

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 16

Resolution No. 1661 -2016

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION amending the Food Service Facilities Regulations; defining certain terms; amending certain definitions; amending certain temperature requirements; amending certain provisions that relate to shellfish and crab meat, eggs and egg products, food protection, food preparation, food storage, and lighting; adding requirements for food preparation-cooking; requiring certain consumer advisories; requiring a Hazard Analysis Critical Control Point Plan; amending provisions related to facilities on certain types of water systems; making certain technical corrections; and generally related to food service facilities regulations in Howard County.

Introduced and read first time October 5, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on October 17, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on November 9, 2016.

Certified By Jessica Feldmark
Jessica Feldmark, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 12.107 of the Howard County Code provides that the County
2 Health Officer shall recommend regulations concerning food establishment facilities to the
3 Board of Health and, upon approval of the Board of Health, the regulations shall be forwarded to
4 the County Council for approval of the regulations by Resolution; and

5
6 **WHEREAS**, the Food Service Facilities Regulations were last amended in 2012 when
7 the County Council passed Council Resolution No. 110-2012; and

8
9 **WHEREAS**, since 2012 there have been changes in the Code of Maryland Regulations
10 and the Federal Food and Drug Administration Food Code and general updates to the County’s
11 Food Service Facilities Regulations are needed; and

12
13 **WHEREAS**, the proposed amendments make the following changes:

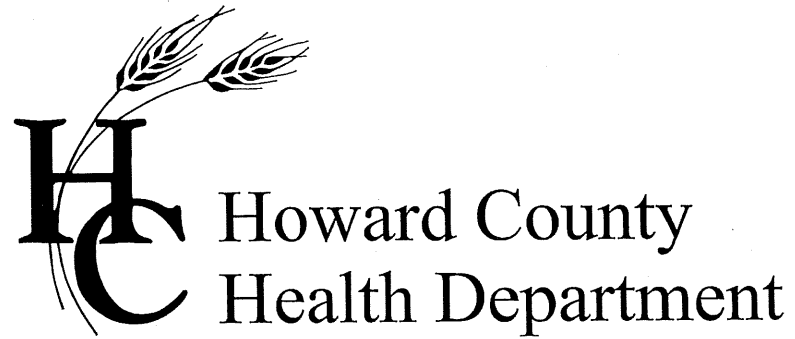
- 14 1. Clarifies that there is a seating capacity limit on a food service facility that is served
15 by an on-site sewage disposal system and this limit will apply to new or existing
16 restaurants that are considering expansion; and
- 17 2. Makes the following changes consistent with the Code of Maryland Regulations:
 - 18 a. Adds new definitions and revises others;
 - 19 b. Makes updates regarding the handling of shellfish, crabs, eggs, and egg products;
 - 20 c. Updates the refrigeration of food from 45 degrees Fahrenheit to 41 degrees
21 Fahrenheit;
 - 22 d. Updates hot holding temperatures from 140 degrees Fahrenheit to 135 degrees
23 Fahrenheit for some foods;
 - 24 e. Updates the required temperature for cooked meat;
 - 25 f. Adds requirements for “time-only” storage of food rather than time in conjunction
26 with temperature and includes responsibilities of the person-in-charge when
27 “time-only” methods are used;
 - 28 g. Adds a table of cooking times and temperatures;
 - 29 h. Adds consumer advisory requirements;
 - 30 i. Adds Hazard Analysis Critical Control Point Plan requirements;

- 1 j. Updates washing requirements and adding water temperature for hand washing;
- 2 and
- 3 k. Updates lightning requirements; and

4
5 **WHEREAS**, the Health Department has proposed amendments to the Food Service
6 Facilities Regulations as shown Exhibit A; and

7
8 **WHEREAS**, the Board of Health has reviewed and approved the proposed changes.

9
10 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
11 Maryland this 9th day of November, 2016 that it approves amendments to the Food
12 Service Facilities Regulations as shown in the attached as Exhibit A.



FOOD SERVICE FACILITIES REGULATIONS

FOOD SERVICE FACILITIES REGULATIONS FOR HOWARD COUNTY

These regulations are proposed for adoption pursuant to Title 12 of the Howard County Code.

.01 Scope

Pursuant to the authority conferred upon the Howard County Board of Health by Section 12.107 of the Howard County Code, the following regulations governing food service facilities in Howard County are hereby established as minimum requirements of the Howard County Health Department. These regulations include certain provisions of COMAR 10.15.03, adopted by the State of Maryland, Department of Health and Mental Hygiene, Environmental Health Administration, effective January 1, 1976, and as amended from time to time by the State of Maryland, and other applicable provisions of COMAR, Title 10 Subtitle 15.

.02 Definitions

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

- a. "Acceptable" means to agree to the use or presence of equipment or a practice, where standards are not developed as determined by the Approving Authority.
- b. "Adulterated Food" means any food which has been produced, prepared, packed, or held under insanitary conditions whereby it would reasonably be expected to have become contaminated or which violates the requirements of the Maryland Food, Drug and Cosmetic Act.
- c. "Approved" means conformance with appropriate standards and good public health practice as determined by the Approving Authority.
- d. "Approving Authority" means the Howard County Health Officer or his/her authorized representative.
- e. "Carry-Out Service" means that a food establishment serves food for off-premises consumption.
- f. "Certified Manager" means a manager of a food service facility who has had at least ~~[[sixteen]]~~ EIGHT hours of classroom training or equivalent training as recognized and approved by the approving authority in food handling techniques and who has passed a comprehensive final examination as prescribed by the State of Maryland for certified managers.
- g. "CRITICAL CONTROL POINT (CCP)" MEANS A POINT IN THE PREPARATION OR PROCESSING OF FOOD WHERE THERE IS A REASONABLE LIKELIHOOD THAT IMPROPER CONTROL MAY CAUSE, ALLOW, OR CONTRIBUTE TO A HAZARD TO PUBLIC HEALTH.

H. "CRITICAL ITEM" MEANS:

(1) A FOOD SAFETY REQUIREMENT THAT IF VIOLATED REQUIRES:

- A. IMMEDIATE CORRECTION;
- B. THE CESSATION OF SOME OR ALL PROCESSING OPERATIONS; OR
- C. FACILITY CLOSURE.

(2) "CRITICAL ITEM" INCLUDES THE FOLLOWING REQUIREMENTS:

- A. OBTAINING FOOD FROM AN APPROVED SOURCE;
- B. PROTECTING FOOD FROM ADULTERATION, SPOILAGE, AND CONTAMINATION;
- C. RESTRICTING FOOD WORKERS WITH INFECTION OR DIARRHEA IN ACCORDANCE WITH COMAR 10.06.01;
- D. ENSURING THAT ALL FOOD WORKERS WASH HANDS THOROUGHLY BEFORE TOUCHING FOOD AND UTENSILS, AND AS OFTEN AS NEEDED TO PREVENT FOOD CONTAMINATION FROM HAND CONTACT;
- E. COOLING POTENTIALLY HAZARDOUS FOODS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS REGULATION;
- F. HOLDING POTENTIALLY HAZARDOUS FOODS AT THE HOT AND COLD TEMPERATURES SPECIFIED IN THIS REGULATION;
- G. COOKING AND REHEATING POTENTIALLY HAZARDOUS FOODS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS REGULATION;
- H. PROVIDING POTABLE HOT AND COLD RUNNING WATER; AND
- I. DISCHARGING SEWAGE FROM THE FACILITY IN ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL CODES.

I. "CRITICAL LIMIT" MEANS THE MAXIMUM OR MINIMUM VALUE TO WHICH A PHYSICAL, BIOLOGICAL, OR CHEMICAL PARAMETER MUST BE CONTROLLED AT A CRITICAL CONTROL POINT TO MINIMIZE THE RISK THAT AN IDENTIFIED POTENTIAL FOOD SAFETY HAZARD MAY OCCUR.

[[g]] J. "Detention Order" is a written notification by the Approving Authority to the person in charge of the food service facility to hold back or retain specific foods pending Approving Authority determination of suitability of the food for human consumption.

[[h]] K. "Employee" means the license holder, persons having supervisory or management duties and any other person working in a food service facility.

[[i]] L. "Equipment" means all ovens, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, hot tables, and similar items other than utensils, used in the operation of a food service facility.

[[j]] M. "Farm" means:

- (1) A place where agricultural commodities are grown, raised or harvested for commercial purposes.
- (2) Includes a place where for commercial purposes:
 - a. Crops are grown and harvested;
 - b. Fruits, nuts, or other agricultural commodities are harvested from trees; or
 - c. Animals are raised, fed and managed for meat or other agricultural commodities.

[[k]] N. "Farmers Market" means:

- (1) A place where a person offers or sells one or more of the following food products to the public:
 - a. Raw agricultural products such as fruits, vegetables and grains supplied directly from a farm;
 - b. Products processed in a private home kitchen according to COMAR 10.15.03.27;
 - c. Products that are not potentially hazardous and do not require refrigeration that are processed in a food processing plant licensed and operated according to COMAR 10.15.04.19; or
 - d. Eggs sold in compliance with COMAR 10.15.03.05A(8).
- (2) Does not include a food service facility.

[[l]] O. "Food" means all articles used by man for food, drink, confection, or condiment, whether simple, mixed or compound.

[[m]] P. "Food-Contact Surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

[[#]]Q. “Food-Processing Facility” means a licensed commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

[[e]]R. “Food Service Facility” means:

- (1) A place where food or drink is prepared for sale or service on the premises or elsewhere; or
- (2) An operation where food is served to or provided for the public with or without charge.
- (3) A “Food Service Facility” includes:
 - a. A restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, hotel, motel, inn, retail store selling non-potentially hazardous pre-packaged foods and drinks, and a retail bakery outlet;
 - b. Food operations in an industry, institution, hospital, club, school, camp, religious organization, catering kitchen, commissary, food processing or similar place in which food or drink is prepared for sale or service on the premises or elsewhere;
 - c. Any other operation where food is served to or provided for the public with or without charge; and
 - d. An excluded organization, either with or without a license, which serves potentially hazardous foods.
- (4) A “Food Service Facility” does not include a:
 - a. Kitchen in a private home where food is prepared at no charge for residents or guests in the home, for guests at a social gathering that is not a public event, or for service to unemployed, homeless, or another disadvantaged population;
 - b. Food preparation or serving area where only non-potentially hazardous food is prepared or served by an excluded organization;
 - c. “Bed & Breakfast” as defined in COMAR 10.15.03.02B(8) that serves only a continental breakfast;
 - d. Farmer’s market offering or selling to the public raw fruit, vegetables, and other food products as specified in COMAR 10.15.03.27 or eggs sold only on a farm that is in compliance with COMAR 10.15.03.05A(8); or
 - e. Business office such as a bank, real estate office, hair salon, medical/dental office, or other business office that only provides

courtesy popcorn, prepackaged candy or gum, coffee, tea, bottled soda or water, pre-packaged single-serve powdered drinks, or pasteurized drinks that do not require immediate refrigeration.

[[p]]s. "Kitchenware" means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

[[q]]t. "License" means a document authorizing the operation of a food service facility or a special food service facility within Howard County and indicating compliance with these regulations and authorizing operation of the equipment.

[[r]]u. "Manager" means PERSON IN CHARGE OR that person having supervisory responsibilities within the food service establishment.

[[s]]v. "Misbranded" means any written, printed, or graphic matter, on or accompanying food or containers of food, which is false or misleading, or which violates the requirements of the Maryland Food, Drug, and Cosmetic Act.

[[t]]w. "Non-Farm Temporary Food Service Facility" means a food service facility or person that:

- (1) Operates at a fixed farmer's market location for a duration spanning more than fourteen consecutive days;
- (2) Serves only those foods approved by the approving authority, based on a:
 - a. Review of the operational set-up, and equipment consistent with temporary food service facility requirements; and
 - b. Determination that these foods can be prepared safely and in a manner that conforms to applicable laws and regulations; and
- (3) Operates during the period of time from April 1ST through November 30TH of a given year.

[[u]]x. "On-Farm Food Service Facility" means a temporary food service facility that:

- (1) Is located on a farm;
- (2) Serves only those foods approved by the approving authority based on a:
 - a. Review of the facility, equipment and processing hazards; and
 - b. Determination that these foods can be prepared safely and in a manner that conforms to applicable laws and regulations; and
 - c. Operates during a time of not more than 30 consecutive days with up to two renewals in a 1-year period.

[[*]]Y. "Person" means an individual, firm, partnership, LICENSEE, OPERATOR, PERSON-IN-CHARGE, company, corporation, trustee, association, institution, cooperative enterprise, or publicly owned or privately owned entity.

[[w]]Z. "Potentially Hazardous Food" means:

- (1) A natural or synthetic food that requires temperature control because the food is in a form capable of supporting:
 - a. The rapid and progressive growth of infectious or toxigenic microorganisms;
 - b. The growth and toxin production of *Clostridium botulinum*; or
 - c. In raw shell eggs, the growth of *Salmonella enteritidis*.
- (2) "Potentially Hazardous Food" includes:
 - a. A food of animal origin that is raw or heat-treated;
 - b. A food of plant origin that is heat-treated;
 - c. Raw seed sprouts;
 - d. Cut melons; [[and]]
 - e. Garlic and oil mixtures that support growth as specified in [[§B(55)(a)(i) and (ii)]] §Z(1)(A) AND (B) of this regulation;
 - F. CUT RAW TOMATOES; AND
 - G. CUT LEAFY GREENS.
- (3) "Potentially Hazardous Food" does not include a:
 - a. Hard-boiled shell egg that has been air-cooled with the shell intact;
 - b. Food with an a_w value of 0.85 or less;
 - c. Food with a pH level of 4.6 or below when measured at 75 DEGREES FAHRENHEIT (°F);
 - d. Commercially sterile food in a hermetically sealed container; or
 - e. Food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella Enteritidis* in eggs or *Clostridium botulinum* cannot occur, such as a food that has an a_w or a pH that is above the levels specified in [[§B(55)(c)(ii)and(iii)]] §Z(3)(B) AND (C) of this regulation or that may contain a preservative, other

barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms;

AA. "REDUCED OXYGEN PACKAGING" MEANS:

- (1) THE REDUCTION OF THE AMOUNT OF OXYGEN IN A PACKAGING BY REMOVING OXYGEN; DISPLACING OXYGEN AND REPLACING IT WITH ANOTHER GAS OR COMBINATION OF GASES; OR OTHERWISE CONTROLLING THE OXYGEN CONTENT TO A LEVEL BELOW THAT NORMALLY FOUND IN THE ATMOSPHERE (APPROXIMATELY 21% AT SEA LEVEL); AND
- (2) A PROCESS AS SPECIFIED IN SUBPARAGRAPH (1) OF THIS DEFINITION THAT INVOLVES A FOOD FOR WHICH THE HAZARDS *CLOSTRIDIUM BOTULINUM* OR *LISTERIA MONOCYTOGENES* REQUIRE CONTROL IN THE FINAL PACKAGED FORM.
- (3) "REDUCED OXYGEN PACKAGING" INCLUDES:
 - A. VACUUM PACKAGING, IN WHICH AIR IS REMOVED FROM A PACKAGE OF FOOD AND THE PACKAGE IS HERMETICALLY SEALED SO THAT A VACUUM REMAINS INSIDE THE PACKAGE;
 - B. MODIFIED ATMOSPHERIC PACKAGING, IN WHICH THE ATMOSPHERE OF A PACKAGE OF FOOD IS MODIFIED SO THAT ITS COMPOSITION IS DIFFERENT FROM AIR BUT THE ATMOSPHERE MAY CHANGE OVER TIME DUE TO THE PERMEABILITY OF THE PACKAGING MATERIAL OR THE RESPIRATION OF THE FOOD. MODIFIED ATMOSPHERIC PACKAGING INCLUDES REDUCTION IN THE PROPORTION OF OTHERS GASES SUCH AS CARBON DIOXIDE OR NITROGEN;
 - C. CONTROLLED ATMOSPHERE PACKAGING, IN WHICH THE ATMOSPHERE OF A PACKAGE OF FOOD IS MODIFIED SO THAT UNTIL THE PACKAGE IS OPENED, ITS COMPOSITION IS DIFFERENT FROM AIR, AND CONTINUOUS CONTROL OF THAT ATMOSPHERE IS MAINTAINED, SUCH AS BY USING OXYGEN SCAVENGERS OR A COMBINATION OF TOTAL REPLACEMENT OF OXYGEN, NON-RESPIRING FOOD, AND IMPERMEABLE PACKAGING MATERIAL;
 - D. COOK CHILL PACKAGING, IN WHICH COOKED FOOD IS HOT FILLED INTO IMPERMEABLE BAGS WHICH HAVE THE AIR EXPELLED AND ARE THEN SEALED OR CRIMPED CLOSED. THE BAGGED FOOD IS RAPIDLY CHILLED AND REFRIGERATED AT TEMPERATURES THAT INHIBIT THE GROWTH OF PSYCHOTROPHIC PATHOGENS.

[[x]]BB. "Safe Temperatures" as applied to potentially hazardous food means food temperatures of [[45]] 41 degrees Fahrenheit or below, and [[140]] 135 degrees Fahrenheit or above.

[[y]]CC. "Sanitize" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Approving Authority as being effective in destroying microorganisms, including pathogens.

[[z]]DD. "Seasonal Farmer's Market Producer Sampling Food Service Facility" means a facility that:

- (1) Serves only foods that are prepared and offered as samples by a producer of a farm product at a Farmer's Market such as:
 - a. Farm products as specified in COMAR 10.15.03.02B(30)(A); or
 - b. Farm products that have been inspected, licensed, or certified for food safety by the Maryland Department of Agriculture;
- (2) Serves food only produced by the licensee;
- (3) Serves only those foods approved by the approving authority, based on a:
 - a. Review of the facility, equipment and processing hazards; and
 - b. Determination that these foods can be prepared safely and in a manner that conforms to applicable laws and regulations; and
- (4) Operates during a period of time of not more than 1-year period from the date of issuance or renewal of the license.

[[aa]]EE. "Single-Service Articles" means cups, containers, lids or closures; plates knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials and which are intended by the manufacturers and generally recognized by the public as a "use once and discard" product.

[[bb]]FF. "Special Food Service Facility" means:

- (1) A food service facility or person operating for a temporary period in connection with a fair, carnival, public exhibition, construction project, recreational facility, or other similar gatherings;
- (2) A food service facility for which the approving authority provides exceptions to certain regulations because of the nature of one or more of the following:
 - a. Design and operation of the facility;
 - b. Food preparation or service methods; or
 - c. Limited length of time that the facility operates in association with special events.

(3) “Special Food Service Facility” includes:

- a. A bed and breakfast that serves hot meals;
- b. A mobile unit;
- c. A temporary food service facility;
- d. A non-farm temporary food service facility;
- e. A semi-permanent food service facility;
- f. Facilities operated by non-profit organizations;
- g. An on-farm food service facility; or
- h. A seasonal farmer’s market producer sampling food service facility.

[[cc]]GG. “Tableware” means all multiuse eating and drinking utensils, including flatware (knives, forks and spoons).

[[dd]]HH. “Temporary Food Service Facility” means a food service facility that operates:

(1) In one of the following ways:

- a. Except for a volunteer fire company, at a fixed location for not more than 14 consecutive days;
- b. For up to 30 consecutive days if the temporary facility is a volunteer fire company or an on-farm food service facility, or
- c. At a fixed farmer’s market location as a non-farm temporary food service facility, and
- d. In conjunction with a:
 - i. Fair;
 - ii. Carnival;
 - iii. Public exhibition;
 - iv. Construction project;
 - v. Fundraising event;
 - vi. Recreational facility; or
 - vii. Similar gathering.

II. "TIME-ONLY" MEANS USING TIME INSTEAD OF TIME IN CONJUNCTION WITH TEMPERATURE AS THE SOLE MEANS OF FOOD PROTECTION FOR A POTENTIALLY HAZARDOUS FOOD.

JJ. "UNDERCOOKED" MEANS A POTENTIALLY HAZARDOUS FOOD THAT IS NOT COOKED TO THE MINIMUM INTERNAL TEMPERATURE AND FOR THE SPECIFIED HOLDING TIME SPECIFIED IN REGULATION [[.03B(4) OF THIS CHAPTER]] 03C(2) BELOW.

[[ee]]KK. "Utensil" means any tableware and kitchenware used in the storage, preparation, conveying or serving of food.

[[ff]]LL. "Vendible Food" means food prepared for use AND SUITABLE FOR SALE in vending machines.

.03 Food

A. Food Supplies

(1) General

A. Food shall be wholesome and free from spoilage, filth, or other contamination, and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of hermetically sealed food that was not prepared in a food processing facility is prohibited.

B. IF POTENTIALLY HAZARDOUS REDUCED OXYGEN PACKAGED PRODUCTS, THE REDUCED OXYGEN PACKAGED FOOD'S INTERNAL TEMPERATURE IS MAINTAINED AT:

I. 38 DEGREES FAHRENHEIT OR LESS IF REFRIGERATION IS THE ONLY BARRIER TO CONTROL THE GROWTH OF *CLOSTRIDIUM BOTULINUM*; OR

II. AT A LOWER TEMPERATURE IF A LOWER TEMPERATURE IS SPECIFIED BY THE FOOD MANUFACTURER;

(2) Milk and Milk Products

a. All milk and milk products, including fluid milk, other fluid dairy products, and manufactured milk products, shall be produced, processed, stored, transported, and distributed in accordance with the provisions of COMAR 10.15.06, Regulations Governing the Production, Processing, Transportation, Storage, and Distribution of Milk (with Controlling Statutes).

b. Reconstituted dried milk may be used for instant desserts and whipped products as well as for cooking and baking.

c. It shall be unlawful to sell or serve milk except as provided in .03A (2) (a).

(3) Frozen Desserts

All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices, and mix shall be manufactured and sold in accordance with the provisions of COMAR 10.15.05, Regulations Governing the Manufacture and Sale of Frozen Dairy Foods and Ices Manufactured for Sale in the Counties of Maryland.

(4) Shellfish and Crab Meat

[[all shellfish and crab meat shall be processed, handled, and packed in accordance with the provisions of comar 10.15.07, regulations governing the processing, handling, and packing of shellfish which are sold for human consumption, and 10.13.02, regulations governing crab meat.]]

- A. SHELLFISH ARE OBTAINED FROM AN APPROVED SOURCE;
- B. ARE RECEIVED FROM A FIRM LISTED IN THE "INTERSTATE CERTIFIED SHELLFISH SHIPPERS LIST";
- C. ARE PROCESSED, HANDLED, PACKED, LABELED, AND IDENTIFIED IN ACCORDANCE WITH COMAR 10.15.07;
- D. CONTAINERS ARE IDENTIFIED WITH A TAG OR LABEL AS SET FORTH IN COMAR10.15.07; AND
- E. TAGS ARE MAINTAINED ON THE PREMISES FOR 90 CALENDAR DAYS AFTER A CONTAINER OF SHELLFISH IS EMPTIED TO IDENTIFY READILY THE SOURCE OF THE SHELLFISH BY;
 - I RECORDING THE DATE ON THE TAG OR LABEL WHEN THE LAST SHELLFISH FROM THE CONTAINER IS SOLD OR SERVED;
 - II USING AN APPROVED RECORD KEEPING SYSTEM THAT:
 - (A) KEEPS THE TAGS OR LABELS IN CHRONOLOGICAL ORDER; AND
 - (B) PRESERVES SOURCE IDENTIFICATION IF TAGS OR LABELS ARE REMOVED FROM THE CONTAINER; AND
 - III ENSURING THAT SHELLFISH FROM ONE TAGGED OR LABELED CONTAINER IS NOT MIXED WITH SHELLFISH FROM ANOTHER CONTAINER IF THE TAGS OR LABELS ARE REMOVED FROM THE CONTAINER.
- F. CRAB MEAT IS PROCESSED, HANDLED, AND PACKED IN ACCORDANCE WITH COMAR 10.15.02;

- G. PASTEURIZED CRAB MEAT'S INTERNAL TEMPERATURE SHALL BE MAINTAINED AT 38 DEGREES FAHRENHEIT OR LESS.
- H. SHELLFISH ARE STORED, DISPLAYED, AND TRANSPORTED UNDER REFRIGERATION AT AN AMBIENT TEMPERATURE OF 45 DEGREES FAHRENHEIT OR LESS;
- I. SEAFOOD IS PROCESSED, HANDLED, AND PACKED IN ACCORDANCE WITH COMAR 10.15.10;

(5) Meat and Meat Products

Meat and meat products shall have been inspected for wholesomeness under an official regulatory program, The Approving Authority may accept other sources which are in his/her opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

(6) Poultry and Poultry Meat Products

Poultry and poultry meat products shall have been inspected for wholesomeness under an official regulatory program. The Approving Authority may accept other sources which are in his/her opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

(7) Eggs and Egg Products

- A. Only clean, whole eggs with shell intact and without cracks or checks, or pasteurized liquid or pasteurized dry eggs or egg products shall be used.
- B. WHEN A RECIPE IN WHICH MORE THAN ONE EGG IS BROKEN AND THE EGGS ARE COMBINED AND NOT PREPARED FOR IMMEDIATE SERVICE:
 - I. THE MIXTURE IS STORED UNDER REFRIGERATION AT ALL TIMES BEFORE COOKING;
 - II. THE PROCESS IS INCLUDED IN THE FOOD SERVICE FACILITY'S HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP) PLAN AS A CRITICAL CONTROL POINT; AND
 - III. THE MIXTURE CONTAINING EGGS IS COOKED TO A MINIMUM INTERNAL TEMPERATURE OF 155DEGREES FAHRENHEIT FOR 15 SECONDS;
- C. SHELL EGGS SHALL BE STORED, DISPLAYED, AND TRANSPORTED UNDER REFRIGERATION AT AN AMBIENT TEMPERATURE OF 45 DEGREES FAHRENHEIT OR LESS.

(8) Bakery Products

Bakery products shall have been prepared in the food service facility or in a food processing facility. The Approving Authority may accept other sources which are in his/her opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

B. Food Protection

(1) General

- a. While being stored, prepared, displayed, served, sold, or transported, food shall be protected at all times from contamination,
 - b. Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as need to assure the maintenance of all food at required temperatures during storage, preparation, transportation, display and service. All hot and cold food storage facilities used for the storage of perishable food shall be provided with an indicating thermometer graduated at 2 degree Fahrenheit intervals. Thermometers shall be located in the coldest area of equipment where hot foods are stored and in the warmest area of equipment where cold foods are stored. All thermometers shall be of a type and so situated that they can be easily read.
- c. THE PERSON-IN-CHARGE SHALL ENSURE THAT FOOD TEMPERATURE MEASURING DEVICES ARE:
- I. USED TO MONITOR THE TEMPERATURE OF POTENTIALLY HAZARDOUS FOODS;
 - II. GRADUATED AND ACCURATE WITHIN PLUS OR MINUS 2 DEGREES FAHRENHEIT;
 - III. CALIBRATED ANNUALLY OR MORE FREQUENTLY; AND
 - IV. CLEANED AND SANITIZED BETWEEN USES IN DIFFERENT FOODS TO PREVENT CROSS-CONTAMINATION;

(2) Temperatures

- a. All potentially hazardous foods shall be kept at safe temperatures, except during necessary periods of preparation.
- b. When placed on display for service, cold foods shall be pre-chilled to a temperature of ~~41~~ 41 degrees Fahrenheit or below and may not exceed ~~41~~ 41 degrees Fahrenheit FOR MORE THAN FOUR HOURS OR FOR AN UNVERIFIABLE PERIOD OF TIME ~~at any time~~ during display. When the temperature exceeds ~~41~~ 41 degrees Fahrenheit FOR MORE THAN FOUR HOURS OR FOR AN UNVERIFIABLE

PERIOD OF TIME, the food will be discarded as garbage.

- c. Wherever meat, poultry, or fish are broken down into smaller contents, or ground, they shall be kept at or below ~~[[55]]~~ 41 degrees Fahrenheit during the operation.
- d. Frozen food shall be kept at or below 0 degrees Fahrenheit in storage, display, and transportation. A food service facility may not accept frozen food upon delivery when the product temperature exceeds 0 degrees Fahrenheit. Potentially hazardous frozen food shall be thawed:
 - i. In refrigerated units so the temperature of the food does not exceed ~~[[45]]~~ 41 degrees Fahrenheit; or
 - ii. Under potable running water of a temperature of 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles; or
 - iii. In a microwave oven when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire uninterrupted cooking process takes place in the microwave oven; or
 - iv. As part of the conventional cooking process; or
 - v. IN THE FOOD'S AIRTIGHT PACKAGE IF IT IS A POTENTIALLY HAZARDOUS REDUCED OXYGEN PACKAGED FOOD; OR
- ~~[[v]]~~vi. ~~[[By any other method satisfactory to the Approving Authority.]]~~ BY ANOTHER METHOD ACCEPTABLE TO THE APPROVING AUTHORITY THAT HAS BEEN SCIENTIFICALLY PROVEN TO THE APPROVING AUTHORITY TO PREVENT THE BACTERIOLOGICAL, PHYSICAL, OR CHEMICAL CONTAMINATION OF FOOD.
- e. All ingredients used in the preparation of potentially hazardous vendible food, including the bread used in the preparation potentially hazardous sandwiches, shall be at a temperature of ~~[[45]]~~ 41 degrees Fahrenheit or below at the time the ingredients are combined. In the process of preparation, all ingredients going into a potentially hazardous vendible food shall be kept at or below ~~[[50]]~~ 41 degrees Fahrenheit. Immediately after preparation all potentially hazardous vendible food must be refrigerated to a temperature of ~~[[45]]~~ 41 degrees Fahrenheit or below and ~~[[so]]~~ stored in the refrigerator as to permit free circulation of cold air and in such a manner as to prevent contamination.
- f. Potentially hazardous vendible foods which require temperature control and which are prepared for off premises consumption shall

be plainly labeled to indicate the need for temperature control. The proper temperature shall be maintained during storage display, and transit.

- g. Time-temperature control during grinding and trimming
Trimmings to be used for ground meat and poultry shall be held at an ambient temperature between 41[°f] DEGREES FAHRENHEIT and 55[°f] DEGREES FAHRENHEIT or less, for up to 2 hours during the trimming process provided the meat temperature does not exceed 50[°f.] DEGREES FAHRENHEIT. Ground meat and poultry shall be held at 41[°f] DEGREES FAHRENHEIT or less immediately after grinding and at all times during storage or display.

H. THE INTERNAL TEMPERATURE OF A FOOD IS MAINTAINED ACCORDING TO THE PROVISIONS OF COMAR 10.15.03 TO PRECLUDE THE GROWTH OF PATHOGENIC BACTERIA AND OTHER MICROORGANISMS THAT COULD CAUSE SPOILAGE.

I. USE OF TIME-ONLY WITH POTENTIALLY HAZARDOUS FOOD.

I. THE APPROVING AUTHORITY MAY APPROVE THE USE OF TIME-ONLY, RATHER THAN TIME IN CONJUNCTION WITH TEMPERATURE, FOR FOOD PROTECTION AS SET FORTH IN §B(2)I OF THIS REGULATION.

II. THE PERSON-IN-CHARGE SHALL ENSURE THAT BEFORE USING TIME-ONLY WHILE HOLDING OR PREPARING A POTENTIALLY HAZARDOUS FOOD:

1. A WRITTEN REQUEST IS SUBMITTED TO AND APPROVED BY THE APPROVING AUTHORITY FOR A SPECIFIC FOOD UNDER SPECIFIC CONDITIONS OF PREPARATION AND SERVICE THAT INCLUDES;

(A) A RECORD-KEEPING PROCEDURE THAT CAN VERIFY SAFETY INTERVENTION STEPS; AND

(B) PROCEDURES FOR MARKING OR OTHERWISE IDENTIFYING THE FOOD WITH THE TIME BY WHICH IT IS TO BE EITHER USED OR DISCARDED.

III. THE PROCEDURES FOR TIME-ONLY ARE INCLUDED IN THE FOOD SERVICE FACILITY'S HACCP PLAN AS A CRITICAL CONTROL POINT.

IV. EXCEPT AS OTHERWISE APPROVED BY THE APPROVING AUTHORITY, THE MAXIMUM TIME LIMIT UNDER TIME-ONLY CONTROL IS 4-HOURS FOR A:

1. RAW, WORKING SUPPLY OF POTENTIALLY HAZARDOUS FOOD DURING PREPARATION, AFTER WHICH TIME THE FOOD IS COOKED OR DISCARDED; AND
 2. READY-TO-EAT POTENTIALLY HAZARDOUS FOOD HELD FOR IMMEDIATE CONSUMPTION, AFTER WHICH TIME THE FOOD NOT SERVED IS DISCARDED.
- V. FOOD HAS AN INITIAL TEMPERATURE OF:
1. 41 DEGREES FAHRENHEIT OR LESS UPON REMOVAL FROM REFRIGERATION; OR
 2. 135 DEGREES FAHRENHEIT OR MORE UPON REMOVAL FROM COOKING EQUIPMENT.
- VI. FOOD THAT HAS BEEN PROTECTED USING TIME-ONLY CONTROL IS NOT SERVED IN A HEALTH CARE FACILITY.
- VII. THE APPROVING AUTHORITY MAY REQUIRE ADDITIONAL REQUIREMENTS TO APPROVE THE USE OF TIME-ONLY IN ACCORDANCE WITH APPLICABLE STATE REGULATIONS AND / OR CODE OF FEDERAL REGULATION (CFR).

[[3]]CFood Preparation

(1) GENERAL

- a. Convenient and suitable utensils, such as forks, knives, tongs, spoons, or scoops shall be provided and used to minimize handling of food at all stages of food preparation. In retail markets separate utensils and work surfaces shall be provided for the cutting of poultry. Prepared or "ready-to-eat" foods may not come in contact with utensils or work surfaces used for cutting or processing of raw poultry, meat, or seafood.
- b. [[All raw fruits and vegetables shall be washed thoroughly before being cooked or served]] ALL RAW FRUITS AND VEGETABLES SHALL BE THOROUGHLY WASHED TO REMOVE SOIL AND OTHER CONTAMINANTS BEFORE CUTTING, COOKING, OR SERVING, WITH:
 - I. WATER; OR
 - II. CHEMICALS INTENDED SPECIFICALLY FOR WASHING OR PEELING WHOLE FRUITS AND VEGETABLES AS SPECIFIED IN 21 CFR §173.315.
- c. Potentially hazardous food, requiring cooking, shall be cooked to heat all parts of the food to a MINIMUM temperature of at least [[140]] 145 degrees Fahrenheit FOR AT LEAST 15 SECONDS, with the

exception of those given in d, e, f and [[Chart]] TABLE 1.

- d. Stuffings, poultry, and stuffed meats and poultry shall be heated, throughout, to a minimum temperature of [[145]] 165 degrees Fahrenheit, with no interruption of the initial cooking process.
- e. Pork and pork products which have not been specially treated to destroy trichinae shall be thoroughly cooked to heat all parts of the meat to at least [[150]] 145 DEGREES FAHRENHEIT.
- f. Potentially hazardous foods that were cooked and then refrigerated shall be heated rapidly to 165 degrees Fahrenheit minimum throughout before being placed in a hot food [[storage facility]] HOLDING EQUIPMENT. Hot food-holding equipment may not be used for the rapid heating of potentially hazardous foods.
- g. Metal stem-type numerically scaled indicating thermometers accurate to +2 degrees Fahrenheit it shall be provided and used to assure attainment of proper internal cooking temperatures of all potentially hazardous foods.
- h. Heat salads, poultry salads, potato salad, egg salad, creamed-filled pastries, and other potentially hazardous prepared food shall be prepared where applicable from chilled products with a minimum of manual contact. To promote rapid cooling, sandwich mix, salad mixtures, chopped and boned and leftover foods shall be stored in the refrigerator in shallow pans not over 3 inches in food depth or by other acceptable methods.

[[4]] (2) FOOD PREPARATION-COOKING

- A. THE PERSON-IN-CHARGE SHALL ENSURE THAT POTENTIALLY HAZARDOUS FOOD IS COOKED TO THE MINIMUM INTERNAL TEMPERATURE AND FOR THE SPECIFIED HOLDING TIME AS FOLLOWS:

TABLE 1. SUMMARY OF MINIMUM COOKING AND REHEATING FOOD TEMPERATURES AND HOLDING TIMES.

FOOD	MINIMUM INTERNAL TEMPERATURE		HOLDING TIME AT SPECIFIED TEMPERATURE
	°F	°CENTIGRADE	
SHELL EGGS, FISH, MEAT, AND ALL OTHER POTENTIALLY HAZARDOUS FOODS NOT SPECIFIED IN CHART 1.	145	63	15 SECONDS

SHELL EGGS NOT PREPARED FOR IMMEDIATE SERVICE, RATITES, COMMINUTED FISH AND MEATS, GAME ANIMALS COMMERCIALY RAISED FOR FOOD, AND INJECTED MEATS.	145	63	3 MINUTES
	OR		
	150	66	1 MINUTES
	OR		
	155	68	15 seconds
	OR		
WHOLE ROASTS (BEEF, CORNED BEEF, PORK AND CURED PORK ROASTS SUCH AS HAM). HOLDING TIME MAY INCLUDE POST OVEN HEAT RISE. MINIMUM OVEN TEMPERATURE FOR ROASTS GREATER THAN 10 POUNDS IS 250°F FOR DRY HEAT. FOR ROASTS LESS THAN 10 POUNDS, MINIMUM OVEN TEMPERATURES ARE 350°F FOR DRY HEAT AND 325°F FOR CONVECTION OVENS. OVEN TEMPERATURE MAY BE 250°F OR LESS FOR HIGH HUMIDITY COOKING (RELATIVE HUMIDITY GREATER THAT 90 PERCENT FOR AT LEAST 1 HOUR OR IN A MOISTURE IMPERMEABLE BAG THAT PROVIDES 100 PERCENT HUMIDITY).	130	54.4	112 MINUTES
	OR		
	131	55	89 MINUTES
	OR		
	133	56.1	56 MINUTES
	OR		
	135	57.2	36 MINUTES
	OR		
	135	57.8	28 MINUTES
	OR		
	138	58.9	18 MINUTES
	OR		
	140	60	12 MINUTES
	OR		
	142	61.1	8 MINUTES
	OR		
	144	62.2	5 MINUTES
	OR		
	145	62.8	4 MINUTES
	OR		
	147	63.9	134 SECONDS
	OR		
	151	66.1	54 SECONDS
	OR		
155	68.3	22 SECONDS	
OR			
158	70	NONE	
POULTRY; STUFFED MEAT PASTA; POULTRY PRODUCTS; EXOTIC BIRD SPECIES; WILD GAME ANIMALS;	165	74	15 SECONDS

STUFFING CONTAINING FISH, MEAT, OR POULTRY; REHEAT OF LEFTOVERS FOR HOT HOLDING.			
RAW FOODS OF ANIMAL ORIGIN (COOKED IN A MICROWAVE OVEN. ⁴	165	74	HOLD FOR 2 MINUTES AFTER REMOVING FROM MICROWAVE OVEN.
FRUITS AND VEGETABLES COOKED FOR HOT HOLDING.	135	57	NONE
(READY-TO-EAT COMMERCIAL ⁴ Y PROCESSED FOODS FOR IMMEDIATE SERVICE.	NONE		NONE

B. MINIMUM INTERNAL TEMPERATURE OF 145 DEGREES FAHRENHEIT FOR 15 SECONDS FOR:

- I. SHELL EGGS PREPARED FOR IMMEDIATE SERVICE;
- II. FISH;
- III. MEAT; AND
- IV. ALL OTHER POTENTIALLY HAZARDOUS FOOD NOT SPECIFIED IN §C(1)C-F [(2)—(4)] OF THIS REGULATION.

C. A MINIMUM INTERNAL TEMPERATURE OF 155 DEGREES FAHRENHEIT FOR 15 SECONDS OR AS SPECIFIED IN §C(2)(A) OF THIS REGULATION FOR:

- I. SHELL EGGS NOT PREPARED FOR IMMEDIATE SERVICE;
- II. RATITES;
- III. COMMINUTED FISH AND MEATS;
- IV. GAME ANIMALS COMMERCIALY RAISED FOR FOOD; AND
- V. INJECTED MEATS.

D. A MINIMUM INTERNAL TEMPERATURE OF 130 DEGREES FAHRENHEIT FOR 112 MINUTES OR AS SPECIFIED IN §C(2)(A) OF THIS REGULATION FOR:

- I. WHOLE OR CORNED BEEF; AND
- II. PORK AND CURED PORK ROASTS;

E. A MINIMUM INTERNAL TEMPERATURE OF 165 DEGREES FAHRENHEIT FOR 15 SECONDS FOR:

- I. POULTRY;
 - II. STUFFED MEAT, PASTA, OR POULTRY;
 - III. EXOTIC BIRD SPECIES;
 - IV. WILD GAME ANIMALS; AND
 - V. STUFFING CONTAINING FISH, MEAT, OR POULTRY.
- F. A MINIMUM INTERNAL TEMPERATURE OF 165 DEGREES FAHRENHEIT AND HELD FOR 2 MINUTES AFTER REMOVING FROM THE OVEN FOR RAW ANIMAL FOODS THAT ARE COOKED IN A MICROWAVE OVEN.
- G. A MINIMUM INTERNAL TEMPERATURE OF 135 DEGREES FAHRENHEIT FOR FRUITS AND VEGETABLES AND READY-TO-EAT COMMERCIALY PROCESSED FOODS COOKED FOR HOT HOLDING.
- H. THE DEPARTMENT MAY APPROVE COOKING TIMES AND TEMPERATURES OTHER THAN THOSE SPECIFIED IN §.03C OF THIS REGULATION, IF THE COOKING TIMES AND TEMPERATURES ARE SCIENTIFICALLY PROVEN TO THE DEPARTMENT TO BE AS EFFECTIVE IN KILLING FOODBORNE PATHOGENS AS THOSE SPECIFIED IN §.03C OF THIS REGULATION.
- I. THE PERSON-IN-CHARGE MAY SERVE A CONSUMER UNDERCOOKED SEARED BEEFSTEAK WHEN:
- I. ONLY WHOLE MUSCLE, INTACT BEEFSTEAK, IS PREPARED;
 - II. THE MEAT IS SEARED CONTINUOUSLY ON BOTH TOP AND BOTTOM UTILIZING A HEATING ENVIRONMENT THAT:
 1. IMPARTS A TEMPERATURE AT THE SURFACE OF THE INTACT STEAK OF AT LEAST 145 DEGREES FAHRENHEIT FOR 15 SECONDS; AND
 2. ACHIEVES A COOKED COLOR CHANGE ON ALL EXTERNAL SURFACES.
 - III. A HACCP PLAN SPECIFICALLY DEVELOPED FOR UNDERCOOKED SEARED BEEFSTEAK IS SUBMITTED AND APPROVED BY THE APPROVING AUTHORITY.
- J. A FOOD THAT IS COOKED, COOLED, AND THEN REFRIGERATED IN ACCORDANCE WITH THIS CHAPTER, SUCH AS ROAST BEEF FOR A SANDWICH, COLD OR WARMED TO ANY DESIRED TEMPERATURE FOR IMMEDIATE CONSUMPTION.
- K. A HEALTH CARE FACILITY MAY NOT SERVE A RAW OR UNDERCOOKED

ANIMAL FOOD.

3) REDUCED OXYGEN PACKAGING [[AND]] WITHOUT SOUS VIDE PROCESSING

- A. A FOOD ESTABLISHMENT THAT PACKAGES TIME-TEMPERATURE CONTROL FOR SAFETY FOOD USING A REDUCED OXYGEN PACKAGING METHOD SHALL CONTROL THE GROWTH AND TOXIN FORMATION OF *CLOSTRIDIUM BOTULINUM* AND THE GROWTH OF *LISTERIA MONOCYTOGENES*.
- B. A FOOD ESTABLISHMENT THAT PACKAGES TIME-TEMPERATURE CONTROL FOR SAFETY FOOD USING A REDUCED OXYGEN PACKAGING METHOD [[OR SOUS VIDE PROCESS]] SHALL SUPPLY TO THE APPROVING AUTHORITY PRIOR TO IMPLEMENTATION A STANDARD OPERATING PROCEDURE AND A HACCP PLAN THAT CONTAINS ALL INFORMATION RELATED TO THE SPECIAL PROCESSING AND INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING:
 - I. PROVIDE DOCUMENTED PROOF OF EMPLOYEE TRAINING AND EMPLOYEE FAMILIARITY WITH ROP FOODS AND THE POTENTIAL HAZARDS ASSOCIATED WITH ROP FOODS; AND ACCESS TO THE PROCESSING EQUIPMENT IS LIMITED TO THE RESPONSIBLE TRAINED PERSONNEL FAMILIAR WITH THE POTENTIAL HAZARDS OF THE OPERATION;
 - II. DELINEATE CLEANING AND SANITIZATION PROCEDURES FOR FOOD CONTACT SURFACES;
 - III. REFRIGERATION REQUIREMENTS;
 - IV. USE BY DATE LABELING OR SHELF LIFE LIMITS OF NO MORE THAN 30 CALENDAR DAYS PROMINENTLY AND CONSPICUOUSLY LABELED ON THE PRODUCT EXCEPT THE TIME THE PRODUCT IS MAINTAINED FROZEN;
 - V. LIST OF EQUIPMENT AND FOOD-CONTACT PACKAGING SUPPLIES AND MATERIALS USED IN ACCORDANCE WITH THE DESIGN STANDARDS SET FORTH IN COMAR 10.15.03;
 - VI. IN ADDITION TO THE REQUIREMENTS SET FOR IN THIS REGULATION, THE APPROVING AUTHORITY MAY REQUIRE ADDITIONAL INFORMATION AS APPLICABLE TO FOOD SOURCES, STORAGE, PREPARATION, SERVICE AND SAFETY AS SET FORTH IN STATE REGULATIONS AND / OR CODE OF FEDERAL REGULATIONS (CFR).
- C. A FOOD ESTABLISHMENT THAT PACKAGES TIME-TEMPERATURE CONTROL FOR SAFETY FOOD USING A REDUCED OXYGEN PACKAGING METHOD [[OR SOUS VIDE PROCESS]] SHALL ENSURE THAT THE FOOD IS:

- I. PREPARED AND CONSUMED ON THE PREMISES, OR PREPARED AND CONSUMED WITHIN THE SAME BUSINESS ENTITY WITH NO DISTRIBUTION OR SALE OF THE PACKAGED PRODUCT TO ANOTHER BUSINESS ENTITY OR PERSON;
- II. COOKED TO HEAT ALL PARTS OF THE FOOD TO A TEMPERATURE AND FOR A TIME AS SPECIFIED IN 03.C(2) ABOVE; AND
- III. IS PREPARED IN A DESIGNATED WORK AREA AND PROTECTED FROM CONTAMINATION BEFORE AND AFTER COOKING.

[[4]]D FOOD Storage

(1) GENERAL

- a. Containers of food shall be stored above the floor, on clean racks, dollies, or other clean surface, in a manner as to be protected from splash and other contamination. Above floor storage or exposed food shall be 18 inches or greater from the floor to the exposed food except that temporary displays of case goods and pressurized soda canisters may be stored directly on the floor provided the area is kept clean.
- b. Food not subject to further washing or cooking before serving shall be stored in a manner as to be protected against contamination BY:
 - I. NOT ALLOWING CONTACT BETWEEN READY-TO-EAT AND RAW FOODS;
 - II. STORING AND HOLDING READY-TO-EAT FOOD ABOVE OR OTHERWISE SEPARATED FROM RAW FOOD.
- c. Packaged food may not be stored in contact with water or undrained ice.
- D. ALL FOOD SHALL BE STORED PROTECTED FROM PLUMBING LEAKS AND CONDENSATE DRIPPAGE.

(2) POTENTIALLY HAZARDOUS FOODS

- A. THE PERSON-IN-CHARGE SHALL ENSURE THAT A POTENTIALLY HAZARDOUS COOKED FOOD'S INTERNAL TEMPERATURE IS COOLED FROM 135 DEGREES FAHRENHEIT TO 70 DEGREES FAHRENHEIT WITHIN 2 HOURS AND FROM 70 DEGREES FAHRENHEIT TO 41 DEGREES FAHRENHEIT OR LESS WITHIN AN ADDITIONAL 4 HOURS; AND
- B. READY-TO-EAT POTENTIALLY HAZARDOUS FOOD FOR COLD SERVICE, SUCH AS RECONSTITUTED FOODS, SALADS, AND CANNED MEAT, ARE

COOLED TO AN INTERNAL TEMPERATURE OF 41 DEGREES FAHRENHEIT WITHIN 4 HOURS;

c. COOLING OF POTENTIALLY HAZARDOUS FOOD IS ACCOMPLISHED USING ONE OR A COMBINATION OF THE FOLLOWING METHODS:

- I. REFRIGERATE IN SHALLOW PANS WITH FOOD NOT OVER 3 INCHES DEEP;
- II. REDUCE FOOD MASS BY SEPARATING FOODS INTO SMALLER OR THINNER PORTIONS;
- III. USE RAPID COOLING EQUIPMENT;
- IV. USE ICE WATER BATHS COMBINED WITH FREQUENT STIRRING;
- V. USE CONTAINERS THAT FACILITATE HEAT TRANSFER;
- VI. ADD ICE MADE FROM POTABLE WATER AS AN INGREDIENT;
- VII. REFRIGERATE LOOSELY COVERED OR ALLOW THE FOOD TO REMAIN UNCOVERED UNTIL COOLED IF THE FOOD IS PROTECTED FROM OVERHEAD CONTAMINATION; OR
- VIII. ANOTHER EFFECTIVE METHOD ACCEPTABLE TO THE APPROVING AUTHORITY BASED ON APPLICABLE STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES; AND

D. POTENTIALLY HAZARDOUS FOOD IS REHEATED:

- I. WITHIN 2 HOURS TO A MINIMUM INTERNAL TEMPERATURE OF 165 DEGREES FAHRENHEIT FOR 15 SECONDS FOR FOOD THAT IS COOKED, COOLED, AND REFRIGERATED BEFORE BEING PLACED INTO HOT FOOD HOLDING EQUIPMENT;
- II. TO A MINIMUM INTERNAL TEMPERATURE OF 135°F FOR 15 SECONDS FOR READY-TO-EAT FOOD TAKEN FROM A COMMERCIALY PROCESSED, HERMETICALLY SEALED CONTAINER OR FROM AN INTACT PACKAGE FROM A FOOD PROCESSING PLANT THAT IS INSPECTED BY A FOOD REGULATORY AUTHORITY FOR HOT HOLDING;
- III. USING THE SAME TIME AND TEMPERATURE CONDITIONS SPECIFIED IN REGULATIONS .03C2(A-G) FOR INITIAL COOKING FOR REMAINING UNSLICED PORTIONS OF ROASTS FOR HOT HOLDING; AND
- IV. WITHIN 2 HOURS OR LESS, TO A MINIMUM INTERNAL TEMPERATURE OF 165 DEGREES FAHRENHEIT FOR 15 SECONDS IN A MICROWAVE OVEN FOR HOT HOLDING AND THEN STIRRED, COVERED, AND ALLOWED TO STAND COVERED

FOR 2 MINUTES AFTER REHEATING.

[[5]] E FOOD Display

(1) GENERAL

- a. When unwrapped food that does not require further preparation is placed on display in food operations, including smorgasbords, buffets, and cafeterias, it shall be protected against contamination by food-guards or other effective methods acceptable to the Approving Authority.
- b. Tongs, forks, spoons, picks, spatulas, scoops and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided.
- c. Dispensing scoops, spoons, and dippers used in serving frozen desserts, and other foods shall be stored, between uses, either in an approved running-water dipper well, or in a manner approved by the Approving Authority.
- d. Sugar, condiments, seasonings, and dressings for self-service shall be provided only in individual packages or dispensed by methods that protect the food. A food guard is considered to be a type of sanitary protector.
- e. Portions of food once served to a customer shall not be served again; however, wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be re-served.

(2) CONSUMER ADVISORY

- A. THE PERSON-IN-CHARGE SHALL ENSURE THAT A CONSUMER ADVISORY IS ISSUED WHEN AN ANIMAL FOOD, SUCH AS BEEF, EGGS, FISH, LAMB, PORK, POULTRY, OR SHELLFISH, IS SERVED RAW OR UNDERCOOKED BY PROVIDING A WRITTEN NOTIFICATION ON:
 - I. A MENU OR BROCHURE;
 - II. A DELI CASE OR MENU BOARD;
 - III. A LABEL STATEMENT;
 - IV. A TABLE TENT OR PLACARD; OR
 - V. ANOTHER WRITTEN MEANS THAT IS VISIBLE AND LEGIBLE TO THE CONSUMER;

- B. IDENTIFYING FOOD ITEMS ON THE ITEMS SET FORTH IN §E(2)A(I-V) OF THIS REGULATION WITH AN ASTERISK TO A FOOTNOTE THAT STATES THE ITEM:
 - I. IS SERVED RAW;
 - II. IS SERVED UNDERCOOKED;
 - III. MAY BE COOKED TO ORDER UPON SPECIFIC CONSUMER REQUEST; OR
 - IV. CONTAINS RAW OR UNDERCOOKED INGREDIENTS.
- C. PROVIDING THIS WRITTEN STATEMENT: "CONSUMING RAW OR UNDERCOOKED ANIMAL FOODS MAY INCREASE YOUR RISK OF CONTRACTING A FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS."

[[6]] F FOOD Transportation

(1) GENERAL

- a. The requirements for storage, display, and general protection against contamination, as contained in these regulations, shall apply in the transporting of all food from a food service facility to another location for service or catering operations. All potentially hazardous food shall be kept at [[45]] 41 degrees Fahrenheit or below, or [[140]] 135 degrees Fahrenheit or above, during transportation.
- b. During its transportation from a food service facility to another location, food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination.

[[7]] G Poisonous or Toxic Materials

(1) GENERAL

- a. Only those poisonous or toxic materials that are required to maintain sanitary conditions in a facility and to sanitize equipment and utensils shall be allowed in any areas used in connection with food, this does not apply to packaged products offered for retail sale.
- b. All containers of poisonous or toxic materials shall be prominently and distinctively marked or labeled for easy identification of contents.
- c. When not in use, poisonous or toxic materials shall be stored in cabinets which are used for no other purpose, or in a place which is outside the food storage, food preparation, and cleaned equipment and utensil storage rooms. Bactericides and cleaning compounds

may not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials.

- d. Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces may not be used in a manner as to leave a toxic residue on surfaces, or to constitute a hazard to employees or customers.
- e. Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food.
- f. Poisonous materials may not be used in away so as to contaminate food, equipment, or utensils, or to constitute other hazards to employees or customers.

(1) MISCELLANEOUS

[[g.]] A. Medications may not be stored in food storage, preparation[[[-]], processing[[[-]], OR service areas.

[[h.]] B. First-aid supplies shall be stored in a way that prevents contamination of food contact surfaces.

.04 Personnel

A. Manager Certification

(1) In this section:

[[a]]A. "Class I" means a temporary food service facility operating from a fixed location or a mobile unit, which handles or sells only sealed, pre-wrapped, or prepackaged food or drink in the original sealed container or wrapping, and does not prepare, wrap, or package any food or drink on the premises or within the mobile unit;

[[b]]B. "Class II" means a temporary food service facility operating from a fixed location for a temporary period, which handles or sells any food or drink other than in a sealed package, or which prepares, packages, or wraps any food or drink on the premises;

[[c]]C. "Class III" means a temporary food facility operating from a mobile unit, which handles or sells any food or drink other than in a package, or which prepares, packages, or wraps any food or drink within the mobile unit; and

[[d]]D. "Class IV" means a temporary food facility operating from a mobile unit, which handles or sells sealed, pre-wrapped, or prepackaged food or drink in the original sealed package, and does not prepare, wrap, or package any food or drink within the mobile unit except for the preparing and dispensing of coffee or tea.

- (2) Except as listed in a (4) of this section, no food service facility where personnel prepare and handle potentially hazardous food shall operate unless a minimum of one food service manager has taken and passed, or is enrolled in, a course approved by the approving authority that trains the individual to be a certified food service manager.
- (3) Except as provided in b (1) (a) of this section, no food service facility shall operate unless it is under the immediate control of a certified food service manager during all hours of operation. [[The requirements of this subsection shall apply beginning on June 1, 2008.]]
- (4) [[After July 1, 2008,]] [[no]] No food service facility operated four or more days on average per week by a volunteer fire company or bona fide non-profit fraternal, civic, veterans', religious, or charitable organization shall operate unless it has a certified food service manager on staff or a staff person or member is enrolled in a course approved by the approving authority that will train that person to be a certified food service manager. [[After September 1, 2008,]] [[no]] No food service facility operated four or more days on average per week by a volunteer fire company or bona fide non-profit fraternal, civic, veterans', religious, or charitable organization shall operate unless it is under the immediate control of a certified food service manager.
- (5) To operate as a certified manager in a licensed food service facility within Howard County, an individual must submit a completed application, pay the corresponding fee and provide an appropriate certificate of completion recognized by the approving authority in order to be issued a certified manager's card.
- (6) A valid food service manager certificate from a local jurisdiction with a reciprocal agreement on certification may be used to receive an approved certification from Howard County by following the steps outlined in subsection (5) above.
- (7) manager certification is valid for three years from the date of completion or passage of the examination and must be renewed by completing a minimum eight hours of approved training, passing a written examination approved by the approving authority, submitting a completed application, and paying the corresponding fee.
- (8) A food service manager certificate shall be issued in the name of the individual only.

B. Exemptions

- (1) This section shall not apply to the following:
 - [[a)]A.Low priority food service facilities, food facilities regulated under COMAR 10.15.03 , and class i, ii (if not preparing potentially hazardous foods) and iv special food service facilities;
 - [[b)]B.Food preparation by volunteer fire companies or bona fide non-profit fraternal, civic, veterans', religious, or charitable organizations or corporations during emergency/crisis situations (natural disaster or terrorism event directly or materially impacting the county);
 - [[c)]C.Volunteer fire companies or bona fide non-profit fraternal, civic, veterans', religious, or charitable organizations or corporations

which lease banquet facilities, if the food is not prepared by them; or

[[d]]D. "Pot luck" style dinners sponsored by a volunteer fire company or bona fide non-profit fraternal, civic, veterans', religious, or charitable organizations.

- (2) Notwithstanding paragraphs [[b]] B. through [[d]] D., the approving authority may require additional staffing at a facility, which may include an additional certified food service manager, if the approving authority confirms or reasonably believes that the facility has been the source of two or more foodborne illnesses or of a foodborne disease outbreak (as defined in COMAR 10.06.01.02) during the preceding twelve months.

C. Administration And Enforcement

- (1) A certified manager card may be suspended or revoked by the approving authority for:
 - (a) Repeated violations of food safety requirements;
 - (b) Repeated failure to make corrections of documented violations within prescribed timeframes;
 - (c) Failure to adhere to critical items requirements as defined in THIS REGULATION.
 - (d) Obtaining manager certification under false pretenses; or
 - (e) Preventing regulatory personnel from performing their duties.
- (2) When a certified manager card has been suspended or revoked, the certified food service manager shall surrender his/her card to the approving authority.
- (3) Prior to restoring the certified manager card, retraining may be required where there has been prior documentation showing an inability to maintain safe and sanitary food handling practices, serious repeat violations, or instances of foodborne illness or of a foodborne disease outbreak
- (4) If the certified food service manager of a food service facility is absent or unavailable for any reason, or has his/her manager certification revoked, the food service facility shall be required to obtain the services of a certified food service manager or show proof of enrollment in an approved course within two weeks of written notification to the facility. Application for certified manager card shall be made to the approving authority as soon as available but not to exceed 30 days from the exam date.
- (5) If the certified food service manager of a food service facility has his/her certified manager card suspended, the food service facility shall be required to obtain the services of a certified food service manager or show proof of enrollment in an approved course within two weeks of determination that the suspension is not lifted by the approving authority, or upon denial following appeal to the board of health.
- (6) In addition to the authority set forth in this section, the approving authority may take action in accordance with section 12.107 of the Howard County code to abate a violation of this section.

D. Health and Disease Controls

(1) Disease Control

While affected with a disease in a communicable form, or while a carrier of a disease, or while afflicted with boils, infected wounds, or an acute respiratory infection, a person may not work in a food service facility in an area and capacity in which there is a likelihood of transmission of disease to patrons or to fellow employees, either through direct contact or through contamination of food or food-contact surfaces with pathogenic organisms.

(2) Reporting

The manager or person in charge of the establishment shall notify the Approving Authority when any employee of a food service facility is known to have or is suspected of having a disease in a communicable form.

E. Cleanliness

(1) Hand Washing

- a. All employees handling exposed foods or food-contact surfaces shall wash their hands and exposed arm areas thoroughly with soap and warm water before starting work, and shall wash hands during work hours as often as required to remove soil and contamination, particularly after using toilet facilities.
- b. The hands of all employees shall be kept clean while engaged in handling exposed food and food-contact surfaces.
- c. Employees handling exposed food and food-contact surfaces shall keep their fingernails clean and neatly trimmed.
- d. ALL EMPLOYEES HANDLING EXPOSED FOODS OR FOOD-CONTACT SURFACES SHALL WASH THEIR HANDS BEFORE PUTTING ON GLOVES AND BETWEEN CHANGING GLOVES.

(2) Clothing

- a. The outer garments of persons engaged in handling food or food-contact surfaces shall be reasonably clean.
- b. Hair nets, caps, or other effective hair restraints shall be used by employees engaged in the preparation of food, service of food, and utensil washing, in order to keep hair from food and food-contact surfaces.

(3) Tobacco

Employees may not use tobacco in any form while engaged in food preparation or service, or while in equipment and utensil washing or food preparation areas or WHILE INSIDE A LICENSED FOOD SERVICE FACILITY. Designated locations OUTSIDE NOT WITHIN 15 FEET OF AN ENTRANCE OR EXIT [[in such areas]] may be approved by the Approving Authority for smoking, where no contamination hazards will result. Employees shall wash hands before returning to work.

(4) Other Practices

Employees shall maintain personal cleanliness and shall conform to good hygienic practices during all working periods.

.05 Food Equipment, [[and]] Utensils, MENU, HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP) PLAN

A. Plan Review and Future Construction

When a food service or processing facility is constructed or materially altered, or when an existing structure is converted for use as a food service facility, A properly prepared ARCHITECTURAL DRAWING TO SCALE [[plans]] and specifications for the construction, remodeling, or alteration, showing layout, arrangements and construction materials OF work areas, [[and]] the location, size, manufacturer, [[and]] model number of ALL equipment, menu and HACCP PLAN [[and facilities]] FOR THE FACILITY, shall be submitted to the Approving Authority and approved before work is begun.

B. Sanitary Design, Construction, and Installation of Equipment and Utensils

(1) Design, Construction, and Materials

- a. All new equipment shall meet design standards of these regulations. These design standards are the same as the applicable- standards of the National Sanitation Foundation, Ann Arbor, Michigan; Commercial Refrigeration Manufacturers Association, and Bakery Industry Sanitation Standards Committee or other applicable standards acceptable to the Approving Authority. If these standards are in conflict with State laws, codes, regulations, or publications, the State laws, codes, regulations, or publications shall take precedence.
- b. All equipment and utensils shall be durable under normal conditions and operations, resistant to denting, buckling, pitting, chipping, crazing, and excessive wear, and capable of withstanding repeated scrubbing, scouring, and the corrosive action of food, cleaning, and sanitizing agents.
- c. Food-contact surfaces of equipment and utensils shall be smooth, free of breaks, open seams, cracks, chips, pits, and similar imperfections; shall be in good repair; and shall be easily cleanable.

- d. Materials used as food-contact surfaces of equipment and utensils shall be corrosion-resistant, relatively nonabsorbent and non-toxic. The corrosion resistant requirements may not preclude the use of cast iron as a food contact material, if the surface is to be heated.
- e. Food-contact surfaces of equipment and utensils shall be free of difficult-to-clean internal corners and crevices.
- f. Lubricated bearings and gears of equipment shall be constructed so that unsafe lubricants cannot contaminate the food or food-contact surfaces.
- g. Food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and for inspection either:
 - i. Without being disassembled;
 - ii. By disassembling without the use of tools; or
 - iii. By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver, or an open-end wrench.
- h. Equipment intended for in-place cleaning shall be so designed and constructed that:
 - i. Cleaning and sanitizing solutions can be circulated throughout a fixed system;
 - ii. Cleaning and sanitizing solutions will contact all interior surfaces;
 - iii. The system is self-draining or otherwise completely evacuated.
- i. Surfaces of equipment not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth; washable, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning; and of such material and in such repair as to be readily maintained in a clean and sanitary condition.
- j. Cutting blocks and boards, and bakers' tables may be of hard maple or equivalent material which is non-toxic, smooth, and free of cracks, crevices. And open seams. Cutting boards shall be easily removable. Wicker or similar woven bread baskets, when suitably lined, may be used for unwrapped food.
- k. If soft solder or hard solder (silver solder) is used, it shall be composed of safe materials and be corrosion resistant.
- l. Single-service articles shall be made from non-toxic materials, such as plastic.

(2) Equipment Installation

- a. Equipment which is placed on tables or counters, unless readily movable, shall be fixed or mounted on legs or feet at least 4 inches high, and shall be so installed as to facilitate the cleaning of the equipment and adjacent areas.
- b. Floor mounted equipment shall be of special design acceptable to the Approving Authority or the equipment shall be elevated at least six inches above the floor. The space between adjoining units, and between a unit and the adjacent wall, shall be closed unless exposed to seepage, in which event it shall be sealed; or sufficient space shall be provided to facilitate easy cleaning between, behind, and beside all the equipment.
- c. Aisles or working spaces between equipment and between walls, shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food-contact surfaces by clothing or personal contact.

(3) Existing Equipment

Equipment which was installed in a food service facility before the effective date of these regulations, and which does not meet fully all of the design and construction' requirements of this section, shall be deemed acceptable if it is in good repair and capable of being maintained in a sanitary condition, and the food-contact surfaces are non-toxic. The equipment shall be located and installed to enable reasonable compliance with all of the requirements of this subsection pertaining to equipment installation, and all of the requirements pertaining to food protection.

C. Cleanliness of Equipment and Utensils

(1) Equipment and Utensil Cleanliness

- a. After each use, all tableware, kitchenware, and food contact surfaces of equipment shall be thoroughly cleaned.
- b. The cooking surfaces of grills, griddles, and similar cooking devices shall be cleaned at least once a day, and shall be free of incrustated grease deposits and other soil.
- c. Non-food-contact surfaces of all equipment used in the operation of a food-service facility, including tables, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned frequently and shall be free of accumulations of dust, dirt, food particles, and other debris.
- d. Wiping Cloths. Cloths used for wiping food spills on tableware such as plates or bowls being served to the consumer, shall be clean, dry and used for no other purpose. Moist cloths or sponges

used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in B(3) of this regulation, and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses. Moist cloths or sponges used for cleaning non-food contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified above and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

- e. Detergents and abrasives shall be rinsed off food-contact surfaces.

(2) Equipment and Utensil Sanitization

- a. After each use, all tableware shall be sanitized. A spoon or other utensil that has been used for tasting food may not be re-used until it has been cleaned and sanitized.
- b. All kitchenware and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be cleaned and sanitized after each use, and following any interruption of operation during which contamination of the food-contact surface is likely to have occurred. If equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production-line basis, the food-contact surfaces of the equipment and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule acceptable to the Approving Authority.

(3) Methods and Facilities for Washing and Sanitizing

- a. All equipment and utensils shall be flushed or scraped and, when necessary, pre-soaked to remove large food particles and soil before they are washed.
- b. Effective concentrations of a suitable detergent shall BE used in both manual and mechanical dishwashing.
- c. When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a detergent solution which is kept reasonably clean, and then shall be rinsed free of the solution, All utensils and the food-contact surfaces of all equipment shall be sanitized by one of the following methods:
 - i. Immersion for at least one-half minute in clean hot water at a temperature of at least 170 degrees Fahrenheit.
 - ii. Immersion for a period of at least one minute in a sanitizing solution containing:

1. At least 50 milligrams per liter (mg/l) of available chlorine at a temperature of not less than 75 degrees Fahrenheit; or
 2. At least 12.5 mg/l of available iodine in a solution and a temperature of not less than 75 degrees Fahrenheit.
- iii. Any other chemical-sanitizing agent or detergent sanitizing agent which has been demonstrated to the satisfaction of the Approving Authority to be effective and non-toxic under use conditions, and for which a suitable field test is available. The sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 mg/l of available ' chlorine at a temperature not less than 75 degrees Fahrenheit
- iv. Equipment too large to treat by methods (i.) and (ii.) above shall be treated:
1. With live steam from a hose, in the case of equipment in which steam can be confined; or
 2. By rinsing with boiling water; or
 3. By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.
- d. A three-compartment sink shall be provided and used wherever washing and sanitization of equipment or utensils are conducted manually. [[When a detergent-sanitizer is used, a two-compartment sink is a minimum requirement.]] Single compartment utility sinks, such as cooks' and bakers' sinks, may be used for the rinsing of utensils.
- e. Sinks used for manual washing and sanitizing operations shall [[1]] be of adequate length, width, and depth to accommodate the equipment and utensils, and each compartment of the sinks shall be supplied with hot and cold running water.
- f. When hot water is used as the sanitizing agent in manual operations, thermometer, accurate to +2 degrees Fahrenheit, shall be provided convenient to the sink to permit frequent checks of the water temperature.
- g. Dish tables or integral drain boards of adequate size for proper handling of soiled utensils before washing and for cleaned utensils following rinsing or sanitization shall be provided, and shall be so located or constructed as not to interfere with the proper use of the dishwashing facilities. Drain boards shall not be required for cooks'

and bakers' rinse sinks.

- h. When spray-type dishwashing machines are used, the following additional requirements shall be met:
 - i. Wash-water shall be kept reasonably clean, and rinse water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash-water into the rinse water.
 - ii. The flow pressure shall be no less than 15 or more than 25 pounds per square inch on the water line at the machine. A suitable gauge shall be provided immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water. Flow pressure gauges are not needed on dishwashers with pumped reticulating final rinses.
 - iii. The wash-water temperature shall be at least 140 degrees Fahrenheit and in single-tank conveyor machines shall be at least 160 degrees Fahrenheit. When hot water is relied upon for sanitization, the, final or fresh rinse water shall be at a temperature of at least 180 degrees Fahrenheit at the entrance of the manifold. When a pumped rinse is provided, the water shall be at a temperature of at least 160 degrees Fahrenheit. When chemicals are relied upon for sanitization, they shall be of a class or type approved by the Approving Authority, and shall be applied in a concentration and for a period of time that will provide effective bactericidal treatment of the equipment and utensils.
 - iv. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.
 - v. An easily readable thermometer which will indicate water temperature to an accuracy of +2 degrees Fahrenheit shall be provided in each tank of the dishwashing machine. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.
 - vi. Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition. All dishwashing machines shall be thoroughly cleaned following use, or as often as needed.
 - vii. A pre-rinse device shall be provided for all machines.
 - viii. Equipment and utensils shall be flushed or scraped, and when necessary, soaked, to remove large food particles and

soil before being cleaned in a dishwashing machine. After flushing, scraping, or soaking, equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, so that food-contact surfaces are subject to the unobstructed application of detergent wash and clean rinse waters and so that there is free draining. Clean rinse water shall remove particulate matter and detergent residues.

- ix. Any other type of machine, device, or facilities and procedures may be approved by the Approving Authority for cleaning or sanitizing equipment and utensils, if it can be readily established that the machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

(4) Storage and Handling of Cleaned Equipment and Utensils

- a. Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip contact surfaces.
- b. Tableware shall be stored a minimum of 18 inches above floor level unless protected by doors or metal or plastic enclosure.
- c. Cleaned, and cleaned and sanitized, portable equipment and utensils shall be stored above the floor in a clean, dry location, and suitable space and facilities shall be provided for storage so that food-contact surfaces are protected from splash, dust, and other contamination. The food contact surfaces of fixed equipment also shall be protected from splash, dust, and other contamination. Utensils shall be air dried before being stored, or shall be stored in a self-draining position on suitably located hooks or racks constructed of corrosion-resistant material. Wherever practicable, stored containers and utensils shall be covered or inverted. Facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.
- d. The storage of food, food equipment utensils, or single service articles is not permitted in toilet rooms or toilet room vestibules.

(5) Single-Service Articles

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

- b. The articles shall be handled and dispensed in a manner as to prevent contamination of surfaces which come into contact with food or with the mouth of the user.
- c. Single-service articles shall be used only once.

D. HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP) PLAN

- (1) THE OPERATOR SHALL ENSURE THAT A HACCP PLAN IS SUBMITTED TO THE APPROVING AUTHORITY FOR EACH HIGH OR MODERATE PRIORITY FACILITY AS SPECIFIED IN COMAR 10.15.03.
- (2) THE PERSON-IN-CHARGE SHALL ENSURE THAT THE HACCP PLAN AND ALL INFORMATION SUBMITTED TO THE APPROVING AUTHORITY INCLUDES:
 - A. A MENU OR OTHER WRITTEN DESCRIPTION OF THE FOODS TO BE PREPARED OR SERVED SHALL BE SUBMITTED.
 - B. GENERAL FOOD HANDLING INFORMATION AND PROCEDURES SHALL BE SUBMITTED FOR:
 - I. RECEIVING;
 - II. STORAGE;
 - III. THAWING; AND
 - IV. PREPARATION;
 - C. A LIST OF FOODS THAT WILL BE:
 - I. PREPARED IN ADVANCE OF SERVICE; OR
 - II. DISTRIBUTED OFF PREMISES;
 - D. A DESCRIPTION OF THE FOOD SYSTEMS THAT WILL BE USED, SUCH AS:
 - I. COOK-HOT HOLD-SERVE;
 - II. COOK-COOL-REHEAT-HOT HOLD-SERVE; AND
 - III. COOK-COOL-COLD HOLD-SERVE;
 - E. THE OPERATOR SHALL ENSURE THAT THE HACCP PLAN INCLUDES THE:
 - I. IDENTIFICATION OF EACH CCP;
 - II. CRITICAL LIMITS FOR EACH CCP;
 - III. MONITORING PROCEDURES AT EACH CCP;

- IV. CORRECTIVE ACTION THAT WILL BE TAKEN IF THERE IS A LOSS OF CONTROL AT A CCP DUE TO:
 - 1. EMPLOYEE ERROR;
 - 2. EQUIPMENT MALFUNCTION;
 - 3. POWER FAILURE; OR
 - 4. ANY OTHER FACTOR THAT CAUSES LOSS OF CONTROL AT A CCP;

- F. VERIFICATION PROCEDURES THAT WILL ENSURE PROPER MONITORING OF EACH CCP, SUCH AS:
 - I. CALIBRATION OF COOKING AND HOLDING EQUIPMENT AND THERMOMETERS; AND
 - II. REVIEW OF RECORDS SUCH AS TEMPERATURE LOGS.

- G. WRITTEN PROCEDURES FOR EMPLOYEE TRAINING IN HACCP PLAN PROCEDURES.

- H. A LIST OF THE FOOD SERVICE EQUIPMENT THAT WILL BE USED AT EACH CCP.

- I. THE OPERATOR SHALL CONSTRUCT THE HACCP PLAN BY:
 - I. LISTING, FOR EACH CCP, THE:
 - 1. MENU ITEMS CONTROLLED BY THE CCP;
 - 2. EQUIPMENT USED; AND
 - 3. MONITORING, CORRECTIVE ACTION, AND VERIFICATION PROCEDURES;
 - II. INCORPORATION OF THE REQUIREMENTS OF §D OF THIS REGULATION INTO A RECIPE OR PREPARATION INSTRUCTIONS; OR
 - III. INCORPORATION OF THE REQUIREMENTS OF §D OF THIS REGULATION INTO A RECIPE OR PREPARATION INSTRUCTIONS; OR
 - IV. ANOTHER WAY THAT MEETS THE REQUIREMENTS OF §D OF THIS REGULATION.
 - V. ANY OTHER INFORMATION THAT IS REQUIRED BY THE APPROVING AUTHORITY TO ASCERTAIN COMPLIANCE OF THE PLANS AND SPECIFICATIONS WITH ALL APPLICABLE STATE

AND LOCAL LAWS, REGULATIONS, AND ORDINANCES.

- J. IN ADDITION TO THE REQUIREMENTS SET FOR IN THIS REGULATION, THE APPROVING AUTHORITY MAY REQUIRE ADDITIONAL INFORMATION AS APPLICABLE TO FOOD SOURCES, STORAGE, PREPARATION, SERVICE AND SAFETY AS SET FORTH IN STATE REGULATIONS AND / OR CODE OF FEDERAL REGULATIONS (CFR).

.06 Sanitary Facilities and Control

A. Water Supply

(1) Supply

The water supply shall be adequate, of a safe, sanitary quality, and from an approved public or individual water supply system which is constructed, protected, operated, and maintained in conformance with applicable State and local laws, ordinances, and regulations. If approved by the Approving Authority, a non-potable water supply system may be permitted within the establishment for purposes such as air-conditioning and fire protection only if the system complies with .06C (1) b of these regulations, and the non-potable water supply is not used in a manner to bring it into contact, either directly or indirectly, with food, food equipment, or utensils.

- a. Hot and cold running water, under pressure shall be provided in all areas where food is prepared, and where equipment and utensils are washed. Hot water is not required in produce washing sinks in retail markets.
- b. [[Class III]] [[s]]Special food service facilities shall be equipped with water connections and operated only when connected to an approved water supply or are equipped with an adequate supply of potable water under pressure. Those systems shall meet the requirements of the Approving Authority,

(2) Transporting and Dispensing Water

- a. All water in [[Class II]] a special food service facilities, if not piped into the facility directly from the source, shall be transported, handled, stored, and dispensed in a sanitary manner.
- b. Drinking water, if not dispensed through the water supply system of the food service facility shall be stored in a separate non-pressurized tank, reservoir, or other container, acceptable to the Approving Authority.

(3) Ice

- a. Ice shall be made from water meeting the requirements of .06A (1), above, in an ice making machine which is located, installed, operated, and maintained so as to prevent contamination of the ice; or shall be obtained from a source approved by the Approving Authority.
- b. Ice shall be handled, transported, and stored in a manner as to be protected against contamination. If block ice is used, the outer surfaces shall be thoroughly rinsed to remove any soil before it is used for any purpose.
- c. If ice crushers are used, they shall be maintained in a clean and sanitary condition and shall be covered when not in use.
- d. If ice is used, approved containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single-service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. They shall be kept clean, and shall be stored and handled in a sanitary manner. Only sanitary containers shall be used for the transportation or storage of any ice used in the food-service facility.
- e. Ice used once may not be reused.

B. Sewage Disposal

(1) Water-Carried Sewage

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

- a. A public sewerage system; or
- b. An approved sewage disposal system THAT: [[which]]
 - I [[i]]IS constructed and operated in conformance with applicable State and local laws, ordinances, and regulations[.];
 - II SHALL CONFORM AND COMPLY WITH ESTABLISHED MAXIMUM SEAT COUNTS OR ANY OTHER MEANS OF CALCULATING DESIGN CAPACITY AS DETERMINED BY THE APPROVING AUTHORITY AND NOTED ON THE FOOD SERVICE FACILITY LICENSE OR THE ON-SITE SEWAGE DISPOSAL PERMIT; AND
 - III THE APPROVING AUTHORITY MAY REQUIRE THAT THE FACILITY BE EQUIPPED WITH A FUNCTIONING WATER METER THAT:
 - 1. CAPTURES AND RECORDS ON A DAILY BASIS ALL INCOMING FLOWS IN GALLONS PER DAY TO THE

~~FACILITY OR CAPTURES AND RECORDS ON A DAILY BASIS ALL WASTEWATER FLOWS IN GALLONS PER DAY THAT IS DISCHARGED TO THE ON-SITE SEWAGE DISPOSAL SYSTEM;~~

~~2. IS ACCESSIBLE TO THE APPROVING AUTHORITY FOR MONITORING, AND~~

~~3. ALLOWS THE LICENSEE TO PROVIDE FLOW DATA WHEN REQUESTED BY THE APPROVING AUTHORITY FOR THE ENTIRE DURATION OF ON-SITE SEWAGE DISPOSAL SYSTEM USE AFTER THE FLOW METER IS INSTALLED.~~

~~C. ADJUSTMENTS TO EXISTING DESIGN FLOW SEAT COUNTS OR ANY OTHER ADJUSTMENT OF USE USED TO CALCULATE DESIGN CAPACITY AS DETERMINED BY THE APPROVING AUTHORITY:~~

~~I. SHALL ONLY OCCUR WITH PRIOR WRITTEN APPROVAL BY THE APPROVING AUTHORITY;~~

~~II. MAY REQUIRE VERIFIABLE DAILY FLOW METER READINGS TO INCLUDE AT LEAST 2 YEARS OF READINGS FROM THE FACILITY UNDER TYPICAL OPERATING CONDITIONS;~~

~~III. MAY BE APPROVED BASED ON WATER METER FLOW DATA FROM AN ESTABLISHED FACILITY OR OPERATION DEEMED SIMILAR IN NATURE AND OF SUFFICIENT DURATION BY THE APPROVING AUTHORITY;~~

~~IV. MAY HAVE LIMITATIONS ATTACHED, AND~~

~~V. SHALL HAVE AN AGREEMENT OF SEATING COUNTS RECORDED IN THE COUNTY LAND RECORDS FOR FACILITIES THAT HAVE SEATING COUNTS DEVIATING FROM THE STANDARD FLOW PER SEAT USED TO DESIGN AN ON-SITE SEWAGE DISPOSAL SYSTEM.~~

~~D. UNAPPROVED INCREASED USE BEYOND WHAT HAS BEEN AGREED UPON AND RECORDED IN LAND RECORDS MAY RESULT IN ONE OR MORE OF THE FOLLOWING:~~

~~I. DENIAL OF A FOOD SERVICE FACILITY LICENSE;~~

~~II. FOOD SERVICE FACILITY LICENSE SUSPENSION;~~

~~III. FOOD SERVICE FACILITY LICENSE REVOCATION;~~

~~IV. REFUSAL TO RENEW A FOOD SERVICE FACILITY LICENSE; OR~~

~~V. THE ISSUANCE OF A CITATION.~~

(2) Non Water Carried Sewage

FACILITY OR CAPTURES AND RECORDS ON A DAILY BASIS ALL WASTEWATER FLOWS IN GALLONS PER DAY THAT IS DISCHARGED TO THE ON-SITE SEWAGE DISPOSAL SYSTEM;

2. IS ACCESSIBLE TO THE APPROVING AUTHORITY FOR MONITORING, AND

3. ALLOWS THE LICENSEE TO PROVIDE FLOW DATA WHEN REQUESTED BY THE APPROVING AUTHORITY FOR THE ENTIRE DURATION OF ON-SITE SEWAGE DISPOSAL SYSTEM USE AFTER THE FLOW METER IS INSTALLED.

€ IV. ADJUSTMENTS TO EXISTING DESIGN FLOW SEAT COUNTS OR ANY OTHER ADJUSTMENT OF USE USED TO CALCULATE DESIGN CAPACITY AS DETERMINED BY THE APPROVING AUTHORITY:

€1. SHALL ONLY OCCUR WITH PRIOR WRITTEN APPROVAL BY THE APPROVING AUTHORITY;

€2. MAY REQUIRE VERIFIABLE DAILY FLOW METER READINGS TO INCLUDE AT LEAST 2 YEARS OF READINGS FROM THE FACILITY UNDER TYPICAL OPERATING CONDITIONS;

€3. MAY BE APPROVED BASED ON WATER METER FLOW DATA FROM AN ESTABLISHED FACILITY OR OPERATION DEEMED SIMILAR IN NATURE AND OF SUFFICIENT DURATION BY THE APPROVING AUTHORITY;

€4. MAY HAVE LIMITATIONS ATTACHED, AND

€5. SHALL HAVE AN AGREEMENT OF SEATING COUNTS RECORDED IN THE COUNTY LAND RECORDS FOR FACILITIES THAT HAVE SEATING COUNTS DEVIATING FROM THE STANDARD FLOW PER SEAT USED TO DESIGN AN ON-SITE SEWAGE DISPOSAL SYSTEM.

Đ V. UNAPPROVED INCREASED USE BEYOND WHAT HAS BEEN AGREED UPON AND RECORDED IN LAND RECORDS MAY RESULT IN A GRADUATED RESPONSE OF ONE OR MORE OF THE FOLLOWING:

1. DENIAL OF A FOOD SERVICE FACILITY LICENSE;

2. FOOD SERVICE FACILITY LICENSE
SUSPENSION;

3. FOOD SERVICE FACILITY LICENSE
REVOCATION;

4. REFUSAL TO RENEW A FOOD SERVICE
FACILITY LICENSE; OR

5. THE ISSUANCE OF A CITATION.

(2) Non-Water-Carried Sewage

Non-water-carried sewage disposal facilities may be used, only where water-carried disposal methods have been determined by the Approving Authority to be impracticable. Under those conditions, only facilities which have been approved by the Approving Authority shall be used, and operation of these facilities shall be in conformance with applicable State and local laws, ordinances, and regulations.

C. Plumbing

(1) General

- a. All plumbing shall be sized, installed, and maintained in accordance with applicable State and local plumbing laws, ordinances, and regulations.
- b. The potable water supply piping may not be directly connected with any non-potable water supply system whereby the non-potable water can be drawn or discharged into the potable water supply system. The piping of any non-potable water system shall be adequately and durably identified, as by distinctive yellow-colored paint, so that it is readily distinguishable from piping which carries potable water and shall not be connected to equipment or have outlets in the food-preparation area.
- c. The potable water system shall be installed in a manner to prevent back-siphonage.
- d. Class III special food-service facilities shall be equipped with a waste receiving tank of adequate capacity unless connected to a proper waste-disposal facility.

(2) Drains

- a. Dishwashing machines, sinks, refrigerators, steam kettles, potato peelers, and similar types of equipment in which food, portable equipment, or utensils are placed, may not be directly connected to the drainage system. Each waste pipe from each vat of a sink shall discharge into an open, accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped, vented, and with approved air gap. When a dishwashing machine is located adjacent to a floor drain, the waste from the dishwashing machine shall be connected directly into the floor drain. Indirect connections of drain lines from other equipment used in preparation of food or washing of equipment and utensils shall be required by the Approving Authority when, in his opinion, the installation is such that backflow of sewage is likely to occur.
- b. Indirect waste connections shall be provided for drains, overflows, or relief vents from the water supply system.

- c. Drain lines from equipment may not discharge waste water in a manner that will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult-to-clean areas.
- d. Traps for floor drains or other waste receptors associated with a food service and not in use as an indirect waste receptor shall be automatically primed or provided with a water seal at least 6 inches deep, as required by the Approving Authority.
- e. In newly constructed or remodeled facilities, soil or drain pipes located over food preparation, storage, display, serving, or dining areas are undesirable. When building design requires that soil or drain pipes be located over those areas, the installation shall be made with the least possible number of joints and shall be installed so as to connect to a vertical stack at the nearest wall or vertical building support. The construction shall be performed as follows:
 - i. All openings through floors over those areas shall be provided with sleeves securely bonded to the floor construction and projecting not less than 3/4 inch above the top of the finished floor with the space between sleeve and pipe or duct sealed,
 - ii. Floor and shower drains installed above those areas shall be equipped with integral seepage pans.
 - iii. Plumbing fixtures in rooms located above those areas shall be of the wall-mounted type, except bathtubs. Tubs shall have waste and overflow connections made above the floor and piped to trap below the floor. All connections through the floor and to the trap shall conform to all other provisions of this regulation. No floor openings other than the sleeve for a waste pipe shall be permitted for tubs.
 - iv. Drain pipes carrying acid or other corrosive waste products which require acid resistant pipe shall be of thermoplastic material with joints sealed by solvent cementing or thermal bonding.
 - v. All other soil or drain pipes shall be galvanized steel or cast iron with screwed joints sealed by an approved method or copper tubes with soldered joints. Cleanouts shall be extended through the floor construction above.
 - vi. All soil and drain pipes located above those areas shall be subjected to a standing water test of not less than 25 feet.
 - vii. All piping subject to operation at temperatures that will form condensation on the exterior of the pipe shall be thermally

insulated.

- viii. Where pipes are run in a ceiling above those areas, the ceiling shall be of the removable type, or shall be provided with access panels in order to provide ready access for inspection of piping.

D. Toilet Facilities

(1) General

Each building or other place in which food is manufactured, prepared, packed, canned, frozen, sold, or distributed shall have:

- a. A convenient toilet that is:
 - i. Accessible to employees at all times;
 - ii. Separated from any room in which food is manufactured, prepared, packed, canned, frozen, sold or distributed
 - iii. Installed in accordance with applicable state and local laws, ordinances, and regulations;
 - iv. Of a sanitary design and readily cleanable;
 - v. In a completely enclosed room with tight-fitting, self-closing doors which may not be left open except during cleaning and maintenance;
 - vi. Kept clean, in good repair, and free of objectionable odors;
 - vii. Equipped with toilet paper; and
 - viii. Equipped with easily cleanable receptacles for waste materials. Receptacles in toilet rooms for women shall be covered. The receptacle shall be emptied at least daily and more often as necessary to prevent excessive accumulation of waste material.
- b. A convenient lavatory that is:
 - i. Accessible to employees at all times;
 - ii. In or near toilet room;
 - iii. Installed in accordance with applicable state and local laws, ordinances, and regulations;
 - iv. Of a sanitary design and readily cleanable;
 - v. Kept clean, in good repair, and free of objectionable odors;

- vi. Supplied with soap, water and towels; and
- vii. Equipped with easily cleanable receptacles for waste materials. The receptacle shall be emptied at least daily and more often as necessary to prevent excessive accumulation of waste material.

(2) Public Facilities in Restaurants

- a. This section does not apply to facilities which provide only carry-out service. Each restaurant with any seating provided to allow consumption of food on the premises shall have available for the public a convenient toilet:
 - i. Installed in accordance with applicable state and local laws, ordinances, and regulations;
 - ii. Of a sanitary design and readily cleanable;
 - iii. In a completely enclosed room with tight-fitting, self-closing doors which may not be left open except during cleaning and maintenance;
 - iv. Kept clean, in good repair, and free of objectionable odors;
 - v. Equipped with toilet paper; and
 - vi. Equipped with easily cleanable receptacles for waste materials. Receptacles in toilet rooms for women shall be covered. The receptacle shall be emptied at least daily and more often as necessary to prevent excessive accumulation of waste material.
- b. A convenient lavatory that is:
 - i. Installed in accordance with applicable state and local laws, ordinances, and regulations;
 - ii. Of a sanitary design and readily cleanable;
 - iii. Kept clean, in good repair, and free of objectionable odors;
 - iv. Supplied with soap, water and towels; and
 - v. Equipped with easily cleanable receptacles for waste materials. The receptacle shall be emptied at least daily and more often as necessary to prevent excessive accumulation of waste material.

E. Hand washing Facilities

(1) General

- a. Hand washing facilities shall be located in each food preparation, processing, and utensil washing area and in or adjacent to all toilet rooms, and shall be accessible at all times.
- b. Utensil washing vats or food preparation sinks may not be used as hand washing facilities.
- c. Lavatories shall be installed in accordance with applicable State and local laws, ordinances, and regulations, or in the absence of these, as approved by the Approving Authority.
- d. Each lavatory shall be provided with hot and cold or tempered running water AT A TEMPERATURE OF 100 DEGREES FAHRENHEIT. A mixing valve or combination faucet is required. Steam mixing valves are prohibited. Any slow closing or metering faucet used shall provide a flow of water for at least [[15]] 20 seconds before the faucet has to be reactivated.

(2) Maintenance

- a. An adequate supply of hand-cleaning soap or detergent shall be available at each lavatory. An adequate supply of individual towels, or an approved hand-drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the hand [[h]]washing facilities.
- b. Lavatories, soap dispensers, hand-drying devices, and all other components of the hand washing facilities shall be kept clean and in good repair.

F. Garbage and Rubbish Disposal

(1) Containers

- a. All garbage and rubbish containing food-waste shall be kept in containers, constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.
- b. All containers shall be provided with tight-fitting lids or covers and, unless kept in a special vermin-proofed room or enclosure or in a waste refrigerator shall be kept covered when stored or not in continuous use.
- c. After being emptied, each container shall be thoroughly cleaned on the inside and outside in a manner so as not to contaminate food, equipment, utensils, or food preparation areas. Brushes shall be provided for washing garbage containers and may not be used for any other purpose. Can washing machines, steam-cleaning devices,

or similar equipment may be used where the operation is large enough to warrant this type of equipment. Waste water from cleaning operations shall be disposed of as sewage.

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

(2) Storage

- a. Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in a manner approved by the Approving Authority.
- b. Storage facilities shall be adequate for the proper storage of all garbage and rubbish.
- c. Storage areas shall be clean, and may not constitute a nuisance
- d. Storage rooms or enclosures shall be constructed of easily cleanable, grease resistant, washable materials and shall be vermin-proofed. The floors and the walls up to at least the level reached by splash or spray shall be of grease resistant materials. Garbage containers outside the establishment shall be stored either on a grease resistant durable surface, or on a rack which is at least 12 inches above the ground for a single bank of containers, or 18 inches above the ground for a multiple bank of containers.

(3) Food-Waste Grinders

Food-waste grinders shall be constructed and installed so as to comply with applicable State and local plumbing laws, ordinances, and regulations. Food-waste grinders may not be connected to a sink drain when the sink is used for food or utensils since they will not meet indirect waste requirements.

(4) Disposal

- a. All garbage and rubbish shall be disposed of daily, or as frequently as may be approved by the Approving Authority, and in a manner as to prevent a nuisance.
- b. Where garbage or combustible rubbish is burned on the premises, an approved incinerator shall be provided, and shall be operated in such a manner as to comply with applicable State and local regulations, laws, and ordinances and so that it does not create a nuisance. Areas around incinerators shall be kept in a clean and orderly condition.

G. Vermin Control

(1) General

- a. Effective and approved control measures shall be used to eliminate the presence of rodents, flies, roaches, and other vermin on the premises.
- b. The premises shall be kept in a condition that will prevent the harborage of vermin.

(2) Screening

- a. Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to the outer air shall be effectively protected against the entrance of insects by self-closing doors, closed windows, screening, or other effective means.
- b. Screening material may not be less than 16-mesh to the inch or equivalent.
- c. Screen doors to the outer air shall be self-closing; and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight-fitting and free of breaks.
- d. All Class II Special Food Service Facilities are required to be screened.

(3) Rodent Proofing

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

.07 Other Facilities and Operations

A. Floors, Walls, and Ceiling

(1) Floors

- a. All floors shall be kept clean and in good repair. Any materials used on floors to prevent slipping must, prior to usage, have the approval of the Approving Authority.
- b. The floors of all food preparation, food processing, food storage, and utensil-washing rooms and areas, and walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be constructed of smooth, durable, non-absorbent, and easily cleanable materials such as concrete, quarry tile, ceramic tile, [[durable grades of vinyl asbestos,]] [[or]] plastic, or tight wood impregnated with plastic. In areas, subject to spilling or dripping of grease or fatty substances, floor coverings shall be of grease resistant material. Floors of non-

- refrigerated, dry food storage areas are not required to be non-absorbent.
- c. Floor drains shall be provided only in floors which are water-flushed for cleaning or which receive discharges of water or other fluid waste from equipment. These floors shall be graded to drain.
 - d. In walk-in refrigerators or refrigerated rooms where there is need to flush the floors with water; the floors shall be graded to drain all parts of the floor to the outside through a waste-pipe, doorway or other opening, or shall be equipped with a floor drain,
 - e. Carpeting may be used on the floors of interior dining areas. The carpeting shall be in good repair and kept clean.
 - f. The walking and driving surfaces of all exterior areas of food service facilities shall be kept clean and free of debris, and shall be drained so that water will not accumulate. Those areas shall be surfaced with concrete, or asphalt, or with gravel, or similar material effectively treated to facilitate maintenance and to minimize dust.
 - g. Mats, and duckboards if used, shall be constructed to facilitate cleaning, and shall be kept clean. They shall be of design and size that allows easy removal for cleaning
 - h. All concrete, quarry tile, or ceramic tile floors installed in food preparation, food storage, and utensils-washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all cases, the juncture between the floor and wall shall be closed.

(2) Walls and Ceilings

- a. All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.
- b. The walls of all food preparation, utensils-washing, hand washing rooms or areas, and serving counters shall have smooth, easily cleanable surfaces. Surfaces shall be grease resistant up to at least the highest level reached by splash or spray. Ceiling rafters shall be enclosed in food preparation areas, utensil-washing, and garbage handling areas. Acoustical materials may be used on the ceiling.
- c. Wall covering materials such as sheet metal, vinyl asbestos, plastics, and similar materials, shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.
- d. Studs and joints in food preparation areas, food storage areas, and utensil hand-washing areas, and toilet rooms shall be suitably

finished and shall be kept clean and in good repair, Exposed rafters in food storage areas are acceptable provided they are painted. Where it is necessary that piping, conduit, and similar construction be located outside a wall, it shall be installed so that there is a minimum of ¾ inch space between it and the wall.

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

B. Lighting

(1) General

- a. At least [[20]] 50 foot-candles of ARTIFICIAL light shall be required on all work surfaces WHERE FOOD EMPLOYEE IS WORKING WITH FOOD, UTENSILS OR EQUIPMENT. [[food preparation areas, utensil washing areas, toilet rooms, locker rooms, and in garbage and rubbish storage areas.]] Sources of artificial light shall be provided and used to the extent necessary to provide the required amounts of light on these surfaces when in use and when being cleaned. At least [[10]] 20 foot-candles of light at a distance of 30 inches from the floor shall be required in [[all other areas, including dining areas during cleaning operations.]] THE STORAGE AREA, TOILET ROOM, LOCKER ROOM, GARBAGE AND RUBBISH STORAGE AREA, DINING AREA DURING CLEANING, UTENSIL WASHING AREA, BAR, WAIT STATION AND SERVICE AREA.
- b. Another lighting level approved by the approving authority based on a review that indicates the lighting level is sufficient for cleaning, facility maintenance, and employee safety.
- c. Light bulbs and tubes shall be provided with a shield which will prevent broken glass from falling into food and utensils.

C. Ventilation

(1) General

- a. All rooms shall be adequately ventilated, and ventilation facilities shall be maintained and operated so that all areas are kept reasonably free from excessive heat, steam, condensation, vapors, smoke, or fumes. Effective air recovery systems shall be used in the ventilation of these areas.
- b. All room areas, and equipment from which aerosols, odors, fumes, or vapors may originate, shall be effectively vented to the outside air. When vented to the outside, the system shall not create an unsightly, harmful or unlawful discharge.
- c. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces.

- d. Intake air ducts shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, or other contaminating materials.
- e. Hoods shall be provided where needed over cooking and over dishwashing equipment areas.
- f. Ventilation in toilet rooms shall be provided so that 2 cubic feet of air per minute per square foot of floor space is exhausted outside the building. Mechanical ventilation shall be provided. Existing buildings may use a specified type of ductless exhaust fan for the restroom where outside ducts are not feasible. Make-up air shall be provided by any acceptable means.

D. Dressing Rooms and Lockers

(1) General

- a. Adequate facilities shall be provided for the orderly storage of employees' clothes and personal belongings. Dressing rooms or designated areas shall be provided when, as a routine procedure, employees change clothing within the facility. Such designated areas shall be located outside of food preparation[[:]], serving and utensil washing areas. The Approving Authority may approve such an area in a storage room.
- b. Adequate lockers within dressing rooms or areas, or other suitable facilities within dressing rooms, shall be provided and used for the storage of employees' coats, clothing, and personal belongings.
- c. Dressing rooms or areas, and lockers, shall be kept in a clean condition.

E. Housekeeping

(1) General

- a. The facility and all parts of the property used in connection with operation of the facility shall be kept neat, clean, and free of litter and rubbish;
- b. Operations connected with the facility may not be conducted in any room used as living or sleeping quarters.
- c. Adequate storage space for custodial equipment shall be provided.

(2) Dustless Cleaning

Vacuum cleaning, wet cleaning, or other dustless methods of floor and wall cleaning shall be used; or dust-arresting sweeping compounds and push brooms shall be employed; and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals, and in a manner that

will prevent contamination of food and food contact surfaces.

(3) Storage of Linens and Clothes

- a. Laundered cloths, napkins, and clothing shall be stored in a clean place until used.
- b. Non-absorbent covered containers shall be provided, and damp or soiled linens and clothes shall be kept therein until removed for laundering.

(4) Live Birds and Animals

Live birds and animals may not be allowed in any area used for the storage, preparation, or serving of food, or for the cleaning or storage of utensils, in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area or facility physically connected with the food service facility operations. Guide dogs accompanying blind or deaf persons shall be permitted in customer service areas.

.08 Special Food Service Facilities

- A. Class I facilities shall comply with .01-.04 above, and .09 below. Fixed premises or mobile units shall be kept clean and free of litter or rubbish. Single-service articles, if used, must be stored and dispensed in a manner approved by the Approving Authority.
- B. Class II facilities shall comply with .01-.05, .06A(2)a., .06A(3), .06G(1)a, b., .06G(2)a, b, c., .06G(1), .07B, and .09 of these regulations. Premises shall be kept clean and free of litter or rubbish, and insects and rodents shall be kept under control. Class II facilities shall provide adequate and conveniently located toilet facilities for employees. If permanent toilet facilities are not available, temporary facilities shall be constructed and maintained according to the specification of the Approving Authority. Class II facilities shall provide an ample supply of potable water as specified by the Approving Authority. Class II facilities shall also provide adequate and convenient hand washing facilities as specified by the Approving Authority. Waste water must be disposed of in a manner approved by the Approving Authority.
- C. Class III facilities shall meet all the requirements of these regulations except .06D above.
- D. Class IV facilities shall comply with .01-.04, .05B (1) and (5), and .09 of these regulations. Class IV facilities shall provide an adequate supply of potable water under pressure. The waste receiving tank shall be capable of containing all wastes from the mobile unit. Plumbing shall be installed and maintained to prevent contamination of food, drink, food-bearing surfaces and equipment through backflow or back siphonage. All wastes shall be held and disposed of in a manner satisfactory to the Approving Authority. Coffee and tea must be served in single-service items only. The premises shall be kept clean and free of litter or rubbish. The presence of rodents and insects must be eliminated.

.09 Enforcement Provisions

A. License

- (1) A person who does not have a license issued by the Approving Authority may not operate a food service facility or a special food service facility. A license shall be posted in a conspicuous place in every food service facility, or special food facility, and shall not be transferable from person to person or from place to place.
- (2) Any person desiring to operate a food service facility or special food service facility shall make an application to the Approving Authority. This application shall be in a form as required by the Approving Authority, and must be accompanied by plans, specifications, and a descriptive narrative of the proposed operation.
- (3) Licenses shall be issued annually by the Approving Authority to every food facility within Howard County, including but not limited to restaurants, bars, schools, retail markets, and catering kitchens. A license fee, as determined by the Board of Health, shall be charged for each license. Eight weeks before the expiration of the facility's current license, a renewal application will be mailed to the licensee's last known address. It will be the licensee's responsibility to return the completed renewal application along with the appropriate fee to the Approving Authority at least four weeks prior to the expiration of the current license. The Approving Authority will forward a new license.
- (4) When a license is suspended, food service operations shall cease immediately.

B. Inspections

- (1) General
 - a. [[At least once every 6 months,]] BASED ON THE ASSIGNED PRIORITY, the Approving Authority shall inspect each food service facility under his/her jurisdiction, and shall make as many additional inspections and re-inspections as are necessary for the enforcement of these regulations.
 - b. Inspections of special food service facilities shall be made as required and at a frequency determined by the Approving Authority.
- (2) Agents of the Approving Authority, after proper identification, shall be permitted to enter any food service facility at any reasonable time, for the purpose of making inspections to determine compliance with these regulations. They shall be permitted to examine the records of the facility to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

(3) Reports of Inspections

Whenever an inspection of a food service facility is made, the findings shall be recorded on the inspection report form set out in .09B (5), below. One copy of the inspection report form shall be furnished to the person in charge of the facility. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it. The inspection report form shall summarize the requirements of this part and shall set forth a weighted point value for each requirement. The rating score of the facility shall be the total of the weighted point values for all violations, subtracted from 100.

(4) Correction of Violations and Suspension of Permits

- a. The inspection report form shall specify a specific and reasonable period of time for the correction of violations; correction of the violations shall be accomplished within the period specified, according to the following provisions.
- b. When the rating score of the facility is 85 or more, all violations of one or two-point weighted items shall be corrected as soon as possible, but in any event by the time of the next routine inspection.
- c. When the rating score of the facility is at least 70 but not more than 84, all violations of one or two point weighted items shall be corrected as soon as possible but in any event, within a period not to exceed 15 days.
- d. Within 10 days after an inspection in which four or five-point weighted violations were noted, the license holder shall submit a written report indicating that the four or five-point weighted violations have been corrected. A follow-up inspection shall be conducted to confirm correction.
- e. When the rating score of the facility is less than 70, the licensee has the option to correct the violations immediately to bring the corrected score above 70. If the licensee chooses not to correct violations immediately or cannot raise the score above 70, the facility shall immediately cease food operations.
- f. In the case of special food service facilities, all violations shall be corrected within 24 hours. If violations are not corrected, the facility shall immediately cease food service operations.
- g. Regardless of the rating score of the food service or special food service facility, whenever the Approving Authority or an authorized representative shall determine upon inspection that an immediate and substantial danger to the public health exists at the facility, the facility shall immediately cease food service operations.

- h. Any facility scoring below 70 on consecutive inspections may be called before the Approving Authority for a hearing to determine whether said facility's license to operate shall be suspended or revoked.
- (5) The Report of Inspection Shall State:
- a. That failure to comply with any time limits for corrections shall result in the facility ceasing food service operations immediately; and
 - b. That an opportunity for appeal from the inspection findings shall be provided if a written request for an appeal and a hearing is filed within ten days with the Executive Secretary of the Board of Health pursuant to the Howard County Code, Section 12.107.
- (6) Whenever a food service facility is required under the provisions of this section to cease operations, it may not resume operations until a re-inspection shows that conditions responsible for the requirement to cease operations no longer exist. The Approving Authority may take appropriate steps to insure that the food operation ceases upon suspension of the permit by:
- a. Taking and keeping physical possession of the license until it becomes reinstated; or.
 - b. Posting signs on the door of the facility stating that the license has been suspended by the Howard County Health Department, removal of which would invoke the provisions of the Howard County Code, Section 12.107.
 - c. Procuring an injunction against the facility through the Circuit Court of Howard County; or filing for an ex parte, temporary or permanent injunction against the food service or special food service facility through the District Court for Howard County.
 - d. Any other measure within the law that will adequately assure that the establishment will not operate its food facility. Any person whose license has been suspended may make application in writing at any time to the Approving Authority for a re-inspection.
 - e. Any person who violates any of the provisions of these regulations or refuses, neglects, or fails to comply with the provisions and requirements hereof after notice as herein provided may also be issued a citation pursuant to the Howard County Code. A civil penalty of fifty dollars will be imposed for the first offense; \$100.00 for the second offense; and \$500.00 for the third offense. Citations may also be issued under the following procedure.
 - i. When the rating score of a facility is less than 70 and the licensee cannot bring the corrected score to 70 or above a

citation in the amount of \$50.00 will be issued.

- ii. When the rating score of a facility includes violations in critical areas, i.e., 4 and 5 point items, totaling 20 or above, a citation will be issued in the amount of \$50.00.
- iii. If the inspection reveals repetitive violations of 4 and 5 point weighted items during successive inspection, a citation in the amount of \$50.00 may be issued.
- iv. If a licensee fails to correct the violations within the prescribed time schedule a citation in the amount of \$50.00 will be issued.
- v. Each day that a violation exists shall constitute a separate violation and be subject to additional civil penalty as provided above.

f. Inspection Report Form

(Ed. Note: See Form DHMH 205 'Food Service Facility Report' following these regulations).

C. Examination and Condemnation of Food

Food may be examined or sampled by the Approving Authority as often as necessary for enforcement of this part. The Approving Authority, upon written notice to the owner or person in charge specifying the reasons, may place a detention order on any food which he believes is in violation of any of these regulations. The Approving Authority or his agent shall tag, label, or otherwise identify any food subject to the detention order. Food identified in a detention order may not be used, served, or moved from the facility. The Approving Authority shall permit storage of the food under conditions specified in the detention order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The detention order shall state that a request for hearing may be filed within 10 days and that if a hearing is not requested, the food shall be destroyed. A hearing shall be held if requested; and on the basis of evidence produced at that hearing, the detention order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy the food or to bring it into compliance with the provisions of this part.

D. Food Service Facilities Outside Jurisdiction of the Approving Authority

Food from food service facilities outside the jurisdiction of the State Department of Health and Mental Hygiene of Maryland may be sold within the State if the food service facilities conform to the provisions of these regulations or to substantially equivalent provisions. To determine the extent of compliance with the provisions, the Approving Authority may accept reports +ran responsible authorities in other jurisdictions where the food service facilities are located.

E. Procedure When an Infection is Suspected

When the Approving Authority has reasonable cause to suspect possibility of disease transmission from any food service facility employee, the Approving Authority shall secure a morbidity history of the suspected employee or make other investigation as may be indicated, and take appropriate action. The Approving Authority may require any or all of the following measures:

- (1) The immediate exclusion of the employee from all food service facilities;
- (2) The immediate closing of the food service facility concerned until, in the opinion of the Approving Authority, no further danger of disease outbreak exists;
- (3) Restriction of the employee's services to some area of the facility where there would be no danger of transmitting disease;
- (4) Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

F. Licensure Fee

- (1) Applies to food service facilities and special food service facilities as defined in chapter .02 of these regulations;
- (2) Is not transferable from person to person, location to location or from one food establishment to another; and
- (2) May be waived by the approving authority for food service facilities or special food service facilities operated by bonafide public and private non-profit organizations that supply appropriate documentation at the time of application.

Updates to Chapter 02 and Chapter 04 dealing with Manager Certification done in 2008

Updates to Chapter 02 dealing with Farmers Markets, Special Food Service Facilities & Temporary Permits and Chapter 09 dealing with Fees done in 2012

As of June, 2016

Amendment 1 to Council Resolution No. 161-2016

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 18
Date: November 9, 2016

Amendment No. 1

(This amendment:

1. *Corrects outlining; and*
2. *Clarifies that certain enforcement provisions will be applied progressively.)*

- 1 In the Food Service Facilities Regulations, attached to the Resolution as Exhibit A:
- 2 1. Remove page 42 and substitute a revised page 42, as attached to this Amendment; and
- 3 2. Insert new page 42A, as attached to this Amendment, after page 42.

ADOPTED 11/9/16
FAILED _____
SIGNATURE Jessica Feldman

FACILITY OR CAPTURES AND RECORDS ON A DAILY BASIS ALL WASTEWATER FLOWS IN GALLONS PER DAY THAT IS DISCHARGED TO THE ON-SITE SEWAGE DISPOSAL SYSTEM;

2. IS ACCESSIBLE TO THE APPROVING AUTHORITY FOR MONITORING, AND

3. ALLOWS THE LICENSEE TO PROVIDE FLOW DATA WHEN REQUESTED BY THE APPROVING AUTHORITY FOR THE ENTIRE DURATION OF ON-SITE SEWAGE DISPOSAL SYSTEM USE AFTER THE FLOW METER IS INSTALLED.

e IV. ADJUSTMENTS TO EXISTING DESIGN FLOW SEAT COUNTS OR ANY OTHER ADJUSTMENT OF USE USED TO CALCULATE DESIGN CAPACITY AS DETERMINED BY THE APPROVING AUTHORITY:

i1. SHALL ONLY OCCUR WITH PRIOR WRITTEN APPROVAL BY THE APPROVING AUTHORITY;

ii2. MAY REQUIRE VERIFIABLE DAILY FLOW METER READINGS TO INCLUDE AT LEAST 2 YEARS OF READINGS FROM THE FACILITY UNDER TYPICAL OPERATING CONDITIONS;

iii3. MAY BE APPROVED BASED ON WATER METER FLOW DATA FROM AN ESTABLISHED FACILITY OR OPERATION DEEMED SIMILAR IN NATURE AND OF SUFFICIENT DURATION BY THE APPROVING AUTHORITY;

iv4. MAY HAVE LIMITATIONS ATTACHED, AND

v5. SHALL HAVE AN AGREEMENT OF SEATING COUNTS RECORDED IN THE COUNTY LAND RECORDS FOR FACILITIES THAT HAVE SEATING COUNTS DEVIATING FROM THE STANDARD FLOW PER SEAT USED TO DESIGN AN ON-SITE SEWAGE DISPOSAL SYSTEM.

d V. UNAPPROVED INCREASED USE BEYOND WHAT HAS BEEN AGREED UPON AND RECORDED IN LAND RECORDS MAY RESULT IN A GRADUATED RESPONSE OF ONE OR MORE OF THE FOLLOWING:

i1. DENIAL OF A FOOD SERVICE FACILITY LICENSE;

ii2. FOOD SERVICE FACILITY LICENSE
SUSPENSION;

iii3. FOOD SERVICE FACILITY LICENSE
REVOCATION;

iv4. REFUSAL TO RENEW A FOOD SERVICE
FACILITY LICENSE; OR

v5. THE ISSUANCE OF A CITATION.

(2) Non-Water-Carried Sewage

- a. Ice shall be made from water meeting the requirements of .06A (1), above, in an ice making machine which is located, installed, operated, and maintained so as to prevent contamination of the ice; or shall be obtained from a source approved by the Approving Authority.
- b. Ice shall be handled, transported, and stored in a manner as to be protected against contamination. If block ice is used, the outer surfaces shall be thoroughly rinsed to remove any soil before it is used for any purpose.
- c. If ice crushers are used, they shall be maintained in a clean and sanitary condition and shall be covered when not in use.
- d. If ice is used, approved containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single-service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. They shall be kept clean, and shall be stored and handled in a sanitary manner. Only sanitary containers shall be used for the transportation or storage of any ice used in the food-service facility.
- e. Ice used once may not be reused.

B. Sewage Disposal

(1) Water-Carried Sewage

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

- a. A public sewerage system; or
- b. An approved sewage disposal system THAT: [[which]]
 - I [[i]]Is constructed and operated in conformance with applicable State and local laws, ordinances, and regulations[.];
 - II SHALL CONFORM AND COMPLY WITH ESTABLISHED MAXIMUM SEAT COUNTS OR ANY OTHER MEANS OF CALCULATING DESIGN CAPACITY AS DETERMINED BY THE APPROVING AUTHORITY AND NOTED ON THE FOOD SERVICE FACILITY LICENSE OR THE ON-SITE SEWAGE DISPOSAL PERMIT; AND
 - III THE APPROVING AUTHORITY MAY REQUIRE THAT THE FACILITY BE EQUIPPED WITH A FUNCTIONING WATER METER THAT:
 1. CAPTURES AND RECORDS ON A DAILY BASIS ALL INCOMING FLOWS IN GALLONS PER DAY TO THE

FACILITY OR CAPTURES AND RECORDS ON A DAILY BASIS ALL WASTEWATER FLOWS IN GALLONS PER DAY THAT IS DISCHARGED TO THE ON-SITE SEWAGE DISPOSAL SYSTEM;

2. IS ACCESSIBLE TO THE APPROVING AUTHORITY FOR MONITORING, AND
3. ALLOWS THE LICENSEE TO PROVIDE FLOW DATA WHEN REQUESTED BY THE APPROVING AUTHORITY FOR THE ENTIRE DURATION OF ON-SITE SEWAGE DISPOSAL SYSTEM USE AFTER THE FLOW METER IS INSTALLED.

C. ADJUSTMENTS TO EXISTING DESIGN FLOW SEAT COUNTS OR ANY OTHER ADJUSTMENT OF USE USED TO CALCULATE DESIGN CAPACITY AS DETERMINED BY THE APPROVING AUTHORITY:

- I. SHALL ONLY OCCUR WITH PRIOR WRITTEN APPROVAL BY THE APPROVING AUTHORITY;
- II. MAY REQUIRE VERIFIABLE DAILY FLOW METER READINGS TO INCLUDE AT LEAST 2 YEARS OF READINGS FROM THE FACILITY UNDER TYPICAL OPERATING CONDITIONS;
- III. MAY BE APPROVED BASED ON WATER METER FLOW DATA FROM AN ESTABLISHED FACILITY OR OPERATION DEEMED SIMILAR IN NATURE AND OF SUFFICIENT DURATION BY THE APPROVING AUTHORITY;
- IV. MAY HAVE LIMITATIONS ATTACHED, AND
- V. SHALL HAVE AN AGREEMENT OF SEATING COUNTS RECORDED IN THE COUNTY LAND RECORDS FOR FACILITIES THAT HAVE SEATING COUNTS DEVIATING FROM THE STANDARD FLOW PER SEAT USED TO DESIGN AN ON-SITE SEWAGE DISPOSAL SYSTEM.

D. UNAPPROVED INCREASED USE BEYOND WHAT HAS BEEN AGREED UPON AND RECORDED IN LAND RECORDS MAY RESULT IN ONE OR MORE OF THE FOLLOWING:

- I. DENIAL OF A FOOD SERVICE FACILITY LICENSE;
- II. FOOD SERVICE FACILITY LICENSE SUSPENSION;
- III. FOOD SERVICE FACILITY LICENSE REVOCATION;
- IV. REFUSAL TO RENEW A FOOD SERVICE FACILITY LICENSE; OR
- V. THE ISSUANCE OF A CITATION.

Amendment 1 to Council Resolution No. 161-2016

**BY: The Chairperson at the
request of the County Executive**

**Legislative Day No. 17
Date: November 7, 2016**

Amendment No. 1

(This amendment:

- 1. Corrects outlining; and*
- 2. Clarifies that certain enforcement provisions will be applied progressively.)*

- 1 In the Food Service Facilities Regulations, attached to the Resolution as Exhibit A:
- 2 1. Remove page 42 and substitute a revised page 42, as attached to this Amendment; and
- 3 2. Insert new page 42A, as attached to this Amendment, after page 42.

FACILITY OR CAPTURES AND RECORDS ON A DAILY BASIS ALL WASTEWATER FLOWS IN GALLONS PER DAY THAT IS DISCHARGED TO THE ON-SITE SEWAGE DISPOSAL SYSTEM;

2. IS ACCESSIBLE TO THE APPROVING AUTHORITY FOR MONITORING, AND

3. ALLOWS THE LICENSEE TO PROVIDE FLOW DATA WHEN REQUESTED BY THE APPROVING AUTHORITY FOR THE ENTIRE DURATION OF ON-SITE SEWAGE DISPOSAL SYSTEM USE AFTER THE FLOW METER IS INSTALLED.

€ IV. ADJUSTMENTS TO EXISTING DESIGN FLOW SEAT COUNTS OR ANY OTHER ADJUSTMENT OF USE USED TO CALCULATE DESIGN CAPACITY AS DETERMINED BY THE APPROVING AUTHORITY:

i1. SHALL ONLY OCCUR WITH PRIOR WRITTEN APPROVAL BY THE APPROVING AUTHORITY;

ii2. MAY REQUIRE VERIFIABLE DAILY FLOW METER READINGS TO INCLUDE AT LEAST 2 YEARS OF READINGS FROM THE FACILITY UNDER TYPICAL OPERATING CONDITIONS;

iii3. MAY BE APPROVED BASED ON WATER METER FLOW DATA FROM AN ESTABLISHED FACILITY OR OPERATION DEEMED SIMILAR IN NATURE AND OF SUFFICIENT DURATION BY THE APPROVING AUTHORITY;

iv4. MAY HAVE LIMITATIONS ATTACHED, AND

v5. SHALL HAVE AN AGREEMENT OF SEATING COUNTS RECORDED IN THE COUNTY LAND RECORDS FOR FACILITIES THAT HAVE SEATING COUNTS DEVIATING FROM THE STANDARD FLOW PER SEAT USED TO DESIGN AN ON-SITE SEWAGE DISPOSAL SYSTEM.

Ð V. UNAPPROVED INCREASED USE BEYOND WHAT HAS BEEN AGREED UPON AND RECORDED IN LAND RECORDS MAY RESULT IN A GRADUATED RESPONSE OF ONE OR MORE OF THE FOLLOWING:

i1. DENIAL OF A FOOD SERVICE FACILITY LICENSE;

ii2. FOOD SERVICE FACILITY LICENSE
SUSPENSION;

iii3. FOOD SERVICE FACILITY LICENSE
REVOCATION;

iv4. REFUSAL TO RENEW A FOOD SERVICE
FACILITY LICENSE; OR

v5. THE ISSUANCE OF A CITATION.

(2) Non-Water-Carried Sewage



CR161-2016

Bureau of Environmental Health
8930 Stanford Boulevard
Columbia, MD 21045
410-313-2640 Fax 410-313-2648
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Maura J. Rossman, MD, Health Officer

September 23, 2016

TO: Lonnie R. Robbins
Chief Administrative Officer

FROM: Bert Nixon
Director, Bureau of Environmental Health

THRU: Antigone Vickery
Deputy Health Officer

A handwritten signature in black ink, appearing to read 'Bert Nixon', written over the 'FROM:' line.

Handwritten initials 'AV' in black ink, written over the 'THRU:' line.

SUBJECT: Update to Howard County Food Service Facility Regulations

Overall Justification:

The Bureau of Environmental Health is seeking to update portions of the *Howard County Health Department Food Service Facility Regulations* (Howard County Regulations). Targeted changes to the Howard County Regulations were last done in 2012. This series of changes will include: incorporating language to make local regulations consistent with the *Code of Maryland Regulations (COMAR) 10.15.03 Food Service Facility Regulations*, adding language based upon FDA (Food & Drug Administration) Food Code guidance to address the Reduced Oxygen Packaging (including Vacuum Packaging) method of cooking, along with minor grammatical and formatting updates. Finally, we are proposing adding new language to provide guidance for setting seating allocations, and ways to negotiate adjustments to seating allocations relative to design capacity for food service facilities utilizing on-site sewage disposal systems.

Overall Impact:

Given that the majority of proposed changes already exist in regulations, and the Department is looking to incorporate those changes already implemented into our local code, that impact is generally viewed as minimal. Incorporating some aspects of the FDA Food Code may establish a transition template that currently doesn't exist until DHMH considers directly adopting those aspects of FDA Food Code into COMAR. Though utilizing existing design criteria, below provides more detail regarding the new language for restaurant seating when on-site systems are involved.

In a June meeting and discussions with the Restaurant Association of Maryland and several individual owners/chefs, a decision was made to remove the reference to the Sous vide method of cooking, with an agreement to work cooperatively to develop language consistent with FDA, while also considering language input from those utilizing this method of cooking. Other items and corrections covering the entire proposed draft changes were discussed and incorporated as necessary. The revised draft has also been shared and reviewed by DHMH's Food Control Program which oversees COMAR 10.15.03. The Restaurant Association has been kept up to date on the status of the planned pre-file for the proposed changes.

Justification for Restaurant Seating Language:

Over the past 1-2 years, the Health Department has needed to address seating expansions relative to design limitations of several restaurant facilities either on an individual on-site sewage disposal system (OSDS) or as a user of a larger OSDS. Instances of overuse, or potential overuse, place the restaurant (along with other tenants utilizing the OSDS) at risk of premature system repair or failure, creating the potential of endangering the continued operation(s) of these businesses.

Language is being added to the "Sewage Disposal" section of the Howard County Regulations to clarify that there is a seating capacity limit or other limitations to a food service facility that is served by an OSDS. An OSDS for a restaurant is typically designed using a maximum seating count that is used to calculate the design flow for sizing the system. Additional seating in a facility above the count used to design the OSDS will likely result in a premature failure of the OSDS and become a potential health hazard. Additional seating also has the potential to increase the volume of wastewater generated beyond what is physically possible of being treated and properly disposed of on the property. The proposed language will require an agreement to be recorded in the County Land Records that sets the maximum seating count or other unique criteria that was used to design an OSDS for a food service facility where the OSDS has been designed using flow figures lower than those that would normally be used on a property without space limitations. This update will clarify *COMAR 10.15.03.18 F* and the Howard County regulation regarding what is approved for disposal in the approved sewage disposal system that is constructed and operated in conformance with applicable State and local laws, ordinances, and regulations.

Impact to Restaurant:

This action will provide clarity to a new or existing restaurant considering expansion. The Land Records requirement alerts new businesses to existing site conditions which if contrary to their business model, will hopefully reduce agreements destined to create problems. Proposed language also allows for the restaurant to demonstrate through metered use, an ability to negotiate an increase to seating if actual water flows come in below assigned seating flow values and remain within the overall OSDS design criteria. This too was discussed with the Restaurant Association of Maryland and feedback was positive.