



Community Development Agency
ENVIRONMENTAL HEALTH SERVICES
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Dear Marin County Retail Food Facility Owner/Operator:

As of July 1, 2007, the California Retail Food Code (CalCode) has replaced the California Uniform Retail Food Facilities Law (CURFFL) as the governing legislation for retail food facilities throughout the State of California. CalCode is modeled after the federal Food Code and reflects the most current science available for preventing foodborne illness.

In an attempt to prevent foodborne illness within Marin County and to aid retail food facilities operating within the county with the new placarding system for the disclosure of inspection results, the Marin County Environmental Health Services Division's Food Program is pleased to present you with our Field Inspection Guide.

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

Marin County Environmental Health Services is prepared to assist you with this transition. Please feel free to call (415)473-6907 if you should have questions.

Sincerely,

Rebecca Ng

Rebecca Ng, R.E.H.S.
Deputy Director
County of Marin Environmental Health Services

All County publications are available in alternative formats (Braille, Large Print, or CD), upon request. Requests for accommodations may be made by calling (415) 473-4381 (Voice) 473-3232 (TDD/TTY) or by e-mail at disabilityaccess@marincounty.org.
Copies of documents are available in alternative formats, upon request.

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INTRODUCTION

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

While the food supply in the United States is one of the safest in the world, the Centers for Disease Control and Prevention (CDC) estimates that approximately 48 million people suffer from foodborne illness each year. Of these, more than 128,000 are hospitalized, and 3,000 die. Preventing foodborne illness and death remains a major public health challenge.

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

The five most common CDC risk factors are:

1. Improper hot/cold holding temperatures of foods
2. Improper cooking temperatures of food
3. Dirty and/or contaminated utensils and equipment
4. Poor employee health and hygiene
5. Food from unsafe sources

The FDA's public health interventions are:

1. Demonstration of knowledge
2. Employee health controls
3. Controlling hands as a vehicle of contamination
4. Time and temperature parameters for controlling pathogens
5. The consumer advisory

It is the responsibility of Marin County Environmental Health Services to conduct routine inspections of retail food establishments in Marin County in order to ensure compliance with the California Health and Safety Code and the Marin County Code. Marin County's Retail Food Code Field Inspection Guide is intended to provide guidance to food service operators in matters related to retail food inspections, the placard system, and common terminology. This guide has also been developed to improve standardization among Environmental Health Specialists during their routine inspections of retail food facilities by providing them with a reference list of common violations.

The procedures outlined in this field guide are to be used in conjunction with the Marin County Food Facility Official Inspection Report (OIR). The guidelines provided are not intended to be all-inclusive due to the fact that individual establishments and the severity of their violations can vary greatly.

POSTING OF COLOR-CODED PLACARDS FOR DISCLOSURE OF INSPECTION RESULTS

Placards will be issued following each inspection and will be required to be posted in a location that is visible to the public prior to entering the facility.



Green Placard: No more than one *major violation* was observed during the inspection. *Major violation* was corrected or mitigated during the inspection.

Yellow Placard: Two or more *major violations* were observed during the inspection. *Major violations* were corrected or mitigated during the inspection. When a major violation cannot be immediately corrected or mitigated, the food facility or the impacted areas may be subject to closure until the violation is corrected. A reinspection will be conducted within 24 to 72 hours.

Red Placard: Closure of the facility due to imminent danger to public health and safety.

The placard shall be posted so as to be clearly visible to the general public and to patrons entering the food establishment. Acceptable methods of posting include the following:

- Posted in the front window of the food establishment within 5 feet of the front door.
- Posted in a display case mounted on the outside front wall of the food establishment within 5 feet of the front door.
- Posted in a location approved by Marin County Environmental Health Services to ensure proper notice to the general public and to patrons.

COMMON TERMINOLOGY

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

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

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

Department is the County of Marin Environmental Health Services Division.

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

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

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

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

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

Limited food preparation does not include:

- slicing and chopping unless it is on the heated cooking surface
- thawing
- cooling of cooked potentially hazardous food
- grinding raw ingredients or potentially hazardous food
- reheating for hot holding
- washing of foods
- cooking of potentially hazardous foods for later use

Major Violations are directly related to one of the five CDC risk factors or one of the five FDA public health interventions. Major violations pose an imminent threat to public health and have the potential to cause foodborne illness. A major violation must be corrected or mitigated during the inspection in order to avoid closure. When a major violation cannot be immediately corrected or mitigated, the food facility or the impacted areas may be subject to closure until the violation is corrected.

Minor Violations do not directly cause foodborne illness, but are important factors in providing safe, wholesome and unadulterated food products.

Potentially Hazardous Food (PHF) is

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

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

CRITICAL ITEMS

DEMONSTRATION OF KNOWLEDGE	
1a. Demonstration of knowledge	
CalCode 113947	All food employees shall have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties.
Major Violations	N/A
Minor Violations	<ul style="list-style-type: none">• The employee washing dishes did not know what concentration the sanitizer in the dishwasher should be or how to check the concentration of the sanitizer.• The cook who is cooking hamburgers did not know the final cooking temperature for ground beef or how to calibrate his/her probe thermometer.
Notes: This data field shall not be marked for an isolated incident, but rather for an overall evaluation of the food employee's ability to ensure proper performance of their assigned duties.	

1b. Lack of Food Safety Certification	
CalCode 113947.1 113948	Food facilities that prepare, handle or serve non-prepackaged potentially hazardous food (PHF) shall have at least one Certified Food Manager (CFM) or Person in Charge (PIC), who has successfully passed an approved and accredited food safety certification course. In addition, all employees involved in the preparation, storage or service of food must successfully pass an approved and accredited Certified Food Handler course and possess a current Certified Food Handler Card.
Major Violations	N/A
Minor Violations	<ul style="list-style-type: none"> • The original Food Manager Certificate is not available during the inspection or has expired. • One or more food handlers lack a Certified Food Handler Card. • A new facility which prepares potentially hazardous foods has been operating for longer than 60 days without a Certified Food Manager.
<p>Notes:</p> <p>If less than 60 days has elapsed, and the lack of a valid Food Manager Certificate is due to a new facility and/or change of ownership, or when the Certified Food Manager is no longer employed at the facility, the violation box shall not be marked. The inspection report shall be noted to require proof of a Certified Food Manager within 60 days [§113947.1(a)]</p> <p>The certificate shall be valid for 5 years from date of issuance.</p> <p>The certification organization must be accredited by the American National Standards Institute (ANSI).</p> <p>No person may serve as the Certified Food Safety Manager of two (2) or more facilities.</p> <p>Food facilities that handle non-prepackaged non-potentially hazardous foods are required to have food employees who can demonstrate knowledge relative to their assigned duties or they can comply by having at least one food safety certified owner or employee [113947.1(b)(2)].</p>	

EMPLOYEE HEALTH and HYGIENIC PRACTICES	
2. Communicable diseases, wounds, and rashes	
CalCode 113949.2 113949.5 113950(b) 113950.5 113973.a	<p>Employees with a communicable disease that is transmissible through food shall be excluded from the food facility. An employee experiencing an acute gastrointestinal illness shall be restricted from working with food and/or clean utensils/equipment/linens. A food worker must properly cover (bandage and/or glove) any wounds or rashes on hands or exposed portions of the arms.</p> <p>The permit holder shall require food employees to report incidents of illness or injury to the person in charge and comply with all applicable restrictions.</p>
Major Violations	<ul style="list-style-type: none"> • The person in charge is aware of an employee with a communicable disease or aware that two or more food employees are concurrently experiencing symptoms associated with an acute gastrointestinal illness and the person in charge has not reported to the local enforcement agency, Marin County Environmental Health Services; (415) 473-6907. • The person in charge is aware of a food employee who is suffering from an acute gastrointestinal illness and has not restricted the duties of the food employee to prevent spreading the illness. • The person in charge removes a restriction from a food employee before resolution of the symptoms. • The person in charge allows an excluded employee to return to work before receiving local Environmental Health Specialist clearance. • When an employee who handles food or makes contact with food contact surfaces has a cut / sore / or rash on their hand that is not properly covered.
Minor Violations	N/A

Notes:

“Acute Gastrointestinal Illness” means a short duration illness most often characterized by one of the following symptoms or groups of symptoms, which are known to be commonly associated with the agents most likely to be transmitted from infected food employees through contamination of food

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

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

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

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

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

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

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

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

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

PREVENTING CONTAMINATION BY HANDS

5. Hands clean and properly washed; gloves used properly

CalCode

113952

113953.3

113953.4

113961

113968

113973 (b-c)

Employees are required to wash their hands:

- before beginning work,
- before handling food or clean equipment / utensils,
- as often as necessary during food preparation to remove soil and contamination,
- when switching from working with raw to ready to eat foods,
- after touching body parts,
- after using the restroom,
- after caring for or handling any animal allowed in a food facility pursuant to this part,
- after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking,
- after handling soiled equipment or utensils,
- during food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks,
- before initially donning gloves for working with food,
- before dispensing or serving food or handling clean tableware and serving utensils in the food service area,
- any time when contamination may occur.

Hand sanitizer must be approved and shall be applied only to hands that have been properly cleaned.

Bare hand and arm contact with non-prepackaged ready-to-eat foods shall be minimized by using utensils such as scoops, tongs, gloves, paper wrappers, or other implements.

Food employees shall keep their fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough.

Gloves shall be properly used and changed when required.

<p>Major Violations</p>	<p>Major handwashing violations may be documented when the direct contamination of food or food contact surfaces (such as in use cutting boards and utensils) has occurred by unclean hands that have been in contact with:</p> <ul style="list-style-type: none"> • Secretions of the eyes, ears, nose and mouth • Sweat • Raw animal product • Or other object that most likely contains <i>high</i> levels of contamination, for example exterior garbage dumpsters or toilets. This DOES NOT include objects like refrigerator handles or scoops. • An employee handles raw meat and then proceeds to handle vegetables or clean customer utensils without washing their hands. • An employee wearing gloves handles raw meat, then takes off his gloves. The employee touches the contaminated outer surface of the gloves with his bare hands. The employee then proceeds to handle ready to eat food items. • An employee is observed handling raw meat. The employee then applies hand sanitizer without properly washing his/her hands prior to the sanitizer application. The employee then handles ready to eat food items. • An employee that handles food, clean equipment or utensils, clean linens, or single service utensils did not wash his/her hands after using a restroom. • An employee did not wash his/her hands after eating or smoking and before handling food.
<p>Minor Violations</p>	<p>Minor handwashing violations may be documented when improper handwashing procedures are observed during an inspection, but do not meet the criteria for a MAJOR VIOLATION.</p> <ul style="list-style-type: none"> • Dishwasher loads dirty dishes into dishwasher and then stacks clean dishes without first washing hands. • Food preparer leaves preparation area and returns to engage in food preparation without washing hands (no direct contamination observed as in major violation criteria).

<p>Minor Violations (cont.)</p>	<ul style="list-style-type: none"> • An employee washes hands and instead of using paper towels to dry their hands, the employee uses a clean cloth towel. • A food employee with artificial nails, nail polish, or rings (other than a plain ring, such as a wedding band) is observed handling unpackaged food or clean utensils without the use of gloves (no cross contamination observed as in major violation criteria). • A food employee is not using a utensil to minimize bare hand contact with food. • An employee did not wash hands after talking on the phone or handling money and before handling food.
<p>Corrective Action: The food employee shall wash his/her hands and portion of arms as required and use utensils when possible.</p>	
<p>Notes:</p> <p>Food that has already been served to the consumer shall be handled only with utensils. These utensils shall be properly washed and sanitized before reuse.</p> <p>Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.</p> <p>Hands are not required to be washed when changing gloves if the employee is performing the same task. For example: an employee changes gloves while continuing to make sandwiches. However if changing gloves presents an opportunity for cross-contamination, proper handwashing procedures must be exercised.</p> <p><i>Single use gloves may not be reused. Washing is allowed for multi-use gloves only, usually made of a heavy rubber material.</i></p> <p><i>Violations pertaining to handling food with cuts, sores, or rashes on the hands should be marked in Data Field #2.</i></p>	

6. Handwashing facilities provided, supplied, and accessible	
CalCode 113953 113953(c) 113953.1 113953.2	<p>Adequate facilities shall be provided for hand-washing.</p> <p>Handwashing cleanser and sanitary single-use towels shall be provided in dispensers; heated-air and drying device may be substituted for single-use towels.</p> <p>Handwashing facilities shall be provided within or adjacent to toilet rooms.</p> <p>The number of handwashing facilities required shall be in accordance with local building and plumbing codes.</p> <p>The handwashing facility shall be separated from the warewashing sink by at least 24 inches or by a metal splashguard with a height of at least 6 inches.</p>
Major Violations	<p>N/A</p>
Minor Violations	<ul style="list-style-type: none"> • Bar soap is used at the kitchen handwash sink instead of liquid soap in approved dispenser. • Handwash sink is installed less than 24 inches away from a warewashing drainboard and no splashguard is installed. • Unenclosed paper towel dispenser at handwashing sink. • Lack of single-use towels, and/or hand cleanser at handwashing sink • Handwashing sink is rendered temporarily inaccessible because of some temporary obstruction.
<p>Corrective Action:</p> <p>Hand wash facilities must be available to make handwashing not only possible, but likely.</p>	
<p>Notes:</p> <p>Except when it is determined that nonconforming structural conditions pose a public health hazard, existing facilities shall be in compliance with the law [113953] pending replacement or renovation.</p> <p>A warewashing sink shall not be used for handwashing except in food facilities that were constructed prior to January 1, 1996, and where there are no facilities exclusively for handwashing in food preparation areas. [114125]</p> <p><i>A violation of this nature would be marked in Data Field #34.</i></p> <p><i>Violations pertaining to water and water temperatures would be marked in Data Field #21.</i></p>	

TIME AND TEMPERATURE RELATIONSHIPS	
7. Proper hot and cold holding temperatures	
CalCode 113996 113998 114037 114371 (6)(6)	Potentially hazardous food (PHF) shall be held at or below 41°F or at or above 135°F. Food preparation outside of required holding temperatures shall in no case exceed 2 cumulative hours without a return to the specified holding temperatures.
Major Violations	<ul style="list-style-type: none"> • Potentially hazardous hot food is held at 130°F or below as a result of an improper process, practice or equipment failure. • Potentially hazardous cold food is held at 50°F or above as a result of an improper process, practice or equipment failure. <p>Examples:</p> <ul style="list-style-type: none"> • Deli display case holding items at 52°F. • PHF is thawing improperly and its temperature is 55°F. • Cooked pasta and cream sauce in a container on the counter at 71° F. The manager states that it is under time management – placed out 3 hours ago according to cook – no written log available. (Since no log is available, “time as a public health control” does not apply) • Pooled eggs held at temperatures of 50°F to 130°F.
Minor Violations	<ul style="list-style-type: none"> • PHF is held at or between 131°F – 134°F. • PHF is held at or between 42°F – 49°F. • PHF is thawing under still or warm running water and the temperature of the PHF is between 42°F -49°F.
<p>Exceptions:</p> <p>Refrigerated PHFs may be at a temperature of 45°F or below when received, if the PHF is cooled to 41°F or below within four hours of receipt. [114037]</p> <p>If a temperature other than 41°F for a PHF is specified in law governing its distribution, the PHF may be received at the specified temperature and cooled as specified in subdivisions (d) and (e) of Section 114002. [114037].</p> <p>PHF that is received hot shall be at a temperature of 135°F or above. [114037]</p>	

Live molluscan shellfish shall not be accepted unless received at a temperature of 45°F or below. A temperature above 45°F is acceptable if the molluscan shellfish is received on the date of harvest. [114037]

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

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

Corrective Action:

If a major violation is found and it is determined that food was held between 50°F to 130°F for more than 4 hours the food should be voluntarily discarded or impounded, forms such as those used for impound or embargo must be completed following the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

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

Notes:

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

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

Examples of Potentially Hazardous Foods

Fruits / Vegetables

- All cooked vegetables, cooked rice and legumes
- All sprouts
- Baked/cooked potato
- Rehydrated mashed potatoes
- Cut melon
- Cut tomatoes
- Edamame
- Hummus
- Opened canned vegetables
- Rehydrated vegetable products containing PHF's
- Tofu, texturized vegetable protein
- Rehydrated garlic in oil - anything grown in the ground that is then stored in oil (garlic, onions etc.)

Meat

- Beef, poultry, fish, lamb, pork, ratites (cooked or raw)
- Bakery products containing meat, vegetable, soft cheeses (bao, peroski)
- Vegetable, seafood, beef, chicken, or turkey broth
- Bologna
- Gravies (reconstituted or facility-made)
- Opened canned meat or fish
- Hot dogs, sausage
- Chorizo (cooked or raw)
- Raw bacon
- Seafood excluding live fish

Dairy

- Eggs, milk
- Cheesecake
- Cream pastries (if cream is not commercially made, check label)
- Cream cheese
- Facility made salad dressing, mayonnaise, or aioli
- Food containing eggs (i.e. quiche, custards, hollandaise sauce)
- Funnel cake, pancake and waffle batter (containing PHF's), including rehydrated funnel cake, pancake and cake mix
- Opened ultra-pasteurized products
- Pizza
- Sliced/shredded/crumbled cheeses (cheddar, jack, blue etc.)
- Soft cheeses: (feta, soft Mexican style cheese, brie etc.)
- Whipped butter
- Whipped cream (including ultra-pasteurized)

<p>Miscellaneous</p> <ul style="list-style-type: none"> • All casseroles containing PHF's • Cooked noodles • Liquid batter for dipping PHFs
<p style="text-align: center;">Examples of Non Potentially Hazardous Foods</p>
<p>Fruits / Vegetables</p> <ul style="list-style-type: none"> • Cut/whole raw vegetables • Cut fruit (other than melon) • Jarred or canned chilies • Kimchi • Garlic in water • Sauerkraut • Salsa / pico de gallo with a pH <4.6 • Unopened canned meats and vegetables (including kidney beans)
<p>Meat</p> <ul style="list-style-type: none"> • Cooked bacon (soft or crisp) • Commercially manufactured jerky • Commercially made salted pork or fish • Pepperoni • Pickled pig's feet • Prosciutto • Salami
<p>Dairy</p> <ul style="list-style-type: none"> • Butter/margarine • Hard boiled eggs in intact shells (must be air-cooled) • Manufacturer sealed hard cheeses (i.e. parmesan, whole block of cheddar) • Pickled eggs • Processed sliced cheeses • Sour cream, yogurt • Unopened ultra-pasteurized products
<p>Miscellaneous</p> <ul style="list-style-type: none"> • Commercially manufactured icing, glazes • Peanut butter • Teriyaki sauce, soy sauce, fish sauce, oyster sauce • Dehydrated garlic in oil • Uncooked dehydrated rice noodles

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

9. Proper cooling methods	
CalCode 114002 114002.1	<p>All potentially hazardous food shall be rapidly cooled from 135°F to 41°F, within 6 hours, and during this time the decrease in temperature from 135°F to 70°F shall occur within 2 hours.</p> <p>Potentially hazardous food shall be cooled within 4 hours to 41°F or less if prepared from ingredients at ambient temperature, (such as reconstituted foods and canned tuna) or is received at temperature above 41°F as specified in section 114037.</p> <p>Potentially hazardous foods must be rapidly cooled using one or more of the following methods.</p> <ul style="list-style-type: none"> • Placing the food in shallow pans, • Separating the food into smaller or thinner portions, • Using rapid cooling equipment, • Using containers that facilitate heat transfer, • Adding ice as an ingredient, • Using ice paddles, • Inserting appropriately designed containers in an ice bath and stirring frequently, • In accordance with an HACCP plan adopted pursuant to this part, • Utilizing other effective means that have been approved by the enforcement agency.
Major Violations	<ul style="list-style-type: none"> • Food cooling with or without intervention that has exceeded the critical time/temp limits shall be documented as a major violation. Food shall be voluntarily condemned and destroyed (VC&D).
Minor Violations	<ul style="list-style-type: none"> • Food cooling without intervention and has not exceeded the first critical time/temp limit shall be documented as a minor violation. Approved intervention or rapid reheating shall be initiated immediately.

10. Proper cooking time and temperatures											
<p>CalCode 114004 114008 114010</p>	<p>Comminuted meat (ground beef/hamburger/ground pork), injected meats, and raw shell eggs shall be heated to 155°F for 15 sec. or using the time and cooking temperature relationships specified in the following chart:</p> <table border="1" data-bbox="359 326 921 492"> <thead> <tr> <th colspan="2">Minimum</th> </tr> <tr> <th>Temperature (°F)</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>145</td> <td>3 minutes</td> </tr> <tr> <td>150</td> <td>1 minute</td> </tr> <tr> <td>158</td> <td><1 second (instantaneous)</td> </tr> </tbody> </table> <p>Single pieces of beef, lamb, veal, and pork; fish or eggs served for immediate service shall be heated to 145°F for 15 sec.</p> <p>Poultry, comminuted poultry (ground turkey/ground chicken) and stuffed fish / meat / poultry shall be heated to 165°F for 15 seconds.</p> <p>Raw foods of animal origin cooked in a microwave oven shall meet all of the following requirements:</p> <ol style="list-style-type: none"> 1. Be rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat. 2. Be covered to retain surface moisture. 3. Be heated to a temperature of at least 165°F in all parts of the food. 4. Stand covered for at least two minutes after cooking to obtain temperature equilibrium. <p>Fruits and vegetables that are cooked for hot holding shall be cooked to a minimum temperature of 135°F.</p>	Minimum		Temperature (°F)	Time	145	3 minutes	150	1 minute	158	<1 second (instantaneous)
Minimum											
Temperature (°F)	Time										
145	3 minutes										
150	1 minute										
158	<1 second (instantaneous)										
<p>Major Violations</p>	<p>Any variation below the minimum standards set forth by CalCode.</p> <ul style="list-style-type: none"> • Food temperatures checked do not meet the temperature requirements for cooking and the employee doing the cooking attempts to serve the product without returning the product to the cooking process. <p>Example:</p> <p>The final cooking temperature of a hamburger patty was measured at 140°F (see #19 for made to order items).</p>										
<p>Minor Violations</p>	<p>N/A</p>										

Corrective Action:

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

Exceptions:

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

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

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

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

Oven Type	Oven Temperature based on roast weight	
	Less than 10 lbs	10 lbs or more
Still Dry	350°F or more	250°F or more
Convection	325°F or more	250°F or more
High Humidity*	250°F or less	250°F or less

*Relative humidity greater than 90% for at least 1 hour measured in the cooking chamber or in a moisture impermeable bag that provides 100% humidity

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

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

*Holding time may include postoven heat rise.

Notes:

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

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

The cooking temperatures of food will be measured to determine compliance or noncompliance. Compliance or noncompliance will not be determined based on discussions with managers. (During the inspection, the final cooking temperatures of food will be measured, and documented if out of compliance.)

11. Proper reheating procedures for hot holding

CalCode 114014 114016	Any potentially hazardous food that has been cooked, cooled and subsequently reheated for hot holding shall be reheated to a temperature of 165°F for at least 15 seconds. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature.
Major Violations	<ul style="list-style-type: none">• It is observed that cold foods are taken from the walk-in refrigerator and placed directly onto the steam table for reheating and hot holding. Items currently on steam table are holding at 135°F and the steam table is set to its highest setting.• Observed soup on soup warmer being served before it reaches 165°F.
Minor Violations	N/A
Exceptions: Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant shall be heated to a temperature of at least 135° F for hot holding.[114016] Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature.[114014]	
Notes: If reheating practices are not witnessed during the inspection, knowledge of the facility's practices should be obtained through discussions with cooks and/or managers. Reheating for hot holding shall be done rapidly. The time the food is between 41°F and 165°F shall not exceed two hours. Remaining unsliced portions of roasts that are cooked as specified under CalCode Section 114004 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions as specified in Section 114004.	

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

13. Food free from contamination and adulteration

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

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

14a. Food contact surfaces: cleaned and sanitized as required	
CalCode 113984(d) 114097 114099.7 114099.1 114101 114105 114109 114111 114113 114115 114117 114125 114141 114099.2	<p>All food-contact surfaces and utensils shall be cleaned as required. Utensils and food-contact surfaces must be cleaned at the following times:</p> <ul style="list-style-type: none"> • Before each use with a different type of raw food of animal origin such as beef, fish, lamb, pork, or poultry. • Each time there is a change from working with raw foods to working with ready-to-eat foods or produce. • At any time during the operation when contamination may have occurred. • If in contact with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned at least every 4 hours or as required. • Before using or storing a food thermometer. <p>Surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned in any of the following circumstances:</p> <ul style="list-style-type: none"> • At any time when contamination may have occurred, • At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles, • Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers, • 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, at a frequency specified by the manufacturer, or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

Major Violations	<ul style="list-style-type: none"> • Contamination of food-contact surfaces that could result in food contamination. • Meat slicer not washed at required frequency (every 4 hours or less in facility at room temperature). • In use preparation surfaces (including knives, basting brushes etc.) are not cleaned and sanitized a minimum of every four hours.
Minor Violations	<ul style="list-style-type: none"> • Equipment and utensils that are not currently in use are not clean to sight and touch. • The warewashing sink is used to wash wiping cloths, wash produce, or thaw food and the sink is not cleaned and sanitized before and after each specific use.

Exceptions:

Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four hours if any of the following occurs:

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

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

3. Containers in serving displays such as salad bars, delis, and cafeteria lines holding ready-to-eat potentially hazardous foods that are maintained at the temperatures specified in Section 113996 are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned and sanitized at least every 24 hours.
4. Thermometers are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified in Sections 113996 and 114004.
5. Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.
6. The cleaning schedule is approved based on consideration of characteristics of the equipment and its use, the type of food involved, the amount of food residue accumulation, and the temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic micro-organisms that are capable of causing foodborne disease.
7. In-use utensils are intermittently stored in a container of water in which the water is maintained at or below 41°F or at or above 135°F and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

Corrective Actions:

A food facility shall not be operating if there is gross contamination of food-contact surfaces that may result in the contamination of food products. The food facility shall cease operation of the food facility until all food contact surfaces have been thoroughly cleaned and sanitized. If found operating, the Environmental Health Specialist shall suspend the permit to operate until the food facility is able to properly clean and sanitize equipment or utensils. The Environmental Health Specialist shall require that all equipment and utensils be cleaned and sanitized prior to reinstating the permit.

Notes:

Cleaning of the utensil or food-contact-surfaces of equipment is not required if the food contact surface or utensil is in contact with a succession of different raw foods of animal origin, each requiring a higher cooking temperature than the previous one as specified in Section 114004, such as preparing raw fish followed by cutting raw poultry on the same cutting board. [114117(b)]

14b. Proper warewashing procedure and/or sanitization	
<p>CalCode 114099.4 114099.6</p>	<p>Manual warewashing shall be accomplished by using a three- compartment sink where the utensils are first pre-cleaned, then washed, rinsed, sanitized, and air dried.</p> <p>All food contact surfaces of utensils and equipment shall be sanitized as required. Manual sanitization shall be accomplished by one of the following:</p> <ul style="list-style-type: none"> • Contact with 100ppm chlorine solution for 30 seconds, • Contact with 25ppm iodine solution for 1 minute, • Contact with 200ppm quaternary ammonia solution for 1 minute, • Contact with water of at least 171°F for 30 seconds. <p>Automatic warewash units shall meet manufacturers' specifications for sanitizer concentrations.</p>
<p>Major Violations</p>	<ul style="list-style-type: none"> • Employee skips sanitization step during manual dishwashing. • Dish machine in use and is running with sanitizer reading = 0ppm. <p><u>Note:</u> If the dish machine can't be fixed during inspection and no manual dishwashing facilities are available, the facility is subject to closure.</p> <ul style="list-style-type: none"> • Water in rinse cycle <150 °F at high temperature dishwasher. • Dishes/equipment/food contact surface washed manually or in an automatic dishwasher without soap/detergent and dishes are still soiled after a full cycle.
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Employee observed washing dishes using approved steps in the wrong order. • Inadequate contact time with sanitizer (chlorine<30 seconds, quaternary ammonium<1 minute), • During manual warewashing chlorine reading <100 ppm but >0 ppm. • Dish machine in use running with sanitizer reading < 50 ppm but > 0 ppm.

<p>Minor Violations (cont.)</p>	<ul style="list-style-type: none"> • Water in high temperature dishwasher reaches 150°F - 159°F but not reaching 160°F (or manufacturer's instructions). • Towel drying of dishware (towel appears clean). • Equipment and utensils are not air dried or properly stored to facilitate drying after sanitizing. • Equipment and utensils are not allowed to <u>adequately drain</u> of sanitizer before reuse. • The washing temperature in the low temperature automatic dishwasher is not reaching proper washing temperature per manufacturer's specifications but the dishes are coming out clean. • Water temperature in wash compartment of warewashing sink is less than 100°F.
<p>Corrective Action:</p> <p>A food facility that prepares food shall cease operation immediately if there is no method to properly clean and sanitize equipment or utensils. The food facility shall remain closed until a method to clean and sanitize equipment or utensils is provided.</p> <p>If found operating, the Environmental Health Specialist shall suspend the permit to operate until the food facility is able to properly clean and sanitize equipment or utensils.</p> <p>The Environmental Health Specialist shall require all equipment and utensils to be cleaned and sanitized prior to reinstating the permit.</p>	
<p>Notes:</p> <p>For dishwashing in an automatic unit, manufacturer specifications for sanitizer concentrations should be followed, usually 50-100ppm chlorine.</p> <p>Machine sanitization of utensils using high temperature must be at least 160°F measured at the dish.[114099.6]</p> <p><i>Lack of testing equipment for applicable sanitization method should be marked in Data Field #34</i></p> <p><i>Drying wet clean utensils with a damp soiled cloth should be marked in Data Field #14.</i></p> <p><i>Lack of hot water to the facility should be marked in Data Field #21.</i></p>	

FOOD FROM APPROVED SOURCES

15. Food obtained from approved source

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

Major Violations	Major violations include any violations of these sections.
Minor Violations	N/A
<p>Exceptions:</p> <p>Properly labeled prepackaged raw milk and raw milk products obtained from an approved source and dispensed and sold at retail by the food facility in compliance with 17 CCR 11380 are not required to be pasteurized. [114024]</p> <p>Environmental Health Services may approve the use of legally obtained donated fish and game by nonprofit organizations authorized to serve meals to indigent persons. "Fish," as used in this subdivision, shall be defined as that term is used in Section 45 of the Fish and Game Code. "Game," as used in this subdivision, means any game bird, as defined in Section 3500 of the Fish and Game Code, or game mammal, as defined in Section 3950 of the Fish and Game Code. [114031]</p>	
<p>Corrective Action:</p> <p>If food is from an unapproved, unsafe, or otherwise unverifiable source, the food must be voluntarily discarded or impounded. Forms such as those used for impound or embargo must be completed following the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.</p>	
<p>Notes:</p> <p>Prepackaged items that only have their label on their large shipping containers must have labeling information visible at their retail display.</p> <p>Food transportation vehicles may be inspected only when the transporter has arrived at the retail food facility, when stationary at an agricultural inspection station, or at a border crossing. Food transporter violations should be referred to the State Department for follow-up. Violations observed on vehicles found at a food facility should be marked in this data field if the facility has accepted delivery of food from the transporter.</p>	

16. Compliance with shellstock tags, condition display	
CalCode 114039 114039.1 114039.2 114039.3 114039.4 114039.5	<p>Shellstock shall have certification tags and shall be properly stored and displayed.</p> <p>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 HACCP plan as specified in Section 114419.1.</p>
Major Violations	<ul style="list-style-type: none"> • Missing or incomplete shellfish certification tags or improper wet storage of shellfish (includes commingling of shellfish) • A bag of molluscan shellfish lacking tags. • Shellfish from two different bags stored together (commingled).
Minor Violations	<ul style="list-style-type: none"> • When received, shellstock is not discarded when not reasonably free of mud, dead shellfish, or broken shells. • Shellstock has been removed from the original container unless displayed on drained ice or held in a display container with source properly identified. • An operator buys live shellstock, places it inside the freezer then finally thaws them out to place in the retail area, The operator has not labeled the shellstock as "Previously Frozen".
<p>Exceptions:</p> <p>If the shellstock harvester's tag or label is designed to accommodate each dealer's identification, individual dealer tags or labels need not be provided. [114039.1(c)]</p> <p>Shellstock may be removed from the container in which they are received and displayed on drained ice or held in a display container. A quantity specified by a consumer may be removed from the display or display container and provided to the consumer if the source of the shellstock on display is identified as specified under Section 114039.1 and recorded as specified under Section 114039.4 and the shellstock are protected from contamination. [114039.3]</p> <p>Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if the labeling information for the shellfish on display as specified under Section 114039 is retained and correlated to the date when, or dates during which, the shellfish are sold or served and the shellfish are protected from contamination. [114039.3]</p>	

Molluscan shellfish life support system display tanks that were in operation prior to the effective date of this part need not comply with Section 114419. [114039.5]

Corrective Action: If food is from unapproved, unsafe, or otherwise unverifiable sources and it is determined that food should be voluntarily discarded or impounded, forms such as those used for impound or embargo must be completed following the jurisdiction's procedures. Disposition of any impounded food shall be conducted within 30 days as specified in Section 114393.

A package of raw shucked shellfish or shellstock that does not bear a label or that bears a label that does not contain all the information required by subdivision (a) shall be voluntarily discarded or impounded.

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

CONFORMANCE WITH APPROVED PROCEDURES

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

CalCode 113799 113801 114057 114057.1 114417.6 114419	HACCP plan (Hazard Analysis Critical Control Point) means a written document that complies with the requirements of Section 114419.1 and that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. These principles include completion of the following basic steps:
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1. Completion of hazard analysis identification by identifying the likely hazards to consumers presented by a specific food.
2. Determination of critical control points in receiving, storage, preparation, displaying, and dispensing of a food.
3. Setting of measurable critical limits for each critical control point determined.
4. Developing and maintaining monitoring practices to determine if critical limits are being met.
5. Developing and utilizing corrective action plans when failure to meet critical limits is detected.
6. Establishing and maintaining a recordkeeping system to verify adherence to a HACCP plan.
7. Establishing a system of audits to do both of the following:
 - a. Initially verify the effectiveness of the critical limits set and appropriateness of the determination of critical control points.
 - b. Periodically verify the effectiveness of the HACCP plan.

Potentially hazardous foods that are packed by the food facility in reduced-oxygen packaging or have been partially cooked and sealed in any container or configuration that creates anaerobic conditions shall be plainly date coded. The date coding shall state "Use By," followed by the appropriate month, day, and year.

A food facility that packages potentially hazardous food using a reduced-oxygen packaging method must operate under a HACCP plan which has been approved by the California Department of Public Health.

	<p>Food facilities may engage in the following only pursuant to a HACCP plan that has been approved by the California Department of Public Health:</p> <ol style="list-style-type: none"> 1. Using acidification or water activity to prevent the growth of <i>Clostridium botulinum</i>. 2. Packaging potentially hazardous food using a reduced-oxygen packaging method as specified in Section 114057.1 <p>If the California Department of Public Health grants a variance, or if a HACCP plan is required pursuant to Section 114419, the permit holder shall follow all requirements listed in CalCode.</p> <p>Food facilities may engage in any of the following activities only pursuant to a HACCP plan as specified in Section 114419.1:</p> <ol style="list-style-type: none"> 1. Smoking food as a method of food preservation rather than as a method of flavor enhancement. 2. Curing food. 3. Using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement, or to render a food so that it is not potentially hazardous. 4. Operating a molluscan shellfish life support system display tank used to store and display shellfish that are offered for human consumption. 5. Custom processing animals that are for personal use as food and not for sale or service in a food facility. 6. Preparing food by another method that is determined by the enforcement agency to require a HACCP plan.
<p>Major Violations</p>	<ul style="list-style-type: none"> • If the food facility operator is utilizing a practice that requires a HACCP plan without having an approved written HACCP plan, or is not following the HACCP plan as written. • If the food facility operator is utilizing any of the following practices without a written HACCP plan, or is not following the HACCP plan as written: <ul style="list-style-type: none"> • Smoking food as a method of preservation • Curing food • Using food additives as a method of preservation or as a means to change the food to non-PHF

	<ul style="list-style-type: none"> • Operating a molluscan shellfish life support tank for shellfish intended for human consumption • Custom processing animals as food for personal use • Preparing food by another method that requires a HACCP plan as determined by the Environmental Health Specialist
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Exceptions:

Except for fish that is frozen before, during, and after packaging, a food facility shall not package fish using a reduced-oxygen packaging method. [114057.1(c)] Whole Chinese-style roast duck (§114425) and Korean Rice Cakes (§114429) do not require a HACCP plan.

Corrective Action:

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

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

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

Notes:

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

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

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

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

HIGHLY SUSCEPTIBLE POPULATIONS

20. Licensed health care facilities and public/private schools: prohibited foods not offered

CalCode 114091	Prohibited foods may not be offered in licensed health care facilities or public/ private schools.
Major Violations	<ul style="list-style-type: none">• Unpasteurized juice, fluid milk or dry milk is served.• Unpasteurized shell eggs are used, unless raw eggs are used for one consumer's serving at a single meal and cooked as required by code, or combined as an ingredient before baking and thoroughly cooked to a ready-to-eat form, or the facility is operating pursuant to a HACCP Plan.• Food in an opened original package is re-served.• Ready-to-eat foods that contain raw food of an animal origin or partially cooked foods are served.• Raw seed sprouts are served.
Minor Violations	N/A

Notes:

For highly susceptible populations, discussions with the person in charge and employees regarding whether or not certain foods are served or certain practices occur in the licensed health care facility and public or private school, along with observations should be used to determine compliance.

WATER / HOT WATER	
21. Hot and cold water available	
CalCode 113953(c) 114163(a) 114189 114192 114192.1 114195	<p>An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided.</p> <p>Hot water shall be supplied at a minimum temperature of 120°F measured from the warewashing sink faucet.</p> <p>Handwashing facilities shall be equipped to provide warm water (100°F) under pressure for a minimum of 15 seconds through a mixing valve or combination faucet. If the temperature of water provided to a handwashing sink is not readily adjustable at the faucet, the temperature of the water shall be at least 100°F, but not greater than 108°F.</p> <p>A food preparation sink shall be provided with hot and cold running water through a mixing valve.</p>
Major Violations	<ul style="list-style-type: none"> • Hot water from the faucet at warewashing sinks is less than 110°F. • Contaminated or unapproved water supply. • No potable water is available to the facility. • Water at the handwashing sink is too hot (>130°F) to wash hands making the handwashing sink unusable (when water temperature is not readily adjustable at the faucet). • Lack of hot water at a food preparation sink, or if the water is <110°F. • Water at the handwash sink is <90°F. <p>Note: If all hand sinks lack running water, the facility is subject to closure, unless it can be remedied during the inspection.</p>
Minor Violations	<ul style="list-style-type: none"> • Hot water from the faucet at the warewashing sink is between 109°F - 119°F. • Lack of hot water at a janitorial sink. • Water at 91 - 99°F at the handwash sink.
<p>Exceptions:</p> <p>A food facility may provide only warm water if the water supply is used only for handwashing, as required in Section 113953.</p>	

Corrective Action:

A food facility with hot water measured below 110°F at the warewashing sink faucet shall immediately correct the violation (relighting a pilot light for example), find a suitable alternative, or cease food preparation in the impacted areas until water, hot water, or potable water is restored.

It is important to note that if a food facility is found operating without hot water (below 110°F), the Environmental Health Specialist will evaluate the risks associated with the lack of hot water and the warewashing sink requirements (as specified in Sections 114115 and 114117) when determining whether: the food facility could remain open for a short time until hot water can be restored; the impacted area should be closed; a suitable alternative could be implemented as a temporary measure; or if the food facility's permit should be suspended until the hot water is restored.

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

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

LIQUID WASTE DISPOSAL	
22. Sewage and wastewater properly disposed	
CalCode 114197 114250	<p>Liquid waste shall be disposed through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.</p> <p>Toilet room is available, functioning and stocked with toilet tissue.</p>
Major Violations	<ul style="list-style-type: none"> • Overflows or back-ups of sewage / wastewater into the food facility. • A clogged floor sink/grease interceptor that adversely impacts the use of necessary equipment. • Lack of operable toilet facilities.
Minor Violations	<ul style="list-style-type: none"> • Mop water disposed of in parking lot. • Condensation line from walk-in refrigerator draining outside into parking lot. • One floor sink is clogged or draining slowly but there is no sign of sewage on the floor and facility plumbing can function properly without that sink, and the equipment for which that sink is used is not necessary for the facility to operate.
<p>Corrective Action:</p> <p>A food facility shall not operate if there is sewage overflowing or backing up in the food facility or there are no operable toilets available for food employees. The food facility shall cease operation immediately in the impacted areas of the food facility until the sewage disposal problem has been repaired. The food facility, or impacted areas, shall remain closed until all plumbing problems have been corrected and all contaminated surfaces have been cleaned and sanitized. Any contaminated food product shall be voluntarily discarded.</p> <p>In the event the overflow from the facility is occurring outside, the source of the discharge must immediately cease. If a septic tank and/or grease interceptor is used and is the source of the problem, it shall be pumped as often as necessary until the sewage system can be restored to a fully functional condition.</p>	

VERMIN	
23. No rodents, insects, birds, or animals	
CalCode 114259.1 114259.4 114259.5	Each food facility shall be kept free of vermin: rodents (rats, mice), cockroaches, flies.
Major Violations	<ul style="list-style-type: none"> Cockroaches, mice, rats, flies, and similar disease carrying vermin are present within the food facility. Evidence of their presence would include: live bodies, fresh droppings, vomitus, urine stains, or gnaw marks. The presence of vermin has caused, or would be likely to cause contamination of food, equipment, packaging, or utensils.
Minor Violations	<ul style="list-style-type: none"> Non-disease carrying insects, weevils, gnats present in facility. Evidence that live animals (other than service animals) are allowed in a food facility.
<p>Corrective Action:</p> <p>A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.</p> <p>A food facility found operating while experiencing a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s) will be closed by the Environmental Health Specialist.</p> <p>Food that has been adulterated due to the presence of insects or vermin must be voluntarily discarded.</p>	

Notes and Exceptions:

Food employees with service animals may handle or care for their service animals if they wash their hands as required.

Food employees may handle or care for fish in aquariums or molluscan shellfish or crustacean in display tanks if they wash their hands as required.

Live animals may be allowed in specific situations (service animal, security animals), if the contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result.

Pets may not enter indoor food facilities.

GOOD RETAIL PRACTICES

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

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

GENERAL FOOD SAFETY REQUIREMENTS

26. Approved thawing methods

CalCode 114018 114020	Food shall be thawed under refrigeration; completely submerged under cold running water of sufficient velocity to flush loose particles; in microwave oven; during the cooking process.
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Minor Violations	<ul style="list-style-type: none">• Potentially hazardous food is observed not being thawed by one of the approved procedures.• Hot water in use to thaw food.• Chicken thawing sitting on counter top.
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Notes:

Foods found in the temperature danger zone should be marked under Data Field #7 "Proper hot and cold holding temperatures."

27. Food protected from contamination	
CalCode 113984 113986 114060 114077 114073 114069 114089.1 114143 114069 114089.1 114143	<p>All food shall be separated and protected from contamination.</p> <p>Food preparation shall be conducted within a fully enclosed food facility.</p> <p>Food shall be protected from cross-contamination.</p> <p>Food on display shall be protected from contamination by the use of packaging, covers, sneeze guards, containers with tight-fitting securely attached lids, display cases, mechanical dispensers, or other effective means.</p> <p>Overhead protection shall be provided above all food preparation, food display, and food storage areas.</p>
Minor Violations	<ul style="list-style-type: none"> • Food items in open/uncovered bag or container. • Raw meat or other raw products of animal origin stored above ready-to-eat food items and there is a potential for cross contamination. • Food is not being prepared in a fully enclosed food facility. • Limited food preparation is not conducted within an approved food compartment defined in Section 113784 or as approved by the enforcement agency. • Uncovered muffins displayed for sale on counter. • Foods other than prepackaged non-potentially hazardous food or uncut produce are displayed outdoors. • Bulk milk container dispensing tubes not cut diagonally so as to leave no more than 1 inch protruding from the chilled dispensing head. • The open-air barbecue or outdoor wood burning oven is not separated from public access to prevent food contamination or injury to public. • Preparing food in a dining room, office or any other unapproved area. • Use of a cutting board on top of a trash can, or other contaminated surface. • Beverage bottles/cans stored in ice in customer self-service area completely buried in ice or floating in ice water. • Food or clean utensils stored under soap or paper towel dispenser.

Exceptions:

French style hearth-baked, or hard-crust loaves and rolls shall be considered properly wrapped if contained in an open-end bag that encloses the loaves or rolls.

Food does not have to be stored in packages, covered containers, or wrappings if:

1. It is whole uncut raw fruits, vegetables, and nuts in the shell.
2. Raw meat hung on clean, sanitized hooks or racks
3. Food is in the cooling process
4. It is shell stock.

Notes:

Limited food preparation may be conducted within a food compartment.

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

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

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

29. Toxic substances properly identified, stored, or used	
CalCode 114254 114254.1 114254.2	<p>Only those pesticides that are necessary and specifically approved for use in a food facility may be used (in accordance with the manufacturer's instructions).</p> <p>All poisonous substances, detergents, bleaches, and cleaning compounds, shall be stored and used only in a manner that is not likely to cause contamination or adulteration of food, food contact surfaces, utensils, or packaging materials.</p> <p>A container previously used to store poisonous or toxic materials shall not be used to store, transport, or dispense food, utensils, and/or linen.</p> <p>Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.</p> <p>Working containers of cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.</p>
Minor Violations	<ul style="list-style-type: none"> • An insecticide, rodenticide, or other pesticide is not used in accordance with the manufacturer's instructions. • A poisonous substance, detergent, bleach, cleaning compound, personal care item, or any other injurious or poisonous material is stored or used in a manner that may cause contamination or adulteration of food, food-contact surfaces, utensils, or packaging materials. • Household pesticide unapproved for use at food facility in use at food facility. • Spray bottle for cleaner lacking legible label. • Chemicals not stored separate from food items.
<p>Exception: Equipment and utensil cleaners and sanitizers may be stored in a warewashing area for availability, if these materials are stored to prevent contamination of food, equipment, utensils, linens, and single-use articles.</p>	
<p>Note: <i>If food is found to be contaminated or adulterated during storage, Data Field #13 "Food in good condition, safe and unadulterated" should be marked. (113980)</i></p>	

FOOD STORAGE / DISPLAY / SERVICE	
30a. Food stored 6 inches above floor	
CalCode 114047	<p>Adequate and suitable space shall be provided for the storage of food.</p> <p>Food shall be protected from contamination by storing the food in a clean, dry location, where it is not exposed to splash, dust, vermin, or other forms of contamination or adulteration, and at least six inches above the floor.</p>
Minor Violations	<ul style="list-style-type: none"> • Food storage area is not clean, dry, or an adequate amount of storage space is not available. • Food is not stored at least 6 inches above the floor (except food stored on dollies, pallets, or similar equipment).
<p>Exceptions:</p> <p>Food in packages and working containers may be stored less than six inches above the floor on case lot handling equipment as specified under Section 114165.</p> <p>Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture. [114047 (d)]</p> <p>Items in enclosed packages may be stored less than six inches above the floor on dollies, pallets, racks, or skids that are designed to be easily movable. [114178 (d)]</p>	
<p>Notes:</p> <p><i>If food is found to be contaminated or adulterated during storage, Data Field #13 "Food in good condition, safe and unadulterated" should be marked. (113980)</i></p>	

30b. Food stored in approved location within enclosed facility	
<p>CalCode 114049 114053 114055 114069(b)</p>	<p>Food shall not be stored in lockers, toilet rooms, dressing rooms, refuse rooms, mechanical rooms, under unshielded sewer lines, leaking water lines, under stairwells, or under other sources of contamination.</p> <p>Prepackaged foods may not be stored in direct contact with ice or water if the food is subject to the entry of water.</p> <p>Products held by the permit holder for return to the manufacturer must be segregated and held in designated areas that are separate from food, equipment, utensils, linens, and single use articles.</p> <p>Food and utensils must be stored inside the fully enclosed permanent food facility when satellite food service is not being conducted.</p> <p>Food displayed outdoors during operating hours, must be stored inside the fully enclosed food facility during non-business hours.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Facility is using employee restroom to store prepackaged food items. • Returned or damaged food products are not stored in designated area. • Prepackaged beverage containers stored outside of food facility in an unapproved / un-permitted cargo container. • Food or food related equipment stored in unapproved auxiliary structure.
<p>Exceptions:</p> <p>Whole raw fruits or vegetables, cut raw vegetables, and tofu may be stored or displayed in contact with ice or water.</p> <p>Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.</p>	
<p>Notes:</p> <p><i>If food is found to be contaminated or adulterated during storage, Data Field #13 "Food in good condition, safe and unadulterated" should be marked. (113980)</i></p>	

30c. Food containers properly labeled	
CalCode 114051	Working containers holding food or food ingredients shall be identified with the common name of the food, except those foods that can be readily and unmistakably recognized.
Minor Violations	<ul style="list-style-type: none"> • A container of a white crystalline substance is sitting near the cook line without any labels. • Spray bottle containing water on preparation table without a label.
<p>Exception: Containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be identified.</p>	

31a. Customer self-service / utensils for all items	
CalCode 114063 114065	<p>Non prepackaged food may be displayed in bulk for consumer self-service if all of the following conditions are satisfied:</p> <ol style="list-style-type: none"> 1. A label is provided. Nonfood items shall be displayed and stored in an area separate from food. 2. A suitable food dispensing utensil is provided for each container. 3. Consumer self-service operations such as buffets and salad bars shall be checked periodically on a regular basis by food employees trained in safe operating procedures. <p>Consumer self-service bulk beverage dispensing operations may not be required to be located within an enclosed facility if all the requirements in CalCode are met.</p>
Minor Violations	<ul style="list-style-type: none"> • A food scooping utensil is not provided for each container at the buffet and salad bars. • Consumer self-service bulk beverage dispensers are not properly operated or maintained. (§114065) • Unwrapped straws stored in unenclosed dispenser. • Utensils (spoons, forks) stored with mouth part exposed in customer self-service area.
<p>Exceptions: Produce and food requiring further processing, except raw food of animal origin, may be displayed on open counters or in containers. Salad bar and buffet-type food service does not require labels.</p>	

31b. Raw, open animal products excluded from self-service	
CalCode 114063(a)	Raw, non-prepackaged food of animal origin, such as beef, lamb, pork, poultry, and eviscerated fish, shall not be offered for consumer self-service.
Minor Violations	<ul style="list-style-type: none"> • Raw, non-prepackaged food of animal origin such as lamb, beef, pork, poultry, and eviscerated fish is offered for customer self- service.
<p>Exceptions:</p> <p>Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish.</p> <p>Ready-to-cook individual portions for immediate cooking and consumption on the premises, such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue, or raw foods such as: frozen shrimp, lobster, finfish, or scallop abductor muscle, or frozen breaded seafood.</p>	

32. Food properly labeled and honestly presented

CalCode

114087

114089

114089.1(a-b)

114090

114093.1

Any food is misbranded if its labeling is false or misleading, if it is offered for sale under the name of another food, or if it is an imitation of another food for which a definition and standard of identity has been established by regulation.

Food offered for human consumption shall be honestly presented in a way that does not mislead or misinform the consumer.

Food prepackaged in a food facility shall bear a label that complies with the labeling requirements prescribed by the Sherman Food, Drug, and Cosmetic Law, Part 5 and label information shall include:

1. The common name of the food
2. If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food.
3. An accurate declaration of the quantity of contents.
4. The name and place of business of the manufacturer, packer, or distributor.

Bulk food that is available for consumer self-service shall be prominently labeled with either of the following information in plain view of the consumer:

1. The manufacturer's or processor's label that was provided with the food.
2. A card, sign, or other method of notification that includes the information specified above.

Bakery items that are not considered bulk food available to the consumer shall have a protective wrapping which bears a label which complies with the Sherman Food, Drug, and Cosmetic Law, Part 5 commencing with section 109875.

Note: Bakery products sold directly to a restaurant, catering service, retail bakery, or sold over the counter directly to the consumer by the manufacturer or bakery distributor shall be exempt from these labeling requirements.

Minor Violations	<ul style="list-style-type: none">• "Fresh" fish is advertised, but the fish had been frozen.• "Quarter pounder" is not ¼ lb. before cooking.• Pink light shields used in a meat display case.• Bulk food available for consumer self-service does not have label information or does not have a sign or other method of notification that includes the label information.• Any prepackaged food item (regardless of whether item was packaged at the retail facility or at the manufacturer level) that does not bear a label that complies with the labeling requirements as prescribed by the Sherman Food, Drug and Cosmetic Law.• The manufacturer's dating information on food is concealed.
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EQUIPMENT / UTENSILS / LINEN**33. Nonfood-contact surfaces clean**

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

34. Warewashing facilities maintained; test strips available	
<p>CalCode 114095 114099 114099.3 114099.5 114101 114101.2 114103 114107 114125</p>	<p>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.</p> <p>A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.</p> <p>All warewashing sinks shall be provided with two integral metal drainboards of adequate size, sloped in construction.</p> <p>Testing equipment and materials shall be provided to adequately measure the applicable sanitization method.</p> <p>A warewashing sink shall not be used for handwashing except in food facilities that were not constructed or extensively remodeled since January 1, 1996, and where there are no facilities exclusively for handwashing in food preparation areas.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • The food facility prepares food and does not have a three compartment sink with two integral metal drain boards. • Sink compartments are not large enough to accommodate the largest piece of equipment or utensil and facility does not have any procedure in place to wash rinse and sanitize the larger utensils. • Three-compartment sink lacks metal drain boards. • The drain boards are unavailable for dishwashing as they are in use to store equipment • Lack of plugs/stoppers to fill up the warewashing sink. • Washing utensils in a one or two-compartment sink, when a three-compartment sink is available. • Mechanical warewashing machine is not installed and operated according to manufacturer's specifications.

<p>Minor Violations (cont.)</p>	<ul style="list-style-type: none"> • The warewashing machine does not have an easily accessible and readable data plate affixed to the machine by the manufacturer that lists the machine's design and operating specifications. • The warewashing machine is not equipped with a temperature measuring device that indicates the temperature of the water. • Means for adequately measuring the applicable sanitations method are not readily available (i.e. sanitizer test strips, thermal strips). • An employee is observed washing their hands in the warewash sink instead of the nearby handwash sink.
<p>Exceptions:</p> <p>A two-compartment sink that is in use on January 1, 1996, need not be replaced when used as specified in Section 114099.3 (e).</p> <p>Restricted food service facilities need not comply with Section 114130 if the domestic or commercial dishwasher utilized for warewashing is capable of providing heat to the surface of the utensils of a temperature of at least 160°F.</p>	
<p>Notes:</p> <p>Section 114099.3</p> <p>(1) Alternative manual warewashing equipment (two-compartment sink) may be used if the permit holder limits the number of utensils cleaned and sanitized in the two-compartment sink, limits warewashing to batch operations for cleaning and sanitizing utensils, such as between cutting one type of raw meat and another or cleanup at the end of a shift, and does either of the following:</p> <p style="padding-left: 40px;">(A) Makes up the cleaning and sanitizing solutions immediately before use and drains them immediately after use, as well as uses a detergent sanitizer to clean and sanitize in accordance with the manufacturer's label instructions where there is no distinct water rinse between the washing and sanitizing steps. The agent applied in the sanitizing step shall be the same detergent sanitizer that is used in the washing step.</p> <p style="padding-left: 40px;">(B) Use a hot water sanitization immersion step that incorporates a nondistinct water rinse.</p> <p>(2) A two-compartment sink shall not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of utensils in an ongoing warewashing process.</p>	

35a. Equipment and utensils – approved and in good repair	
CalCode 114130 114130.1 114130.2 114130.3 114130.4 114130.5 114132 114133 114137 114139 114153 114165 114167 114169 114175 114177 114182	<p>All utensils and equipment shall be fully operative and in good repair. All utensils and equipment shall be approved, installed properly, and meet applicable standards.</p> <p>Multiuse food-contact surfaces shall be all of the following:</p> <ol style="list-style-type: none"> 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. 5. Accessible for cleaning <p>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 that allows easy cleaning.</p> <p>Soft wood such as wood wicker shall not be used as a food-contact surface. Hard maple or equivalent may be used as cutting boards, rolling pins, chopsticks, etc.</p>
Minor Violations	<ul style="list-style-type: none"> • Equipment and utensils are not designed and constructed to be durable and retain characteristic qualities under normal use. • New and/or replacement food equipment is not certified or classified for sanitation by an ANSI accredited certification program. • New electrical appliances do not meet UL standards for electrical equipment. • The refrigerator that is approved only for prepackaged food items is in use to store unpackaged potentially hazardous foods. • Plastic shopping bags used to store raw chicken. • Fried shrimp stored in a cardboard box. • Cardboard used to line shelves. • Reuse of empty food can to store food or equipment. • Raw wood or wood wicker is used as a food contact surface.

<p>Minor Violations (cont.)</p>	<ul style="list-style-type: none"> • Raw wood or wood wicker is used as a food contact surface. • Copper or copper alloys are used in contact with food that has a pH below 6.0 such as vinegar, fruit juice, or wine, or form a fitting between a backflow prevention unit and a carbonator. • Dollies, pallets, racks, or skids are not designed to be moved by hand, hand truck, or forklifts. • “V” type threads are used on food contact surfaces • Cutting or piercing parts of can openers are not readily cleanable or removable. • Beverage tubing or cold-plate beverage cooling devices are installed in contact with ice intended to be used for food or drink (see Data Field #13 if actual contamination has resulted). • Fixed equipment that is not sealed to the floor or elevated on 6 inch legs. • Table-mounted equipment is not sealed to the table or elevated on 4 inch legs. • Equipment and utensils are not kept clean, fully operative, and in good repair. • Surfaces of equipment such as cutting blocks and boards are scratched and scored so that they can no longer be effectively cleaned and sanitized. • Equipment used for cooling and heating food, and for holding cold and hot food, is not sufficient in number and/or capacity to ensure proper food temperature.
<p>Exceptions:</p> <p>Raw fruit, vegetables, and nuts in the shell may be kept in wood shipping containers as specified in Section 114132(c).</p> <p>Does not apply to cold plates constructed integrally with an ice storage bin.</p> <p>Does not apply to display shelving, refrigeration, and freezer units located in consumer shopping areas if floor under these units is maintained clean.</p> <p>Copper and copper alloys may be used in contact with beer brewing ingredients.</p>	

35b. Equipment and utensils – approved and in good repair MOLLUSCAN SHELLFISH TANKS	
CalCode 114039.5	<p>Molluscan shellfish life-support system display tanks that are used to store and display shellfish to be offered for human consumption shall be operated and maintained in accordance with a HACCP plan that is submitted by the Permit Holder and approved by the Enforcement Agency.</p> <p>If the molluscan shellfish life support system is operated <i>without an approved HACCP plan</i>, the tanks may be used for <i>display only</i>. Display shellfish may not be used for consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.</p>
Minor Violations	<ul style="list-style-type: none"> • Molluscan shellfish life-support system display tanks are not marked conspicuously so that it is obvious to the consumer that the shellfish are for display only.

35c. Equipment and utensils – approved and in good repair FOOD PREPARATION SINK	
CalCode 114163	<p>A food preparation sink shall be provided in permanent food facilities for the washing, rinsing, soaking, thawing, or similar preparation of foods.</p>
Minor Violations	<ul style="list-style-type: none"> • An approved food preparation sink is not provided in a food facility that serves foods requiring washing, rinsing, soaking, thawing, or similar preparation.

35d. Equipment and utensils – approved and in good repair

WATER SUPPLY RESERVOIR

<p>CalCode 114180</p>	<p>A reservoir that is used to supply water to a device, such as a produce fogger shall be cleaned and maintained in accordance with manufacturer's specifications, or according to the procedures specified below, whichever is more stringent.</p> <p>Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:</p> <ol style="list-style-type: none">1. Draining and complete disassembly of the water and aerosol contact parts.2. Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with an approved cleaning solution.3. Flushing the complete system with water to remove the cleaning solution and particulate accumulation.4. Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with an approved sanitizer as specified in Section 114099.6. <p>No fogging devices installed after the effective date of this part shall use a reservoir for holding water for fogging, but shall employ water under pressure for fogging or misting of foods.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none">• A reservoir that supplies water to a produce fogger is not clean.• Mold in produce fogger

36a. Equipment, utensils, and linens properly used and stored UTENSILS / TABLEWARE	
CalCode 114074 114075 114081 114119 114083	<p>If tableware is preset, exposed, and unused, extra settings shall either be removed when a customer is seated or all tableware (clean and soiled) must be cleaned and sanitized before use by another party.</p> <p>Multi-use utensils shall be handled, displayed and dispensed in an approved manner.</p> <p>Single use utensils and tableware intended for customer self-service shall be provided in a wrapper or from an approved dispenser.</p> <p>Food preparation and dispensing utensils shall be stored in an approved manner.</p>
Minor Violations	<ul style="list-style-type: none"> • After a customer is finished eating, extra place settings that had been on the table are re-used without cleaning and sanitizing. • Multi-use utensils are stored in a way that the working part of the utensil may become contaminated. • Clean equipment and utensils are not stored covered or inverted to prevent contamination of the food contact surface. • Single-use articles are not kept in original protective package or otherwise protected from contamination until used.
Notes: Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware, food, and food-contact surfaces do not become contaminated.	

**36b. Equipment, utensils, and linens properly
Used and stored
REFILLING CONTAINERS**

**CalCode
114121**

When a food or beverage container is to be re-filled, it shall be cleaned and sanitized prior to refilling or refilled using a dispensing system that prevents the possibility of contamination.

**Minor
Violations**

- Older model stick soda dispenser unit being used to refill customer beverage cups

Exception:

Consumer-owned containers that are not food specific may be filled at a water vending machine or system.

36c. Equipment, utensils, and linens properly used and stored	
STORAGE AREAS	
<p>CalCode 114161 114179 114172 114178</p>	<p>Cleaned and sanitized equipment, utensils, laundered linens, single-use articles, and cabinets used for the storage of food, cleaned and sanitized equipment, utensils, laundered linens, and single use articles shall not be in any of the following locations:</p> <ol style="list-style-type: none"> 1. In locker rooms. 2. In restrooms. 3. In refuse 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. 8. Under other sources of contamination. <p>All cleaned equipment and utensils, laundered linens, and single-use articles shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.</p> <p>All pressurized cylinders shall be securely fastened to a rigid structure.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Open boxes of To-Go containers stored next to a handwash sink. • Water pitchers stored in a location where they are exposed to handwash splash. • Cabinets used for storing food are located in a janitorial closet. • Pressurized cylinders are not securely fastened to a rigid structure.
<p>Exceptions:</p> <p>Laundered linens and single-use articles may be stored in a locker room if protected by packaging or a storage compartment. Section 114179(b)</p> <p>Items in enclosed packages may be stored less than six inches above the floor on dollies, pallets, racks, or skids that are designed to be easily movable. Section 114178(d)</p>	

36d. Equipment, utensils, and linens properly used and stored	
LINENS	
<p>CalCode 113778.4 114118 114130.6 114185 114185.2 114185.3 114185.4</p>	<p>“Fabric Implement” means cloth or fabric, including, but not limited to, burlap and cheesecloth, that is used as a part of the food process and comes in direct contact with food that is subsequently cooked. Shall be washed and sanitized before or after every use in direct contact with food.</p> <p>Materials that are used in fabric implements shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food. Under normal use conditions it shall be safe, durable, and sufficient in strength to withstand repeated cleaning or laundering and shall be resistant to fraying and deterioration.</p> <p>Except for linen used as fabric implements, linen shall not be used in contact with food unless they are used to line a container for the service of foods and are replaced each time the container is refilled for a new consumer and laundered prior to reuse.</p> <p>All clean and in-use linens shall be free of food residues and other soiling matter.</p> <p>Adequate and suitable space shall be provided for the storage of clean linens used as fabric implements.</p> <p>Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of clean surfaces.</p>
Minor Violations	<ul style="list-style-type: none"> • Linens are used to cover salad in a walk-in refrigerator. • Fabric implement linen not washed and sanitized prior to reuse. • Clean linens /fabric implements stored at unclean place. • Linen used as fabric implement also used as wiping rag. • Soiled linens are stored on a shelf next to dry storage items.
<p>Notes: It is recommended that a fabric implement be sanitized in boiling water.</p>	

36e. Equipment, utensils, and linens properly Used and stored LAUNDERING OF LINENS AND WORK CLOTHES	
CalCode 114161 114185.5	<p>If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and located only where there is no exposed food, clean equipment, utensils, and linens, and unwrapped single-use articles.</p> <p>Laundry facilities on the premises of a food facility shall be used only for the washing and drying of items used in the operation of the establishment.</p> <p>If work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.</p>
Minor Violations	<ul style="list-style-type: none"> • A washer or dryer is stored in a dry storage room with open food. • The operator is washing baby clothes in the facility's washing machine.

37. Vending machines maintained	
CalCode 114145	Vending machines shall meet all applicable requirements.
Minor Violations	<ul style="list-style-type: none"> • The owner’s name, address, and telephone number are not posted. • PHFs are not dispensed in the original package. • A record of cleaning and sanitizing is not provided and current for at least the last 30 days. • The vending machine is not constructed to NSF or NAMA standards. • Overhead protection is not provided if the machine is located outside. • The dispensing compartment is not equipped with a self-closing door or cover if located outside or not under full-time supervision.

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

Exceptions**(cont.)**

Restricted food service facilities shall be exempt from subdivision (a) of section 114149.1, but shall still provide ventilation to remove gases, odors, steam, heat, grease, vapors and smoke from the kitchen. In the event that the Environmental Health Specialist determines that the ventilation must be mechanical in nature, the ventilation shall be accomplished by methods approved by the enforcement agency.

Notes:

The California Department of Public Health is no longer authorized to exempt cooking equipment from required mechanical exhaust ventilation.

Local enforcement agencies may now exempt cooking equipment from mechanical exhaust ventilation as appropriate. [114149.1 (c)]

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

39a. Thermometers provided and accurate

THERMOMETERS FOR HOT AND COLD HOLDING EQUIPMENT

**CalCode
114157**

A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

**Minor
Violations**

- The reach in refrigerator has a thermometer located in the coldest part of the unit.
- The only thermometer for the walk-in refrigerator is not working.
- The thermometer in the reach-in refrigerator is not easily visible when checking reach-in temperature.
- The warming case containing egg rolls at the front counter does not have a thermometer affixed inside the case.

Exceptions:

This requirement does not apply to equipment for which the placement of a thermometer is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as Calrod units, heat lamps, cold plates, bain-maries, steam tables, insulated food transport containers, and salad bars. Section 114157(d)

39b. Thermometers provided and accurate
THERMOMETERS FOR MEASURING FOOD
TEMPERATURES

<p>CalCode 114159</p>	<p>An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperatures of potentially hazardous foods by food handlers.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • A metal probe thermometer is not readily available (for example: is locked in the manager's office). • The thermometers used for food are not accurate to within +/- 2°F. • A glass stem thermometers is used to check the temperature of foods other than candy.
<p>Notes: A probe-type thermometer need not be of the calibratable type. If a thermometer of this type is found to be inaccurate after checking in an ice bath or in boiling water, it will be deemed inoperable by the Environmental Health Specialist and the facility will be required to provide proof for the purchase of a new thermometer.</p>	

40. Wiping cloths properly used and stored	
<p>CalCode 114135 114185.1 114185.3 114185.5</p>	<p>Sponges shall not be used in contact with cleaned and sanitized or in-use food-contact surfaces.</p> <p>Wiping cloths that are in use for cleaning food spills shall not be used for any other purpose.</p> <p>Cloths used for wiping food spills shall be dry and used for cleaning food spills from tableware and carry-out containers or used only once, or if used repeatedly, held in a sanitizing solution.</p> <p>Dry or wet cloths that are used with raw foods of animal origin shall be kept separate from cloths used for other purposes, and wet cloths used with raw foods of animal origin shall be kept in a separate sanitizing solution.</p> <p>Wiping cloths shall be free of food debris and visible soil.</p> <p>Wet wiping cloths shall be laundered daily or placed into a laundry bag for no further use until laundered.</p> <p>Dry wiping cloths shall be laundered as necessary.</p> <p>If wiping cloths are laundered on the premises, they shall be laundered in a mechanical clothes washer and dryer or in a warewashing sink that is cleaned and sanitized before and after each time it is used to wash wiping towels, wash produce, or thaw food.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Sponges are used for wiping counters in the kitchen. • Wiping cloths used for wiping food spills from prep tables are also used for general cleaning. • Sanitizing solution in wiping cloth bucket is measured less than the required concentration. • Cloths used repeatedly are not held in an approved sanitizing solution. • Dry or wet cloths used with raw animal foods are not kept separate from cloths used for other purposes. • Wet cloths used with raw animal foods are not kept in a sanitizing solution between uses. • Wet wiping cloths are re-used every day without being laundered.

Notes:

The following must be satisfied in order to mark Data Field #14 for a **major wiping cloth violation**:

Witnessing direct contamination of food contact surfaces by soiled wiping cloths should be marked in Data Field #14a "Food Contact Surfaces: cleaned and sanitized". If direct contamination of food contact surfaces is **not witnessed**, but a serious risk of cross-contamination exists due to improper storage and handling of wet/soiled wiping cloths, this may also be marked in Data Field #14a. In order to determine serious risk, a reasonable approach and further investigation is necessary. All of the following conditions must be met in order to mark Data Field #14a when direct cross-contamination is **not witnessed**:

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

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

All other wiping cloth violations that do not fall into the above scenarios shall be marked as a minor violation under Data Field #40.

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

PHYSICAL FACILITIES

41. Plumbing maintained; proper backflow devices installed; air gap

<p>CalCode 114190 114192 114171 114193 114193.1 114199 114201</p>	<p>All plumbing and plumbing fixtures shall: be installed in compliance with applicable local plumbing ordinances, be maintained so as to prevent any contamination, be kept clean, fully operative, and in good repair.</p> <p>All equipment that discharges liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an air gap into a floor sink or other approved type of receptor.</p> <p>Air gaps at water supply inlets must be at least twice the diameter of the inlet and no less than 1 inch.</p> <p>Floor sinks shall be visible and accessible for cleaning.</p> <p>Warewashing machines may be connected directly to the sewer immediately downstream from a floor drain, or they may be drained through an approved indirect connection.</p> <p>The potable water supply shall be protected with a backflow or back siphonage protection device when required by applicable plumbing codes.</p> <p>Exposed piping of a non-potable water system shall be identified so that it is readily distinguishable from piping that carries potable water.</p> <p>Liquid waste drain lines shall not pass through an ice machine or ice storage bin.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Plumbing and plumbing fixtures are not installed in compliance with local plumbing ordinances, are not maintained to prevent contamination, are not fully operative, or in good repair. • Non-potable water piping is not identified so as to be readily distinguishable from potable water piping. • Liquid waste drain lines pass through an ice machine or ice storage bin. • A hose used for conveying potable water is used for a variety of other purposes, or it is not clearly labeled as to its use • Floor sinks are not readily visible or accessible for cleaning.

<p>Minor Violations (cont.)</p>	<ul style="list-style-type: none"> • Condensation pooling at the bottom of a reach in refrigerator due to a plugged condensation line. • Waste line from prep sink extends into floor sink (air gap requirement for waste lines is a minimum of 1 inch or at least the diameter of the waste line). • Spray nozzle attached to a faucet at warewashing sink dangles below rim of sink. • Hose connected to mop sink faucet without a backflow prevention device. • Food preparation sink drain line is directly connected to sanitary sewer. • Sink or faucet is leaking. • Plumbing connections do not meet plumbing code requirements. • Espresso machine waste line is draining in hand wash sink. • Condenser unit in walk-in refrigerator is dripping onto floor or in a bucket.
<p>Exceptions:</p> <p>This section does not require warewashing sinks to be indirectly plumbed when the local building official determines that the sink should be directly plumbed.</p>	
<p>Notes:</p> <p>Mop sinks and sinks equipped with threaded faucets for installing a hose shall have a backflow prevention device installed.</p>	

42. Garbage and refuse properly disposed	
<p>CalCode 114244 114245 114245.1 114245.2 114245.3 114245.4 114245.5 114245.6 114245.7 114245.8</p>	<p>All food waste and rubbish shall be kept in leak proof and rodent proof containers. Containers shall be provided and covered at all times. All waste must be removed and disposed of as frequently as necessary to prevent a public health hazard or nuisance. The exterior of each food facility shall be kept clean and free of litter and rubbish.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Waste receptacles are not available for customers when needed. • Indoor trash storage area does not comply with requirements for floors, walls, ceilings, or vermin exclusion requirements. • Outside waste storage area or enclosure is not constructed of nonabsorbent material or is not easily cleanable, durable, or sloped to drain. • Dumpster lids are left open / broken / missing. • Refuse, recyclables, or returnables are not kept in nonabsorbent, durable, cleanable, leak proof, and rodent proof containers. • Outside refuse enclosure is not kept clean and free of debris. • Trash cans and/or dumpsters have grime/dirt/debris buildup. • Refuse containers are not removed frequently enough or cleaned enough to minimize the development of objectionable odors or conditions that attract or harbor insects or rodents. • Facility has no equipment or supplies to properly clean waste receptacles or off-premises cleaning services are not provided. • Cardboard or other packaging material that is stored outside creates a rodent harborage problem. • Animal byproducts and inedible kitchen grease is not disposed of as required.

Exceptions:

Refuse containers inside a food facility do not need to be covered during periods of operation.

Off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

Cardboard or other packaging material that does not contain food residue and that is stored outside may be stored without being in a covered receptacle if it does not create a rodent harborage problem.

Notes:

Section 114271 (b) (2) exempts areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers from the wall and ceiling requirements required by other sections of this part. This is typically the area where a cardboard baler may be installed and operated in a grocery store.

Facilities that compost must dispose of it as frequently as necessary to prevent the creation of a nuisance.

43. Toilet facilities clean, supplied, and maintained	
<p>CalCode 114250 114276 114250.1</p>	<p>Toilet facilities shall be maintained clean and in good repair.</p> <p>Restroom doors shall be kept closed, well fitting, and provided with a self-closing device.</p> <p>Restrooms shall be provided and conveniently located and accessible for use by employees during all hours of operation.</p> <p>Toilet tissue shall be provided in a permanently installed dispenser at each toilet.</p> <p>The number of toilet facilities shall be in accordance with local building and plumbing ordinances.</p> <p>Toilet facilities shall be provided for patrons: in establishments offering on-site food consumption, or a food facility with more than 20,000 sq. ft. of floor space.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Owner converts restroom to an office, resulting in a toilet facility that does not meet local building and plumbing ordinances. • Restroom is not maintained clean / sanitary. • Stall doors are broken. • Self-closing device on restroom door is not working. • Toilet is not operable (if the facility's only toilet is inoperable, it would be considered a major violation under Data field #22, and the facility would be subject to closure). • Toilet paper dispenser is broken. • Toilet paper is not available in one of the stalls. • Restroom is not conveniently located and accessible to employees at all times the facility is in operation. • Toilet paper is stored outside of dispenser. • Food facility built before Jan 1, 2004 with on-site food consumption and no customer restrooms does not have sign posted in a public area stating that toilet facilities are not available.

Notes:

Food facilities located within amusement parks, stadiums, arenas, food courts, fairgrounds, and similar premises are not required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet in travel distance of each food facility and are readily available for use by employees. Any food facility taking advantage of this allowance must be provided with approved hand washing facilities for employee use. [§114250.1 (a)] A food facility that was approved prior to July 1, 2007 with toilet facilities within 300 feet is not required to meet the 200 foot requirement. [§114250.1 (b)]

44a. Premises kept free of debris and unnecessary equipment	
CalCode 114257 114257.1	<p>The premises of a food facility shall be kept clean, fully operative, and in good repair.</p> <p>The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.</p>
Minor Violations	<ul style="list-style-type: none"> • Broken stove stored in the back of the restaurant. • Excessive litter observed outside in parking lot. • Unorganized and cluttered storage rooms.

44b. Appropriate use of equipment	
CalCode 114123 114143	<p>Handwashing, warewashing, and food preparation sinks shall 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.</p> <p>Open-air barbecues or outdoor wood-burning ovens must be operated on the same premises as, in reasonable proximity to, and in conjunction with a permanent food facility that is approved for food preparation and they must be located in an area that will not constitute a fire hazard.</p>
Minor Violations	<ul style="list-style-type: none"> • Employee observed dumping soiled mop water into the warewashing sink. • Hand washing sink or food preparation sink used for washing dishes.

44c. Janitorial area provided, maintained, and kept clean	
CalCode 114281 114282 114279	<p>A separate room, area, or cabinet shall be provided for the storage of cleaning equipment and supplies.</p> <p>Mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.</p> <p>At least one curbed cleaning facility or janitorial sink equipped with hot and cold water and drain shall be provided.</p>

Minor Violations	<ul style="list-style-type: none"> • A mop, bucket, floor brooms, and cleaning supplies were stored in a way that contamination of utensils would be likely. • Mop sink was removed from the facility to provide room for a new refrigerator.
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44d. Employee personal items stored in approved location

<p>CalCode 114256 114256.1 114256.2 114256.4</p>	<p>Employee lockers, employee personal storage areas, and areas designated for employees to eat and drink shall be located in an area that will prevent potential contamination of food, equipment, linens, and single-use articles.</p> <p>Lockers or other suitable facilities shall be provided for personal items.</p> <p>Dressing rooms or dressing areas shall be provided and used by employees if the employees regularly change their clothes in the facility.</p> <p>Medications that are in a food facility for employee use shall be labeled and stored in a designated storage area for personal items.</p> <p>First aid supplies that are in a food facility for employee use shall be identified with a legible manufacturer's label and stored in a kit or a container that is located so as to prevent the potential for contamination.</p>
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Minor Violations	<ul style="list-style-type: none"> • Employees' personal cell phone and car keys found on food preparation surface or shelf next to clean cooking utensils. • Open vitamin bottle containing vitamins stored on shelf above food preparation. • Personal tooth brush and tooth paste found near handwash station in kitchen. • Stacks of old newspaper and junk mail on storage shelves next to clean cups. • Prayer station located on top of food prep area.
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Exceptions:

Restricted food service facilities and nonpermanent food facilities shall not be required to comply with the above, but no person shall store clothing or personal effects in any area used for the storage and preparation of food.

44e. Facility is equipped to prevent vermin entrance and harborage	
<p>CalCode 114259 114259.2 114259.3</p>	<p>A food facility shall be constructed, equipped, maintained, and operated to prevent the entrance and harborage of animals, birds, and vermin.</p> <p>Pass through window service openings shall be limited to 216 square inches each. The service openings shall not be closer together than 18 inches. Each opening shall be provided with a solid or screened window, equipped with a self-closing device.</p> <p>Pass through windows of up to 432 square inches are approved if equipped with an air curtain device. The counter surface of the service openings shall be smooth and easily cleanable.</p> <p>Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.</p> <p>Insect control devices shall be installed so that the devices are not located over a food or utensil handling area and dead insects and insect fragments are prevented from being impaled onto or falling on non-prepackaged food, clean equipment, utensils, linens, and unwrapped single-use-articles.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • Fly electrocution device installed over a food preparation table. • Front or back door to facility propped open and no screen door in place to prevent the entrance of flying insects. • Gap under the back door greater than ¼ of an inch. • The drive through window left open. • Deactivated air curtain. • Holes in window screens. • Gaps in wall around plumbing. • Fly swatter in use to kill flies in facility. • Back door to food prep area lacks self-closing device.

PERMANENT FOOD FACILITIES	
45. Floors, walls, and ceiling are maintained and kept clean	
<p>CalCode 114257 114143(d) 114266 114268 114268.1 114269 114271 114272</p>	<p>All food facilities, equipment, and utensils shall be kept clean, fully operative, and in good repair.</p> <p>Each permanent food facility shall be fully enclosed in a building consisting of permanent floors, walls, and an overhead structure.</p> <p>The floor surfaces in all areas where food is prepared, prepackaged, or stored, where any utensil is washed, where refuse or garbage is stored, where janitorial facilities are located, and in all toilet and handwashing areas shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.</p> <p>Floor surfaces shall be coved at the juncture of the floor and wall with a 3/8 inch minimum radius coving and shall extend up the wall at least 4 inches, except in areas where food is stored in unopened bottles, cans, cartons, sacks, or other original shipping containers.</p> <p>Except for dining and serving areas, the use of sawdust, wood shavings, peanut hulls, or similar materials is prohibited.</p> <p>The walls and ceilings of all rooms shall be of a durable, smooth, nonabsorbent, and easily cleanable surface.</p> <p>Mats and duckboards shall be designed to be removable and easily cleanable.</p> <p>If an open-air barbecue or outdoor wood-burning oven is a permanent structure, it shall be equipped with an impervious and easily cleanable floor surface that extends a minimum of five feet from the open-air barbecue or outdoor wood-burning oven facility on all open sides.</p>
Minor Violations	<ul style="list-style-type: none"> • Walls and/or floors in food prep area have an accumulation of dried food debris. • Unsealed terra cotta tile is installed in the restroom. • Wall behind warewashing sink is deteriorated due to water damage. • Floor in food preparation area has topset base coving. • Broken floor tiles are observed in food preparation areas.

<p>Minor Violations (cont.)</p>	<ul style="list-style-type: none"> • Ceiling vents have a large accumulation of dirt and dust. • Unapproved flooring is installed in food preparation areas. • Perforated ceiling panels are installed over an area where non prepackaged food is handled.
<p>Exceptions:</p> <p>A food facility that is not fully enclosed on all sides and that was in operation on January 1, 1985, does not need to meet this requirement until the facility is remodeled, has a significant menu change or significant change in its method of operation [114266 (a)]</p> <p>Dining areas or any other operations approved for outdoor food service are not required to be enclosed. [114266 (b)]</p> <p>A produce stand that was in operation prior to July 1, 2007 may have no more than one side open to the outside air during business hours. [114266 (c)]</p> <p>Public and private schools constructed before July 1, 2007 need not comply with the floor and coving requirements provided that the existing floor surfaces are maintained in good repair and in a sanitary condition. [114268 (c)]</p> <p>The use of approved dust-arresting floor sweeping and cleaning compounds during floor cleaning operations or the use of anti-slip floor finishes or materials in areas where necessary for safety reasons will not be prohibited. [114268 (e)]</p> <p>Spills or drippage on floors that occur between normal floor cleaning times may be cleaned without the use of dust-arresting compounds and, 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. [114268. 1]</p> <p>The walls and ceilings in the following areas need not be of a durable, smooth, nonabsorbent, and easily cleanable surface. [114271]</p> <ol style="list-style-type: none"> 1. Bar areas in which alcoholic beverages are sold or served directly to the consumers, except wall areas adjacent to bar sinks and areas where food is prepared. 2. Areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers. 3. Dining and sales areas. 4. Offices. 5. Restrooms that are used exclusively by the consumers, except that the walls and ceilings in the restrooms shall be of a nonabsorbent and washable surface. 	

Notes:

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

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

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

46. No living or sleeping quarters inside facility

CalCode 114285 114286	No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold. Living or sleeping quarters located on the premises of a food facility shall be separated from rooms and areas used for food facility operations by complete partitioning. No door or other opening shall be permitted in the partition that separates the food facility from the living or sleeping quarters.
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Minor Violations	<ul style="list-style-type: none">• A sofa with a sleeping bag is located in the back of the restaurant.• Employee is observed sleeping under front counter on foam mat and covered in a blanket.
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Exceptions:

Restricted food service facilities are exempt provided that no sleeping accommodations are in any area where food is prepared or stored.

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

47b. Placard posted in approved location	
<p>Marin County Code Chapter 7.24</p>	<p>Upon completion of a routine inspection or re-inspection, the Environmental Health Specialist shall post at every food establishment the appropriate placard, as determined by the Environmental Health Specialist. The placard shall be posted so as to be clearly visible to the general public and to patrons entering the food establishment. The following are acceptable locations for posting:</p> <ol style="list-style-type: none"> 1. the front window of the food establishment within five feet of the front door. 2. an outside display case within five feet of the front door. 3. a location approved by the Environmental Health Specialist to ensure proper notice to patrons and the general public. <p>Tamper proof tape shall be used to secure yellow or red placards.</p>
<p>Minor Violations</p>	<ul style="list-style-type: none"> • The placard has been defaced, marred or camouflaged. • Placard is removed or hidden by placing something in front of it.
<p>Notes: Placard removal, marring, or relocating may result in a reinspection or compliance conference. Fees may be charged.</p>	

COMPLIANCE AND ENFORCEMENT	
48. Compliance with plan review requirement	
CalCode 114380	<p>A person proposing to build or remodel a food facility shall submit building plans to the Environmental Health Services Division for plan review and approval before starting any new construction or remodeling.</p> <p>Call 415-473-6907 for additional information.</p>
Minor Violations	<ul style="list-style-type: none"> • Building plans for a new food facility or plans for a minor remodel to an existing facility have not been approved by Environmental Health Services prior to beginning construction. • Three-compartment sink is installed without submitting plans. • New equipment (walk-in refrigerator or cold top refrigerator etc.) is added to facility without approval.
<p>Notes:</p> <p>Plans may be required by the enforcement agency due to the addition of new menu items which would require a change in the food facility's food preparation methods, equipment, or storage capacity previously approved by the local enforcement agency.</p> <p>Structural and sanitation requirements are based on the food service activity to be conducted, the type of food that is prepared or served, and the extent of food preparation that is to be conducted at the food facility.</p>	

49. Facility operating with a valid permit

CalCode
114067
114381
114387

A food facility shall not be open for business without a valid health permit.

Satellite food service shall only be operated by a fully enclosed permanent food facility that meets the requirements for food preparation and service and that is responsible for servicing the satellite food service operation.

Minor Violations

- When a food facility is open for business and does not have a valid health permit.
- Satellite food service is not operated in conjunction with a fully enclosed permanent facility or written procedures are not available.

Notes:

Satellite food service means a remotely located food service operation that is conducted on the same property as, in reasonable proximity to, and in conjunction with and by a fully enclosed permanent food facility (i.e., an outdoor beverage bar). Satellite food service does not include remote food service operations located within a fully enclosed food facility.

Food facilities that operate without a valid permit shall be subject to closure and a penalty fee not to exceed three times the cost of the permit may be charged. (§114387)

For purposes of enforcement, the Environmental Health Specialist may, during the facility's hours of operation or other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility.

50. Food / Equipment Impoundment or Voluntary Condemnation	
CalCode 114393	Based upon inspection findings or other evidence, the Environmental Health Specialist may impound food, equipment, or utensils that are found to be unsanitary or in such disrepair that food, equipment, or utensils may become contaminated or adulterated.
Minor violations	<ul style="list-style-type: none"> The observed use of non-functioning refrigerator to hold potentially hazardous foods (repeat violation)
<p>Note:</p> <p>This item is marked when food, equipment, or utensils have been impounded or the operator is observed using food or equipment that has been impounded by the enforcement agency.</p> <p>This item is also marked if any food item is deemed unfit for consumption due to time/temperature abuse, contamination or any other such circumstances that would create an imminent health hazard that can only be eliminated by the condemnation and destruction of the food items(s).</p>	

51. Permit Suspension	
CalCode 114405	A Permit to Operate may be suspended or revoked by the Environmental Health Specialist for a violation of this part. Any food facility for which the permit has been suspended shall close and remain closed until the permit has been reinstated.
<p>Notes:</p> <p>This item is marked when a food facility's permit has been suspended.</p>	

52. Trans Fat	
CalCode 114377	<p>Food facilities shall not store, distribute, prepare, or serve any food containing or prepared with artificial trans fat (i.e. oil and shortening).</p> <p>Food containing artificial trans fat, sold or served in a manufacturer's original, sealed package, must be labeled with the trans fat content.</p>

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