINENS AND WORK CLOTHES</b></p>	
<b>CalCode 114161 (b) 114185.5(a-b)</b>	<p>If a mechanical clothes washer or dryer is provided, it must be located so that the washer or dryer is protected from contamination and located only where there is no exposed food, clean equipment, utensils, and linens, and unwrapped single-use articles.</p> <p>Laundry facilities on the premises of a food facility must be used only for the washing and drying of items used in the operation of the establishment.</p> <p>If work clothes or linens (other than wiping cloths) are laundered on the premises, a mechanical clothes washer and dryer must be provided and used.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• A washer or dryer is stored in a dry storage room with open food.</li> <li>• The operator is washing baby clothes in the facility's washing machine.</li> </ul>

<b>37. Vending machines maintained</b>	
<b>CalCode 114145</b>	Vending machines must meet all applicable requirements.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The owners name, address, and telephone number are not posted.</li> <li>• PHFs are not dispensed in the original package.</li> <li>• A record of cleaning and sanitizing is not provided and current for at least the last 30 days.</li> <li>• The vending machine is not constructed to NSF or NAMA standards.</li> <li>• The machine is located outside the facility in the open air without overhead protection.</li> <li>• The dispensing compartment located outside or not under full-time supervision is not equipped with a self-closing door or cover.</li> </ul>

<b>38a. Approved ventilation and lighting</b>	
<b>VENTILATION</b>	
<b>CalCode</b> <b>114149</b> <b>114149.1</b> <b>114149.2</b> <b>114149.3</b> <b>114252</b> <b>114252.1</b>	<p>All areas of a food facility must have sufficient ventilation to facilitate proper food storage and to provide a reasonable condition of comfort for each employee, consistent with the job performed by the employee.</p> <p>Restrooms must have an openable screened window, an air shaft, or a light switch-activated exhaust fan, consistent with the requirements of local building codes.</p> <p>Mechanical exhaust ventilation must be provided over all cooking equipment to remove cooking odors, smoke, steam, grease, heat, and vapors.</p> <p>The ventilating hood system must be installed and designed as required in CalCode section 114149.2.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Ventilation is insufficient resulting in a humid dry storage area resulting in mold growth.</li> <li>• Ventilation is insufficient at cook line resulting in the potential contamination of food by employee perspiration.</li> <li>• The restroom has a window that has been locked shut and no other source of ventilation.</li> <li>• Less than 6 inches overhang of ventilation hood over deep fryer or gas rice cooker.</li> <li>• HVAC systems are designed and installed such that intake and exhaust vents are causing contamination of food and food-contact surfaces.</li> <li>• Filters that do not fit have been installed in the mechanical exhaust ventilation over cooking equipment.</li> <li>• Grease regularly drips from hood to floor.</li> <li>• Gaps observed between the grease filters inside the hood.</li> <li>• Facility not using hood when required.</li> <li>• Inoperable ventilation fan in restroom.</li> </ul>
<b>Exceptions:</b>	
<p>Section 114149.1 does not apply to cooking equipment when the equipment has been submitted to the local enforcement agency for evaluation, and the local enforcement agency has found that the equipment does not produce toxic gases, smoke, grease, vapors, or heat when operated under conditions recommended by the manufacturer.[ §114149 (c)]</p> <p>Restricted food service facilities are exempt from subdivision (a) of section 114149.1, but need to provide ventilation to remove gases, odors, steam, heat, grease, vapors and smoke from the food preparation area. In the event that the enforcement officer determines that the ventilation must be mechanical in nature, the ventilation must be accomplished by methods approved by the enforcement agency.</p>	
<b>Notes:</b>	
<p>The California Department of Health Services no longer exempts cooking equipment from requiring mechanical exhaust ventilation.</p>	

Local enforcement agencies may now exempt cooking equipment from mechanical exhaust ventilation as appropriate. [114149.1 (c)]	
<b>38b. Approved ventilation and lighting</b>	
<b>LIGHTING</b>	
<b>CalCode</b> <b>114252</b> <b>114252.1</b> <b>(a)</b>	<p>In every room and area in which any food is prepared, manufactured, processed or prepackaged or in which equipment or utensils are cleaned, sufficient natural or artificial lighting must be provided to produce the following light intensity:</p> <p>At least 10 foot candles: In walk-in refrigerator, working surface in bar, inside equipment such as reach-in or under the counter refrigerator.</p> <p>At least 20 foot candles: At surface where food is provided for customer self-service, fresh produce or prepackaged food is offered for sale or consumption, server stations, in areas used for hand washing, ware washing, utensil storage and in toilet rooms, in all areas and rooms during cleaning.</p> <p>At least 50 foot candles: in all areas where food is prepared (except server stations) or where employee works with utensils and equipment such as knives, slicers, etc. where employee safety is a factor.</p> <p>Light bulbs must be shielded, coated or otherwise shatter-resistant in areas where there is unpackaged foods, clean equipment, utensils, linens, or unwrapped single use articles.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Owner removed all but one light in the prep area to save energy resulting in less than required light intensity.</li> <li>• Fluorescent tubes are not shielded, coated, or otherwise shatter-resistant in wait station.</li> <li>• Infrared or other heat lamps are not protected against breakage by a shield or by using shatter resistant bulbs.</li> <li>• Plastic tube style shatterproof light covers lacking end caps.</li> </ul>
<b>Exception:</b>	
Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing prepackaged food in unopened packages, if the integrity of the packages cannot be affected by broken glass falling onto them and the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.	

<b>39a. Thermometers provided and accurate</b>	
<b>THERMOMETERS FOR HOT AND COLD HOLDING EQUIPMENT</b>	
<b>CalCode</b> <b>114157(a-c)</b> <b>114157(e)</b>	A thermometer +/- 2 <sup>0</sup> F must be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The reach in refrigerator has a thermometer located in the coldest part of the unit.</li> <li>• The only thermometer for the walk-in refrigerator not working.</li> <li>• The thermometer in the reach-in refrigerator not easily visible when checking reach-in temperature.</li> <li>• The hot holding case containing potentially hazardous food does not have a thermometer inside the case.</li> </ul>
<b>Exceptions:</b>	
This requirement does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as Calrod units, heat lamps, cold plates, bain maries, steam tables, insulated food transport containers, and salad bars. [114257 (d)]	
<b>39b. Thermometers provided and accurate</b>	
<b>THERMOMETERS FOR MEASURING FOOD TEMPERATURES</b>	
<b>CalCode</b> <b>114159</b> <b>(a-d)</b>	An accurate easily readable metal probe thermometer (accurate to +/- 2 <sup>0</sup> F) that is designed to measure the temperature of thin masses must be provided and readily accessible to accurately measure the temperatures of potentially hazardous foods must be available to the food handler.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• A metal probe thermometer is not readily available (for example: is locked in the manager's office).</li> <li>• The temperature measuring devices used for food are not accurate to within +/- 2<sup>0</sup>F.</li> <li>• A glass stem temperature measuring devices is used to check the temperature of foods other than candy.</li> </ul>
<b>Notes:</b>	
A probe type thermometer need not be of the type that can be calibrated. If a thermometer of this type is found to be inaccurate after checking in an ice bath or in boiling water, it will be considered inoperable and the facility need to provide proof for the purchase of a new thermometer.	

<b>40. Wiping cloths properly used and stored</b>	
<b>CalCode</b> <b>114135</b> <b>114185.1(a-e)</b> <b>114185.3(d-e) 114185.5</b>	<p>Sponges cannot be used in contact with cleaned and sanitized or in-use food-contact surfaces.</p> <p>Wiping cloths that are in use for cleaning food spills cannot be used for any other purpose.</p> <p>Cloths used for wiping food spills must be dry and used for cleaning food spills from tableware and carry-out containers or used only once, or if used repeatedly, held in a sanitizing solution.</p> <p>Dry or wet cloths that are used with raw foods of animal origin must be kept separate from cloths used for other purposes, and wet cloths used with raw foods of animal origin must be kept in a separate sanitizing solution.</p> <p>Wiping cloths must be free of food debris and visible soil.</p> <p>Wet wiping cloths must be laundered daily or placed into a laundry bag for no further use until laundered.</p> <p>Dry wiping cloths must be laundered as necessary.</p> <p>If wiping cloths are laundered on the premises, they must be laundered in a mechanical clothes washer and dryer or in a ware washing sink that is cleaned and sanitized before and after each time it is used to wash wiping towels, wash produce or thaw food.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Sponges are used for wiping counters in the food preparation area.</li> <li>• Wiping cloths used for wiping food spills from prep tables are also used for general cleaning.</li> <li>• Sanitizer concentration in wiping cloth bucket is less than required.</li> <li>• Soap added to sanitizer solution in wiping cloth bucket.</li> <li>• Cloths used repeatedly are not held in an approved sanitizing solution.</li> <li>• Dry or wet cloths used with raw animal foods are not kept separate from cloths used for other purposes.</li> <li>• Wet cloths used with raw animal foods are not kept in a separate sanitizing solution between uses.</li> <li>• Wet wiping cloths are re-used every day without being laundered.</li> </ul>
<p><b>Notes:</b></p> <p>The following must be satisfied in order to mark Inspection Item #14 for a major wiping cloth violation:</p> <p>Witnessing direct contamination of food contact surfaces by soiled wiping cloths should be marked in Inspection Item #14a "Food Contact Surfaces: cleaned and sanitized". If direct contamination of food contact surfaces is not witnessed, but a serious risk of cross-contamination exists due to improper storage and handling of wet/soiled wiping cloths, this may also be marked in Inspection Item #14a. In order to determine serious risk, a</p>	

reasonable approach and further investigation is necessary. All of the following conditions must be met in order to mark Inspection Item #14a when direct cross-contamination is not witnessed:

1. The soiled wiping cloth/s must have come in contact with raw food of animal origin.
2. The soiled wiping cloth/s must register 0 ppm sanitizer concentration.
3. The soiled wiping cloth must be stored where the contamination of a food contact surface is very likely.

All three of the above conditions must be present in order to mark a wiping cloth violation a major, when the direct cross-contamination has not been witnessed.

All other wiping cloths violations that do not fall into the above scenarios need to be marked as a Minor violation under Inspection Item #40.

Wiping cloths are considered a special-use type of linen that are to be used for no other purpose. Common sense and a reasonable and practical approach, will be used when determining if a wiping cloth is so soiled that it must be laundered or if a sanitizing solution so debris-laden that it must be changed.

<b>Physical Facilities</b>	
<b>41. Plumbing maintained; proper backflow devices installed; air gap</b>	
<b>CalCode</b> <b>114190</b> <b>114192</b> <b>114171</b> <b>114189.1</b> <b>114193</b> <b>114193.1</b> <b>114199</b> <b>114201</b> <b>114269</b>	<p>All plumbing and plumbing fixtures must: be installed in compliance with applicable local plumbing ordinances, be maintained so as to prevent any contamination, be kept clean, fully operative, and in good repair.</p> <p>All equipment (not to include hand or mop sinks) that discharges liquid waste must be drained by means of indirect waste pipes, and all wastes drained by them must discharge through an air gap into a floor sink or other approved type of receptor.</p> <p>Air gaps at water supply inlets must be at least twice the diameter of the inlet and no less than 1 inch.</p> <p>Floor sinks must be visible and accessible for cleaning.</p> <p>The potable water supply must be protected with a backflow or back siphonage protection device when required by applicable plumbing codes.</p> <p>Exposed piping of a non-potable water system must be identified so that it is readily distinguishable from piping that carries potable water.</p> <p>Liquid waste drain lines cannot pass through an ice machine or ice storage bin.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Plumbing and plumbing fixtures are not installed in compliance with local plumbing ordinances, are not maintained to prevent contamination, are not fully operative, or in good repair.</li> <li>• Non-potable water piping is not identified so as to be readily distinguishable from potable water piping.</li> <li>• Liquid waste drain lines pass through an ice machine or ice storage bin.</li> <li>• A hose used for conveying potable water is used for a variety of other purposes, or it is not clearly labeled as to its use.</li> <li>• Floor sinks are not readily visible or accessible for cleaning.</li> <li>• Waste line from prep sink extends into floor sink (air gap requirement for waste lines are a minimum of 1 inch or at least the diameter of the waste line).</li> <li>• Spray nozzle attached to a faucet at ware washing sink dangles below rim of sink.</li> <li>• Hose connected to mop sink faucet without a backflow prevention device.</li> <li>• Food preparation sink drain line is directly connected to sanitary sewer.</li> <li>• Sink or faucet is leaking.</li> <li>• Plumbing connections do not meet plumbing code requirements.</li> <li>• Equipment waste line is draining into unapproved drain or sink.</li> </ul>

	• Condenser unit in walk-in refrigerator is dripping onto floor or in a bucket.
<b>Notes:</b> Mop sinks and sinks equipped with threaded faucets for installing a hose needs to have a back flow prevention device installed.	
<b>Exceptions:</b> Ware washing sinks in use prior to January 1, 1996 that are directly plumbed are not required to meet current code requirement.	

<b>42. Garbage and refuse properly disposed</b>	
<b>CalCode</b> <b>114244 (a-c)</b> <b>114245</b> <b>114245.1</b> <b>114245.2</b> <b>114245.3</b> <b>114245.4</b> <b>114245.5</b> <b>114245.6</b> <b>114245.7</b> <b>114245.8</b>	<p>All food waste and rubbish must be kept in leak proof and rodent proof containers. Containers must be provided and covered at all times. All waste must be removed and disposed of as frequently as necessary to prevent a public health hazard or nuisance. The exterior of each food facility must be kept clean and free of litter and rubbish.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Waste receptacles not available for customers when needed.</li> <li>• Indoor trash storage area does not comply with requirements for floors, walls, ceilings, or vermin exclusion requirements.</li> <li>• Outside waste storage area or enclosure is not constructed of nonabsorbent material or is not easily cleanable, durable, or sloped to drain.</li> <li>• Dumpster lids left open/broken /missing.</li> <li>• Refuse, recyclables, or spoils are not kept in nonabsorbent, durable, cleanable, leak proof, and rodent proof containers.</li> <li>• Outside refuse enclosure is not kept clean and free of debris.</li> <li>• Refuse containers not removed frequently enough or cleaned enough to minimize the development of objectionable odors or conditions that attract or harbor insects or rodents.</li> <li>• Animal byproducts and inedible food preparation area grease is not disposed of as required.</li> </ul>
<b>Exceptions:</b> <p>Refuse containers inside a food facility do not need to be covered during periods of operation. If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.</p>	
<b>Notes:</b> <p>Facilities that compost must dispose of it as frequently as necessary to prevent the creation of a nuisance.</p>	

<b>43. Toilet facilities clean, supplied, and maintained</b>	
<b>CalCode 114250</b>	<p>Toilet facilities must be maintained clean and in good repair.</p> <p>Restroom doors must be kept closed, well fitting, and provided with a self closing device.</p> <p>Restrooms must be provided and conveniently located and accessible for use by employees during all hours of operation.</p> <p>Toilet tissue must be provided in a permanently installed dispenser at each toilet.</p> <p>Toilet facilities must be provided for patrons: in establishments offering on-site food consumption, or a food facility with more than 20,000 sq ft of floor space.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Owner converts restroom to an office, resulting in a toilet facility that does not meet local building and plumbing ordinances.</li> <li>• Restroom is not maintained clean/sanitary.</li> <li>• Self-closing device on restroom door is not working.</li> <li>• Toilet is not operable (if the facility's only toilet is inoperable, it would be considered a major violation under Inspection Item #22, and the facility would be subject to closure).</li> <li>• Toilet paper dispenser is broken.</li> <li>• Toilet paper is not available in sanitary dispenser.</li> <li>• Restroom is not conveniently located and accessible to employees at all times the facility is in operation.</li> <li>• Food facility built before Jan 1, 2004 with on-site food consumption and no customer restrooms does not have sign posted in a public area stating that toilet facilities are not available.</li> </ul>
<p><b>Notes:</b></p> <p>Food facilities located within amusement parks, stadiums, arenas, food courts, fairgrounds, and similar premises are not required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet in travel distance of each food facility and are readily available for use by employees. Any food facility taking advantage of this allowance must be provided with approved hand washing facilities for employee use. [§114250.1 (a)]</p> <p>A food facility that was approved prior to July 1, 2007 with toilet facilities within 300 feet is not required to meet the 200 foot requirement. [§114250.1 (b)]</p>	

<b>44a. Premises kept free of debris and unnecessary equipment</b>	
<b>CalCode</b> <b>114257</b> <b>114257.1</b>	The premises of a food facility must be kept clean fully operative, and in good repair.  The premises of a food facility must be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Unused equipment stored inside or outside facility creating potential rodent harborage.</li> <li>• Excessive litter observed outside facility.</li> <li>• Unorganized and cluttered storage rooms.</li> </ul>
<b>44b. Appropriate use of equipment</b>	
<b>CalCode</b> <b>114123</b> <b>114143</b> <b>(a-b)</b>	Hand washing, ware washing, and food preparation sinks cannot be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.  Open-air barbecues or outdoor wood-burning ovens must be operated on the same premises as, in reasonable proximity to, and in conjunction with a permanent food facility that is approved for food preparation and they must be located in an area that will not constitute a fire hazard.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Employee observed dumping soiled mop water into the ware washing sink.</li> <li>• Hand washing sink or food preparation sink used for washing dishes.</li> </ul>
<b>44c. Janitorial area provided, maintained, and kept clean</b>	
<b>CalCode</b> <b>114281</b> <b>114282</b> <b>114279</b> <b>(a)</b>	A separate room, area, or cabinet must be provided for the storage of cleaning equipment and supplies.  Mops must be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.  At least one curbed cleaning facility or janitorial sink equipped with hot and cold water and drain must be provided.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• A mop, bucket, floor brooms, and cleaning supplies were stored in a way that contamination of utensils would be likely.</li> <li>• No mop sink available.</li> </ul>
<b>44d. Employee personal items stored in approved location</b>	
<b>CalCode</b> <b>114256</b> <b>114256.1</b> <b>114256.2</b> <b>114256.4</b>	Employee lockers, employee personal storage areas, and areas designated for employees to eat and drink must be located in an area that will prevent potential contamination of food, equipment, linens, and single-use articles.  Lockers or other suitable facilities must be provided for personal items.  Dressing rooms or dressing areas must be provided and used by employees if the employees regularly change their clothes in the facility.

	<p>Medications that are in a food facility for employee use must be labeled and stored in a designated storage area for personal items.</p> <p>First aid supplies that are in a food facility for employee use must be identified with a legible manufacturer's label and stored in a kit or a container that is located so as to prevent the potential for contamination.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Employees' personal items not properly stored in designated areas.</li> <li>• Stacks of old newspaper and junk mail on storage shelves.</li> </ul>
<b>Exceptions:</b>	
<p>Restricted food service facilities and nonpermanent food facilities are not required to comply with the above, but no person may store clothing or personal effects in any area used for the storage and preparation of food.</p>	
<b>44e. Facility is equipped to prevent vermin entrance and harborage</b>	
<b>CalCode 114067(j) 114259 114259.2 114259.3</b>	<p>A food facility must be constructed, equipped, maintained, and operated to prevent the entrance and harborage of animals, birds, and vermin.</p> <p>Pass through window service openings must be limited to 216 square inches each. The service openings cannot be closer together than 18 inches. Each opening must be provided with a solid or screened window, equipped with a self-closing device.</p> <p>Pass through windows of up to 432 square inches are approved if equipped with an air curtain device. The counter surface of the service openings must be smooth and easily cleanable.</p> <p>Insect control devices that are used to electrocute or stun flying insects must be designed to retain the insect within the device.</p> <p>Insect control devices must be located to prevent falling insects and insect fragments on food, surfaces, equipment, linens, etc.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Fly electrocution device installed over a food preparation table.</li> <li>• Front or back door to facility propped open and no screen door in place to prevent the entrance of flying insects.</li> <li>• There is a gap under/around the back door.</li> <li>• The window/door is left open without functioning air curtain or screen</li> <li>• Holes in window screens.</li> <li>• Gaps in wall around plumbing.</li> <li>• Fly swatter in use to kill flies in food preparation area.</li> </ul>

<b>Permanent Food Facilities</b>	
<b>45. Floors, walls, and ceiling are maintained and kept clean</b>	
<b>CalCode</b> <b>114143(d)</b> <b>114266</b> <b>114268</b> <b>114268.1</b> <b>114271</b> <b>114272</b>	<p>Each permanent food facility must be fully enclosed in a building consisting of permanent floors, walls, and an overhead structure.</p> <p>The floor surfaces in all areas where food is prepared, prepackaged, or stored, where any utensil is washed, where refuse or garbage is stored, where janitorial facilities are located, and in all toilet and hand washing areas must be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.</p> <p>Floor surfaces must be coved at the juncture of the floor and wall with a 3/8 inch minimum radius coving and must extend up the wall at least 4 inches, except in areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers.</p> <p>Except for dining and serving areas, the use of sawdust, wood shavings, peanut hulls, or similar materials is prohibited.</p> <p>The walls and ceilings of non-exempt areas of the facility must be of a durable, smooth, nonabsorbent, and easily cleanable surface (see exceptions at the bottom of this section).</p> <p>Mats and duckboards must be designed to be removable and easily cleanable.</p> <p>If an open-air barbecue or outdoor wood-burning oven is a permanent structure, it must be equipped with an impervious and easily cleanable floor surface that extends a minimum of five feet from the open-air barbecue or outdoor wood-burning oven facility on all open sides.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Walls and/or floors in food preparation area have an accumulation of dried food debris.</li> <li>• Broken or excessively worn flooring in facility.</li> <li>• Tile grout and concrete flooring not sealed.</li> <li>• Wall behind a sink is deteriorated due to water damage.</li> <li>• Ceiling vents have a large quantity of dirt and dust buildup on them.</li> <li>• Unapproved floor, wall, or ceiling materials in food preparation, ware washing, and open food storage area.</li> </ul>
<p><b>Exceptions:</b></p> <p>A food facility that is not fully enclosed and that was in operation on January 1, 1985, does not need to meet this requirement until the facility is remodeled, has a significant menu change or significant change in its method of operation. [114266 (a)]</p> <p>Dining areas or any other operations approved for outdoor food service are not required to be enclosed. [114266 (b)]</p> <p>A produce stand that was in operation prior to July 1, 2007 may have no more than one side open to the outside air during business hours. [114266 (c)]</p>	

Public and private schools constructed before July 1, 2007 need not comply with the floor and coving requirements provided that the existing floor surfaces are maintained in good repair and in a sanitary condition. [114268 (c)]

The use of approved dust-arresting floor sweeping and cleaning compounds during floor cleaning operations or the use of anti-slip floor finishes or materials in areas where necessary for safety reasons will not be prohibited. [114268 (e)]

The walls and ceilings in the following areas need not be of a durable, smooth, nonabsorbent, and easily cleanable surface. [114271]

1. Bar areas in which alcoholic beverages are sold or served directly to the consumers, except wall areas adjacent to bar sinks and areas where food is prepared.
2. Areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers.
3. Dining and sales areas.
4. Offices.
5. Restrooms that are used exclusively by the consumers, except that the walls and ceilings in the restrooms need to be of a nonabsorbent and washable surface.

**Notes:**

Acoustical paneling is acceptable if installed not less than 6 feet above the floor, and meets the above requirements. [114271 (c)]

Conduits must be installed within walls and ceilings as much as practicable, and if not they need to be mounted or enclosed to facilitate cleaning. [114271 (d)]

Attachments to walls and ceilings, such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments, need to be easily cleanable. [114271 (e)]

<b>46. No living or sleeping quarters inside facility</b>	
<b>CalCode</b> <b>114285</b> <b>114286</b>	No sleeping accommodations must be maintained or kept in any room where food is prepared, stored, or sold.  Living or sleeping quarters located on the premises of a food facility must be separated from rooms and areas used for food facility operations by complete partitioning. No door or other opening must be permitted in the partition that separates the food facility from the living or sleeping quarters.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Bedding materials observed in facility.</li> <li>• Employee observed sleeping in facility.</li> </ul>
<b>Exceptions:</b>  Restricted food service facilities are exempt provided that no sleeping accommodations are in any area where food is prepared or stored.	

<b>Signs / Requirements</b>	
<b>47. All required signs are posted</b>	
<b>CalCode</b> <b>113725.1</b> <b>113953.5</b> <b>113978</b> <b>114381 (e)</b>	<p>A copy of the most recent routine inspection report must be maintained at the food facility and made available upon request.</p> <p>A sign or poster that notifies food employees to wash their hands must be posted at all hand washing lavatories used by food employees, and must be clearly visible.</p> <p>Food facilities must have "no smoking" signs posted as required.</p> <p>The Permit to Operate must be posted in a conspicuous place within the food facility.</p>
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• A copy of the most recent routine inspection report is not made available upon request.</li> <li>• Hand washing sign is not posted at hand washing sinks used by food employees.</li> <li>• Permit is not posted in conspicuous location.</li> </ul>
<p><b>Exception:</b></p> <p>Handwash signage is not required in the toilet rooms used by guests only or in toilet rooms of restricted food service facilities.</p>	
<p><b>Note:</b></p> <p>The Inspection Report needs to be maintained at the food establishment and must be available to patrons and the general public for review upon request. The food establishment needs to keep the Inspection Report until such time as the Environmental Health Specialist completes the next routine inspection or re-inspection and issues a new Inspection Report.</p>	

<b>Compliance and Enforcement</b>	
<b>48. Compliance with plan review requirement</b>	
<b>CalCode 114380</b>	A person proposing to build or remodel a food facility must submit building plans to the Butte County Environmental Health for approval before starting any new construction or remodeling.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• Building plans for a new food facility or plans for a Minor remodel to an existing facility have not been approved by the Butte County Environmental Health prior to beginning construction.</li> <li>• New equipment added to facility without approval.</li> </ul>
<p><b>Notes:</b></p> <p>Plans are required for review when there are significant changes in the menu that would require a change in the food facility's food preparation methods, equipment, or storage capacity previously approved by the local enforcement agency.</p> <p>Structural and sanitation requirements are based on the food service activity to be conducted, the type of food that is prepared or served, and the extent of food preparation that is to be conducted at the food facility.</p>	

<b>Permanent Food Facilities</b>	
<b>49. Facility operating with a valid permit</b>	
<b>CalCode 114067(b- c) 114381</b>	A food facility must not be open for business without a valid health permit.
<b>Minor Violations</b>	<ul style="list-style-type: none"> <li>• The food facility is open for business and does not have a valid Permit to Operate.</li> </ul>
<p><b>Notes:</b></p> <p>Food facilities that operate without a valid permit are subject to closure and a penalty fee not to exceed three times the cost of the permit may be charged. (§114387)</p> <p>For purposes of enforcement, the Environmental Health Specialist may, during the facility's hours of operation or other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility.</p>	

<b>50. Food/equipment Impoundment</b>	
<b>CalCode 114393</b>	Based upon inspection findings or other evidence, the Environmental Health Specialist may impound food, equipment, or utensils that are found to be unsanitary or in such disrepair that food, equipment, or utensils may become contaminated or adulterated.
<b>Notes:</b>	
<p>This item is marked when food, equipment, or utensils have been impounded or the operator is observed using food or equipment that has been impounded by the Environmental Health Specialist.</p> <p>This item is also marked if any food item(s) are deemed unfit for consumption due to time/temperature abuse, contamination or any other such circumstances that would create an imminent health hazard that can only be eliminated by the condemnation and destruction of the food items(s).</p>	

**51. Permit Suspension**

<b>CalCode 114405</b>	A Permit to Operate may be suspended or revoked by the enforcement officer for a violation of this part. Any food facility for which the permit has been suspended must close and remain closed until the permit has been reinstated.
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**Note:**

This item is marked when a food facility's permit has been suspended.

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