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Details:

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**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Public Health
(AC-PH)**

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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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Chapter 4

Equipment, Utensils, and Linens

Parts

- 4-1 MATERIALS FOR CONSTRUCTION AND REPAIR
- 4-2 DESIGN AND CONSTRUCTION
- 4-3 NUMBERS AND CAPACITIES
- 4-4 LOCATION AND INSTALLATION
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4-1 MATERIALS FOR CONSTRUCTION AND REPAIR

Subparts

- 4-101 Multiuse
- 4-102 Single-Service and Single-Use

Multiuse

4-101.11 Characteristics.^C

Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD and under normal use conditions shall be:

- (A) Safe;
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent;^N
- (C) Sufficient in weight and thickness to withstand repeated WAREWASHING;^N
- (D) Finished to have a SMOOTH, EASILY CLEANABLE surface;^N and
- (E) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.^N

4-101.12 Cast Iron, Use Limitation.

(A) Except as specified in ¶¶ (B) and (C) of this section, cast iron may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT.

(B) *Cast iron may be used as a surface for cooking.*

(C) *Cast iron may be used in UTENSILS for serving FOOD if the UTENSILS are used only as part of an uninterrupted PROCESS from cooking through service.*

4-101.13 Lead in Ceramic, China, and Crystal Utensils, Use Limitation.

Ceramic, china, crystal UTENSILS, and decorative UTENSILS such as hand painted ceramic or china that are used in contact with FOOD shall be lead-free or contain levels of lead not exceeding the limits of the following UTENSIL categories:

Utensil Category	Description	Maximum Lead mg/L
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls 1.1 L (1.16 QT)	1.0
Small Hollowware	Bowls < 1.1 L (1.16 QT)	2.0
Flat Utensils	Plates, Saucers	3.0

4-101.14 Copper, Use Limitation.^c

(A) Except as specified in ¶ (B) of this section, copper and copper alloys such as brass may not be used in contact with a FOOD that has a pH below 6 such as vinegar, fruit JUICE, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

4-101.15 Galvanized Metal, Use Limitation.^c

Galvanized metal may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT that are used in contact with acidic FOOD.

4-101.16 Sponges, Use Limitation.

Sponges may not be used in contact with cleaned and SANITIZED or in-use FOOD-CONTACT SURFACES.

4-101.17 Lead in Pewter Alloys, Use Limitation.

Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD-CONTACT SURFACE.

4-101.18 Lead in Solder and Flux, Use Limitation.

Solder and flux containing lead in excess of 0.2% may not be used as a FOOD-CONTACT SURFACE.

4-101.19 Wood, Use Limitation.

(A) Except as specified in ¶¶ (B), (C), and (D) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.

(B) Hard maple or an equivalently hard, close-grained wood may be used for:

- (1) Cutting boards; cutting blocks; bakers' tables; and UTENSILS such as rolling pins, doughnut dowels, peel boards, proof boards and salad bowls; and
- (2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually PREPARING confections at a temperature of 110°C (230°F) or above.

(C) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(D) If the nature of the FOOD requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw FOOD may be kept in:

- (1) Untreated wood containers; or
- (2) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.

4-101.110 Nonstick Coatings, Use Limitation.

Multiuse KITCHENWARE such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching UTENSILS and cleaning aids.

4-101.111 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES of EQUIPMENT that are exposed to splash, spillage, or other FOOD soiling or that require frequent cleaning shall be constructed of a CORROSION-RESISTANT, nonabsorbent, and SMOOTH material.

Single-Service and Single-Use

4-102.11 Characteristics.^C

Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES:

(A) May not:

- (1) Allow the migration of deleterious substances, or
- (2) Impart colors, odors, or tastes to FOOD;^N and

(B) Shall be:

- (1) Safe, and
- (2) Clean.^N

4-2	DESIGN AND CONSTRUCTION
	Subparts
	4-201 Durability and Strength
	4-202 Cleanability
	4-203 Accuracy
	4-204 Functionality
	4-205 Acceptability

Durability and Strength

4-201.11 Equipment and Utensils.

EQUIPMENT and UTENSILS shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

4-201.12 Food Temperature Measuring Devices.^C

FOOD TEMPERATURE MEASURING DEVICES may not have sensors or stems constructed of glass, *except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.*

Cleanability

4-202.11 Food-Contact Surfaces.^c

(A) Multiuse FOOD-CONTACT SURFACES shall be:

- (1) SMOOTH;
- (2) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
- (3) Free of sharp internal angles, corners, and crevices;
- (4) Finished to have SMOOTH welds and joints; and
- (5) Except as specified in ¶ (B) of this section, accessible for cleaning and inspection by one of the following methods:
 - (a) Without being disassembled,
 - (b) By disassembling without the use of tools, or
 - (c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

(B) *Subparagraph (A)(5) of this section does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.*

4-202.12 CIP Equipment.

(A) CIP EQUIPMENT shall meet the characteristics specified under § 4-202.11 and shall be designed and constructed so that:

- (1) Cleaning and SANITIZING solutions circulate throughout a fixed system and contact all interior FOOD-CONTACT SURFACES, and
- (2) The system is self-draining or capable of being completely drained of cleaning and SANITIZING solutions; and

(B) CIP EQUIPMENT that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior FOOD-CONTACT SURFACES throughout the fixed system are being effectively cleaned.

4-202.13 "V" Threads, Use Limitation.

Except for hot oil cooking or filtering EQUIPMENT, "V" type threads may not be used on FOOD-CONTACT SURFACES.

4-202.14 Hot Oil Filtering Equipment.

Hot oil filtering EQUIPMENT shall meet the characteristics specified under § 4-202.11 or § 4-202.12 and shall be readily accessible for filter replacement and cleaning of the filter.

4-202.15 Can Openers.

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

4-202.16 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

4-202.17 Kick Plates, Removable.

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

(A) Removable by one of the methods specified under Subparagraphs 4-202.11(A)(5) or capable of being rotated open; and

(B) Removable or capable of being rotated open without unlocking EQUIPMENT doors.

4-202.18 Ventilation Hood Systems, Filters.

Filters or other grease extracting EQUIPMENT shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

Accuracy

4-203.11 Temperature Measuring Devices, Food.

(A) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to $\pm 1^{\circ}\text{C}$ in the intended range of use.

(B) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to $\pm 2^{\circ}\text{F}$ in the intended range of use.

4-203.12 Temperature Measuring Devices, Ambient Air and Water.

(A) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to $\pm 1.5^{\circ}\text{C}$ in the intended range of use.

(B) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to $\pm 3^{\circ}\text{F}$ in the intended range of use.

4-203.13 Pressure Measuring Devices, Mechanical Warewashing Equipment.

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water SANITIZING rinse shall have increments of 7 kilopascals (1 pounds per square inch) or smaller and shall be accurate to ± 14 kilopascals (± 2 pounds per square inch) in the 100-170 kilopascals (15-25 pounds per square inch) range.

Functionality

4-204.11 Ventilation Hood Systems, Drip Prevention.

Exhaust ventilation hood systems in FOOD PREPARATION and WAREWASHING areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

4-204.12 Equipment Openings, Closures and Deflectors.

(A) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.

(B) An opening located within the top of a unit of EQUIPMENT that is designed for use with a

cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).

(C) Except as specified under ¶ (D) of this section, fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall be provided with a watertight joint at the point where the item enters the EQUIPMENT.

(D) If a watertight joint is not provided:

(1) The piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the FOOD; and

(2) The opening shall be flanged as specified under ¶ (B) of this section.

4-204.13 Dispensing Equipment, Protection of Equipment and Food.

In EQUIPMENT that dispenses or vends liquid FOOD or ice in UNPACKAGED form:

(A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the FOOD shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the FOOD;

(B) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(C) The delivery tube or chute and orifice of EQUIPMENT used to vend liquid FOOD or ice in UNPACKAGED form to self-service CONSUMERS shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the EQUIPMENT is:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

(2) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE; and

(D) The dispensing EQUIPMENT actuating lever or mechanism and filling device of CONSUMER self-service BEVERAGE dispensing EQUIPMENT shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

4-204.14 Vending Machine, Vending Stage Closure.

The dispensing compartment of a VENDING MACHINE including a machine that is designed to vend prePACKAGED snack FOOD that is not POTENTIALLY HAZARDOUS such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:

(A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(B) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE.

4-204.15 Bearings and Gear Boxes, Leakproof.

EQUIPMENT containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant can not leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

4-204.16 Beverage Tubing, Separation.

BEVERAGE tubing and cold-plate BEVERAGE cooling devices may not be installed in contact with stored ice. *This section does not apply to cold plates that are constructed integrally with an ice storage bin.*

4-204.17 Ice Units, Separation of Drains.

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

4-204.18 Condenser Unit, Separation.

If a condenser unit is an integral component of EQUIPMENT, the condenser unit shall be separated from the FOOD and FOOD storage space by a dustproof barrier.

4-204.19 Can Openers on Vending Machines.

Cutting or piercing parts of can openers on VENDING MACHINES shall be protected from manual contact, dust, insects, rodents, and other contamination.

4-204.110 Molluscan Shellfish Tanks.

(A) Except as specified under ¶(B) of this section, MOLLUSCAN SHELLFISH life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the CONSUMER that the shellfish are for display only.

(B) MOLLUSCAN SHELLFISH life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a VARIANCE granted by the DEPARTMENT as specified in 1-104.11 and under 1-104.12 and a HACCP PLAN that:

(1) Is submitted by the PERMIT HOLDER and APPROVED as specified by the DEPARTMENT; and

(2) Ensures that:

(a) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank,

(b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and

(c) The identity of the source of the SHELLSTOCK is retained as specified under § 3-203.12.

4-204.111 Vending Machines, Automatic Shutoff.^c

(A) A machine vending POTENTIALLY HAZARDOUS FOOD shall have an automatic control that prevents the machine from vending FOOD:

(1) If there is a power failure, mechanical failure, or other condition that results in an

internal machine temperature that can not maintain FOOD temperatures as specified under Chapter 3; and

(2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with FOOD that has been maintained at temperatures specified under Chapter 3.

(B) When the automatic shutoff within a machine vending POTENTIALLY HAZARDOUS FOOD is activated:

(1) In a refrigerated VENDING MACHINE, the ambient temperature may not exceed 5°C (41°F) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or

(2) In a hot holding VENDING MACHINE, the ambient temperature may not be less than 57.2°C (135°F) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

4-204.112 Temperature Measuring Devices.

(A) In a mechanically refrigerated or hot FOOD storage unit, the sensor of a TEMPERATURE MEASURING DEVICE shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot FOOD storage unit.

(B) Except as specified in ¶ (C) of this section, cold or hot holding EQUIPMENT used for POTENTIALLY HAZARDOUS FOOD shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display.

(C) *Paragraph (B) of this section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design, type, and use of the EQUIPMENT, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated FOOD transport containers, and salad bars.*

(D) TEMPERATURE MEASURING DEVICES shall be designed to be easily readable.

(E) FOOD TEMPERATURE MEASURING DEVICES and water TEMPERATURE MEASURING DEVICES on WAREWASHING machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F in the intended range of use.

4-204.113 Warewashing Machine, Data Plate Operating Specifications.

A WAREWASHING machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

(A) Temperatures required for washing, rinsing, and SANITIZING;

(B) Pressure required for the fresh water SANITIZING rinse *unless the machine is designed to use only a pumped SANITIZING rinse*; and

(C) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

4-204.114 Warewashing Machines, Internal Baffles.

WAREWASHING machine wash and rinse tanks shall be equipped with baffles, curtains, or

other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

4-204.115 Warewashing Machines, Temperature Measuring Devices.

A WAREWASHING machine shall be equipped with a TEMPERATURE MEASURING DEVICE that indicates the temperature of the water:

(A) In each wash and rinse tank; and

(B) As the water enters the SANITIZING final rinse manifold or in the chemical SANITIZING solution tank.

4-204.116 Manual Warewashing Equipment, Heaters and Baskets.

If hot water is used for SANITIZATION in manual WAREWASHING operations, the SANITIZING compartment of the sink shall be:

(A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F); and

(B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

4-204.117 Warewashing Machines, Automatic Dispensing of Detergents and Sanitizers.

At a new food establishment or at the change of operator, a WAREWASHING machine shall be equipped to:

(A) Automatically dispense detergents and SANITIZERS; and

(B) Incorporate a visual means to verify that detergents and SANITIZERS are delivered or a visual or audible alarm to signal if the detergents and SANITIZERS are not delivered to the respective washing and SANITIZING cycles.

4-204.118 Warewashing Machines, Flow Pressure Device.

(A) WAREWASHING machines that provide a fresh water SANITIZING rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the WAREWASHING machine; and

(B) If the flow pressure measuring device is upstream of the fresh water SANITIZING rinse control valve, the device shall be mounted in a 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve.

(C) Paragraphs (A) and (B) of this section do not apply to a machine that uses only a pumped or recirculated SANITIZING rinse.

4-204.119 Warewashing Sinks and Drainboards, Self-Draining.

Sinks and drainboards of WAREWASHING sinks and machines shall be self-draining.

4-204.120 Equipment Compartments, Drainage.

EQUIPMENT compartments that are subject to accumulation of moisture due to conditions

such as condensation, FOOD or BEVERAGE drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

4-204.121 Vending Machines, Liquid Waste Products.

(A) VENDING MACHINES designed to store BEVERAGES that are PACKAGED in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(B) VENDING MACHINES that dispense liquid FOOD in bulk shall be:

(1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(C) Shutoff devices specified under Subparagraph (B)(2) of this section shall prevent water or liquid FOOD from continuously running if there is a failure of a flow control device in the water or liquid FOOD system or waste accumulation that could lead to overflow of the waste receptacle.

4-204.122 Case Lot Handling Equipment, Moveability.

EQUIPMENT, such as dollies, pallets, racks, and skids used to store and transport large quantities of PACKAGED FOODS received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available EQUIPMENT such as hand trucks and forklifts.

4-204.123 Vending Machine Doors and Openings.

(A) VENDING MACHINE doors and access opening covers to FOOD and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;

(2) Being effectively gasketed;

(3) Having interface surfaces that are at least 13 millimeters or one-half inch wide; or

(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(B) VENDING MACHINE service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch.

Equipment Standards

4-205.11 Food Equipment, Certification and Classification.

FOOD EQUIPMENT and UTENSILS for use in FOOD ESTABLISHMENTS shall meet the published standards for sanitation of an American National Standards Institute (ANSI)-accredited equipment certification program, or the APPROVAL of the department of health and family services and the department of agriculture, trade and consumer protection.

Subparts

4-301

Equipment

4-302

Utensils, Temperature Measuring Devices, and Testing Devices

Equipment

4-301.11

Cooling, Heating, and Holding Capacities.

(A) With the exception of ¶(B), adequate mechanical refrigeration with sufficient capacity shall be provided to maintain POTENTIALLY HAZARDOUS FOOD at or below 41°F.

(B) Ice may be used for the transportation, storage, display, cooling and service of POTENTIALLY HAZARDOUS FOOD if APPROVED by the REGULATORY AUTHORITY, and it can be demonstrated that FOOD product temperatures will be maintained at or below 41°F.

(C) Equipment sufficient in number and capacity for heating and hot holding of POTENTIALLY HAZARDOUS FOOD shall be provided to achieve and maintain FOOD temperatures as specified under Chapter 3.

4-301.12

Manual Warewashing, Sink Compartment Requirements.

(A) Except as specified in ¶(C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS. If the FOOD ESTABLISHMENT demonstrates an inability to effectively clean EQUIPMENT and UTENSILS, the DEPARTMENT or its AGENT municipality or county, may require a 4-compartment sink or an additional prewash sink for pre-cleaning as specified in § 4-603.12.

(B) Sink compartments shall be large enough to accommodate immersion of at least 50 % of the largest EQUIPMENT and UTENSILS cleaned and SANITIZED. If EQUIPMENT or UTENSILS are too large for the WAREWASHING sink, a WAREWASHING machine or alternative EQUIPMENT as specified in ¶(C) of this section shall be used.

(C) *Alternative manual WAREWASHING EQUIPMENT may be used when there are special cleaning needs or constraints and its use is APPROVED. Alternative manual WAREWASHING EQUIPMENT may include:*

- (1) *High-pressure detergent sprayers;*
- (2) *Low- or line-pressure spray detergent foamers;*
- (3) *Other task-specific cleaning EQUIPMENT;*
- (4) *Brushes or other implements;*
- (5) *2-compartment sinks as specified under ¶¶(D) and (E) of this section; or*
- (6) *Receptacles that substitute for the compartments of a multicompartment sink.*

(D) Before a 2-compartment sink is used:

- (1) The PERMIT HOLDER shall have its use APPROVED; and
- (2) The PERMIT HOLDER shall limit the number of KITCHENWARE items cleaned and SANITIZED in the 2-compartment sink, and shall limit WAREWASHING to batch operations

for cleaning KITCHENWARE such as between cutting one type of raw MEAT and another or cleanup at the end of a shift, and shall:

(a) Make up the cleaning and SANITIZING solutions immediately before use and drain them immediately after use, and

(b) Use a detergent-SANITIZER to SANITIZE and apply the detergent-SANITIZER in accordance with the manufacturer's label instructions and as specified under § 4-501.115, or

(c) Use a hot water SANITIZATION immersion step as specified under ¶ 4-603.16(C).

(E) A 2-compartment sink may not be used for WAREWASHING operations where cleaning and SANITIZING solutions are used for a continuous or intermittent flow of KITCHENWARE or TABLEWARE in an ongoing WAREWASHING process.

4-301.13 Drainboards.

Self- draining tables, UTENSIL racks, or drainboards large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary UTENSIL holding before cleaning and after SANITIZING.

4-301.14 Ventilation Hood Systems, Adequacy.

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

4-301.15 Clothes Washers and Dryers.

(A) Except as specified in ¶ (B) of this section, if work clothes or LINENS are laundered on the PREMISES, a mechanical clothes washer and dryer shall be provided and used.

(B) If on-PREMISES laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under § 4-901.12, a mechanical clothes washer and dryer need not be provided.

4-301.16 Food Preparation Sinks.

(A) Except as specified in ¶ (B), in NEW FOOD ESTABLISHMENTS and at the time of change in OPERATOR of an existing FOOD ESTABLISHMENT that has FOOD items that require washing or thawing a separate sink for FOOD PREPARATION that meets the requirements specified in §§ 4-205.11, 5-202.13 and 5-402.11 shall be provided.

(B) EXISTING FOOD ESTABLISHMENTS needing a sink to PREPARE, wash or thaw FOOD as specified in 3-302.15 and 3-501.13(B), may use a SANITIZING compartment of a WAREWASH sink provided the following conditions are met:

(1) The installation of a separate FOOD PREPARATION sink would not be possible because adequate space is not available;

(2) The sanitizer sink compartment is discharged via air gap as specified in § 5-402.11;

(3) APPROVAL is obtained from the REGULATORY AUTHORITY to use the SANITIZER sink compartment for FOOD PREPARATION ; and

(4) Cleaned and SANITIZED as specified in 4-501.16(B).

Note: When a food preparation compartment is an integral part of a multi-compartment scullery sink, a suitable insert or utensil shall be used in the food preparation sink compartment to prevent cross contamination from adjacent compartments. A suitable insert or utensil is one that terminates above the rim of the compartment preventing contamination caused by overflow from adjacent sink compartments.

**Utensils,
Temperature
Measuring
Devices, and
Testing Devices**

4-302.11 Utensils, Consumer Self-Service.

A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit such as a buffet or salad bar.

4-302.12 Food Temperature Measuring Devices.

(A) FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment and maintenance of FOOD temperatures as specified under Chapter 3.

(B) A TEMPERATURE MEASURING DEVICE with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin FOODS such as MEAT patties and FISH filets.

4-302.13 Temperature Measuring Devices, Manual Warewashing.

In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and SANITIZING temperatures.

4-302.14 Sanitizing Solutions, Testing Devices.

A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided.

4-4	LOCATION AND INSTALLATION
	Subparts
	4-401 Location
	4-402 Installation

Location 4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.

(A) Except as specified in ¶ (B) of this section, EQUIPMENT, a cabinet used for the storage of FOOD, or a cabinet that is used to store cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be located:

- (1) In locker rooms;
- (2) In toilet rooms;
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;

(6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

(7) Under open stairwells; or

(8) Under other sources of contamination.

(B) *A storage cabinet used for LINENS or SINGLE-SERVICE or SINGLE-USE ARTICLES may be stored in a locker room.*

(C) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

Installation

4-402.11 Fixed Equipment, Spacing or Sealing.

(A) EQUIPMENT that is fixed because it is not EASILY MOVABLE shall be installed so that it is:

(1) Spaced to allow access for cleaning along the sides, behind, and above the EQUIPMENT;

(2) Spaced from adjoining EQUIPMENT, walls, and ceilings a distance of not more than 1 millimeter or one thirty-second inch; or

(3) SEALED to adjoining EQUIPMENT or walls; if the EQUIPMENT is exposed to spillage or seepage.

(B) TABLE-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be installed to allow cleaning of the EQUIPMENT and areas underneath and around the EQUIPMENT by being:

(1) SEALED to the table; or

(2) Elevated on legs as specified under § 4-402.12(D).

4-402.12 Fixed Equipment, Elevation or Sealing.

(A) Except as specified in ¶¶ (B) and (C) of this section, floor-mounted EQUIPMENT that is not EASILY MOVABLE shall be SEALED to the floor or elevated on legs that provide at least a 15 centimeter (6 inch) clearance between the floor and the EQUIPMENT.

(B) *If no part of the floor under the floor-mounted EQUIPMENT is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).*

(C) *This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the CONSUMER shopping areas of a retail FOOD store, if the floor under the units is maintained clean.*

(D) Except as specified in ¶ (E) of this section, TABLE-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be elevated on legs that provide at least a 10 centimeter (4 inch) clearance between the table and the EQUIPMENT.

(E) *The clearance space between the table and TABLE-MOUNTED EQUIPMENT may be:*

(1) *7.5 centimeters (3 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 50 centimeters (20 inches) from the point of access for*

cleaning; or

(2) 5 centimeters (2 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 7.5 centimeters (3 inches) from the point of access for cleaning.

4-5	MAINTENANCE AND OPERATION
	Subparts
4-501	Equipment
4-502	Utensils and Temperature and Pressure Measuring Devices

Equipment

4-501.11 Good Repair, Proper Adjustment, and Operation.

(A) EQUIPMENT shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2.

(B) EQUIPMENT components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

(C) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate FOOD when the container is opened.

(D) EQUIPMENT shall be used and operated in accordance with the manufacturers' instructions and as listed and tested unless APPROVED by the REGULATORY AUTHORITY.

4-501.12 Cutting Surfaces.

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and SANITIZED, or discarded if they are not capable of being resurfaced.

4-501.13 Microwave Ovens.

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 Microwave ovens.

4-501.14 Warewashing Equipment, Cleaning Frequency.

A WAREWASHING machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing EQUIPMENT, UTENSILS, or raw FOODS, or laundering wiping cloths; and drainboards or other EQUIPMENT used to substitute for drainboards as specified under § 4-301.13 shall be cleaned:

(A) Before use;

(B) Throughout the day at a frequency necessary to prevent recontamination of EQUIPMENT and UTENSILS and to ensure that the EQUIPMENT performs its intended function; and

(C) If used, at least every 24 hours.

4-501.15 Warewashing Machines, Manufacturers' Operating Instructions.

(A) A WAREWASHING machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(B) A WAREWASHING machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

4-501.16 Warewashing Sinks, Use Limitation.

(A) A WAREWASHING sink may not be used for handwashing except as specified in 2-301.15.

(B) If a WAREWASHING sink is used to wash wiping cloths, wash produce, or thaw FOOD, the sink shall be cleaned as specified under § 4-501.14 before and after each time it is used to wash wiping cloths or wash produce or thaw FOOD. Sinks used to wash or thaw FOOD shall be SANITIZED as specified under Part 4-7 before and after using the sink to wash produce or thaw FOOD.

4-501.17 Warewashing Equipment, Cleaning Agents.

When used for WAREWASHING, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual WAREWASHING EQUIPMENT as specified in ¶ 4-301.12(C), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

4-501.18 Warewashing Equipment, Clean Solutions.

The wash, rinse, and SANITIZE solutions shall be maintained clean.

4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.

The temperature of the wash solution in manual WAREWASHING EQUIPMENT shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions.

4-501.110 Mechanical Warewashing Equipment, Wash Solution Temperature.

(A) The temperature of the wash solution in spray type warewashers that use hot water to SANITIZE may not be less than:

- (1) For a stationary rack, single temperature machine, 74°C (165°F);
- (2) For a stationary rack, dual temperature machine, 66°C (150°F);
- (3) For a single tank, conveyor, dual temperature machine, 71°C (160°F); or
- (4) For a multitank, conveyor, multitemperature machine, 66°C (150°F).

(B) The temperature of the wash solution in spray-type warewashers that use chemicals to SANITIZE may not be less than 49°C (120°F).

4-501.111 Manual Warewashing Equipment, Hot Water Sanitization Temperatures.^c

If immersion in hot water is used for SANITIZING in a manual operation, the temperature of the water shall be maintained at 77°C (171°F) or above.

4-501.112 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.

(A) Except as specified in ¶ (B) of this section, in a mechanical operation, the temperature

of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90°C (194°F), or less than:

- (1) For a stationary rack, single temperature machine, 74°C (165°F); or
- (2) For all other machines, 82°C (180°F).

(B) *The maximum temperature specified under ¶ (A) of this section, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and SANITIZING of EQUIPMENT such as meat saws.*

4-501.113 Mechanical Warewashing Equipment, Sanitization Pressure.

The flow pressure of the fresh hot water SANITIZING rinse in a WAREWASHING machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately downstream or upstream from the fresh hot water SANITIZING rinse control valve.

4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.^c

A chemical SANITIZER used in a SANITIZING solution for a manual or mechanical operation at exposure times specified under ¶4-703.11(C) shall be APPROVED as specified in § 7-204.11; shall be used in accordance with approved manufacturer's label use instructions; and shall be used as follows:

(A) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration	Minimum Temperature	
	pH 10 or less °C (°F)	pH 8 or less °C (°F)
mg/L		
25	49 (120)	49 (120)
50	38 (100)	24 (75)
100	13 (55)	13 (55)

(B) An iodine solution shall have a:

- (1) Minimum temperature of 24°C (75°F),
- (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
- (3) Concentration between 12.5 mg/L and 25 mg/L;

(C) A quaternary ammonium compound solution shall:

- (1) Have a minimum temperature of 24°C (75°F),
- (2) Have a concentration indicated by the manufacturer's use directions included in the labeling, and
- (3) Be used only in water with 500 mg/L hardness or less or in water having a hardness

no greater than specified by the manufacturer's label;

(D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the PERMIT HOLDER shall demonstrate to the DEPARTMENT that the solution achieves SANITIZATION and the use of the solution shall be APPROVED.

4-501.115 Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.

If a detergent-SANITIZER is used to SANITIZE in a cleaning and SANITIZING procedure where there is no distinct water rinse between the washing and SANITIZING steps, the agent applied in the SANITIZING step shall be the same detergent-SANITIZER that is used in the washing step.

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration.

Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device.

***Utensils and
Temperature and
Pressure
Measuring Devices***

4-502.11 Good Repair and Calibration.

(A) UTENSILS shall be maintained in a state of repair or condition that complies with the requirements specified under Parts 4-1 and 4-2 or shall be discarded.

(B) FOOD TEMPERATURE MEASURING DEVICES shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

(C) Ambient air temperature, water pressure, and water TEMPERATURE MEASURING DEVICES shall be maintained in good repair and be accurate within the intended range of use.

4-502.12 Single-Service and Single-Use Articles, Required Use.^c

A FOOD ESTABLISHMENT without facilities specified under Parts 4-6 and 4-7 for cleaning and SANITIZING kitchenware and TABLEWARE shall provide only SINGLE-USE KITCHENWARE, SINGLE-SERVICE ARTICLES, and SINGLE-USE ARTICLES for use by FOOD EMPLOYEES and SINGLE-SERVICE ARTICLES for use by CONSUMERS.

4-502.13 Single-Service and Single-Use Articles, Use Limitation.

(A) SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused.

(B) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

4-502.14 Shells, Use Limitation.

Mollusk and crustacea shells may not be used more than once as serving containers.

4-6

CLEANING OF EQUIPMENT AND UTENSILS

Subparts

4-601

Objective

4-602

Frequency

4-603

Methods

Objective

4-601.11

Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.^C

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch.

(B) The FOOD-CONTACT SURFACES of cooking EQUIPMENT and pans shall be kept free of encrusted grease deposits and other soil accumulations.^N

(C) NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris.^N

Frequency

4-602.11

Equipment Food-Contact Surfaces and Utensils.^C

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned:

(1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY;

(2) Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS;

(3) Between uses with raw fruits and vegetables and with POTENTIALLY HAZARDOUS FOOD;

(4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE; and

(5) At any time during the operation when contamination may have occurred.

(B) *Subparagraph (A)(1) of this section does not apply if the FOOD-CONTACT SURFACE or UTENSIL is in contact with a succession of different raw animal FOODS each requiring a higher cooking temperature as specified under § 3-401.11 than the previous FOOD, such as preparing raw FISH followed by cutting raw POULTRY on the same cutting board.*

(C) Except as specified in ¶ (D) of this section, if used with POTENTIALLY HAZARDOUS FOOD, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned throughout the day at least every 4 hours.

(D) *Surfaces of UTENSILS and EQUIPMENT contacting POTENTIALLY HAZARDOUS FOOD may be cleaned less frequently than every 4 hours if:*

(1) *In storage, containers of POTENTIALLY HAZARDOUS FOOD and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned when they are empty;*

(2) *UTENSILS and EQUIPMENT are used to prepare FOOD in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:*

(a) *The UTENSILS and EQUIPMENT are cleaned at the frequency in the following*

chart that corresponds to the temperature:

Temperature	Cleaning Frequency
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

; and

(b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the FOOD ESTABLISHMENT.

(3) Containers in serving situations such as salad bars, delis, and cafeteria lines hold READY-TO-EAT POTENTIALLY HAZARDOUS FOOD that is maintained at the temperatures specified under Chapter 3, are intermittently combined with additional supplies of the same FOOD that is at the required temperature, and the containers are cleaned at least every 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 under Chapter 3;

(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; or

(6) The cleaning schedule is APPROVED based on consideration of:

(a) Characteristics of the EQUIPMENT and its use,

(b) The type of FOOD involved,

(c) The amount of FOOD residue accumulation, and

(d) The temperature at which the FOOD is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease; or

(7) In-use UTENSILS are intermittently stored in a container of water in which the water is maintained at 57.2°C (135°F) or more and the UTENSILS and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

(E) Except when dry cleaning methods are used as specified under § 4-603.11, surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not POTENTIALLY HAZARDOUS shall be cleaned:^N

(1) At any time when contamination may have occurred;

(2) At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops, or ladles;

(3) Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers and display containers;

(4) 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:

(a) At a frequency specified by the manufacturer, or

(b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

4-602.12 Cooking and Baking Equipment.

(A) The FOOD-CONTACT SURFACES of cooking and baking EQUIPMENT shall be cleaned at least every 24 hours. *This section does not apply to hot oil cooking and filtering EQUIPMENT if it is cleaned as specified in Subparagraph 4-602.11(D)(6).*

(B) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

4-602.13 Nonfood-Contact Surfaces.

NonFOOD-CONTACT SURFACES of EQUIPMENT shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

Methods

4-603.11 Dry Cleaning.

(A) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry FOOD residues that are not POTENTIALLY HAZARDOUS.

(B) Cleaning EQUIPMENT used in dry cleaning FOOD-CONTACT SURFACES may not be used for any other purpose.

4-603.12 Precleaning.

(A) FOOD debris on EQUIPMENT and UTENSILS shall be scrapped over a waste disposal unit or garbage receptacle or shall be removed in a WAREWASHING machine with a prewash cycle.

(B) If necessary for effective cleaning, UTENSILS and EQUIPMENT shall be preflushed, presoaked, or scrubbed with abrasives.

4-603.13 Loading of Soiled Items, Warewashing Machines.

Soiled items to be cleaned in a WAREWASHING machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

(A) Exposes the items to the unobstructed spray from all cycles; and

(B) Allows the items to drain.

4-603.14 Wet Cleaning.

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary

such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(B) The washing procedures selected shall be based on the type and purpose of the EQUIPMENT or UTENSIL, and on the type of soil to be removed.

4-603.15 Washing, Procedures for Alternative Manual Warewashing Equipment.

If washing in sink compartments or a WAREWASHING machine is impractical such as when the EQUIPMENT is fixed or the UTENSILS are too large, washing shall be done by using alternative manual WAREWASHING EQUIPMENT as specified in ¶ 4-301.12(C) in accordance with the following procedures:

(A) EQUIPMENT shall be disassembled as necessary to allow access of the detergent solution to all parts;

(B) EQUIPMENT components and UTENSILS shall be scrapped or rough cleaned to remove FOOD particle accumulation; and

(C) EQUIPMENT and UTENSILS shall be washed as specified under ¶ 4-603.14(A).

4-603.16 Rinsing Procedures.

Washed UTENSILS and EQUIPMENT shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-SANITIZER solution by using one of the following procedures:

(A) Use of a distinct, separate water rinse after washing and before SANITIZING if using:

(1) A 3-compartment sink,

(2) Alternative manual WAREWASHING EQUIPMENT equivalent to a 3-compartment sink as specified in ¶ 4-301.12(C), or

(3) A 3-step washing, rinsing, and SANITIZING procedure in a WAREWASHING system for CIP EQUIPMENT;

(B) Use of a detergent-SANITIZER as specified under § 4-501.115 if using:

(1) Alternative WAREWASHING EQUIPMENT as specified in ¶ 4-301.12(C) that is APPROVED for use with a detergent-SANITIZER, or

(2) A WAREWASHING system for CIP EQUIPMENT;

(C) Use of a nondistinct water rinse that is integrated in the hot water SANITIZATION immersion step of a 2-compartment sink operation;

(D) If using a WAREWASHING machine that does not recycle the SANITIZING solution as specified under ¶ (E) of this section, or alternative manual WAREWASHING EQUIPMENT such as sprayers, use of a nondistinct water rinse that is:

(1) Integrated in the application of the SANITIZING solution, and

(2) Wasted immediately after each application; or

(E) If using a WAREWASHING machine that recycles the SANITIZING solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the

SANITIZING solution.

4-603.17 Returnables, Cleaning for Refilling.^c

(A) Except as specified in ¶¶ (B) and (C) of this section, returned empty containers intended for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.

(B) A FOOD-specific container for BEVERAGES may be refilled at a FOOD ESTABLISHMENT if:

(1) Only a BEVERAGE that is not a POTENTIALLY HAZARDOUS FOOD is used as specified under ¶ 3-304.17(A);

(2) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;

(3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;

(4) The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and

(5) The container is refilled by:

(a) A FOOD EMPLOYEE of the FOOD ESTABLISHMENT, or

(b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process that can not be bypassed by the container owner.

(C) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

4-7	SANITIZATION OF EQUIPMENT AND UTENSILS
	Subparts
	4-701 Objective
	4-702 Frequency
	4-703 Methods

Objective 4-701.10 **Food-Contact Surfaces and Utensils.**

EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED.

Frequency 4-702.11 **Before Use After Cleaning.^c**

UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning.

Methods 4-703.11 **Hot Water and Chemical.^c**

After being cleaned, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED in:

(A) Hot water manual operations by immersion for at least 30 seconds as specified under § 4-501.111;

(B) Hot water mechanical operations by being cycled through EQUIPMENT that is set up as specified under §§ 4-501.15, 4-501.112, and 4-501.113 and achieving a UTENSIL surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator; or

(C) Chemical manual or mechanical operations, including the application of SANITIZING chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under §§ 4-501.114 by providing:

(1) Except as specified under Subparagraph (C)(2) of this section, an exposure time of at least 10 seconds for a chlorine solution specified under ¶ 4-501.114(A),

(2) An exposure time of at least 7 seconds for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 38°C (100°F) or a pH of 8 or less and a temperature of at least 24°C (75°F),

(3) An exposure time of at least 30 seconds for other chemical SANITIZING solutions, or

(4) An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields SANITIZATION as defined in Subparagraph 1-201.10(B)(72).

4-8	LAUNDERING	
	Subparts	
	4-801	Objective
	4-802	Frequency
	4-803	Methods

Objective **4-801.11** **Clean Linens.**

Clean LINENS shall be free from FOOD residues and other soiling matter.

Frequency **4-802.11** **Specifications.**

(A) LINENS that do not come in direct contact with FOOD shall be laundered between operations if they become wet, sticky, or visibly soiled.

(B) Cloth gloves used as specified in ¶ 3-304.15(D) shall be laundered before being used with a different type of raw animal FOOD such as beef, lamb, pork, and FISH.

(C) LINENS and napkins that are used as specified under § 3-304.13 and cloth napkins shall be laundered between each use.

(D) Wet wiping cloths shall be laundered daily.

(E) Dry wiping cloths shall be laundered as necessary to prevent contamination of FOOD and clean serving UTENSILS.

Methods **4-803.11** **Storage of Soiled Linens.**

Soiled LINENS shall be kept in clean, nonabsorbent receptacles or clean, washable laundry

bags and stored and transported to prevent contamination of FOOD, clean EQUIPMENT, clean UTENSILS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

4-803.12 Mechanical Washing.

(A) Except as specified in ¶ (B) of this section, LINENS shall be mechanically washed.

(B) *In FOOD ESTABLISHMENTS in which only wiping cloths are laundered as specified in ¶ 4-301.15(B), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a WAREWASHING sink that is cleaned as specified under § 4-501.14.*

4-803.13 Use of Laundry Facilities.

(A) Except as specified in ¶ (B) of this section, laundry facilities on the PREMISES of a FOOD ESTABLISHMENT shall be used only for the washing and drying of items used in the operation of the establishment.

(B) *Separate laundry facilities located on the PREMISES for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering FOOD ESTABLISHMENT items.*

4-9 PROTECTION OF CLEAN ITEMS

Subparts

- 4-901 Drying**
- 4-902 Lubricating and Reassembling**
- 4-903 Storing**
- 4-904 Handling**

Drying

4-901.11 Equipment and Utensils, Air-Drying Required.

After cleaning and SANITIZING, EQUIPMENT and UTENSILS:

(A) Shall be air-dried or used after adequate draining, before contact with FOOD; and

(B) *May not be cloth dried except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry.*

4-901.12 Wiping Cloths, Air-Drying Locations.

Wiping cloths laundered in a FOOD ESTABLISHMENT that does not have a mechanical clothes dryer as specified in ¶ 4-301.15(B) shall be air-dried in a location and in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and the wiping cloths. *This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under § 4-501.114.*

Lubricating and Reassembling

4-902.11 Food-Contact Surfaces.

Lubricants shall be applied to FOOD-CONTACT SURFACES that require lubrication in a manner that does not contaminate FOOD-CONTACT SURFACES.

4-902.12 Equipment.

EQUIPMENT shall be reassembled so that FOOD-CONTACT SURFACES are not contaminated.

Storing

4-903.11 Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.

(A) Except as specified in ¶ (D) of this section, cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored:

- (1) In a clean, dry location;
- (2) Where they are not exposed to splash, dust, or other contamination; and
- (3) At least 15 cm (6 inches) above the floor.

(B) Clean EQUIPMENT and UTENSILS shall be stored as specified under ¶ (A) of this section and shall be stored:

- (1) In a self-draining position that allows air drying; and
- (2) Covered or inverted.

(C) SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored as specified under ¶ (A) of this section and shall be kept in the original protective PACKAGE or stored by using other means that afford protection from contamination until used.

(D) *Items that are kept in closed PACKAGES may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids that are designed as provided under § 4-204.122.*

4-903.12 Prohibitions.

(A) Except as specified in ¶ (B) of this section, cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be stored:

- (1) In locker rooms;
- (2) In toilet rooms;
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- (7) Under open stairwells; or
- (8) Under other sources of contamination.

(B) *Laundered LINENS and SINGLE-SERVICE and SINGLE-USE ARTICLES that are PACKAGED or in a facility such as a cabinet may be stored in a locker room.*

Handling

4-904.11 Kitchenware and Tableware.

(A) SINGLE-SERVICE and SINGLE-USE ARTICLES and cleaned and SANITIZED UTENSILS shall be handled, displayed, and dispensed so that contamination of FOOD- and lip-contact surfaces is prevented.

(B) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by EMPLOYEES and by CONSUMERS if CONSUMER self-service is provided.

(C) Except as specified under ¶ (B) of this section, SINGLE-SERVICE ARTICLES that are intended for FOOD- or lip-contact shall be furnished for CONSUMER self-service with the original individual wrapper intact or from an APPROVED dispenser.

4-904.12 Soiled and Clean Tableware.

Soiled TABLEWARE shall be removed from CONSUMER eating and drinking areas and handled so that clean TABLEWARE is not contaminated.

4-904.13 Preset Tableware.

IF TABLEWARE is preset:

(A) It shall be protected from contamination by being wrapped, covered, or inverted;

(B) Exposed, unused settings shall be removed when a CONSUMER is seated; or

(C) Exposed, unused settings shall be cleaned and SANITIZED before further use if the settings are not removed when a CONSUMER is seated.

Chapter 5

Water, Plumbing, and Waste

Parts

- 5-1 WATER
- 5-2 PLUMBING SYSTEM
- 5-3 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT WATER TANK
- 5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER
- 5-5 REFUSE, RECYCLABLES, AND RETURNABLES

5-1	WATER	
	<i>Subparts</i>	
	5-101	Source
	5-102	Quality
	5-103	Quantity and Availability
	5-104	Distribution, Delivery, and Retention

Source 5-101.11 **Approved System.^c**

DRINKING WATER shall be obtained from an APPROVED source that is:

- (A) A PUBLIC WATER SYSTEM; or
- (B) A nonPUBLIC WATER SYSTEM that is located on PREMISE and constructed, maintained, and operated according to Safe Drinking Water chp. NR 809 and Well Construction and Pump Installation chp. NR 812 as enforced by the department of natural resources.

5-101.12 System Flushing and Disinfection.^c

All water supply systems shall be flushed and disinfected as per the State Uniform Plumbing Code chps. Comm 81-87, whenever a water supply system is put into service after installation, replacement, repair, a period of stagnation or any other situation that may contaminate the water supply system.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-101.13 Bottled Drinking Water.^c

BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with ATCP 70 relating to Processing and Bottling of Bottled DRINKING WATER.

Quality 5-102.11 **Standards.^c**

Except as specified under § 5-102.12: Water from a PUBLIC WATER SYSTEM or nonpublic water system shall meet the requirements of Safe Drinking Water chp. NR 809 governing standards for safe drinking water as enforced by the department of natural resources.

Note: You can contact he department of natural resources at Bureau of Drinking Water and Groundwater, P.O.

5-102.12 Nondrinking Water.^c

(A) A NONDRINKING WATER supply shall be used only if its use is APPROVED.

(B) NONDRINKING WATER shall be used only for nonculinary purposes such as air conditioning, nonFOOD EQUIPMENT cooling, fire protection, and irrigation.

5-102.13 Sampling.

Except when used as specified under § 5-102.12, water from a nonPUBLIC WATER SYSTEM shall be sampled and tested at least annually and as required by state water quality regulations.

5-102.14 Sample Report.

The most recent sample report for each nonPUBLIC WATER SYSTEM serving the FOOD ESTABLISHMENT shall be retained on file at the FOOD ESTABLISHMENT and made available for inspection when requested.

**Quantity and
Availability**

5-103.11 Capacity.^c

(A) The water source and system shall be of sufficient capacity to meet the peak water demands of the FOOD ESTABLISHMENT.

(B) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the FOOD ESTABLISHMENT.

5-103.12 Pressure.

Water under pressure shall be provided to all fixtures, EQUIPMENT, and nonFOOD EQUIPMENT that are required to use water *except that water supplied as specified under ¶¶ 5-104.12(A) and (B) to a TEMPORARY FOOD ESTABLISHMENT as specified in ¶ 10-104.11(B) or in response to a temporary interruption of a water supply need not be under pressure.*

**Distribution
Delivery, and
Retention**

5-104.11 System.

Water shall be received from the source through the use of:

(A) An APPROVED public water main; or

(B) A nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances, which shall be constructed, maintained, and operated according to the State Uniform Plumbing Code chps. Comm 81-87 as enforced by the Wisconsin department of commerce, Safe Drinking Water chp. NR 809 and Well Construction and Pump Installation chp. NR 812 as enforced by the Wisconsin department of natural resources:

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 608-266-1018 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

Note: You can contact the Department of Natural Resources at Bureau of Drinking Water and Groundwater, P.O. Box 7921, Madison, WI, 53707, or by calling 608-266-6699 or <http://www.dnr.state.wi.us/environmentprotect/water.html>.

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be made available for a mobile facility, for a TEMPORARY FOOD ESTABLISHMENT without a permanent water supply, and for a FOOD ESTABLISHMENT with a temporary interruption of its water supply through:

- (A) A supply of containers of commercially BOTTLED DRINKING WATER;
- (B) One or more closed portable water containers;
- (C) An enclosed vehicular water tank;
- (D) An on-PREMISES water storage tank; or
- (E) Piping, tubing, or hoses connected to an adjacent APPROVED source.

5-2	PLUMBING SYSTEM	
	Subparts	
	5-201	Materials
	5-202	Design, Construction, and Installation
	5-203	Numbers and Capacities
	5-204	Location and Placement
	5-205	Operation and Maintenance

Materials

5-201.11 Approved.^C

(A) A PLUMBING SYSTEM and hoses conveying water shall be constructed and repaired with APPROVED materials according to the State Uniform Plumbing Code chps. Comm 84 as enforced by the Wisconsin department of commerce.

(B) A water filter shall be made of SAFE MATERIALS.

Note: Contact the Safety and Buildings Division at the Department of Commerce , P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

**Design,
Construction, and
Installation**

5-202.11 Approved System and Cleanable Fixtures.^C

(A) A PLUMBING SYSTEM shall be designed, constructed, installed and maintained to conform to the State Uniform Plumbing Code chps. Comm 81-87, as enforced by the Wisconsin department of commerce.

(B) A PLUMBING FIXTURE and appliances shall be designed, constructed, installed and maintained to conform to the State Uniform Plumbing Code chps. Comm 81-87, as enforced by the Wisconsin department of commerce.^N

Note: Contact the Safety and Buildings Division at the Department of Commerce , P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-202.12 Handsink, Water Temperature, and Flow.

(A) A handsink shall be equipped to provide water at a temperature of at least 29°C (85°F) and no more then 43.3°C (110°F) through a mixing valve or combination faucet.

(B) A steam mixing valve may not be used at a handsink.

(C) A handsink:

(1) At a newly constructed FOOD ESTABLISHMENT, when a handsink, or sink faucet, is replaced or installed it shall have a faucet of the type, which is not hand operated.

(2) That is equipped with a self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(D) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

5-202.13 Backflow Prevention, Air Gap.^c

An air gap between the water supply inlet and the flood level rim of the PLUMBING FIXTURE, EQUIPMENT, or nonFOOD EQUIPMENT shall comply with the State Uniform Plumbing Code chps. Comm 81-87, as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-202.14 Backflow Prevention Device, Design Standard.

A backflow or backsiphonage prevention device installed on a water supply system shall meet standards for construction, installation, maintenance, inspection, and testing as specified by the State Uniform Plumbing Code chps. Comm 81-87; as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-202.15 Conditioning Device, Design.

A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

Numbers and Capacities

5-203.11 Handsink.^c

(A) Except as specified in ¶¶ (B) and (C) of this section, at least 1 handsink, a number of handsinks necessary for their convenient use by FOOD EMPLOYEES in areas specified under § 5-204.11, and not fewer than the number of handsinks required by LAW shall be provided.

(B) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic handwashing facilities may be substituted for handsinks in a FOOD ESTABLISHMENT that has at least one handsink.

(C) If APPROVED, when FOOD exposure is limited and handsinks are not conveniently available, such as in some MOBILE or TEMPORARY FOOD ESTABLISHMENTS or at some VENDING MACHINE LOCATIONS, FOOD EMPLOYEES may use chemically treated towelettes for handwashing.

5-203.12 Toilets and Urinals.^c

The number of toilet rooms and fixtures in FOOD ESTABLISHMENTS and the ventilation of toilet rooms shall be as required by chps. Comm 61-65, Wisconsin Commercial Building Code as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-203.13 Service Sink.

At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

5-203.14 Backflow Prevention Device, When Required.^C

A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the FOOD ESTABLISHMENT, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention as required by the State Uniform Plumbing Code chps. Comm 81-87, as enforced by the Wisconsin department of commerce,;

(A) Providing an air gap as specified under § 5-202.13; or

(B) Installing an APPROVED backflow prevention device as specified under § 5-202.14.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-203.15 Backflow Prevention Device, Carbonator.^C

An approved double check valve with an intermediate vent conforming to the State Uniform Plumbing Code chps. Comm 81-87, as enforced by the Wisconsin department of commerce; shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

Location and Placement

5-204.11 Handsink.^C

A handsink shall be located:

(A) To allow convenient use by FOOD EMPLOYEES in FOOD PREPARATION, FOOD dispensing, and WAREWASHING areas; and

(B) In, or immediately adjacent to, toilet rooms.

5-204.12 Backflow Prevention Device, Location.

A backflow prevention device shall be located so that it may be serviced and maintained.

5-204.13 Conditioning Device, Location.

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

Operation and Maintenance

5-205.11 Using a Handsink.

(A) A handsink shall be maintained so that it is accessible at all times for FOOD EMPLOYEES use.

(B) A handsink may not be used for purposes other than handwashing except as specified in 2-301.15.

(C) An automatic handwashing facility shall be used in accordance with manufacturer's instructions.

5-205.12 Prohibiting a Cross Connection.^C

(A) *Except as specified in 9 CFR 308.3(d) for firefighting*, a PERSON may not create a cross connection by connecting a pipe or conduit between the DRINKING WATER system and a nonDRINKING WATER SYSTEM or a water system of unknown quality.

(B) The piping of a nonDRINKING WATER SYSTEM shall be durably identified so that it is readily distinguishable from piping that carries DRINKING WATER.^N

5-205.13 Scheduling Inspection and Service for a Water System Device.

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the PERSON IN CHARGE.

5-205.14 Water Reservoir of Fogging Devices, Cleaning.^C

(A) A reservoir that is used to supply water to a device such as a produce fogger shall be:

- (1) Maintained in accordance with manufacturer's specifications; and
- (2) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under ¶ (B) of this section, whichever is more stringent.

(B) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

- (1) Draining and complete disassembly of the water and aerosol contact parts;
- (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;
- (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and
- (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/L hypochlorite solution.

5-205.15 System Maintained in Good Repair.^C

A PLUMBING SYSTEM shall be:

(A) Repaired according to the State Uniform Plumbing Code chps. Comm 81-87 as enforced by the Wisconsin department of commerce; and

(B) Maintained in good repair.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

Subparts

5-301	Materials
5-302	Design and Construction
5-303	Numbers and Capacities
5-304	Operation and Maintenance

Materials

5-301.11 Approved.

Materials that are used in the construction of a mobile water tank, MOBILE FOOD ESTABLISHMENT water tank, and appurtenances shall be:

- (A) Safe;
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent; and
- (C) Finished to have a SMOOTH, EASILY CLEANABLE surface.

Design and Construction

5-302.11 Enclosed System, Sloped to Drain.

A mobile water tank shall be:

- (A) Enclosed from the filling inlet to the discharge outlet; and
- (B) Sloped to an outlet that allows complete drainage of the tank.

5-302.12 Inspection and Cleaning Port, Protected and Secured.

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (A) Flanged upward at least 13 mm (one-half inch); and
- (B) Equipped with a port cover assembly that is:
 - (1) Provided with a gasket and a device for securing the cover in place, and
 - (2) Flanged to overlap the opening and sloped to drain.

5-302.13 "V" Type Threads, Use Limitation.

A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

5-302.14 Tank Vent, Protected.

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area; or
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

5-302.15 Inlet and Outlet, Sloped to Drain.

(A) A water tank and its inlet and outlet shall be sloped to drain.

(B) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

5-302.16 Hose, Construction and Identification.

A hose used for conveying DRINKING WATER from a water tank shall be:

(A) Safe;

(B) Durable, CORROSION-RESISTANT, and nonabsorbent;

(C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;

(D) Finished with a SMOOTH interior surface; and

(E) Clearly and durably identified as to its use if not permanently attached.

Numbers and Capacities

5-303.11 Filter, Compressed Air.

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and DRINKING WATER system when compressed air is used to pressurize the water tank system.

5-303.12 Protective Cover or Device.

A cap and keeper chain, closed cabinet, closed storage tube, or other APPROVED protective cover or device shall be provided for a water inlet, outlet, and hose.

5-303.13 Mobile Food Establishment Tank Inlet.

A MOBILE FOOD ESTABLISHMENT'S water tank inlet shall be:

(A) 19.1 mm (three-fourths inch) in inner diameter or less; and

(B) Provided with a hose connection of a size or type that will prevent its use for any other service.

Operation and Maintenance

5-304.11 System Flushing and Disinfection.^c

A water tank, pump, and hoses shall be flushed and SANITIZED before being placed in service after construction, repair, modification, and periods of nonuse.

5-304.12 Using a Pump and Hoses, Backflow Prevention.

A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

5-304.13 Protecting Inlet, Outlet, and Hose Fitting.

If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under § 5-303.12.

5-304.14 Tank, Pump, and Hoses, Dedication.

(A) Except as specified in ¶ (B) of this section, a water tank, pump, and hoses used for

conveying DRINKING WATER shall be used for no other purpose.

(B) *Water tanks, pumps, and hoses APPROVED for liquid FOODS may be used for conveying DRINKING WATER if they are cleaned and SANITIZED before they are used to convey water.*

5-4

SEWAGE, OTHER LIQUID WASTE, AND RAINWATER

Subparts

- 5-401 **Mobile Holding Tank**
- 5-402 **Retention, Drainage, and Delivery**
- 5-403 **Disposal Facility**

Mobile Holding Tank

5-401.11 Capacity and Drainage.

A SEWAGE holding tank in a MOBILE FOOD ESTABLISHMENT shall be:

- (A) Sized 15 percent larger in capacity than the water supply tank; and
- (B) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

Retention, Drainage, and Delivery

5-402.10 Establishment Drainage System.

FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE shall be designed and installed as specified under ¶ 5-202.11(A).

design, construction and installation

5-402.11 Backflow Prevention.^c

A direct connection may not exist between the SEWAGE system and a drain originating from EQUIPMENT in which FOOD is placed.

5-402.12 Grease Trap.

If used, a grease trap shall be located to be easily accessible for cleaning as required by the State Uniform Plumbing Code chps. Comm 81-87, as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

operation and maintenance

5-402.13 Conveying Sewage.^c

SEWAGE shall be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system or other system, including use of SEWAGE transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to LAW.

5-402.14 Removing Mobile Food Establishment Wastes.

SEWAGE and other liquid wastes shall be removed from a MOBILE FOOD ESTABLISHMENT at an APPROVED waste SERVICING AREA or by a SEWAGE transport vehicle in such a way that a public health HAZARD or nuisance is not created.

5-402.15 Flushing a Waste Retention Tank.

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary

manner during the servicing operation.

**Disposal Facility
design and
construction**

5-403.11 Approved Sewage System.^c

SEWAGE shall be disposed through an APPROVED facility that is:

(A) A public SEWAGE treatment plant; or

(B) A private SEWAGE system that is sized, constructed, maintained, and operated according to the State Uniform Plumbing Code chps. Comm 81-87 as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-403.12 Other Liquid Wastes and Rainwater.

Condensate drainage and other nonSEWAGE liquids and rainwater shall be drained from point of discharge to disposal according to the requirements of the State Uniform Plumbing Code chps. Comm 81-87 as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

5-5 REFUSE, RECYCLABLES, AND RETURNABLES

Subparts

- 5-501 Facilities on the Premises**
- 5-502 Removal**
- 5-503 Facilities for Disposal and Recycling**

**Facilities on the
Premises materials,
design
construction, and
installation**

5-501.10 Indoor Storage Area.

If located within the FOOD ESTABLISHMENT, a storage area for REFUSE, recyclables, and returnables shall meet the requirements specified under §§ 6-101.11, 6-201.11 - 6-201.18, 6-202.15, and 6-202.16.

5-501.11 Outdoor Storage Surface.

An outdoor storage surface for REFUSE, recyclables, and returnables shall comply with 6-102.11(A).

5-501.12 Outdoor Enclosure.

If used, an outdoor enclosure for REFUSE, recyclables, and returnables shall be constructed of durable and cleanable materials.

5-501.13 Receptacles.

(A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing FOOD residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

(B) *Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the FOOD ESTABLISHMENT, or within closed outside receptacles.*

5-501.14 Receptacles in Vending Machines.

A REFUSE receptacle may not be located within a VENDING MACHINE, *except that a receptacle for BEVERAGE bottle crown closures may be located within a VENDING MACHINE.*

5-501.15 Outside Receptacles.

(A) Receptacles and waste handling units for REFUSE, recyclables, and returnables used with materials containing FOOD residue and used outside the FOOD ESTABLISHMENT shall be designed and constructed to have tight-fitting lids, doors, or covers.

(B) Receptacles and waste handling units for REFUSE and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

numbers and capacities

5-501.16 Storage Areas, Rooms, and Receptacles, Capacity and Availability.

(A) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold REFUSE, recyclables, and returnables that accumulate.

(B) A receptacle shall be provided in each area of the FOOD ESTABLISHMENT or PREMISES where REFUSE is generated or commonly discarded, or where recyclables or returnables are placed.

(C) If disposable towels are used at handsinks, a waste receptacle shall be located at each handsink or group of adjacent handsinks.

5-501.17 Toilet Room Receptacle, Covered.

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

5-501.18 Cleaning Implements and Supplies.

(A) Except as specified in ¶ (B) of this section, suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for REFUSE, recyclables, and returnables.

(B) *If APPROVED, off-PREMISES-based cleaning services may be used if on-PREMISES cleaning implements and supplies are not provided.*

location and placement

5-501.19 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.

(A) An area designated for REFUSE, recyclables, returnables, and, except as specified in ¶ (B) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and a public health HAZARD or nuisance is not created.

(B) *A redeeming machine may be located in the PACKAGED FOOD storage area or CONSUMER area of a FOOD ESTABLISHMENT if FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are not subject to contamination from the machines and a public health HAZARD or nuisance is not created.*

(C) The location of receptacles and waste handling units for REFUSE, recyclables, and returnables may not create a public health HAZARD or nuisance or interfere with the cleaning

of adjacent space.

5-501.110 Storing Refuse, Recyclables, and Returnables.

REFUSE, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

5-501.111 Areas, Enclosures, and Receptacles, Good Repair.

Storage areas, enclosures, and receptacles for REFUSE, recyclables, and returnables shall be maintained in good repair.

5-501.112 Outside Storage Prohibitions.

(A) Except as specified in ¶ (B) of this section, REFUSE receptacles not meeting the requirements specified under ¶ 5-501.13(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with FOOD residue may not be stored outside.

(B) *Cardboard or other PACKAGING material that does not contain FOOD residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.*

5-501.113 Covering Receptacles.

Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered:

(A) Inside the FOOD ESTABLISHMENT if the receptacles and units:

- (1) Contain FOOD residue and are not in continuous use; or
- (2) After they are filled; and

(B) With tight-fitting lids or doors if kept outside the FOOD ESTABLISHMENT.

5-501.114 Using Drain Plugs.

Drains in receptacles and waste handling units for REFUSE, recyclables, and returnables shall have drain plugs in place.

5-501.115 Maintaining Refuse Areas and Enclosures.

A storage area and enclosure for REFUSE, recyclables, or returnables shall be maintained free of unnecessary items, as specified under §6-501.114, and clean.

5-501.116 Cleaning Receptacles.

(A) Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, or SINGLE-SERVICE and SINGLE-USE ARTICLES, and waste water shall be disposed of as specified under § 5-402.14.

(B) Soiled receptacles and waste handling units for REFUSE, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

Removal

5-502.11 Frequency.

REFUSE, recyclables, and returnables shall be removed from the PREMISES at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

5-502.12 Receptacles or Vehicles.

REFUSE, recyclables, and returnables shall be removed from the PREMISES by way of:

(A) Portable receptacles that are constructed and maintained according to LAW; or

(B) A transport vehicle that is constructed, maintained, and operated according to LAW.

**Facilities for
Disposal and
Recycling**

5-503.11 Community or Individual Facility.

Solid waste not disposed of through the SEWAGE system such as through grinders and pulpers shall be recycled or disposed of in an APPROVED public or private community recycling or REFUSE facility; or solid waste shall be disposed of in an individual REFUSE facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to LAW.

Chapter 6

Physical Facilities

Parts

6-1	MATERIALS FOR CONSTRUCTION AND REPAIR
6-2	DESIGN, CONSTRUCTION, AND INSTALLATION
6-3	NUMBERS AND CAPACITIES
6-4	LOCATION AND PLACEMENT
6-5	MAINTENANCE AND OPERATION

6-1	MATERIALS FOR CONSTRUCTION AND REPAIR
-----	---------------------------------------

Subparts

6-101	Indoor Areas
6-102	Outdoor Areas

Indoor Areas **6-101.11** **Surface Characteristics.**

(A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

- (1) SMOOTH, durable, and EASILY CLEANABLE for areas where FOOD ESTABLISHMENT operations are conducted;
- (2) Closely woven and EASILY CLEANABLE carpet for carpeted areas; and
- (3) Nonabsorbent for areas subject to moisture such as FOOD PREPARATION areas, walk-in refrigerators, WAREWASHING areas, toilet rooms, MOBILE FOOD ESTABLISHMENT SERVICING AREAS, and areas subject to flushing or spray cleaning methods.

(B) *In a TEMPORARY FOOD ESTABLISHMENT:*

- (1) *If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable APPROVED materials that are effectively treated to control dust and mud; and*
- (2) *Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.*

Outdoor Areas **6-102.11** **Surface Characteristics.**

(A) The outdoor walking, driving and REFUSE storage areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

(B) Exterior surfaces of buildings and MOBILE FOOD ESTABLISHMENTS shall be of weather-resistant materials and shall comply with LAW.

(C) Outdoor storage area enclosures for REFUSE, recyclables, or returnables shall be of materials specified under §5-501.12.

Subparts

6-201

Cleanability

6-202

Functionality

Cleanability**6-201.11 Floors, Walls, and Ceilings.**

Except as specified under § 6-201.14, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE, *except that antislip floor coverings or applications may be used for safety reasons.*

6-201.12 Floors, Walls, and Ceilings, Utility Lines.

(A) Utility service lines and pipes may not be unnecessarily exposed.

(B) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

(C) Exposed horizontal utility service lines and pipes may not be installed on the floor.

6-201.13 Floor and Wall Junctures, Coved, and Enclosed or Sealed.

(A) In FOOD ESTABLISHMENTS in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1 mm (one thirty-second inch).

(B) The floors in FOOD ESTABLISHMENTS in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and SEALED.

6-201.14 Floor Carpeting, Restrictions and Installation.

(A) A floor covering such as carpeting or similar material may not be installed as a floor covering in FOOD PREPARATION areas, FOOD storage areas, walk-in refrigerators, WAREWASHING areas, toilet room areas where handsinks, toilets, and urinals are located, REFUSE storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

(B) If carpeting is installed as a floor covering in areas other than those specified under ¶ (A) of this section, it shall be:

(1) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and

(2) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

6-201.15 Floor Covering, Mats and Duckboards.

Mats and duckboards shall be designed to be removable and EASILY CLEANABLE.

6-201.16 Wall and Ceiling Coverings and Coatings.

(A) Wall and ceiling covering materials shall be attached so that they are EASILY CLEANABLE.

(B) *Except in areas used only for dry storage*, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and SEALED to provide a SMOOTH, nonabsorbent, EASILY CLEANABLE surface.

6-201.17 Walls and Ceilings, Attachments.

(A) Except as specified in ¶ (B) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be EASILY CLEANABLE.

(B) *In a CONSUMER area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.*

6-201.18 Walls and Ceilings, Studs, Joists, and Rafters.

Studs, joists, and rafters may not be exposed in areas subject to moisture. *This requirement does not apply to TEMPORARY FOOD ESTABLISHMENTS.*

6-201.19 Public Entrances and Exits

Public entrances and exits shall be located so that it is not necessary for patrons using the facilities to pass through a FOOD PREPARATION, PROCESSING, or an area where utensils are washed. This does not prohibit the use of a chef table.

Building Code

6-202.10 Building Construction.

The FOOD ESTABLISHMENT shall meet chps. Comm 61-65, Wisconsin Commercial Building Code as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

Functionality

6-202.11 Light Bulbs, Protective Shielding.

(A) Except as specified in ¶ (B) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(B) *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened PACKAGES, if:*

(1) *The integrity of the PACKAGES can not be affected by broken glass falling onto them; and*

(2) *The PACKAGES are capable of being cleaned of debris from broken bulbs before the PACKAGES are opened.*

(C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

6-202.12 Heating, Ventilating, Air Conditioning System Vents.

Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of FOOD, FOOD-CONTACT

SURFACES, EQUIPMENT, OR UTENSILS.

6-202.13 Insect Control Devices, Design and Installation.

(A) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

(B) Insect control devices shall be installed so that:

- (1) The devices are not located over a FOOD PREPARATION area; and
- (2) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

6-202.14 Toilet Rooms, Enclosed.

A toilet room located on the PREMISES shall be completely enclosed and provided with a tight-fitting and self-closing door *except that this requirement does not apply to a toilet room that is located outside a FOOD ESTABLISHMENT and does not open directly into the FOOD ESTABLISHMENT such as a toilet room that is provided by the management of a shopping mall.*

6-202.15 Outer Openings, Protected.

(A) Except as specified in ¶¶ (B), (C), and (E) and under ¶ (D) of this section, outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by:

- (1) Filling or closing holes and other gaps along floors, walls, and ceilings;
- (2) Closed, tight-fitting windows; and
- (3) Solid, self-closing, tight-fitting doors.

(B) *Paragraph (A) of this section does not apply if a FOOD ESTABLISHMENT opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.*

(C) *Exterior doors used as exits need not be self-closing if they are:*

- (1) *Solid and tight-fitting;*
- (2) *Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the FOOD ESTABLISHMENT; and*
- (3) *Restricted so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.*

(D) Except as specified in ¶¶ (B) and (E) of this section, if the windows or doors of a FOOD ESTABLISHMENT, or of a larger structure within which a FOOD ESTABLISHMENT is located, are kept open for ventilation or other purposes or a TEMPORARY FOOD ESTABLISHMENT is not provided with windows and doors as specified under ¶ (A) of this section, the openings shall be protected against the entry of insects and rodents by:

- (1) 16 mesh to 25.4mm (16 mesh to 1 inch) screens;

(2) Properly designed and installed air curtains to control flying insects; or

(3) Other effective means.

(E) Paragraph (D) of this section does not apply if flying insects and other pests are absent due to the location of the ESTABLISHMENT, the weather, or other limiting condition.

6-202.16 Exterior Walls and Roofs, Protective Barrier.

Perimeter walls and roofs of a FOOD ESTABLISHMENT shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

6-202.17 Outdoor Food Vending Areas, Overhead Protection.

If located outside, a machine used to vend FOOD shall be provided with overhead protection *except that machines vending canned BEVERAGES need not meet this requirement.*

6-202.18 Outdoor Service Base Areas, Overhead Protection.

SERVICE BASE areas shall be provided with overhead protection *except that areas used only for the loading of water or the discharge of SEWAGE and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.*

6-202.19 Outdoor Walking and Driving Surfaces, Graded to Drain.

Exterior walking and driving surfaces shall be graded to drain.

6-202.111 Private Homes and Living or Sleeping Quarters, Use Prohibition.

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting FOOD ESTABLISHMENT operations, except as specified in 3-201.11(B).

6-202.112 Living or Sleeping Quarters, Separation.

Living or sleeping quarters located on the PREMISES of a FOOD ESTABLISHMENT such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for FOOD ESTABLISHMENT operations by complete partitioning and solid self-closing doors.

6-3 NUMBERS AND CAPACITIES

Subparts

- 6-301 Handsinks**
- 6-302 Toilets and Urinals**
- 6-303 Lighting**
- 6-304 Ventilation**
- 6-305 Dressing Areas and Lockers**
- 6-306 Service Sinks**

Handsinks 6-301.10 Minimum Number.

Handsinks shall be provided as specified under § 5-203.11.

6-301.11 Handwashing Cleanser, Availability.

Each handsink or group of 2 adjacent handsinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

6-301.12 Hand Drying Provision.

Each handsink or group of adjacent handsinks shall be provided with:

- (A) Individual, disposable towels; or
- (B) A continuous towel system that supplies the user with a clean towel;

6-301.13 Handwashing Aids and Devices, Use Restrictions.

A sink used for FOOD preparation or UTENSIL washing except as specified in 2-301.15, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handsink as specified under §§ 6-301.11 and 6-301.12 and ¶ 5-501.16(C).

6-301.14 Handwashing Signage.

A sign or poster that notifies FOOD EMPLOYEES to wash their hands shall be provided at all handsinks used by FOOD EMPLOYEES and shall be clearly visible to FOOD EMPLOYEES.

6-301.20 Disposable Towels, Waste Receptacle.

A handsink or group of adjacent handsinks that are provided with disposable towels shall be provided with a waste receptacle as specified under ¶ 5-501.16(C).

Toilets and Urinals 6-302.10 Minimum Number.

Toilets and urinals shall be provided as specified under § 5-203.12.

6-302.11 Toilet Tissue, Availability.

A supply of toilet tissue shall be available at each toilet.

Lighting 6-303.11 Intensity.

The light intensity shall be:

(A) At least 110 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor, in dry FOOD storage areas and in other areas and rooms during periods of cleaning;

(B) At least 220 lux (20 foot candles):

(1) At a surface where FOOD is provided for CONSUMER self-service such as buffets and salad bars or where fresh produce or PACKAGED FOODS are sold or offered for consumption;

(2) Inside EQUIPMENT such as reach-in and under-counter refrigerators;

(3) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, WAREWASHING, and EQUIPMENT and UTENSIL storage, in toilet rooms and in walk-in refrigeration units; and

(C) At least 540 lux (50 foot candles) at a surface where a FOOD EMPLOYEE is working with FOOD or working with UTENSILS or EQUIPMENT such as knives, slicers, grinders, or saws where EMPLOYEE safety is a factor.

Ventilation **6-304.11** **Mechanical.**

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided. Ventilation systems shall be installed and operated according to chps. Comm 61-65, Wisconsin Commercial Building Code as enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

Dressing Areas and Lockers **6-305.11** **Designation.**

(A) Dressing rooms or dressing areas shall be designated if EMPLOYEES routinely change their clothes in the establishment.

(B) Lockers or other suitable facilities shall be provided for the orderly storage of EMPLOYEES' clothing and other possessions.

Service Sinks **6-306.10** **Availability.**

A service sink or curbed cleaning facility shall be provided as specified under § 5-203.13.

6-4	LOCATION AND PLACEMENT
	Subparts
	6-401 Handsink
	6-402 Toilet Rooms
	6-403 Employee Accommodations
	6-404 Distressed Merchandise
	6-405 Refuse, Recyclables, and Returnables

Handsinks **6-401.10** **Conveniently Located.**

Handsinks shall be conveniently located as specified under § 5-204.11.

Toilet Rooms **6-402.11** **Convenience and Accessibility.**

Toilet rooms shall be conveniently located and accessible to FOOD EMPLOYEES during all hours of operation.

Employee Accommodations **6-403.11** **Designated Areas.**

(A) Areas designated for EMPLOYEES to eat, drink, and use tobacco shall be located so that FOOD, EQUIPMENT, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination.

(B) Lockers or other suitable facilities shall be located in a designated room or area where contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES can not occur.

**Distressed
Merchandise**

6-404.11 Segregation and Location.

Products that are held by the PERMIT HOLDER for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

**Refuse,
Recyclables, and
Returnables**

6-405.10 Receptacles, Waste Handling Units, and Designated Storage Areas.

Units, receptacles, and areas designated for storage of REFUSE and recyclable and returnable containers shall be located as specified under § 5-501.19.

6-5

MAINTENANCE AND OPERATION

Subparts

6-501 Premises, Structures, Attachments, and Fixtures - Methods

**Premises,
Structures,
Attachments,
and Fixtures
- Methods**

6-501.11 Repairing.

The PHYSICAL FACILITIES shall be maintained in good repair.

6-501.12 Cleaning, Frequency and Restrictions.

(A) The PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.

(B) Cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing. *This requirement does not apply to cleaning that is necessary due to a spill or other accident.*

6-501.13 Cleaning Floors, Dustless Methods.

(A) Except as specified in ¶ (B) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

(B) *Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:*

(1) *Without the use of dust-arresting compounds; and*

(2) *In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.*

6-501.14 Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.

(A) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

(B) If vented to the outside, ventilation systems may not create a public health HAZARD or nuisance or UNLAWFUL discharge.

6-501.15 Cleaning Maintenance Tools, Preventing Contamination.^C

FOOD PREPARATION sinks, handsinks, and WAREWASHING EQUIPMENT may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the

disposal of mop water and similar liquid wastes.

6-501.16 Drying Mops.

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, EQUIPMENT, or supplies.

6-501.17 Absorbent Materials on Floors, Use Limitation.

Except as specified in ¶ 6-501.13(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

6-501.18 Maintaining and Using Handsinks and Toilet Rooms.

Handsinks shall be kept clean, and maintained and used as specified under § 5-205.11.

6-501.19 Closing Toilet Room Doors.

Toilet room doors as specified under § 6-202.14 shall be kept closed *except during cleaning and maintenance operations*.

6-501.110 Using Dressing Rooms and Lockers.

(A) Dressing rooms shall be used by EMPLOYEES if the EMPLOYEES regularly change their clothes in the establishment.

(B) Lockers or other suitable facilities shall be used for the orderly storage of EMPLOYEE clothing and other possessions.

6-501.111 Controlling Pests.^C

The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the PREMISES by:

(A) Routinely inspecting incoming shipments of FOOD and supplies;^N

(B) Routinely inspecting the PREMISES for evidence of pests;^N

(C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under §§ 7-202.12, 7-206.12, and 7-206.13; and

(D) Eliminating harborage conditions.^N

6-501.112 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests.

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

6-501.113 Storing Maintenance Tools.

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

(A) Stored so they do not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES; and

(B) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

6-501.114 Maintaining Premises, Unnecessary Items and Litter.

The PREMISES shall be free of:

(A) Items that are unnecessary to the operation or maintenance of the establishment such as EQUIPMENT that is nonfunctional or no longer used; and

(B) Litter.

6-501.115 Prohibiting Animals.^c

(A) Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT.

(B) *Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES can not result:*

(1) *Edible FISH or decorative FISH in aquariums, SHELLFISH or crustacea on ice or under refrigeration, and SHELLFISH and crustacea in display tank systems;*

(2) *Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;*

(3) *In areas that are not used for FOOD PREPARATION and that are usually open for customers, such as dining and sales areas, SERVICE ANIMALS that are controlled by the disabled EMPLOYEE or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL;*

(4) *Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during MEALS if:*

(a) *Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD PREPARATION areas,*

(b) *Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present, and*

(c) *Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next MEAL service.*

(5) *In areas that are not used for FOOD PREPARATION, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.*

(C) *Live or dead FISH bait may be stored if contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES can not result.*

Chapter 7

Poisonous or Toxic Materials

Parts

7-1	LABELING AND IDENTIFICATION
7-2	OPERATIONAL SUPPLIES AND APPLICATIONS
7-3	STOCK AND RETAIL SALE

7-1 LABELING AND IDENTIFICATION

Subparts

7-101	Original Containers
7-102	Working Containers

Original Containers

7-101.11 Identifying Information, Prominence.^C

Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS shall bear a legible manufacturer's label.

Working Containers

7-102.11 Common Name.^C

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material.

7-2 OPERATIONAL SUPPLIES AND APPLICATIONS

Subparts

7-201	Storage
7-202	Presence and Use
7-203	Container Prohibitions
7-204	Chemicals
7-205	Lubricants
7-206	Pesticides
7-207	Medicines
7-208	First Aid Supplies
7-209	Other Personal Care Items

Storage

7-201.11 Separation.^C

POISONOUS OR TOXIC MATERIALS shall be stored so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning,^S and

(B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent*

contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

Presence and Use **7-202.11** **Restriction.^C**

(A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.^S

(B) ¶ (A) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.

7-202.12 **Conditions of Use.^C**

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

(1) LAW and this Code,

(2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT,

(3) The conditions of certification, if certification is required, for use of the pest control materials, and

(4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

(1) A HAZARD to EMPLOYEES or other PERSONS is not constituted, and

(2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a pesticide, this is achieved by:

(a) Removing the items,

(b) Covering the items with impermeable covers, or

(c) Taking other appropriate preventive actions, and

(d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.

(C) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified and licensed in accordance to ss. 94.704 and 94.705 Wis. Stats.; and ss. ATCP 29.25 and 29.26 Wis. Adm. Code.

Container Prohibitions

7-203.11 **Poisonous or Toxic Material Containers.^C**

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD.

Chemicals

7-204.11 **Sanitizers, Criteria.^C**

- A. Chemical SANITIZERS applied to FOOD-CONTACT SURFACES shall be APPROVED by department of health and family services, and
- B. Other chemical antimicrobials applied to FOOD-CONTACT SURFACES shall meet the requirements specified in 21 CFR 178.1010 "Sanitizing solutions".

7-204.12 Chemicals for Washing Fruits and Vegetables, Criteria.^c

Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

7-204.13 Boiler Water Additives, Criteria.^c

Chemicals used as boiler water ADDITIVES shall meet the requirements specified in 21 CFR 173.310 Boiler Water Additives.

7-204.14 Drying Agents, Criteria.^c

Drying agents used in conjunction with SANITIZATION shall:

(A) Contain only components that are listed as one of the following:

- (1) Generally recognized as safe for use in FOOD as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe,
- (2) Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,
- (3) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181 - Prior-Sanctioned Food Ingredients,
- (4) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 CFR Parts 175-178, or
- (5) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; and

(B) When SANITIZATION is with chemicals, the approval required under Subparagraph (A)(3) or (A)(5) of this section or the regulation as an indirect FOOD ADDITIVE required under Subparagraph (A)(4) of this section, shall be specifically for use with chemical SANITIZING solutions.

Lubricants

7-205.11 Incidental Food Contact, Criteria.^c

Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental FOOD contact, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

Pesticides

7-206.11 Pesticides Use, Criteria.^C

(A) All pesticides shall be used in accordance with the Federal Insecticide, Fungicide and Rodenticide Act and the applicable Code of Federal Regulations, and with ch. 94, Wis. Stats. and ch. ATCP 29, Wis. Adm. Code.

(B) RESTRICTED USE PESTICIDES specified under ¶ 7-202.12(C) shall meet the requirements of ch. ATCP 29, of Wis. Adm. Code.

7-206.12 Rodent Bait Stations.^C

Rodent bait shall be contained in a covered, tamper-resistant bait station.

7-206.13 Tracking Powders, Pest Control and Monitoring.^C

(A) A tracking powder pesticide may not be used in a FOOD ESTABLISHMENT.

(B) If used, a nontoxic tracking powder such as talcum or flour may not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.^N

Medicines

7-207.11 Restriction and Storage.^C

(A) Only those medicines that are necessary for the health of EMPLOYEES shall be allowed in a FOOD ESTABLISHMENT. *This section does not apply to medicines that are stored or displayed for retail sale.*

(B) Medicines that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be labeled as specified under § 7-101.11 and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

7-207.12 Refrigerated Medicines, Storage.^C

Medicines belonging to EMPLOYEES or to children in a day care center that require refrigeration and are stored in a FOOD refrigerator shall be:

(A) Stored in a PACKAGE or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and

(B) Located so they are inaccessible to children.

First Aid Supplies

7-208.11 Storage.^C

First aid supplies that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be:

(A) Labeled as specified under § 7-101.11;^S and

(B) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.^S

Other Personal Care Items

7-209.11 Storage.

Except as specified under §§ 7-207.12 and 7-208.11, EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under ¶ 6-305.11(B).

7-3

STOCK AND RETAIL SALE

Subpart

7-301

Storage and Display

***Storage and
Display***

7-301.11 Separation.^c

POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning,^s and

(B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES.

Chapter 8

Public Toilet Rooms

Parts

- 8-1 NUMBERS, AND CAPACITIES.
- 8-2 SUPERVISION, MAINTENANCE AND LOCATION
- 8-3 HANDWASHING FACILITIES

8-1 NUMBERS, AND CAPACITIES.

Subparts

8-101 Public Toilet Rooms

Numbers Capacities

8-101.11 Toilet Rooms Required.

The number of toilet rooms and fixtures in a FOOD ESTABLISHMENT and the required ventilation of toilet rooms shall meet the requirements specified by chps. Comm 61-65, Wisconsin Commercial Building Code and enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

8-101.12 Carry Out Food Establishments

Carry out FOOD ESTABLISHMENT with no on-PREMISE dining that allow customers to enter the establishment shall provided a toilet room for the public as specified by chps. Comm 61-65, Wisconsin Commercial Building Code and enforced by the Wisconsin department of commerce.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

8-101.13 Drive-In Food Establishment

Toilet fixture requirements at drive-in FOOD ESTABLISHMENTS shall be based on 2¼ customers per car stall.

8-2 SUPERVISION, MAINTENANCE AND LOCATION

Subparts

8-201 Supervision

Control

8-201.11 Control of Operator.

Toilet rooms shall be under the supervision of the FOOD ESTABLISHMENT OPERATOR.

Enclosures

8-201.12 Enclosures.

Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors which shall be closed except during cleaning or maintenance as specified in ss. 6-202.14 and 6-501.19.

8-201.13 Location.

(A) Public toilet rooms shall be located so that it is not necessary for patrons using the facilities to pass through a FOOD PREPARATION, PROCESSING, serving or storage areas or an area where UTENSILS are washed.

(B) All public toilet rooms at new or substantially remodeled FOOD ESTABLISHMENT shall be readily available to the patrons of the FOOD ESTABLISHMENT.

8-201.14 Outside Entrances.

Outside entrances to toilet rooms are not permitted, except that FOOD ESTABLISHMENT having only outside seating may use toilet facilities with outside entrances if the toilet facilities are readily accessible to patrons.

8-201.15 Sex Designation.

The door leading into each toilet room as specified by chps. Comm 61-65, Wisconsin Commercial Building Code shall be marked to identify whether it is for men or women.

Note: Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

8-201.16 Waste Receptacles.

(A) EASILY CLEANABLE receptacles shall be provided for waste materials.

(B) Toilet rooms used by women shall be provided with a waste receptacle as specified in § 5-501.17.

Maintained

8-201.17 Toilet Maintenance.

Public toilet rooms shall:

(A) Have a supply of toilet tissue available at each toilet.

(B) Clean and good repair.

8-3 HANDWASHING.

Subpart

8-301 Located and Equipped

Storage and Display

8-301.11 Handwashing facilities.

Handwashing facilities shall be:

(A) Located in all public toilet rooms.

(B) Equipped to provide water at a temperature as specified §5-202.12.

(C) Provided with soap and single-use hand drying devices.

(D) Public Handwash Facilities used by FOOD EMPLOYEES shall comply ¶5-202.12(C).

Chapter 9

Mobile Food Establishments

Parts

9-1	GENERAL REQUIREMENTS
9-2	WATER SUPPLY
9-3	LIQUID WASTE
9-4	PUSHCARTS
9-5	OPERATION AND INSTALLATION

9-1 GENERAL REQUIREMENTS.

Subparts

9-101	Applicable Rules
9-102	Restricted Operation
9-103	Service Base
9-104	Boundary of Operation

9-101.10 Applicable Rules.

In addition to the specific requirements of this chapter, Chapter 1 through Chapter 7 apply to MOBILE FOOD ESTABLISHMENTS as applicable.

Warewashing

9-102.11 Restricted Operation.

MOBILE FOOD ESTABLISHMENTS meeting the following conditions are not required to have WAREWASHING EQUIPMENT as specified in Chapter 4 if:

- (A) FOOD is limited to PREPACKAGED FOOD items and BEVERAGES dispensed in single servings from covered urns or other protected EQUIPMENT.
- (B) Handwash facilities are available on the mobile unit.
- (C) Required WAREWASHING EQUIPMENT is available at the SERVICE BASE; and
- (D) UTENSILS and serving EQUIPMENT are limited to SINGLE-SERVICE ARTICLES only.

9-103.11 Service Base.

Every MOBILE FOOD ESTABLISHMENT shall have a SERVICE BASE of operations consisting of:

- (A) Except as provided in ¶(D) of this section, an enclosed building of sufficient size to accommodate mobile units for servicing, cleaning, inspection and maintenance.
- (B) An APPROVED water supply as specified in §§5-101.11 and 5-104.11 and 5-104.12.
- (C) APPROVED facilities for liquid waste disposal as specified in §5-403.11.
- (D) If APPROVED by the DEPARTMENT, an enclosed building as specified in ¶(A) of this section, may not be required as a SERVICE BASE if it can be demonstrated that the lack of such a building will not interfere with the sanitary operation or servicing, cleaning, inspection and maintenance of the MOBILE FOOD ESTABLISHMENT.

9-104.11 Boundary Of Operation.

(A) Except as in (D) of this section, each MOBILE FOOD ESTABLISHMENT shall return to its SERVICE BASE not less than once in each 24 hours for servicing and maintenance and more often if necessary.

(B) Itineraries of each MOBILE FOOD ESTABLISHMENT shall be available at the SERVICE BASE.

(C) On request of a representative of the DEPARTMENT, each MOBILE FOOD ESTABLISHMENT shall be made available for inspection for a pre-arranged period of not less than one hour between 8 a.m. and 5 p.m. at the SERVICE BASE. A MOBILE FOOD ESTABLISHMENT shall also be open to inspection by a DEPARTMENT representative at any time while it is in operation.

(D) If APPROVED by the DEPARTMENT, a MOBILE FOOD ESTABLISHMENT may not be required to return to the base every 24 hours if it can be shown that the FOOD ESTABLISHMENT can operate in a safe and sanitary manner for a longer period of time.

9-2	WATER SUPPLY
	Subparts
9-201	Watering Point
9-202	Storage Tank

Water Supply

9-201.11 Water Point.

(A) DRINKING WATER for the MOBILE FOOD ESTABLISHMENT shall be obtained from the SERVICE BASE and the vehicle shall return to the SERVICE BASE whenever the amount of water in storage does not equal at least 3.8 liters (1 gallon).

(B) The watering point for the MOBILE FOOD ESTABLISHMENT shall consist of a threaded tap installed and maintained in a manner that will assure protection against contamination.

(C) Hoses used for conveying DRINKING WATER shall be constructed and maintained as specified in §5-302.16.

Capacity

9-202.11 Water Storage Tank.

(A) Every MOBILE FOOD ESTABLISHMENT shall be equipped with a gravity or pressurized water storage tank.

(B) The water storage tank shall be sized as specified in §5-103.11, but no smaller than the following:

(1) A MOBILE FOOD ESTABLISHMENT that serves BEVERAGES or FOOD or reheats PREPARED FOODS shall have a water storage tank with a capacity of at least 38 liters (10 gallons) for FOOD EMPLOYEE handwashing.

(2) A FOOD pushcart shall have a water storage tank with a minimum capacity of 19 liters (5 gallons) for handwashing.

(3) A MOBILE FOOD ESTABLISHMENT that PREPARES FOOD or BEVERAGES on the unit shall have a water storage tank with a capacity of at least 151 liters (40 gallons) for handwashing, UTENSIL washing and SANITIZING purposes.

(C) The water storage tank shall be constructed and maintained as specified in subchapter

5-3 and shall be:

- (1) Constructed of at least 14-gauge metal or other durable FOOD grade material.
- (2) Provided with a glass-sight gauge graduated to read water volume in gallons or liters.
- (3) Equipped with a threaded opening on the inlet line or on the tank with a locking device for flushing and SANITIZING the tank.
- (4) Flushed and SANITIZED as specified §5-304.11.

9-3	LIQUID WASTE
	Subpart
9-301	Waste Storage Tank
9-302	Construction and Maintenance
9-303	Disposal

Storage Tank 9-301.11 Waste Storage Tank.

Every MOBILE FOOD ESTABLISHMENT shall have a wastewater storage tank as specified in part 5-4.

9-302.11 Construction and Maintenance.

A MOBILE FOOD ESTABLISHMENT waste storage tank shall be:

- (A) Constructed of metal of at least 14-gauge thickness, or other durable smooth surface material.
- (B) Equipped with a discharge connection having a tight closing valve consisting of a minimum of 1½ inch half-union attachment for gravity draining.
- (C) The valve specified in ¶(B) of this section shall be located between the attachment and tank proper.
- (D) The waste storage tank shall be maintained in a sanitary condition.

9-303.11 Disposal.

(A) Every SERVICE BASE shall have an APPROVED sanitary septic system for sanitary disposal of liquid waste from the from the MOBILE FOOD ESTABLISHMENT wastewater collection tank.

(B) When liquid waste cannot be discharged directly to sanitary sewers, a hose with a minimum 1½ inch half-union type attachment for connection to the MOBILE FOOD ESTABLISHMENT waste water tank shall be provided.

(C) The hose used for disposal of liquid waste shall be maintained in a clean and serviceable condition and when not in use shall be stored in a separate cabinet labeled "for waste water hose only."

9-4

PUSHCART

Subpart

9-401

Locations

9-402

Restricted Use

Located

9-401.11

Locations.

Outdoor pushcarts shall be located on a paved surface. Indoor pushcarts shall be located on permanent flooring material which is smooth and easily cleanable.

9-402.11

Restricted Use.

No pushcart may be used to sell or PROCESS a POTENTIALLY HAZARDOUS FOOD unless the following apply:

(A) POTENTIALLY HAZARDOUS FOOD PREPARED or PROCESSED on an outdoor pushcart shall be entirely contained in an enclosed system that precludes any contamination of the FOOD. Indoor pushcarts shall have adequate shielding to protect display and FOOD PREPARATION areas from contamination.

(B) Pushcart serving POTENTIALLY HAZARDOUS FOOD shall be mechanically equipped to keep FOOD at temperatures as specific in 3-501.16.

9-5

OPERATION AND INSTALLATION

Subpart

9-501

Restrictions

9-502

Bottled Or Liquefied Gas

9-503

Toilet Facilities

9-501.11

Restrictions.

(A) No MOBILE FOOD ESTABLISHMENT may be used for living or sleeping purposes.

(B) Mobile FOOD ESTABLISHMENT shall not be used for any non-FOOD ESTABLISHMENT purposes or business.

(C) Non-FOOD EMPLOYEES are not permitted in the vehicle where FOOD is PREPARED, stored and served.

(D) No FOOD, FOOD containers, wrappers, PACKAGING materials or UTENSILS may be kept in the driver's compartment of any MOBILE FOOD ESTABLISHMENT.

(E) The driver's compartment shall be separated by a partition from the area for FOOD PREPARATION, service or storage.

9-502.11

Bottled Or Liquefied Gas.

If bottled or liquefied gas is used within a MOBILE FOOD ESTABLISHMENT, the OPERATOR shall have it securely installed.

Note: The Department of Commerce has rules that govern bottled and liquefied gas. For information contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701,

9-503.11 Toilet Facilities

The operator of a MOBILE FOOD ESTABLISHMENT shall arrange for use by personnel operating the MOBILE FOOD ESTABLISHMENT public or private toilet facilities during all hours the MOBILE FOOD ESTABLISHMENT is in operation.

Chapter 10

Temporary Food Establishments

Parts

- 10-1 GENERAL REQUIREMENTS
- 10-2 DESIGN AND LOCATION
- 10-3 SANITARY FACILITIES

10-1 GENERAL REQUIREMENTS.

Subparts

- 10-101 Applicable Rules
- 10-102 Food Operation Limitation
- 10-103 Food Employee Handwashing
- 10-104 Warewashing

General 10-101.10 Applicable Rules.

In addition to the specific requirements of this chapter, Chapter 1 through Chapter 7 apply to TEMPORARY FOOD ESTABLISHMENTS as applicable.

Limitations 10-102.11 Food Operation Limitation.

The DEPARTMENT or its AGENT may limit and/or modify the nature of the FOOD service operation and/or the type of FOOD served at a TEMPORARY FOOD ESTABLISHMENT to protect the health and safety of the GENERAL PUBLIC. TEMPORARY FOOD ESTABLISHMENT operations may be limited in terms of the number of PERSONS served, methods of PREPARATION and storage, the kinds of UTENSILS used or the type of FOOD served.

10-103.11 Food Employee Handwashing

(A) Adequate FOOD EMPLOYEE handwashing facilities shall be provided as specified in 5-203.11.

(B) When water under pressure is not available, handwashing facilities shall consist of a covered insulated container of at least five gallon capacity with a non self closing spigot or valve, that allows a continuous flow of water over the hands.

10-104.11 Manual Warewashing.

(A) Except in ¶ (C) when water under pressure is available on site, manual WAREWASHING EQUIPMENT shall meet requirements as specified in §4-301.12.

(B) Except in ¶ (C) when water is not available under pressure on site, manual WAREWASHING EQUIPMENT shall meet requirements as specified in §4-301.12, and FOOD operations may be limited as specified in §10-102.11:

(C) A TEMPORARY FOOD ESTABLISHMENT may return to an APPROVED facility at the end of the day for warewashing of equipment and utensils. Adequate UTENSILS must be provided and replaced with clean utensils as specified in section §4-602.11 or as often as necessary to assure safe food handling practices.

10-2	DESIGN AND LOCATION
	Subparts
	10-201 Roof, Sidewalls And Floors
	10-202 Location
	10-203 Enclosure Of Kitchen

Control **10-201.11 Roof, Sidewalls And Floors.**

(A) A TEMPORARY FOOD ESTABLISHMENT may be operated without a roof and/or sidewalls, if APPROVED.

(B) Floors shall be maintained in a sanitary condition, Dirt floors shall be covered with an APPROVED material, which will provide protection from splash and dust.

Location **10-202.11 Location.**

No TEMPORARY FOOD ESTABLISHMENT may be located within 30.5 M (100 feet) of a barn or enclosure housing animals or other source of odors or flies.

Enclosure **10-203.11 Enclosure Of Kitchen.**

(A) With the exception of ¶(B) of this section, all FOOD PREPARATION and UTENSIL washing areas with extensive FOOD PREPARATION maintained in connection with TEMPORARY FOOD ESTABLISHMENTS shall be effectively enclosed or screened.

(B) Cooking and heating devices shall be effectively separated or enclosed in order not to be accessible to the public.

10-3	SANITARY FACILITIES
	Subpart
	10-301 Toilet Facilities
	10-302 Water Supply
	10-303 Sanitary Waste

Provided **10-301.11 Toilet Facilities.**

Public toilet facilities for each sex shall be provided.

Note: Guidance on the number of public toilet facilities can be found in chps. Comm 61-65, Wisconsin Commercial Building Code. Contact the Safety and Buildings Division at the Department of Commerce, P.O. Box 2509, Madison, WI 53701, telephone 608-266-3151 and 711 (TTY) or <http://www.commerce.state.wi.us/SB/>.

10-302.11 Water.

The water supply for a TEMPORARY FOOD ESTABLISHMENT shall be obtained from an APPROVED

source as specified in §§5-104.11 and 5-104.12.

10-303.11 Sanitary Waste Disposal.

(A) Except as provided in ¶(B) a TEMPORARY FOOD ESTABLISHMENT shall connect to APPROVED SEWAGE disposal system as specified in §5-403.11.

(B) When a TEMPORARY FOOD ESTABLISHMENT can not connect to an APPROVED SEWAGE disposal system, a container for liquid waste storage shall be provided and shall be emptied when necessary to a public sewer or other location APPROVED by the DEPARTMENT or its AGENT.

Chapter 11

Reserved

Chapter 12

Certified Food Manager

Parts

12-1	DEFINITIONS
12-2	CERTIFICATION REQUIREMENT
12-3	APPROVED EXAMINATION
12-4	RECERTIFICATION

12-1 DEFINITIONS

Subparts

12-101 Applicability and Terms Defined

12-101.11 Statement of Application.

The provisions of the chapter do not apply to prePACKAGED restaurants as defined in HFS 196.03(4) and TEMPORARY FOOD ESTABLISHMENTS, or retail food stores that do not conduct MEAL service activities.

12-101.12 Definition of Terms.

The following definitions apply only to this chapter.

(A) “**Certified manager**” means the OPERATOR or a manager of a FOOD ESTABLISHMENT who has been certified by the DEPARTMENT under this section.

(B) “**Department**” means the state of Wisconsin department of health and family services.

(C) “**Manager**” means an individual who has direct authority over or exercises control or supervision over the EMPLOYEES and operations of a FOOD ESTABLISHMENT.

(D) “**Testing service**” means the developer of a FOOD protection practices examination.

12-2 FOOD MANAGER CERTIFICATION

Subparts

12-201 Certification Requirement 12-202 Application For Certification

12-201.11 General.

One Manager

(A) The operator or at least one manager of a FOOD ESTABLISHMENT shall have a certificate issued by the DEPARTMENT that states that the operator or manager has passed a DEPARTMENT approved examination on FOOD protection practices. However:

- (1) A new FOOD ESTABLISHMENT or a FOOD ESTABLISHMENT under going a change of operator after February 1, 2001 shall have a certified FOOD manager within 90 days of the initial day of operation or provide documentation that they are scheduled within

- One Establishment** three (3) months to take and pass an approved examination as specified in 12-301.11.
- Post Certificate** (2) FOOD ESTABLISHMENTS which are not in compliance because of employee turnover or other loss of a certified manager, shall have 90 days from the date of the loss of a certified manager to comply with this chapter, or provide documentation that the person designated to be the certified FOOD manager will become certified within the time specified in this subparagraph.
- Notification Of Change**

(B) If more than one FOOD ESTABLISHMENT operated by the same person is located on the same property or contiguous properties, only the operator or one manager is required to be certified.

(C) A FOOD ESTABLISHMENT shall post a certificate issued by the DEPARTMENT under this section in a conspicuous place on the premises of the FOOD ESTABLISHMENT.

(D) The operator of a FOOD ESTABLISHMENT shall promptly notify the DEPARTMENT when the CERTIFIED MANAGER terminates employment with the FOOD ESTABLISHMENT and shall supply the DEPARTMENT with the name and state certificate number of the new certified manager.

12-201.12 Expiration Date.

With the exception of ¶ (A), (B) and (C), a certificate issued under this section shall expire 5 years after the date of issue:

(A) A certificate issued to a person applying for *certification* more than 12 months after passing an approved examination shall expire 5 years from the examination date.

(B) A certificate issued to a person applying for *recertification* more than 6 months after the expiration date of a FOOD manager certification certificate shall pass an approved examination.

(C) A certificate issued to a person applying for certification by reciprocity shall expire 5 years from the date of issuance of their current certification.

12-201.13 Reciprocity.

Persons requesting certification by reciprocity shall:

(A) Hold a current certification by passing an approved examination, or

(B) Hold a current certification from an accredited program approved by the Conference on Food Protection.

12-202.11 Application For Certification.

(A) Application for certification shall be made on a form provided by the DEPARTMENT.

(B) A completed application form shall be submitted to the DEPARTMENT along with a certification fee of \$10.00 and evidence that the applicant has successfully completed a written examination within the previous three years that meets the criteria as specified in §12-301.11.

(C) A person whose certification has expired more than 6 months shall be required to take and pass an approved examination as specified in §12-301.11 to become certified.

Note: To obtain a copy of the application form, write Food Safety & Recreational Licensing Section, Bureau of Environmental & Occupational Health, P.O. Box 2659, Madison, Wisconsin 53701-2659.

12-202.12 Action By The Department.

Within 30 days after receiving a complete application for certification, payment of the certification fee and receipt of evidence that the applicant has passed a written examination which meets the applicable criteria of Part 12-3, the DEPARTMENT shall approve the application and issue a numbered certificate. If the application for a certificate is denied, the DEPARTMENT shall give the applicant reasons, in writing, for the denial.

12-3	APPROVED EXAMINATION
	Subpart
12-301	Examination Criteria

12-301.11 Examination Criteria.

Criteria for DEPARTMENT approval of a written examination on FOOD protection practices may include the following:

(A) The testing service is:

- (1) Experienced in examination development and administration on a statewide or multi-state basis;
- (2) Experienced in the development of an examination pertaining to FOOD service protection practices;
and
- (3) Qualified in examination development, administration and measurement.

(B) The examination is currently being use by a trade or regulatory organizations;

(C) The examination is accepted by public health officials and has been administered on a statewide basis;

(D) The examination and correct answers to examination question have been reviewed by DEPARTMENT. Review includes a statistical summary of mean, standard deviation, mode, range, minimum and maximum scores, coefficient of reliability and number and percentage of applicants passing and failing the original and retake examinations;

(E) The questions and answers are consistent with the examination requirements of this chapter;

(F) Security procedures are in place which protect the examination from compromise in preparation, printing and transportation of the examination;

(G) The examination will be administered by a person certified by the testing service to administer the examination, to ensure that the examination taker and the applicant are the same person;

(H) General analyses of examination results will be available annually;

(I) The examination is available and may be taken at location geographically accessible to persons who want to take it;

(J) There is advance notice of examination dates available;

(K) An examination that is given under contract with a testing service for a specified period of time is subject to review by the DEPARTMENT upon renewal;

(L) A designated examination coordinator or contact per is available;

(M) The examination shall be evaluated and listed by an accrediting agency as specified in ¶¶1-201.10(B)(1).

(N) The examination is developed using psychometrically accepted methods involving representation from affected groups;

(O) The needs of special populations for accommodation to be able to take the examination are addressed by the testing service;

(P) A study guide and list of resources is available to persons who are preparing to take the examination;

(Q) The proposed examination is consistent with already APPROVED examination in regard to rigor and types of questions; and

(R) The proposed examination will permit reciprocity between states.

Note: To obtain a list of DEPARTMENT APPROVED FOOD manager certification examinations contact the Food Safety & Recreational Licensing Section, Bureau of Environmental & Occupational Health, P.O. Box 2659, Madison, WI 53701.

12-4	RECERTIFICATION
	Subpart
12-401	Recertification
12-402	Recertification Training Course Approval

12-401.11 Recertification.

(A) A certificate issued under this section may be renewed within six months of expiration, if the certified manager successfully completes a recertification training course approved by the DEPARTMENT as specified under §12-402.11. The recertification training course shall be completed prior to issuance of a new certificate.

(B) Application for recertification shall be made on a form provided by the DEPARTMENT. The application form shall be submitted to the DEPARTMENT at least 30 days before expiration of the certificate, along with evidence of successful completion of the recertification training course and payment of a \$10.00 recertification fee.

(C) Persons who do not renew their certificate as specified in ¶(A) of this section, shall be required to be certified by passing an approved examination as specified in §12-201.11.

Note: To obtain a copy of the recertification application form, write Food Safety & Recreational Licensing Section, Bureau of Environmental & Occupational Health, P.O. Box 2659, Madison, Wisconsin 53701-2659.

12-402.11 Recertification Training Course Approval.

(A) Training courses in FOOD protection practices to prepare certified managers for recertification are subject to approval by the DEPARTMENT in accordance with this subsection.

(B) A course shall consist of at least 3 hours of instruction time and include an examination on the information presented.

(C) A course shall cover the following subjects:

- (1) Temperature control of POTENTIALLY HAZARDOUS FOOD during preparation, storage,

transportation and service;

(2) Effective cleaning and sanitizing of utensils and equipment;

(3) FOOD protection, including the shelf life for foods;

(4) FOOD worker personal hygiene;

(5) Effective handwashing techniques;

(6) Identification of POTENTIALLY HAZARDOUS FOOD;

(7) Storage and use of toxic products; and

(8) HACCP concepts and practices

(9) Special problems in FOOD service sanitation.

(D) The DEPARTMENT, may authorize modification of course content to address code changes and emerging FOOD safety issues.

(E) A request for approval of a recertification training course shall be submitted to the DEPARTMENT in writing along with the proposed curriculum.

(F) The DEPARTMENT may cancel its approval of a training course at any time if its investigation reveals that the criteria in this subsection are not being met.

Note: To request approval of a recertification training course, write Food Safety & Recreational Licensing Section, Bureau of Environmental & Occupational Health, P.O. Box 2659, Madison, Wisconsin 53701-2759.