

# RETAIL FOOD PROGRAM INSPECTION GUIDE



## Understanding the Retail Food Facility Inspection Report

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# INTRODUCTION

The County of Orange is dedicated to improving the quality of life and health of Orange County residents and visitors through education, surveillance, enforcement and community service.

While the food supply in the United States is one of the safest in the world, the Centers for Disease Control and Prevention (CDC) estimates that roughly 1 in 6 Americans (approximately 48 million people) suffer from foodborne illness each year. Of these, more than 128,000 are hospitalized, and 3,000 die. Preventing foodborne illness and death remains a major public health challenge.

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

The five most common CDC risk factors are:

- Improper holding temperatures
- Inadequate cooking
- Poor personal hygiene
- Contaminated equipment
- Food from unsafe sources

The FDA's public health interventions are:

- Demonstration of knowledge
- Employee health controls
- Controlling hands as a vehicle of contamination
- Time and temperature parameters for controlling pathogens
- Consumer advisories

It is the responsibility of Environmental Health's Food Protection Program, a division within the County of Orange Health Care Agency, to conduct routine inspections of approximately 15,000 retail food facilities in Orange County in order to ensure compliance with the California Retail Food Code (part of the California Health and Safety Code) and other applicable codes. Our Food Protection Program is committed to providing the highest quality service to both the food industry and the public.

The Retail Food Program Inspection Guide is intended to assist environmental health specialists (EHS) during their inspections in an effort to improve standardization in matters related to retail food inspections. This guide has also been developed to help food facility operators maintain and operate a facility in compliance with the law and to understand the inspection process.

This guide is not intended to be all-inclusive due to the fact that individual food facilities and the severity of their violations can vary greatly. It may not address all circumstances that may be found in a food facility, but in those cases, our staff will remain approachable to discuss, educate and resolve any issues related to food safety.

If you have any questions regarding an inspection report; actions taken by an EHS; or any applicable law or regulation, please contact your inspector or the Environmental Health office at (714) 433-6000.

## COMMON TERMINOLOGY

The following terms are intended to assist the operator in understanding the Retail Food Program Inspection Guide:

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

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

**Adulterated means** either of the following:

- Food that bears or contains any poisonous or deleterious substance that may render the food impure or injurious to health.
- Food that is manufactured, prepared, or stored in a manner that deviates from a Hazard Analysis Critical Control Point (HACCP) plan so as to pose a discernable increase in risk.

**Approved** means acceptable to the enforcement agency based on a determination of conformity with applicable laws; or, in the absence of applicable laws, with current public health principles, practices, and generally recognized industry standards that protect public health.

**Approved Source** means:

- A food source allowed under Article 3 (commencing with Section 114021) of Chapter 4, or a producer, manufacturer, distributor, or food facility that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles, practices, and generally recognized industry standards that protect public health.
- Any whole uncut fruit or vegetable or unrefrigerated shell egg grown or produced in compliance with all applicable federal, state, or local laws, regulations, and food safety guidelines issued by a regulatory agency shall be deemed to be from an approved source.

**California Retail Food Code (CRFC)** is part of the California Health and Safety Code with the purpose to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented through the adoption of science based standards. [www.cdph.ca.gov/services/Documents/fdbRFC.pdf](http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf)

**Department** means the California Department of Public Health (CDPH).

**Environmental Health Specialist (EHS)** is a representative of Environmental Health, a division within the County of Orange Health Care Agency. Also referred to as a health inspector.

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

**Food Handler Card** is issued after taking a food safety training course and passing an exam from an American National Standards Institute (ANSI) approved provider.

**Food Manager Certification** is issued after successfully passing an examination from an ANSI approved provider meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Program".

**Hazard Analysis Critical Control Point (HACCP) Plan** means a written document that complies with the requirements of Section 114419.1 and that delineates the formal procedures for following the Hazard Analysis Critical Control Point (HACCP) principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

**Imminent Health Hazard** means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause food infection, food intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

**Impound** means the legal control exercised by the EHS over the use, sale, disposal, or removal of any food, equipment, or utensils.

**Owner Initiated Closure (OIC)** is an action taken by the owner or operator of a food facility when an Imminent Health Hazard is recognized and has ceased all sales and preparation of food until the Imminent Health Hazard is eliminated completely.

**Permit Holder** means the entity that is legally responsible for the operation of the food facility, such as the owner, the owner's agent, or other person, and possesses a valid permit to operate a food facility.

**Permit Suspension** is an action taken by Environmental Health to temporarily order a facility closed. A permit may be suspended due to an imminent health hazard or for serious or repeat violations, or for interference in the performance of the health inspector.

**Person in Charge (PIC)** means the individual present at a food facility who is responsible for the operation of the food facility.

**Potable Water** means water that complies with the standards pursuant to the California Safe Drinking Water Act Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law.

**Potentially Hazardous Food (PHF)** means a food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation. Examples include: protein based food (meat, poultry, seafood, eggs), dairy products (cheese, milk), cooked vegetables, cooked beans, cooked rice and cooked pasta.

**Revocation** is an action taken by Environmental Health to permanently order a facility closed under the existing Health Permit. A business must apply for a new health permit prior to being authorized to reopen.

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

**Time as a Public Health Control** is when time only (rather than time in conjunction with temperature) is used as a control for working with or for holding PHF. Written procedures must be available upon request from the EHS.

**Variance** means a written document issued by the State Food and Drug Branch that allows the use of an alternative practice or procedure which is equivalent to the existing requirements and that ensures a health hazard will not result from the alternative practice or procedure.

**Voluntary Condemnation and Destruction (VC&D)** is a voluntary action by which food found to be adulterated or misbranded is destroyed by the operator under the supervision of an EHS.

## INSPECTION SERVICES

The County of Orange Health Care Agency's Environmental Health Food Protection Program is responsible for ensuring that all food facilities comply with the California Health and Safety Code and any applicable codes.

To this end, an EHS will complete a number of services at a food facility that will result in the issuance of an inspection report.




- Routine inspections are not announced and conducted at a frequency determined by a risk assessment. The risk assessment evaluates the type of food, the preparation, and the potential risk to the public.
- Follow-up inspections (also referred to as reinspections) are initiated by the inspector when an inspection reveals violations that warrant correction prior to the next routine inspection. Additional charges for second or greater reinspections, will be incurred by a food facility when violations are not corrected by the compliance date.
- Complaint investigations are initiated as a result of a complaint filed by the public or another agency. The posted seal will not be changed until the next routine inspection. However, if the inspection reveals a condition(s) that is an imminent health hazard, then the facility may be ordered to immediately close.
- Emergency inspections are conducted when an emergency may exist such as a fire, electrical outage, possible foodborne illness outbreak, non-potable water, sewage overflow into the facility, or as directed by the Health Officer.
- After-hour inspections (before 8 a.m. and after 5 p.m.), either due to an emergency or at the request of a food facility owner, are available but may be billed at an overtime hourly rate.

To view the Fee Schedule, please visit: [www.ochealthinfo.com/eh/home/fees](http://www.ochealthinfo.com/eh/home/fees)

## POSTING OF THE INSPECTION NOTIFICATION SEAL

Based on the results of a routine or follow-up inspection, an **Inspection Notification Seal** will be issued.

A **PASS**, **REINSPECTION DUE - PASS** or **CLOSED** seal will be posted at the end of the inspection as follows:

<p><b>PASS</b></p> 	<p><b>No more than 2 MAJOR* Critical Risk Factor (CRF) violations identified during the inspection</b></p> <p><i>*Must be corrected onsite</i></p>	<p>An acceptable level of compliance was achieved with any noted <b>MAJOR</b> violations corrected at time of inspection.</p> <p><i>*If a MAJOR violation cannot be corrected during the inspection, the permit to operate may be suspended and the business will be ordered closed.</i></p> <p>No pattern of repeat violations observed.</p>
<p><b>REINSPECTION DUE - PASS</b></p> 	<p><b>3 or More MAJOR CRF violations</b></p> <p><b>OR</b></p> <p><b>Repetitive patterns of violations in any category (same MAJOR violation noted on subsequent inspection; same Minor CRF or Good Retail Practice (GRP) violation noted on past three inspections.)</b></p>	<p>A reinspection <b>will be</b> scheduled when 3 or more <b>MAJOR</b> CRF violations are observed during the inspection.</p> <p>A reinspection <i>may be</i> scheduled:</p> <ul style="list-style-type: none"> <li>• When repeat CRF or GRP violations are identified</li> <li>• When a CRF or GRP violation requires correction to prevent a <b>MAJOR</b> violation.</li> </ul> <p>Failure to comply by the reinspection date could result in a second or greater reinspection or a Notice of Violation hearing being issued. Additional fees will be incurred.</p>
<p><b>CLOSED</b></p> 	<p><b>Permit Suspension/Operating without a Health Permit</b></p>	<p>The facility was ordered closed as a result of:</p> <ul style="list-style-type: none"> <li>• Permit Suspension due to an imminent health hazard, including but not limited to:             <ul style="list-style-type: none"> <li>➤ Vermin</li> <li>➤ Sewage overflow</li> <li>➤ No water</li> <li>➤ Inability to properly clean and sanitize utensils</li> <li>➤ Lack of power</li> <li>➤ No operable bathrooms</li> <li>➤ Fire or other disaster</li> <li>➤ Ongoing possible foodborne illness</li> </ul> </li> <li>• Permit Suspension due to non-compliance</li> </ul>

### **Moving from a “Reinspection Due - Pass” Placard to a “Pass” Placard**

If a food facility is issued a REINSPECTION DUE - PASS seal during a routine inspection or follow-up inspection, a reinspection will be scheduled within two weeks of the initial inspection, or as otherwise arranged with the facility operator, to assure that the violations have been corrected.

### **Moving from a “Closed” Placard to a “Pass” Placard**

If a food facility is issued a CLOSED placard, the conditions that resulted in the closure must be corrected. Only an EHS may remove the “CLOSED” placard. Operators may request a reinspection to reopen beyond our normal business hours, however, additional after-hour reinspection fees will apply. The information on the additional fees will be printed at the bottom of the closure notice.

Reasons for closure:

- Imminent health hazard - As soon as the imminent health hazard that warranted the closure is eliminated **AND** a representative of Environmental Health has provided written authorization reinstating the permit, the food facility may reopen and engage in food preparation and sales. Follow-up inspections may be scheduled to ensure sustained compliance after a permit reinstatement.
- Permit suspensions due to non-compliance or repeat violations – a Notice of Violation hearing may be issued along with a fee incurred for a continued pattern of non-compliance.
- Operating without a valid health permit – will be removed once a health permit is issued.

### **Posting of the Inspection Notification Seal**

The Inspection Notification Seal must be posted so that it is conspicuous to the general public from the time it is issued until the time it is replaced with another seal. The seal must be posted in one of the following places:

- On the front door or in the front window of the establishment;
- In a display case mounted on the outside front wall;
- If no windows or display box exists or if the windows are heavily tinted, placed inside the facility, in a visible location to the public; or
- At another location approved by the EHS.

### **Keeping the Inspection Notification Seal Safe**

The food facility owner is responsible for keeping the seal in the approved location. If the owner finds the seal is missing or altered, it is his/her responsibility to immediately call Environmental Health at (714) 433-6000 and request a new seal. An EHS will be dispatched to replace the seal.



## VIOLATION MARKING INSTRUCTIONS

The Retail Food Inspection Report is the official document that is used by the EHS during an inspection. The goal of the report is to clearly, concisely, and fairly present the compliance status at the time of inspection. The inspection report is divided into three sections:

### 1. Critical Risk Factors

Critical risk factors are those violations that have been identified by the Centers for Disease Control and Prevention as contributing factors in foodborne illness outbreaks. The California Retail Food Code Section 113725 (a)(2) requires that each violation be identified as a MAJOR or MINOR violation.

MAJOR violations are considered violations that may pose an imminent health hazard and warrant immediate correction or may require closure of the food facility. These include, but are not limited to:

- Improper handwashing and employee hygiene,
- Contaminated food items,
- Improper sanitizing procedures,
- Improper food temperatures, and/or
- Food from unapproved sources.

The following violations may also be considered as MAJOR violations: adulterated food, prohibited food offered to highly susceptible populations, no water, lack of hot water, sewage, and/or vermin.

For each inspection item in this section of the report, indicate the applicable compliance status on the inspection form:

- ✓ **“IN”** indicates that the item is in compliance.
- ✓ **“MAJ”** indicates that the item is not in compliance with a critical risk factor and may pose an imminent health hazard if not corrected.
- ✓ **“MIN”** indicates that the item is not in compliance with a critical risk factor that does not pose an imminent health hazard if not corrected.
- ✓ **“N.A.”** indicates that the item is not applicable to the facility.
- ✓ **“N.O.”** indicates that the item was not observed during the inspection.
- ✓ **“COS”** is marked to indicate the violation has been corrected and verified before completing the inspection. The corrective action is to be documented on the inspection report.

If N.A. or N.O. is not listed as an option for a particular item, this means that this item must be evaluated during the inspection and a compliance status must be determined.

### 2. Good Retail Practices

Good Retail Practices (GRPs) are intended to control basic operational and sanitation conditions within a food facility. These are the foundation of a successful food safety management system. GRPs found to be out-of-compliance may give rise to conditions that may lead to foodborne illness. Just as monitoring is required by the food facility to ensure that critical risk factors are controlled and interventions are in place, monitoring of basic sanitation conditions in the food facility allows the operator an excellent opportunity to detect weaknesses and initiate actions for improvement. Basic operational and sanitation programs must be in place to:

- ✓ Protect food products from contamination by biological, chemical, and physical hazards
- ✓ Control bacterial growth that can result from temperature abuse during storage
- ✓ Maintain equipment, especially equipment used to maintain product temperature

These items are to be marked only when they are **“OUT”** of compliance.

While all GRPs need to be corrected due to their foundational nature to basic sanitation, certain GRP violations warrant a follow-up inspection prior to the next routine inspection due to potential the risk of being elevated to a critical risk factor if not corrected. A pattern of non-compliance with GRP violations may warrant further progressive enforcement actions in order to gain compliance.

### **3. Compliance and Enforcement**

This section of the report is utilized to document an action taken by the health inspector such as: VC&D of unsafe food, or other enforcement related activities.

#### **Observations and Corrective Actions**

When a violation is identified, the report will provide the violation description and the applicable sections of the California Retail Food Code, unless otherwise specified. The EHS is required to document the specific description of the violation observed during the inspection.

Corrective actions have been identified for MAJOR (risk factor) violations. Guidance is provided in these critical, or traditionally difficult to interpret areas in order to establish a more consistent, science-based approach.

# CRITICAL RISK FACTORS

Violations in this section of the report are marked as MAJOR violations only when they meet the criteria of "MAJOR" violation as defined in the respective data field. The EHS is required to document the specific description of the violation observed during the inspection.

## EMPLOYEE KNOWLEDGE

### 1 **Demonstration of knowledge** **Applicable Sections: 113947**

- MINOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MINOR** violation for the following:
- Food employees and/or PIC are unable to demonstrate food safety knowledge practices and principles applicable to their assigned duties.
  - The PIC is unable to demonstrate adequate allergen knowledge and/or has not educated food employees as required.

**Notes:**

- *The EHS should assess this item by asking open-ended questions that would evaluate an employee's knowledge in performing food safety duties. It is important that this item not be marked out of compliance for an isolated incident, but rather for an overall evaluation of the food employee's ability to ensure proper performance of their assigned duties.*
- *The PIC does not need to be able to quote or pull allergen knowledge from memory. The PIC may use job aids (posters, cue cards, etc.) to demonstrate compliance.*
- *The major food allergens include: milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, soybeans, or a food ingredient that contains protein derived from a food listed.*
  - *A highly refined oil (ex. Peanut oil) derived from a food specified in the major food allergens above and any ingredient derived from that highly refined oil is not included in the definition of major food allergen as the refining process removes the allergen particles.*

### 2. **Food manager certification; food handler cards** **Applicable Sections: 113947.1-113947.5, 113948**

- MINOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MINOR** violation for any of the following:
- When the food facility offers unpackaged PHF and no one at the facility possesses a valid Certified Food Protection Manager (CFPM) certificate and one of the following occurred more than 60 days prior: the prior CFPM left employment; the facility experienced a change of ownership; or the facility began operation.
  - When the food facility offers unpackaged food and one or more food employees lack a valid food handler card and the employee(s) began employment more than 30 days prior, when required

**N.A.** This item should be marked N.A. for food facilities that handle only prepackaged nonPHF.

**N.O.** This item is marked N.O. if there is no food safety certified owner or employee due to change of ownership, commencement of facility operations, or the facility no longer has a CFPM and 60 days have not elapsed. The inspection report shall include a statement requiring proof of a CFPM within 60 days.

**Notes:**

- *For purposes of marking this item, multiple contiguous food facilities permitted within the same site and under the same management, ownership, or control shall be deemed to be one food facility, notwithstanding the fact that the food facilities may operate under separate permits. The food safety*

certificate is not required for operators of wine-tasting or food facilities that handle only prepackaged foods.

- No certified person at a food facility may serve at any other food facility, as the person is required to be certified per Section 113947.1.
- The EHS will randomly select one food employee during an inspection to verify if they have a valid food handler card to determine compliance with the food handler card requirement.
- A violation of any provisions in Sections 113947.1 through 113947.5 constitutes an infraction punishable by a fine of not more than \$100 for each day of operation in violation.
- Food employees that prepare, handle, or serve non-prepackaged food are required to have a food handler card. Certain food facilities are exempt, such as grocery stores. Check for the specific list of exemptions found in the CRFC.
- Food safety certificates and food handling cards expire as indicated in the following table:

<b>DOCUMENT TYPE</b>	<b>EXPIRES</b>
Food Manager Certificate	5 years after date of issuance
Food Handler Card	3 years after date of issuance

## EMPLOYEE HEALTH & HYGIENIC PRACTICES

**3** **Communicable disease; reporting, restrictions & exclusions**  
**Applicable Sections: 113949.1, 113949.2, 113949.5, 113950, 113950.5, 113975**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MAJOR** violation for any of the following:

### REPORTING

- The PIC is aware of a food employee who has been diagnosed with an “illness” as listed in Section 113949.2(a) and has not notified Environmental Health.
- The PIC is aware of a reportable illness or aware that two or more food employees are concurrently experiencing symptoms associated with an acute gastrointestinal illness and has not reported to Environmental Health.
- A food employee fails to report to the PIC if he/she is diagnosed with a reportable illness.

### RESTRICTIONS & EXCLUSIONS

- The PIC has not excluded a food employee as required by Section 113949.1.
- The PIC has been made aware of a food employee who is suffering from an acute gastrointestinal illness and has not restricted the food employee.

### REMOVAL OF RESTRICTIONS & EXCLUSIONS

- The PIC removes a restriction of a food employee before resolution of symptoms of acute gastrointestinal illness.
- The PIC removes exclusion prior to receiving clearance from the Health Officer or EHS.

### LESIONS & WOUNDS

- A food employee is observed with a cut, sore, or rash in contact with food and food-contact surfaces and not wearing gloves.

### CORRECTIVE ACTION:

If a food employee is found working when diagnosed with an illness, the food employee shall be excluded from the food facility until the Health Officer or the EHS removes the exclusion.

If a food employee is found working with symptoms of an acute gastrointestinal illness, the food employee shall be restricted from working with exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

If a food employee is found working with an exposed lesion or wound or has cuts, sores, or rashes, the food employee shall be required to wear an impermeable cover such as a finger cot or stall that protects the lesion and a single-use glove over the impermeable cover.

**ADDITIONAL VIOLATIONS:**

- Contamination of food by a food employee that is diagnosed with a reportable illness or observed working with food with a cut, sore, or rash that is not protected should also be marked as data field #14 (Food in good condition, safe and unadulterated).
- Contamination of food-contact surfaces by a food employee that is diagnosed with a reportable illness or observed working with a cut, sore, or rash that is not protected should also be marked as data field #15 (Food-contact surfaces: cleaned and sanitized).

**NOTES:**

- For purposes of these sections, “illness” means a condition caused by any of the following infectious agents: (1) *Salmonella typhi* (2) *Salmonella spp.* (3) *Shigella spp.* (4) *Entamoeba histolytica* (5) Enterohemorrhagic or shiga toxin producing *Escherichia coli* (6) Hepatitis A virus (7) Norovirus (8) Other communicable diseases listed in the California Code of Regulations that are transmissible through food.
- A food employee is required to report to the PIC when he/she has been diagnosed with an “illness” or has an open lesion on the hands, wrists or exposed portion of the arms.
- Violations related to artificial nails, nail polish, rings, or uncleanable orthopedic support devices should be marked in data field #6 (Hands clean and properly washed; gloves used properly).

**4 No discharge from eyes, nose, and mouth**  
**Applicable Section: 113974**

**MINOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MINOR** violation for any of the following:

- A food employee is experiencing persistent sneezing, coughing or runny nose that is associated with discharges from the eyes, nose or mouth that cannot be controlled by medication and the employee is working with exposed food, clean equipment, clean utensils, or clean linens.

**N.O.** This item may be marked N.O. for food facilities only in the **RARE** case when there are no food employees present at the time of inspection.

**CORRECTIVE ACTION:**

If a food employee is found working with discharges from the eyes, nose, or mouth, they shall be restricted from working with exposed food or clean equipment, utensils, and linens until the symptoms have been resolved.

**ADDITIONAL VIOLATIONS:**

- Contamination of food by a food employee that is experiencing persistent sneezing, coughing, or runny nose should also be marked as data field #14 (Food in good condition, safe and unadulterated).
- Contamination of food-contact surfaces by food employee that is experiencing persistent sneezing, coughing, or runny nose should also be marked as data field #15 (Food-contact surfaces: cleaned and sanitized).

**5 Proper eating, tasting, drinking or tobacco use**  
**Applicable Section: 113977**

**MINOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MINOR** violation when a food employee is observed eating, drinking or using tobacco in non-designated areas where contamination can result.

**N.O.** This item may be marked N.O. for retail operations only in the rare case when there are no food employees present at the time of inspection.

**NOTES:**

- A food employee may drink from a closed beverage container if the container is handled to prevent contamination of the employee’s hands, the container, unpackaged food, and food-contact surfaces.

- Data field #14 (Food in good condition, safe and unadulterated) should be marked when a food employee is observed using a utensil to taste food more than once without being washed, rinsed and sanitized between uses.
- Evidence of drinking or eating by a food employee would be marked in data field # 44 (Premises; personal/cleaning items; vermin-proofing), if the food employee is not actually observed eating, drinking or using tobacco.

## PREVENTING CONTAMINATION BY HANDS

**6** **Hands clean and properly washed; gloves used properly**  
**Applicable Sections: 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)**

- MAJOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MAJOR** violation for any of the following:
- Food employees handling open food are unable to wash their hands due to the lack of soap or paper towels and handwashing supplies are not available in the facility at all.
  - Hands and exposed portions of arms are not clean.
  - A food employee uses hand sanitizer instead of washing their hands, when handwashing would normally be required.
  - A food employee does not wash their hands after sneezing, coughing, eating, drinking, or using tobacco products and either puts on gloves for working with food or resumes preparing food.
  - A food employee fails to change gloves when handwashing would normally be required.
  - When gloves are not used correctly or used for more than one task.
  - A food employee is observed washing hands while wearing single-use gloves or donning previously worn single-use gloves.
  - Hands are not thoroughly washed when necessary as specified in Section 113953.3.
- MINOR** This item should be marked as a **MINOR** violation for any of the following:
- A food employee is not minimizing bare hand contact with exposed ready-to-eat food by using utensils, tongs, forks, or gloves.
  - Food employee observed washing hands for less than 10 seconds.
  - Food employee washing hands in an unapproved sink (i.e. food preparation/janitorial sink).
  - Food employees observed handling food with fingernails that are not trimmed, cleanable and smooth.
  - Food employees with artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), or uncleanable orthopedic support devices are observed preparing unpackaged food or clean utensils without use of gloves.
  - Employee loads dirty dishes into dishwasher and then stacks clean dishes without first washing hands.
  - Food has been served to the consumer and a food employee is observed wrapping or packaging left over food for the consumer by using bare hands or unclean utensils.
  - Food employee is washing hands with cold water when warm water is available.
- N.O.** This item may be marked N.O. for retail operations only in the rare case when there are no food employees present at the time of inspection.

### NOTES:

- Lack of warm water or water at non-adjustable faucet is less than 100°F or greater than 108°F at handsink should be marked under data field #22 (Hot and cold water available).
- If hands or fingers are unclean as a result of unmaintained fingernails, use of rings, etc., then a **“MAJOR”** violation should be marked.
- Violations pertaining to cuts, sores, and rashes should be marked in data field #3 (Communicable disease: reporting, restrictions & exclusions).

- *Hands are not required to be washed when changing gloves if the employee is performing the same task. For example: an employee changes gloves while continuing to make sandwiches. However, if changing gloves presents an opportunity for cross-contamination, proper handwashing procedures must be exercised.*
- *Food employees in a prepackaged food facility that are unable to wash their hands due to the lack of soap or paper towels shall be marked out of compliance in data field #7 (Adequate handwashing facilities, supplied & accessible).*

**CORRECTIVE ACTION:**

The food employee shall wash their hands and portion of arms as required and use appropriate utensils.

**7 Adequate handwashing facilities supplied & accessible**  
**Applicable Sections: 113953, 113953.1, 113953.2, 114067**

**MINOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MINOR violation** for any of the following:

- Empty or missing soap or towel dispenser in the food preparation area or in the toilet room.
- Lack of handwashing supplies on the premises of a prepackaged food facility.
- Use of bar soap or cloth towels.
- Obstructed, inaccessible, improper use of, or unclean handwashing sink.
- Non-functional soap or towel dispenser and/or hand drying device.
- Lack of a handwashing sinks that are sufficient in number and conveniently located in a food preparation area or warewashing area if the facility was constructed after January 1, 1996.
- Handwashing sink is not separated from a warewashing sink by a metal splashguard at least 6-inch in height or at least a 24-inch separation in distance.

**ADDITIONAL VIOLATIONS:**

- If a handwashing sink has been removed after approval to operate, the EHS should also mark data field #48 (Plan Review) and require the food facility to replace the handwashing sink and contact Plan Check at (714) 433-6000.

**NOTES:**

- *Handwashing facilities must be available to make handwashing not only possible, but likely. The EHS should ensure that food employees have the necessary supplies available for handwashing.*
- *A warewashing sink shall not be used for handwashing except in food facilities that were constructed prior to January 1, 1996, and where there are no facilities exclusively for handwashing in food preparation areas.*
- *Violations pertaining to water and water temperatures would be marked as data field #22 (Hot and cold water available).*

## TIME AND TEMPERATURE RELATIONSHIPS

### 8 *Proper hot and cold holding temperatures* *Applicable Sections: 113996, 113998, 114037, 114343(a), 114004*

- MAJOR** This item should be marked IN or OUT of compliance. This item should be marked as a **MAJOR** violation for any of the following:
- Multiple PHF (i.e. two or more food items in separate containers or compartments) held at temperatures of 50°F to 130°F as a result of an improper process, practice or equipment failure.
  - Pooled eggs held at temperatures of 50°F to 130°F without any other intervention.
  - Korean rice cake or Vietnamese rice cake found at room temperature has exceeded the 24 hour time period and/or is missing the required label/label information.
  - Asian-rice noodles found at room temperature have exceeded the 4 hour time period and is missing the required label/label information.
- MINOR** This item should be marked as a **MINOR** violation when PHF is found at unapproved holding temperatures:
- PHF is held at or between 131°F - 134°F or between 42°F - 49°F.
  - One PHF item is found in the temperature danger zone (42°F - 134°F).
- N.A.** This item may be marked N.A. when the food facility does not hold hot or cold food.
- N.O.** This item may be marked N.O. when the food facility does hold hot or cold foods but no foods are being held hot or cold during the time of inspection.

#### **EXCEPTIONS:**

- During preparation (up to two hours), cooking, cooling, and/or transportation for a period of less than 30 minutes, or when time as a public health control is utilized.
- Roasts cooked to a temperature and for a time specified in Section 114004(b) that is held at a temperature of 130°F.
- Foods approved for holding up to 45°F include the following: raw shell eggs; unshucked live molluscan shellfish; pasteurized milk and pasteurized milk products in original sealed containers; PHF held for dispensing in serving lines and salads bars during periods not to exceed 12 hours in any 24-hour period; PHF held in vending machines.
- PHF received at 45°F, if the food is cooled to 41°F within 4 hours.
- Exemptions include whole Chinese-style roast duck (Section 114425), Korean rice cakes (Section 114429), Asian rice-based noodles (114429.5), and Vietnamese rice cakes (114429.3).

#### **CORRECTIVE ACTION:**

If a major violation is found and it is determined that food should be VC&D or impounded, document the required action on the inspection report.

In order to properly evaluate the degree of time and temperature abuse of food and the proper disposition of the affected food, several factors must be considered. Answers to the following questions, in combination with observations made during the inspection, should provide enough information to make the appropriate recommendation for on-site correction if the violation is determined to be a minor violation:

- What is the current temperature of the food when taken with a probe thermometer?
- How long has the food been out of temperature control?
- Does the food facility have any written procedures in place for using time alone as a public health control and, if so, are they being followed properly?
- What are the ingredients in the food and how was it made?
- Given what is known about the food, the food's temperature, the handling of the food, and the alleged time out of temperature, is it reasonably likely that the food already contains hazards that cannot be destroyed by reheating?

Even if food can be made safe by reheating, steps should be taken by the PIC to ensure compliance in the



future. Examples include repairing malfunctioning or inoperative equipment or implementing a risk control plan to modify preparation procedures or to institute a procedure for monitoring holding temperatures of food.

Time in TDZ*	Internal Food Temps-Recommended Corrective Action ( <a href="http://www.cdph.ca.gov/pubsforms/Documents/fdbRFgde02.pdf">http://www.cdph.ca.gov/pubsforms/Documents/fdbRFgde02.pdf</a> )			
Hours	42-49°F	50-70°F	71-130°F	131-134°F
1-2	Immediately cool food to 41°F or below within 2 hours	Immediately cool food to 41°F or below within 2 hours	Recommend reheating product to 165°F or cool foods to 70°F within 2 hours	Recommend reheating product to 165°F or cool foods to 70°F within 2 hours
3-4	Immediately cool food to 41°F or below within 1 hour	Immediately cool food to 41°F or below within 1 hour	Recommend reheating product to 165°F	Recommend reheating product to 165°F
4+	See exceptions for food held at 45°F	Voluntarily Discard or Impound		

\*Temperature danger zone=42°F-134°F (Refer to Page 16 for Exceptions)

If the root cause of the violation is due to equipment maintenance, the equipment is not to be used until it is capable of holding food at the required temperatures, data field #36 (Equipment/Utensils) shall also be marked.

**NOTES:**

- *Hot and cold holding temperatures of PHFs should be thoroughly checked with a thermocouple during each inspection. This includes the temperature of PHF during transport, e.g., hot holding carts being used to transport food to buffet tables, satellite kitchens, or off-site catering events. As a rule, every effort should be made to assess every hot and cold holding unit in the food facility during each inspection.*
- *Infrared thermometers are a survey tool and must not be used to measure internal temperatures of foods for compliance.*
- *Temperatures measured between packages of food, such as cartons of milk or packages of meat, may be limited in accuracy and deviations may indicate the need for further examination. However, the temperature of a PHF itself, rather than the temperature between packages, is necessary if marking as a violation.*
- *In large holding units and on steam tables, it is necessary to measure temperatures of foods in various locations to ensure that the equipment is working properly. If deviations are noted in the product temperatures, it is important to take extra steps to find out reasons for the deviation. If the deviation a result of equipment failure or a breakdown in a process such as cooling or reheating. There could be other reasons such as foods were moved or just put into holding units.*

**9 Time as a public health control; procedures & records**  
**Applicable Section: 114000**

**MAJOR** This item should be marked **IN or OUT of compliance**. This item should be marked as a **MAJOR** violation for any of the following:

- Time marked on food has been exceeded.
- Time as a public health control (TPHC) is used for food but the food has not been marked or otherwise identified and the food has been out of temperature control for more than 4 hours.

- MINOR** This item should be marked as a **MINOR** violation for any of the following:
- PHF is found at 42 - 49°F or 131 - 134°F for less than 4 hours and facility is not tracking time.
  - A written procedure is not maintained or available for food that has been prepared, cooked and refrigerated when using TPHC.
- N.A.** This item may be marked N.A. when the food facility does not use TPHC.
- N.O.** This item may be marked N.O. when the food facility uses TPHC, but is not using this practice at the time of inspection.

**EXCEPTIONS:**

- TPHC cannot be used for raw eggs in licensed health care facilities or in public or private school cafeterias.

**CORRECTIVE ACTION:**

If food is found in the temperature danger zone due to improper implementation of TPHC, it may be determined that the food shall be VC&D or impounded.

**NOTES:**

- *If the PHF is found in the temperature danger zone and written procedures are not available and time stamps or written time/temperature logs are not used TPHC does not apply, data field #8 (Proper hot and cold holding temperatures) would be marked.*

**10** **Proper cooling methods**  
**Applicable Sections: 114002, 114002.1**

- MAJOR** This item should be marked **IN or OUT of compliance**. This item should be marked as a **MAJOR** violation for any of the following:
- Food found cooling has exceeded the first critical time/temperature limit (food has not dropped from 135°F to 70°F within 2 hours). [Example: pot of cooked beans found at 90°F cooling for > 2 hours using approved or unapproved method]
  - Food found cooling has exceeded the second critical time/temperature limit (food has not cooled to 41°F within a total of 6 hours). [Example: roast found at 60°F cooling for > 6 hours using approved or unapproved method]
  - PHF prepared from ingredients at ambient temperature is not cooled within 4 hours to 41°F.
  - Deliveries of PHF not cooled to below 41°F within 4 hours if received between 41°F to 45°F.
- MINOR** This item should be marked as a **MINOR** violation when:
- Food found cooling with no approved method and has not exceeded the first critical time/temperature limit. Approved intervention or rapid reheating shall be initiated immediately.
- N.A.** This item may be marked N.A. when the food facility does **not** receive raw eggs, shellstock, or milk; prepares **no** PHF from ambient temperature ingredients that require cooling; and does **not** cool cooked PHF.
- N.O.** When the food facility does cool PHF, but proper cooling per the prescribed temperature and time parameters cannot be determined during the inspection, this item may be marked N.O. In this case, the EHS should recommend that the PIC verify that the cooling procedures meet the prescribed temperature and time parameters.

**CORRECTIVE ACTION:**

Food identified as a **MAJOR** violation should be VC&D or impounded.

**ADDITIONAL VIOLATION:**

- Faulty equipment that results in a cooling violation shall also be noted in data field #36 (Equipment/utensils approved; installed; clean; good repair; capacity).

**NOTES:**

- *Discussions with the PIC along with observations should be used to determine compliance. For instance, during discussion the PIC says that a food product was cooled overnight in the walk-in cooler. The product is checked and the temperature is 50°F. Eight hours have elapsed from closing to opening. This item should be marked **OUT** because the product did not cool from 135°F to 41°F or less within 6 hours.*
- *The requirement for cooling cooked PHF food is that the food must be cooled from 135°F to 41°F or less in 6 hours, provided that the food is cooled from 135°F to 70°F within the first 2 hours. For example, if a facility cools chili from 135°F to 70°F in 1.5 hours, they then have 4.5 hours to get it from 70°F to 41°F or less. There are two critical limits that must be met with cooling. If the food is not cooled from 135°F to 70°F within 2 hours, this item is marked **OUT**. If the food is not cooled from 70°F to 41°F or less within 6 hours minus the time it took the food to cool from 135°F to 70°F, the item is marked **OUT**.*
- *PHF shall be cooled within 4 hours to 41°F or less if prepared from ingredients at ambient temperature, such a canned tuna.*
- *Approved methods includes those listed in Section 114002.1.*

**11 Proper cooking time & temperatures**  
**Applicable Sections: 114004, 114008, 114010**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item should be marked as a **MAJOR** for any of the following:

- Cooking process did not meet the required cooking temperatures and/or the employee doing the cooking attempts to serve the product without returning the product to the cooking process.
- The facility is not using any verification process to ensure that the minimum internal cooking temperatures are being met and the food is not reaching the minimum internal cooking temperature.

**N.A.** This item may be marked N.A. when no raw animal foods are cooked in the food facility.

**N.O.** This item may be marked N.O. when no raw animal foods are cooked during the time of inspection.

**CORRECTIVE ACTION:**

If required cooking temperatures are not met, the EHS should require that the operator continue cooking the food until the proper temperature is reached.

**ADDITIONAL VIOLATION:**

- The lack of a suitable probe thermometer for measuring final cooking temperatures should be marked in data field #39 (Thermometers provided and accurate).
- The lack of adequate knowledge by a cook/chef of the final cooking temperatures should be marked in data field #1 (Demonstration of Knowledge).

**NOTES:**

- *The cooking temperature of foods must be taken to determine compliance or noncompliance. The EHS should enlist the help of cooperative food employees to notify the EHS of foods that have finished cooking. This allows the EHS to continue with the inspection in other areas of the operation yet continue to verify that proper cooking temperatures are being met. The temperature of raw animal foods cooked during the inspection should be taken upon completion of the cooking process. Food cooking temperatures should be verified by the EHS during each inspection. Every effort should be made to assess the cooking temperatures of a variety of products served in the food facility.*
- *The time of day inspections are conducted should be varied so that cooking can be observed.*

- If a food is cooked below the required temperature, but the facility has a Consumer Advisory or an approved variance with a HACCP Plan for that food item, mark the item **IN** compliance, record the temperature and document the reason it is in compliance.
- The time of day inspections are conducted should be varied so that cooking can be observed.
- Food facility operators should routinely monitor cooking temperatures. The EHS should verify that monitoring is occurring by involving the person in charge in these activities during the inspection. The presence of required thermometers and their proper use should be assessed.
- The cooking temperature / time requirements are as follows:

Food	Internal cooking temperature
Fruits and vegetables that will be hot held	135°F for 15 seconds
Raw animal foods (i.e., pork, beef)	145°F for 15 seconds
Raw eggs – cooked to order	145°F for 15 seconds
Whole commercially raised game animals	145°F for 15 seconds
Raw eggs that are pooled or not cooked to order	155°F for 15 seconds
Comminuted fish, meat (i.e. hamburger meat) or commercially raised game	155°F for 15 seconds
Ratites and injected meats	155°F for 15 seconds
Poultry, baluts, stuffed fish/meat/pasta/poultry/ratites, stuffing containing fish, meat, poultry or ratites, or wild game animals	165°F for 15 seconds
Microwave cooking (let food stand covered for 2 minutes)	165°F for 15 seconds
Roasts (including formed roasts)	130°F for 112 minutes or as chart specified in §114004
<b>Exceptions:</b> <ul style="list-style-type: none"> <li>• A raw undercooked whole-muscle intact beef may be served or offered for sale in a ready-to-eat for provided it is labeled as whole-muscle intact beef and is cooked on both the top and bottom to a surface temperature of 145°F.</li> <li>• Foods prepared for immediate service in response to an individual customer order may be served at any temperature if a consumer advisory is provided or a variance has been obtained and it is not served to a highly susceptible population or from a children's menu.</li> </ul>	

**12 Proper reheating procedures for hot holding**  
**Applicable Sections: 114014, 114016**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item should be marked as a **MAJOR** violation if PHFs are not reheated to the required temperatures prior to hot holding.

**N.A.** This item may be marked N.A. when PHFs are not reheated for hot holding in the food facility.

**N.O.** This item may be marked N.O. when PHFs are reheated but no foods are reheated during the time of inspection.

**EXCEPTION:**

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer's order may be served at any temperature and is not required to comply with this section.

**CORRECTIVE ACTION:**

If, at the conclusion of the reheating process, it is discovered that the minimum reheating temperature has not been achieved, the reheating process should be continued until the food reaches the required temperature within the timeframe allowed.

If it is determined that the food has not been reheated in conformance with required procedures and has already been placed in a hot holding unit, the food should be VC&D or impounded.

## NOTES:

The reheating for hot holding temperature / time requirements are as follows:

- PHF is rapidly reheated within 2 hours to 165°F for 15 seconds.
- Food reheated in a microwave to 165°F and the food is rotated or stirred, covered, and allowed to stand covered for two minutes after reheating.
- Commercially processed ready-to-eat PHF is reheated within 2 hours to 135°F or above.
- Remaining unsliced portions of roasts are reheated for hot holding using minimum oven parameters as specified in Section 114004.

## PROTECTION FROM CONTAMINATION

### 13 **Returned and reservice of food** **Applicable Section: 114079**

**MINOR** This item should be marked **IN or OUT of compliance**. This item is marked as a **MINOR** violation when food served to a consumer was previously served to another consumer, such as:

- Re-served tortilla chips, salsa, or unpackaged bread.
- Popcorn, nuts, or snack mix left on bar for communal service.
- Previously served steamed rice used in the preparation of fried rice.

### EXCEPTION:

- A container of food that is not potentially hazardous may be transferred from one consumer to another if the food is dispensed so that it is protected from contamination and the container, such as salt and pepper shakers, a narrow-neck bottle containing ketchup, steak sauce, or wine, is closed between uses; if the food, such as crackers, is in an unopened original package and is maintained in sound condition; and/or if the food is checked periodically on a regular basis.

### CORRECTIVE ACTION:

Food found to be reserved shall be VC&D or impounded until a decision is made by the enforcement officer.

### 14 **Food in good condition, safe and unadulterated** **Applicable Sections: 113967, 113976, 113980, 113982, 113988, 113990, 114035, 114041, 114254.3**

**MAJOR** This item should be marked **IN or OUT of compliance**. This item should be marked as a **MAJOR** violation when actual contamination or adulteration has occurred. **MAJOR** violations include any of the following:

- A food employee contaminates food by any intentional or unintentional act.
- A foreign object is found in a food product (e.g. glass, staples, Band-Aid).
- When a food employee is observed using a utensil to taste food more than once without being properly washed, rinsed and sanitized between uses.
- Food is found to be adulterated.
- Unapproved additives are used in food such as sulfites being added to PHF or fresh fruits/vegetables for raw consumption.
- Ice that has been used for cooling the exterior surfaces of food such as melon or fish, canned beverages, or cooling coils and tubes of equipment is used as food.
- Food received is not wholesome, not in good condition, and food or food containers and pallets are infested with vermin or otherwise contaminated.
- A container that previously held poisonous or toxic material is used to store, transport, or dispense food, utensils, linen, or single-use articles.
- PHF in reduced oxygen package exceeds the “use by” date, unless frozen prior to the “use by” date.
- Condensate from refrigerator dripping onto raw meat/poultry.
- Cans or packaged foods are swollen with evidence of gas production.

- MINOR** This item should be marked as a **MINOR** violation for any of the following:
- Meat, fish or poultry products that have the appearance of spoilage.
  - Food infesting insects (e.g., beetles, moths, larvae), ants, fruit flies, gnats observed in food and/or beverages.
  - Lining food-contact surfaces with newspaper.
  - Food is not inspected upon receipt (as soon as practical) and prior to any use, storage or resale.
  - Food is transported in an unapproved manner that violates Section 113982.
- NOTES:** *Food transportation vehicles may be inspected only when the transporter has arrived at the retail food facility, when stationary at an agricultural inspection station, or at a border crossing. Food transporter violations should be referred to the State Department for follow-up. Violations observed on vehicles found at a food facility should be marked in this data field if the facility has accepted delivery of food from the transporter.*

**CORRECTIVE ACTION:**

If food is found to be contaminated or adulterated it shall be VC&D or impounded until a decision is made by the enforcement officer. In addition, the EHS should ensure that management and food employees are aware of the risk of serving contaminated or adulterated food.

**ADDITIONAL VIOLATIONS:**

- Storing food in unapproved containers (such as lead glazed containers) is also marked in data field #36 (Equipment/utensil-approved; installed; clean; good repair; capacity).

**NOTES:**

- Section 113980 is cited as this violation when **actual** contamination has occurred, whereas **prevention** from contamination observations would be cited under data fields #28-30 identified under “General Food Safety Requirements”.
- Section 113967 would be cited for violations that are not already specifically covered in Chapter 3, Articles 5 and 6. Eating and drinking in food preparation areas are covered in Section 113977.
- Spoilage is a natural occurring processes that changes the characteristics (e.g. fragrance, taste, texture, and appearance) of food by natural organisms rendering the food unfit for human consumption.

**15 Food-contact surfaces: clean and sanitized**  
**Applicable Sections: 113984(d), 114097, 114099.1, 114099.4, 114099.6, 114101(b-d), 114105, 114109, 114111, 114113, 114115(a, b ,d), 114117, 114125(b), 114141**

- MAJOR** This item should be marked **IN or OUT of compliance**. This item should be marked as a **MAJOR** violation for any of the following:
- Improper sanitization of food-contact surfaces during the warewashing process.
  - Dishwashing machine is tested and determined to be non-functional or does not effectively sanitize (ppm of chemical/contact time/temperature) and CAN NOT be readily adjusted at the time of inspection.
  - Contamination of food-contact surfaces that could result in food contamination.
  - Failure to clean and sanitize food-contact surfaces at the required frequencies.
  - Failure to sanitize food-contact surfaces between each use with a different type of raw food of animal origin, and/or each time there is a change from working with raw foods to working with ready-to-eat foods.
  - Warewashing sink is missing, non-functional, or clogged and no other approved means of cleaning and sanitizing is available.
- MINOR** This item should be marked as a **MINOR** violation for any of the following:
- Equipment and utensils are not scraped of food debris or are not preflushed, presoaked, or scrubbed, if necessary.
  - Equipment and utensils that are not currently in use are not clean to sight and touch.

- Inadequate contact time with sanitizing agent.
- Sanitizer level is reading below the required level; however, not reading zero.
- Towel drying of utensils or equipment.
- Equipment and utensils are not allowed to adequately drain of sanitizer before reuse.
- The sink compartments for soap and sanitizer solutions are not able to hold water.
- The warewashing sink is not cleaned and sanitized before and after each time it is used to wash wiping cloths, wash produce, or thaw food.
- Dry cleaning methods such as brushing, scraping, and vacuuming are used with other than dry nonPHF residues.

**N.A.** This item may be marked N.A. only when there is no requirement to clean equipment and utensils such as when only prepackaged foods are sold.

**N.O.** This item may be marked N.O. if there is no cleaning and sanitizing operations taking place at the time of inspection. However, the EHS should ask how food-contact surfaces are cleaned and sanitized to ensure they are using appropriate methods when the EHS is not there.

**CORRECTIVE ACTION:**

A food facility that prepares food shall not be operating if there is no method to properly clean and sanitize equipment or utensils. The food facility shall cease operation immediately. The food facility shall remain closed until a method to clean and sanitize equipment or utensils is provided.

A food facility shall not be operating if there is gross contamination of food-contact surfaces that may result in the contamination of food products. The food facility shall cease operation of the food facility until all food-contact surfaces have been thoroughly cleaned and sanitized.

**ADDITIONAL VIOLATIONS:**

- Violations resulting from warewashing equipment not functioning properly shall also be marked in data field #35 (Warewashing facilities; installed, maintained, used; test strips).
- If a food facility is unable to properly clean and sanitize equipment or utensils due to the lack of hot water, data field #22 (Hot and cold water available) should also be marked.

**NOTES:**

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

- *In storage, containers of PHF and their contents are maintained at the appropriate temperatures as specified in Section 113996, and the containers are cleaned when they are empty.*
- *Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at or below 55°F. In that case, the utensils and equipment shall be cleaned at the frequency that corresponds to the temperature as depicted in the chart below:*

➤ <b>Temperature</b>	➤ <b>Cleaning Frequency</b>
➤ < 41°F	➤ 24 hours
➤ >41°F - 45°F	➤ 20 hours
➤ >45°F - 50°F	➤ 16 hours
➤ >50°F -55°F	➤ 10 hours

- *Containers in serving displays such as salad bars, delis, and cafeteria lines holding ready-to-eat PHF that are maintained at the temperatures specified in Section 113996 are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned and sanitized at least every 24 hours.*
- *Temperature measuring devices are maintained in contact with food being held at temperatures specified in Sections 113996 and 114004, such as being left in a container of deli food or in a roast.*
- *Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.*
- *The cleaning schedule is approved based on consideration of characteristics of the equipment and its use, the type of food involved, the amount of food residue accumulation, and the temperature at which*

the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic micro-organisms that are capable of causing foodborne disease.

- In-use utensils are intermittently stored in a container of water in which the water is maintained at or above 135°F and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.
- In-use are intermittently stored in a container of water in which the water is maintained at or below 41°F and the utensils and container are cleaned at least every 4 hours or at a frequency necessary to preclude accumulation of soil residues.
- Cleaning of the utensil or food-contact-surfaces of equipment is not required if the food-contact surface or utensil is in contact with a succession of different raw foods of animal origin, each requiring a higher cooking temperature than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board. [114117(b)]

## FOOD FROM APPROVED SOURCES

**16**      **Food obtained from approved source**  
**Applicable Sections: 113980, 114021-114031, 114041, 114365, 114376**

**MAJOR**      **This item should be marked IN or OUT of compliance.** This item is marked as a **MAJOR** violation for any the following:

- Food or ice is not from an approved food source.
- Liquid, frozen, and dry eggs and egg products are not pasteurized.
- Frozen milk products, such as ice cream, are not pasteurized.  
*Exception: This doesn't apply to properly labeled prepackaged raw milk and raw milk products obtained from an approved source and dispensed and sold at a retail food facility.*
- Fish is not commercially and legally caught or harvested.
- Molluscan shellfish are not received from sources listed in the Interstate Certified Shellfish Shippers list or determined to be recreationally caught.
- Game animals are not from an approved source or are a species of wildlife on the 50 CFR Endangered and Threatened Wildlife and Plants list or are listed as an endangered or threatened animal by the California Department of Fish and Game.
- Shell eggs are broken and not clean or do not meet at least Grade B Standards.
- Food stored or prepared in a private home is offered for sale in a food facility.
- Retail food facility packaging yogurt for off-site consumption without the required State Milk Product License.

### EXCEPTION:

- Nonpotentially hazardous beverages and baked goods may be offered for sale, sold, or given away by a nonprofit charitable organization or an established club or organization that operates under the authorization of a school for fundraising purposes at community events.
- Foods made in a private home pursuant to Sections 114365 and 114365.2 are exempt from this requirement.
- Produce from a community food producer that meets the requirements in Section 114376.

### CORRECTIVE ACTION:

When invoice copies are not available to verify the source of the food during the inspection, the food shall be VC&D or impounded until appropriate documentation is provided. In addition, the EHS should ensure that management and food employees are aware of the risk of serving or selling food from unapproved sources. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

Food facilities that are operating without the required license from the California Department of Food and Agriculture are to be directed to discontinue producing that food item until a license is obtained. If during subsequent inspections the license has not been obtained, the EHS shall impound the equipment.



**NOTES:**

- Food facilities that process and package dairy products for off-site consumption are to be referred to the California Department of Food and Agriculture.
- Food facilities that process gelato or soft-serve ice cream are required to obtain a license from the California Department of Food and Agriculture. The EHS shall initiate a referral to the California Department of Food and Agriculture. [https://www.cdffa.ca.gov/ahfss/Milk\\_and\\_Dairy\\_Food\\_Safety/](https://www.cdffa.ca.gov/ahfss/Milk_and_Dairy_Food_Safety/)

**17 Compliance with shellstock tags, condition, display**  
**Applicable Sections: 114039 – 114039.5**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MAJOR** violation for any of the following:

- Identify of shellstock is not maintained after removal from original container by: failing to keep records, or repackaging shellstock without shellstock tag or approved labeling.
- Improper wet storage of shellfish (includes commingling of shellfish).
- Incomplete shellfish certification tags.

**MINOR** This item should be marked as a **MINOR** violation for any of the following:

- Raw shucked shellfish are not properly labeled.
- Shellstock received is not discarded when they are not reasonably free of mud, dead shellfish, or broken shells.
- Shellstock tags are not attached to the container they are received in until empty, or tags/labels are not held for 90 calendar days from the date the lot is emptied as specified in Section 114039.4.
- Shellstock tags are not kept in chronological order.
- Shellstock has been removed from the original container unless displayed on drained ice or held in a display container with source properly identified as in Section 114039, or 114039.1 and recorded.
- If molluscan shellfish life support system display tanks are operated in a manner that allows water used for other fish to flow into the tank or if safety of shellfish as they were received are compromised by use of the tank.

**N.A.** This item may be marked N.A. when shellstock are not sold or served in the facility.

**N.O.** This item may be marked N.O. when shellstock are not being sold at the time of inspection or the last date of sale is greater than 90 days.

**ADDITIONAL VIOLATIONS:**

- If a food facility is found operating a molluscan shellfish tank without a HACCP plan, data field #19 (Compliance with variance, specialized process & HACCP plan) should also be marked.

**NOTES:**

- If unable to determine the source of shellfish, data field #16 (Food obtained from approved source) should be marked. If shellstock is missing proper tags or labels, the EHS is to impound the product until the food facility is able to demonstrate product is coming from an approved source.

**18 Compliance with Gulf Oyster Regulations**  
**Applicable Sections: Section 113707, Title 17 CA Code of Regulations §13675**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MAJOR** violation for:

- Raw Gulf Oysters are offered for sale without evidence of approved treatment between the months of April 1 – October 31.
- Raw Gulf Oyster warning signs are not posted for untreated oysters between the months of November 1 – March 31.

**N.A.** This item may be marked N.A. when Gulf oysters are not sold or served in the food facility.

**CORRECTIVE ACTION:**

Immediately remove untreated Gulf Oysters from sale during banned months (April 1 – October 31) unless evidence is provided that the oysters have been treated by a method approved by the Department. If the oysters are not voluntarily removed by the operator, then the EHS should impound the oysters and await disposition of the product.

If signs are missing, or do not conform to size/language specifications during November 1 – March 31, the EHS should provide the approved signage.

## ADDITIONAL CRITICAL RISK FACTORS

**19** **Compliance with variance, specialized process, & HACCP Plan**  
**Applicable Sections: 114057, 114057.1, 114417-114417.2, 114419**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MAJOR** violation for any the following:

- Food facility is utilizing any of the following practices without a written HACCP plan:
  - Smoking food as a method of preservation
  - Curing food
  - Using food additives as a method of preservation or as a means to change the food to a nonPHF
  - Operating a molluscan shellfish life support tank for shellfish intended for human consumption
  - Custom processing animals as food for personal use
  - Preparing food by another method that requires a HACCP plan as determined by the enforcement officer.
- Food facility is packaging PHF products using a reduced-oxygen packaging (ROP) method and has not obtained HACCP Plan approval from the State Department.  
*Exception: A food facility is not required to have a HACCP plan if the food facility uses a ROP method to package PHF that always complies with the following standards with respect to packaging the PHF:*  
*(1) The food is labeled with the production time and date; (2) The food is held at 41 degrees Fahrenheit or lower during refrigerated storage; and (3) The food is removed from its package in the food facility within 48 hours after packaging.*
- Food facility is modifying food using acidification or water activity as a means to prevent the growth of *Clostridium botulinum* and has not obtained HACCP Plan approval from the State Department.
- Food facility is utilizing a practice that requires a HACCP Plan approved by the State Department or is not following the State Department approved HACCP Plan procedures.
- Food facility has obtained a Variance from the State Department to allow for deviation from specific code requirements and is not following the approved variance conditions or procedures.

**MINOR** This item should be marked as a **MINOR** for any the following:

- A satellite food facility is operating without EHS-approved written standard operating procedures.
- The food facility is not adhering to their HACCP Plan as required in Section 114419.

**N.A.** This item may be marked N.A. if the facility is not required to have a HACCP Plan or variance.

**CORRECTIVE ACTION:**

**State Approved HACCP Plan or Variance:**

If a food facility is packaging food using ROP that requires a State Department approved HACCP Plan or is not following the approved HACCP Plan procedures, there is a potential risk of the growth of *Clostridium botulinum* if the food is temperature abused. Similarly, the use of pH and water activity to prevent the growth of *Clostridium botulinum* in PHFs must be strictly controlled utilizing the procedures in a State-Department-approved HACCP Plan to ensure the food is safe. If it is determined during an inspection that a State-Department-approved HACCP Plan is required or that the State Department approved HACCP plan is not being followed, the affected food products should be impounded and the State Department should be notified in writing as soon as possible.

The State Department is authorized to issue variances from specific code requirements as described in Section 113936. If a variance is issued, a copy of the variance letter must be kept at the food facility and provided to the enforcement officer upon request. If it is determined during an inspection that the alternate procedures detailed in the variance letter are not being followed, the enforcement officer should impound the affected food products and notify the State Department in writing as soon as possible.

**HACCP Plan Required:**

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

The EHS may require the food facility to submit their HACCP plan for review to determine compliance with Section 114419.1 – 114419.3.

**20 Consumer advisory provided for raw or undercooked foods**  
**Applicable Sections: 114012, 114093**

- MINOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as **MINOR** for any the following:
- If the food facility serves raw or undercooked food and fails to inform consumers of the significantly increased risk of consuming those foods by way of a disclosure and reminder using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.
  - If unpasteurized eggs or unpasteurized egg products are used in foods such as Caesar salad dressing or hollandaise sauce without providing consumer advisory notification.

**N.A.** This item may be marked N.A. when the food facility does not serve raw or undercooked animal foods.

**EXCEPTION:**

- A food facility that serves food in compliance with Sections 114004 is exempt.

**NOTES:**

- *The facility shall inform consumers of the increased risk of consuming those foods with a **disclosure and reminder** on the menu, menu board, a brochure, on the deli case menu, a label statement, table tent, placards, or other effective written means.*

Disclosure statement:

*The disclosure statement is a written statement that clearly includes either a description of the animal-derived foods, such as “oysters on the half shell (raw oysters),” “raw-egg Caesar salad,” and “hamburgers (can be cooked to order)” **or** by identifying the food marked by an asterisk to a footnote that states that the items are served raw or undercooked, or contain or may contain raw or undercooked ingredients. The disclosure statement must inform the consumer that the food will not receive adequate heat treatment and that consuming creates a risk because the food may*

contain bacteria or other disease causing organisms that have been known to cause foodborne disease. The notification of the risk must be achieved by using a meaningful message in a manner that is likely to affect behavior and must be communicated so the consumer can consider the risks based on their health status and the food being consumed.

Reminder statement:

The reminder is denoted by an asterisk next to a raw or under cooked animal-derived menu item, to a footnote that includes either of the following disclosure statements:

- (1) Written information regarding the safety of these food items is available upon request; **or**  
(2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

- Licensed health care facilities and public or private school cafeterias are prohibited from serving or offering ready-to-eat food as specified in Section 114091.
- For violations pertaining to Gulf oysters, see data field #18 (Compliance with Gulf Oyster Regulation).
- A consumer advisory is required if a food facility serves raw, unpasteurized milk to consumers.

**21 Licensed health care facilities/public & private schools: prohibited foods not offered**  
**Applicable Section: 114091**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MAJOR** violation for any the following:

- Unpasteurized juice, fluid milk, or dry milk is served.
- Unpasteurized shell eggs are used unless raw eggs are used for one consumer's serving at a single meal and cooked as required by code or combined as an ingredient before baking and thoroughly cooked to a ready-to-eat form, or the facility is operating pursuant to a HACCP Plan.
- Food in an opened original package is re-served.
- Ready-to-eat foods that contain raw food of an animal origin or partially cooked foods are served.
- Raw seed sprouts are served.
- Fish is served raw or undercooked, such as sushi or seared ahi tuna.

**N.A.** This item may be marked N.A. for food facilities other than licensed health care facilities, public schools or private schools.

**EXCEPTION:**

- A food facility that serves food in compliance with Sections 114004 is exempt.

**CORRECTIVE ACTION:**

The EHS shall notify the food facility to immediately discontinue serving prohibited foods to the highly susceptible population.

**NOTES:**

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

**22 Hot and cold water available**  
**Applicable Sections: 113941, 113953c, 114099.2b, 114163, 114189, 114192, 114192.1, 114195**

**MAJOR** This item should be marked **IN** or **OUT** of compliance. This item is marked as a **MAJOR** violation for any the following:

- The water supply is from a water system that is not approved by the Health Officer or the enforcement agency.
- Contaminated water supply.
- No potable water is available to the facility.

- Inadequate water temperature for proper manual or mechanical warewashing and/or sanitizing.

**MINOR** This item should be marked as a **MINOR** for any the following:

- Temperature of water at handsink is below 100°F or is not adjustable and exceeds 108°F.
- Lack of pressurized hot and cold water.
- Hot water is not available (measured below 120°F) at a utensil washing, food preparation or janitorial sink, but the food facility is able to properly clean and sanitize.

**CORRECTIVE ACTION:**

**Lack of Hot Water**

It is important to note that if a food facility is found operating without hot water, the EHS should evaluate the risks associated with the lack of hot water and the warewashing sink requirements (as specified in Sections 114115 and 114117) when determining whether:

- the food facility could remain open for a short time until hot water can be restored (by end of inspection);
- the impacted area should be closed (which may result in a modified closure);
- a suitable alternative could be implemented as a temporary measure; or
- the food facility's permit should be suspended until the hot water is restored.

If only prepackaged food is handled, or the lack of hot water does not impact the food facility's ability to properly clean and sanitize, the food facility may be allowed to continue operation for a short timeframe in order to repair or install a new water heater. Failure to correct by the reinspection may result in a Permit Suspension Hearing - Notice to Violation.

**No Water or Contaminated Water Supply**

If there is no water, or the water supply is contaminated, a food facility shall immediately cease preparation of foods. In each of these cases, the food facility shall close or discontinue food preparation (and only sell prepackaged food items) provided potable water (or bottled water) is utilized for handwashing in the toilet rooms.

Food items, including ice, prepared using nonpotable water shall be VC&D and ice machines and beverage dispensers shall be cleaned and sanitized prior to reuse (once potable water becomes available). Misting systems used for food display shall be turned off and any food contaminated by the contaminated water shall be subject to VC&D.

**NOTES:**

- *Hot water is not required for food facilities that have been approved with less than 300 square feet of nonPHF hazardous prepackaged food for display and sale.*

**23 Sewage and wastewater properly disposed**  
**Applicable Section: 114197**

**MAJOR** This item should be marked **IN or OUT of compliance**. This item is marked as a **MAJOR** violation for any the following:

- Overflows or back-ups of floor sinks/drains of sewage/wastewater onto floors in the food facility that can result in contamination of food-contact surfaces and adulteration of foods
- Overflowing or clogged grease trap/interceptor.
- Open sewer line discharging to the outside of the facility.
- Lack of operable toilet facilities.

**MINOR** This item is marked as a **MINOR** violation for any of the following:

- Floor sinks are clogged with standing water but sewage is not backing up.
- Liquid waste (not sewage) is not disposed of through the approved plumbing system, or it does not discharge into the public sewer system or an approved private disposal system.
- Mop bucket is emptied outside back door of facility.

### **CORRECTIVE ACTION:**

A food facility shall not operate if there is sewage overflowing or backing up in the food facility. The food facility shall cease operation in the impacted areas of the food facility immediately until the sewage disposal problem has been repaired. The food facility, or impacted areas, shall remain closed until all plumbing problems have been corrected and all contaminated surfaces cleaned and sanitized. Any contaminated food product shall be VC&D.

In the event the overflow from the facility is occurring outside, the source of the discharge must immediately cease. If a septic tank and/or grease interceptor is used and is the source of the problem, it shall be pumped as often as necessary until the sewage system can be restored to a fully functional condition.

A food facility shall not operate if there are no operable toilets available for food employees. The EHS shall suspend the permit to operate until toilets are operable or a suitable alternative is approved.

### **NOTES:**

- *Violations related to plumbing fixtures shall be marked under data field #41 (Plumbing; proper backflow devices).*

**24**     **No rodents, insects, birds, or animals**  
**Applicable Sections: 114259, 114259.1, 114259.4, 114259.5**

**MAJOR**     **This item should be marked IN or OUT of compliance.** This item is marked as a **MAJOR** violation when the interior premises of the food facility is not free of the presence of cockroaches, mice, rats, flies and similar vermin that are disease carrying that has or would likely result in contamination of food-contact surfaces, food packaging, utensils or equipment, or adulteration of food.

**MINOR**     This item is marked as a **MINOR** violation for any the following:

- Food employees care for or handle animals that may be present, such as patrol dogs, service animals, or pets, in areas that are used for food preparation, storage, or display.
- Live animals are allowed in a food facility in violation of the provisions that allow their presence as specified in Section 114259.5(b), (c), and (d).  
**Note:** *Food employees may handle or care for fish in aquaria or for molluscan shellfish or crustacean in display tanks if they wash their hands as required.*
- Food infesting insects (such as, Indian meal moths, beetles), fruit flies, ants, spiders, and birds observed in the food facility.
- Evidence of vermin is observed in non-critical areas and no contamination of food, food-contact surfaces, or food utensils is likely.
- There is evidence of a past infestation, and no evidence of a current infestation can be observed (e.g. rodent droppings are located in an area that is not cleaned very frequently).

### **EXCEPTION:**

- If the owner of a food facility allows pet dogs in outdoor dining areas, it is not a violation if:
  1. A separate outdoor entrance is present where pet dogs enter without going through the food establishment to reach the outdoor dining area and pet dogs are not allowed on chairs, benches, seats, or other fixtures.
  2. The outdoor dining area is not used for food or drink preparation or the storage of utensils. A food employee may refill a beverage glass in the outdoor dining area from a pitcher or other container.
  3. Food and water is only provided in single-use disposable containers.
  4. Food employees are prohibited from having direct contact with pet dogs while on duty. If a food employee does come into direct contact, he/she shall wash his or her hands.
  5. The outdoor dining area is maintained clean. Surfaces that have been contaminated by dog excrement or other bodily fluids shall be cleaned and sanitized.
  6. The pet dog is on a leash or confined in a pet carrier and is under the control of the pet dog owner.

7. The food facility owner ensures compliance with local ordinances related to sidewalks, public nuisance, and sanitation.

**CORRECTIVE ACTION:**

A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food-contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). If there is a vermin infestation that warrants a major violation, then the EHS should suspend the permit to operate. The permit can be reinstated when the infestation has been eliminated, all evidence of the infestation has been removed, all food-contact surfaces have been cleaned and sanitized, contributing factors have been resolved, and adulterated food product and packaging has been VC&D. Only approved pest control methods should be used as frequently as needed to prevent the infestation from recurring.

A follow-up inspection shall be scheduled to ensure the treatment, elimination, and exclusion measures remain effective as follows: one week after the re-opening date for rodent closures and three weeks after the re-opening date for cockroach closures.

**ADDITIONAL VIOLATIONS:**

- If food is adulterated by insects, vermin, or animals, then data field #14 (Food in good condition, safe and unadulterated) should also be marked.
- If food-contact surfaces are contaminated by insects, vermin, or animals, then data field #15 (Food-contact surfaces: cleaned and sanitized) should also be marked.
- If the food facility is not constructed or maintained to prevent the entrance of vermin, then data field #44 (Premises; personal/cleaning items; vermin-proofing) should also be marked.

## GOOD RETAIL PRACTICES

These items are to be marked only when they are “**OUT**” of compliance. Compliance status should be determined as a result of observations that establish a pattern of noncompliance. The EHS is required to document the specific description of the violation observed during the inspection.

### SUPERVISION

**25** *Person in charge present and performs duties*  
*Applicable Sections: 113945, 113945.1, 113984.1, 114075*

This item is marked **OUT** of compliance for any of the following:

- A Person in Charge (PIC) is not present during operating hours.
- Customer allowed access though the food preparation area or warewashing area where there is not at least 3 feet of clearly delineated space or rail at least 3 feet high.

**NOTE:**

- *The PIC does not have to be the certified food protection manager.*

**26** *Personal cleanliness and hair restraints*  
*Applicable Sections: 113969, 113971*

This item is marked **OUT** of compliance for any of the following:

- Food employees preparing, serving or handling food or utensil are not wearing hair restraints, such as hats, hair coverings or nets that are designed and worn to effectively keep their hair from contacting unpackaged food, clean equipment, utensils, linens and unwrapped single-use articles.
- Food employee observed working with soiled outer garments.

**EXCEPTION:**

- Hair restraints are not required for employees who present minimal risk of contaminating food, such as counter staff who only serve beverages or wrapped foods.

### GENERAL FOOD SAFETY REQUIREMENTS

**27** *Approved thawing methods used, frozen food*  
*Applicable Sections: 114018, 114020*

This item is marked **OUT** of compliance for any of the following:

- Frozen food is not being stored and displayed to ensure that food remains in a frozen state.
- PHF is observed not being thawed by one of the approved procedures.

**ADDITIONAL VIOLATIONS:**

- Problems with equipment that causes thawing is also marked in data field #36 (Equipment/Utensils-approved; installed; clean; good repair; capacity).
- PHF found in the temperature danger zone as a result of improper thawing should also be marked in data field #8 (Proper hot and cold holding temperatures).



**28** **Food separated and protected**  
**Applicable Sections: 113980, 113984, 113986, 114060, 114067, 114069, 114077, 114073, 114143**

This item is marked **OUT** of compliance for any of the following:

- Unpackaged food is not protected from contamination.
- Food is not being prepared in a fully enclosed food facility.  
*Exception: Limited food preparation may be conducted within a food compartment.*
- Limited food preparation is not conducted within an approved food compartment defined in Section 113784 or as approved by the EHS.
- Food is not protected from cross-contamination during storage and/or display (i.e., sneeze guards, lids, display cases, dispensers, separating raw food from ready-to-eat food, etc.).
- The open-air barbecue or outdoor wood burning oven is not separated from public access to prevent food contamination or injury to the public.
- Food is being thawed, washed, sliced, or cooled in an unenclosed unapproved facility; or overhead protection is not provided where required (i.e., outdoor food displays, vending machines, or satellite food service operations).
- Splash guard is missing between the food preparation sink and warewashing sink.
- Foods other than prepackaged nonPHF or uncut produce are displayed outdoors.
- Prepackaged nonPHF or uncut produce displayed outdoors are not periodically checked on a regular basis by the PIC.
- Bulk milk container dispensing tubes not cut diagonally so as to leave no more than one inch protruding from the chilled dispensing head.

**EXCEPTION:**

- Food does not have to be stored in packages, covered containers, or wrappings if:
  - It is whole uncut raw fruits, vegetables, and nuts in the shell.
  - Raw meat hung on clean, sanitized hooks or racks.
  - Food in the cooling process.
  - Shellstock

**NOTES:**

- *This section addresses prevention measures only. Actual contamination of food is marked under data field #14 (Food in good condition, safe and unadulterated).*
- *Whole uncut produce and food requiring further processing may be displayed on open counters or in containers.*
- *Satellite food service shall only be operated by a fully enclosed permanent food facility. Written operating procedures are also required for satellite food service.*

**29** **Washing fruits and vegetables**  
**Applicable Section: 113992**

This item is marked **OUT** of compliance when raw whole produce has not been washed prior to being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.

**30** **Toxic substances properly identified, stored, used**  
**Applicable Sections: 114254, 114254.1, 114254.2**

This item is marked **OUT** of compliance for any of the following:

- An insecticide, rodenticide, or other pesticide is not used in accordance with the manufacturer's instructions.
- A poisonous substance, detergent, bleach, cleaning compound, personal care item, or any other injurious or poisonous material is stored or used in a manner that is likely to cause contamination or adulteration of food, food-contact surfaces, utensils, or packaging materials.
- Working containers used for storing poisonous or toxic materials, such as cleaners and

sanitizers taken from bulk supplies, are not clearly and individually identified with the common name of the material.

**ADDITIONAL VIOLATION:**

If food is found to be stored in a container that previously held poisonous or toxic material data field #14 (Food in good condition, safe and unadulterated) shall be marked and the product immediately VC&D or impounded.

## FOOD STORAGE/DISPLAY/SERVICE

**31 Food storage; food storage containers identified**  
**Applicable Sections: 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)**

This item should be marked **OUT** of compliance for any of the following:

- Food storage area is not clean, dry, or adequate for amount of food being stored.
- Food is not stored above the floor by at least 6 inches (except food stored on dollies, pallets, or similar equipment).
- Working containers of food or ingredients removed from original packages are not identified with common name of the food (except food that can be easily recognized, such as pasta).
- Food is stored in lockers, in toilet rooms, in dressing rooms, in refuse rooms, in mechanical rooms, under unshielded sewer lines, under leaking water lines, under stairwells, and/or under other sources of contamination.
- Food stored in ice or water was subject to the entry of water because of nature of packaging, wrapping, or container, or the positioning in the ice or water.
- Returned or damaged products, products where the label has been removed, and food products held for return to distributors are not separated and stored in a manner that prevents adulteration of other foods or contributes to a vermin problem.
- Unapproved food storage area.

**ADDITIONAL VIOLATION:**

- If food is found to be contaminated or adulterated during storage, data field #14 (Food in good condition, safe and unadulterated) should also be marked.

**NOTES:**

- *Milk stored in plastic crates, pressurized beverage containers, cased containers of bottles, cans, and/or other food in water proof containers can be stored on a clean floor.*
- *Whole raw fruits and vegetables, cut raw vegetables, and tofu may be immersed in ice or water.*
- *Raw chicken and raw fish received on ice can remain on ice during storage awaiting preparation, display, service, or sale.*
- *Temporary alternate food storage methods and locations may be approved by Environmental Health.*

**32 Consumer self-service**  
**Applicable Sections: 114063, 114065, 114089.1**

This item should be marked **OUT** of compliance for any of the following:

- Raw, nonprepackaged food of animal origin, such as lamb, beef, pork, poultry, and eviscerated fish, is offered for customer self-service.
- A food dispensing utensil is not provided for each container at buffets and salad bars.
- Consumer self-service bulk beverage dispensers are not properly operated or maintained.
- Nonfood items are displayed and stored in the same area with food.
- French bread is displayed so that the bread extends beyond the open-end bag.

**EXCEPTIONS:**

- Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish.

- Ready-to-cook individual portions for immediate cooking and consumption on the premises, such as: consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or raw, frozen shrimp, lobster, finfish, or scallop abductor muscle; or frozen breaded seafood.
- Produce and food requiring further processing may be displayed on open counters or in containers.
- Bread loaves or rolls are considered properly wrapped if contained in open-end bags that enclose the loaf or rolls.

**NOTES:**

- *Buffets and salad bars must be checked on a regular basis.*

**33**     **Food properly labeled & honestly presented**  
**Applicable Sections: 114087, 114089, 114089.1(a, b), 114090, 114093.1, 114090, 114094, 114094.5, 114377, 114365.2; Sherman Food, Drug and Cosmetic Law**

This item is marked **OUT** of compliance for any of the following:

- Prepackaged food does not bear a label that complies with the labeling requirements as prescribed by the Sherman Food, Drug, and Cosmetic Law. [Sections 114089 and 114089.1(a)]  
*Exception: Bakery products sold to other food businesses are exempt from labeling provisions.*
- Food is found offered for human consumption and is not honestly presented, which misleads or misinforms the consumer. Examples include:
  - “Fresh” fish is advertised, but the fish had been frozen
  - “Quarter pounder” is not ¼ lb before cooking
  - Use of pink light shields in meat display case
- Bulk food available for consumer self-service does not have label information or does not have a sign or other method of notification that includes the label information.
- If the manufacturer’s dating information on foods is concealed or altered.
- Unpackaged confectionary food contains more than ½% alcohol and is not labeled to identify alcohol content.
- Cottage Food product being sold or used without required labeling.
- Serving foods with artificial trans-fat greater than 0.5 grams per serving.  
*Exception: Food sold or served in a manufacturer’s original, sealed package with proper labelling.*
- Ingredients containing trans-fat stored onsite but not used in food preparation.
- A food facility sells or offers for sale infant formula or baby food after the “use by” date.
- A retail food facility is not in compliance with Section 343 (q)(5)(H) of Title 21 of the United States Code regarding menu labeling.

**NOTES:**

- *Label information shall include the following:*
  1. *Common name of the food or descriptive identity statement*
  2. *If made with two or more ingredients, a list of ingredients in descending order of predominance by weight*
  3. *An accurate declaration of the quantity of contents*
  4. *The name and place of business of the manufacturer, packer, or distributor*
  5. *Nutritional labeling, unless exempted in the Federal Food, Drug, and Cosmetic Act*
  6. *Compliance with the Food Allergen Labeling and Consumer Protection Act of 2004*
- *Labeling violations related to a food processed at wholesale should be referred to the State Food and Drug Branch for follow-up investigation.*
- *Baby food or infant formula that exceeds the “use by” date on multiple inspections may result in a penalty of ten dollars per day for each item sold or offered for sale.*
- *Sell by or expiration dates of food products, other than those listed above, are not enforced by Environmental Health.*

## EQUIPMENT/UTENSILS/LINENS

### 34 **Nonfood-contact surfaces clean** **Applicable Section: 114115 (b)**

This item is marked **OUT** if nonfood-contact surfaces of equipment are not kept free of an accumulation of dust, dirt, food residue, or other debris.

#### **NOTES:**

- *Violations related to cleaning and sanitizing food-contact surfaces are to be marked in data field #15 (Food-contact surfaces: clean and sanitized).*
- *Violations related to the cleaning of ventilation hoods or lights/light shields are to be marked only in data field #38 (Adequate ventilation and lighting; designated areas, use).*
- *Violations related to the cleaning of floors, walls, and ceilings are to be marked only in data field #45 (Floors, walls and ceiling: built, maintained and clean).*

### 35 **Warewashing facilities: installed, maintained, used; test strips** **Applicable Sections: 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125**

This item is marked OUT of compliance for the following:

- The food facility prepares food and does not have a three-compartment sink with two integral metal drain boards as required.  
*Exception: A two compartment sink that was constructed prior to January 1, 1996 need not be replaced when used as specified in Section 114099.3(e).*
- Alternative manual warewashing equipment such as listed in Section 114099.3(a) through (e) is used, and an EHS has not approved its use.
- Mechanical warewashing machine is not approved or not installed and operated according to manufacturer's specifications.  
*Note: A three-compartment sink is available to properly clean and sanitize food-contact surfaces.*
- Two integral metal drain boards of adequate size and construction attached at the point of entry and the point of exit of the machine or sink are not provided or do not comply with Section 114103(b) through (e).  
*Exception: The requirement for a drainboard for soiled equipment or utensils or the requirement for a drainboard for clean equipment and utensils, or both requirements, may be satisfied by using the drainboards that are part of the manual warewashing sinks if the sink is located adjacent to the machine.*
- The warewashing machine does not have an easily accessible and readable data plate affixed to the machine by the manufacturer that lists the machine's design and operating specifications as listed in Section 114101.1.
- The warewashing machine is not equipped with a temperature measuring device that indicates the temperature of the water as specified in Section 114101.2.
- In manual warewashing operations, a temperature measuring device is not provided and is not accessible for frequently measuring washing and sanitizing temperatures.
- The warewashing sink is used for handwashing except as allowed by Section 114125(a).
- Means for adequately measuring the applicable sanitization method are not provided.
- Sanitizer levels are found to be in excess of 200 ppm for chlorine and in excess of 400 ppm for quaternary ammonia, indicating that the test strips were not used to verify sanitizer level.
- Sink compartments are not large enough to accommodate the largest equipment and utensil.
- Faucet at warewashing sink doesn't extend over all sink compartments.

#### **EXCEPTION:**

- A warewashing sink may be used for handwashing in food facilities that were built prior to January 1, 1996 when there is no handwashing sink in the food preparation area.
- A warewashing sink may be used to wash produce or thaw food in food facilities that were built prior to January 1, 2007 when there is no food preparation sink available.

## NOTES:

- Alternative warewashing facilities may be allowed if approved by Environmental Health.
- Violations related to the actual improper cleaning and sanitization of food-contact surfaces are to be marked in data field #15 (Food-contact surfaces: cleaned and sanitized).
- Produce washed in the warewashing sink without prior cleaning and sanitizing should be marked in data field #14 (Food in good condition, safe and unadulterated).

**36**      **Equipment/Utensils - approved; installed; good repair; capacity**  
**Applicable Sections: 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182**

This item is marked OUT of compliance for any of the following:

## APPROVED

- All new and replacement food-related and utensil-related equipment is not certified or classified for sanitation by an ANSI accredited certification program, or if no standard exists, has not been evaluated and approved by Environmental Health.  
*Exception: Restricted food service facilities may not need to comply with the ANSI requirements depending on the extent of food service activities and if the enforcement officer determines that the equipment is constructed to be durable and to retain its characteristic qualities under normal use conditions.*
- Equipment and utensils are not designed and constructed to be durable and retaining characteristic qualities under normal use.
- New and replacement electrical appliances do not meet UL standards for electrical equipment.
- Merchandise refrigerator approved for canned or bottled non-PHF is used for open foods.
- Materials used in the construction of single-use articles, utensils, and food-contact surfaces of equipment allow migration of deleterious substances; impart colors, odors, or tastes to food; or otherwise do not meet the standards of Sections 114130.1 and 114130.2.
- Multiuse food-contact surfaces do not meet the requirements of Section 114130.3(a) through (b).
- Nonfood-contact surfaces do not meet standards specified in Section 114130.4.
- Clean In Place (CIP) equipment is designed in violation of Section 114130.5(a) through (b).
- Wood or wood wicker is used as a food-contact surface.  
*Exceptions:*
  1. *Hard maple or equivalent may be used for as cutting boards, rolling pins, chopsticks and as specified in Section 114132(b).*
  2. *Raw fruit, vegetables, and nuts in the shell may be kept in wood shipping containers as specified in Section 114132(c) and (d).*
- Copper or copper alloys are used in contact with food that has a pH below 6.0 such as vinegar, fruit juice, or wine, or for a fitting between a backflow preventer and a carbonator. Section 114133(a).  
*Exception: Copper and copper alloys may be used in contact with beer brewing ingredients as noted in Section 114133(b).*
- Dollies, pallets, racks, or skids are not designed to be moved by hand, hand truck or forklifts.

## INSTALLED

- "V" type threads are used on food-contact surfaces.  
*Exception: OK for hot oil cooking or filtering equipment.*
- Cutting or piercing parts of can openers are not readily removable.
- Beverage tubing or cold-plate beverage cooling devices are installed in contact with ice intended to be used for food or drink.  
*Exception: Does not apply to cold plates constructed integrally with an ice storage bin.*
- Fixed equipment that is not easily movable is not installed with adequate spacing or sealing, or floor-mounted equipment that is not easily movable is not sealed to floor or elevated on 6 inch legs.

*Exception: Does not apply to display shelving, refrigeration, and freezer units located in consumer shopping areas if floor under these units is maintained clean.*

- Table-mounted equipment that is not easily movable is not sealed to table or elevated on 4 inch legs.

#### **GOOD REPAIR**

- Equipment and utensils are not fully operative, and in good repair.
- Surfaces of equipment such as cutting blocks and boards are scratched and scored, so they can no longer be effectively cleaned and sanitized.
- Torn door gaskets, rusty shelves, or missing fan guard in refrigeration unit.
- Ice build-up on the condenser unit in the walk-in freezer.
- Cracked sink or sink not secured to wall.

#### **CAPACITY**

- Equipment used for cooling and heating food and/or for holding cold and hot food is not sufficient in number and/or capacity to ensure proper food temperature control during transportation and operation.
- Electrical power is not supplied at all times.
- An approved food preparation sink is not provided when the food facility conducts washing, rinsing, soaking, thawing, or similar preparation of foods.  
*Exception: Food facilities that were approved for operation without a food preparation sink prior to July 1, 2007 need not provide a food preparation sink unless the food facility makes a menu change or changes their method of operation.*
- A hand truck or forklift is not provided to easily move dollies, pallets, racks, or skids that are not designed to be moved by hand.

#### **MOLLUSCAN SHELLFISH TANKS**

- Molluscan shellfish life-support system display tanks are used to display shellfish that are offered for human consumption. See exception below. [Section 114155(a)]
- Molluscan shellfish life-support system display tanks are not marked conspicuously so that it is obvious to the consumer that the shellfish are for display only. [Section 114155(a)]  
*Exception: If installed after July 1, 2007 molluscan shellfish may be offered for human consumption if the life-support system display tanks are operated pursuant to a HACCP plan.*

#### **MISTING SYSTEMS**

- Reservoirs that supply water to a device such as a produce fogger are not maintained and cleaned according to manufacturer's specifications or Section 114180(b)(1) through (4), whichever is more stringent.
- Fogging device installed after July 1, 2007 using a reservoir instead of water under pressure for fogging or misting of food.

**37**     **Equipment, utensils and linens: storage and use**  
**Applicable Sections: 114074, 114075, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5**

This item is marked **OUT** of compliance for any of the following:

#### **UTENSILS/TABLEWARE**

- Preset tableware has not been removed when a customer is seated and has not been cleaned and sanitized before further use.
- Soiled tableware is used to provide second portions.
- Utensils are not handled, displayed, and dispensed so as to prevent contamination of lip contact surfaces; or single-use articles are reused.
- Clean equipment and utensils are not stored covered or inverted in a self-draining manner that allows air drying.
- Single-use articles are not kept in original protective package or otherwise protected from

contamination until used.

- If utensils are stored in an unapproved manner during pauses in food preparation or dispensing.

**Exception** - *The following are acceptable practices:*

1. *Handles of food preparation/serving utensils stored above the top of the food and the container.*
2. *Utensils used for nonPHF stored within a closed container and the handle of the utensil is above the top of the food (i.e., bins of sugar or flour).*
3. *Utensils stored on a clean portion of the food preparation table or cooking equipment, and the "in use" utensil is cleaned as prescribed in Section 114117.*
4. *In running water if used with ice cream.*
5. *In a clean, protected location if the utensils (i.e., ice scoops) are used only with a food that is not a PHF.*
6. *In a container if the water is maintained at a temperature of at least 135 °F and the container is cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of residues.*

### REFILLING CONTAINERS

- Returned empty containers intended for refilling with food or beverage are not cleaned and refilled in an approved manner.
- Condiment containers not intended for reuse (e.g., ketchup bottles) are refilled.

### STORAGE AREAS

- Cleaned and sanitized equipment, cabinets used for storing food, or a cabinet used to store cleaned and sanitized equipment, utensils, laundered linens, or single-use articles are found or stored in any of the following areas:
  - Locker rooms.
  - Toilet rooms.
  - Refuse rooms.
  - Mechanical rooms.
  - Under sewer lines that are not shielded to intercept potential drips.
  - Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed.
  - Under open stairwells.
  - Under other sources of contamination [Sections 114161(a)(1) through (8) and 114179(a)(1) through (8)].

**Exception:** *Laundered linens and single-use articles may be stored in a locker room if protected by packaging or a storage compartment.*

- Pressurized cylinders are not securely fastened to a rigid structure.
- Milk crates used as shelving.
- Cleaned equipment and utensils, laundered linens, and single-use articles are stored where they are subject to splash, dust, or other contamination and are not at least 6 inches above the floor.

**Exception:** *Items in enclosed packages may be stored less than six inches above the floor on dollies, pallets, racks, or skids that are designed to be easily movable.*

### LINENS

- Linens are used in contact with food in a manner different than allowed by Section 114185.

**Exception:** *This section allows use of linens to line food containers if the linens are replaced each time the container is refilled for a new consumer, and they are laundered prior to reuse.*
- Linens are not free of food residue and soil.
- Linens, cloth gloves, or cloth napkins are not laundered as required.
- Adequate space is not provided for storage of clean linens.
- Soiled linens are not kept in proper receptacles or handled to prevent contamination of food, clean equipment and utensils, and single use articles.

## LAUNDERING OF LINENS AND WORKCLOTHES

- A mechanical clothes washer or dryer is located where it is exposed to contamination or where there is exposed food, utensils, linens, or unwrapped single-use articles.
- Linens and work clothes are laundered on the premises, and a mechanical clothes washer and dryer are not provided.
- Laundry facilities on premises are used for laundering items other than those used in the operation of the food facility.

**38 Adequate ventilation and lighting; designated areas, use**  
**Applicable Sections: 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1**

This item is marked **OUT** of compliance for any of the following:

### VENTILATION

- Sufficient ventilation is not provided in all areas to facilitate proper food storage and provide a reasonable condition of comfort consistent with job performed by employees.
- Mechanical exhaust ventilation equipment is not provided over all cooking equipment to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.  
*Exception: Restricted food service facilities are exempt from 114149.1(a), but must still provide ventilation to remove gases, odors, steam, heat, grease, vapors and smoke from the food facility.*
- Toilet rooms are not ventilated to the outside air by means of an openable, screened window, an air shaft, or a light-switch-activated exhaust fan consistent with local building codes.
- HVAC systems are designed and installed such that intake and exhaust vents cause contamination of food, food-contact surfaces, equipment, or utensils, or create air currents that cause difficulty in maintaining required temperatures of PHFs.
- Makeup air is not provided in the amount of that exhausted.
- Hood is not installed in a manner that provides for thorough cleaning of all surfaces.
- Hood systems in food prep and warewashing areas are not designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, or linens.
- Filters or other grease-extracting equipment are not designed to be readily removable for cleaning and replacement.
- Every joint and seam is not substantially tight.
- Grease gutters, when provided, do not drain to a collecting receptacle fabricated, designed, and installed to be readily accessible for cleaning.

### NOTES:

- *High velocity hoods may not require 6" overhang. Contact Plan Checker with any questions.*
- *Issues concerning ventilation or reasonable condition or comfort for employees should be referred to the local building department.*

### LIGHTING

- Sufficient natural or artificial lighting is not provided in every room and area, while in the area is in use, in which any food is prepared, manufactured, processed, or prepackaged or in which equipment or utensils are cleaned.  
*Note: Lighting must be provided as follows:*
  - *at least 10 foot candles measured 30 inches above the floor in walk-in refrigeration units, at a working surface at which alcoholic beverages are prepared or utensils used to prepare alcoholic beverages are cleaned, inside equipment and dry food storage areas.*
  - *at least 20 foot candles: 1) at a surface where food is provided for consumer self-service or prepackaged foods are sold or offered, 2) in server stations where limited food is prepared, 3) 30 inches above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms, and 4) in all areas and rooms during periods of cleaning.*
  - *at least 50 foot candles: 1) with the exception of server stations, at a surface where a food employee is working with food or utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor and 2) in other areas and rooms during periods of*



cleaning.

- Light bulbs are not shielded, coated, or otherwise shatter-resistant in areas where open food, clean equipment, utensils, and linens or unwrapped single-use articles are located.  
*Exception: Shielded, coated, or otherwise shatter-resistant bulbs are not required in areas used only for storing prepackaged food in unopened packages.*
- Infrared or other heat lamps are not protected against breakage by a shield or by using shatter-resistant bulbs.
- Light shields with accumulated dust or dead insects.

**NOTES:**

- *The distinction between NO lighting vs. LOW lighting must be made.*
- *The use of deceptive lighting to misrepresent freshness of meat is marked ONLY in data field #33 (Food properly labeled & honestly presented).*

**39 Thermometers provided and accurate**  
**Applicable Sections: 114157, 114159**

This item is marked **OUT** of compliance for any of the following:

**THERMOMETERS FOR HOT AND COLD HOLDING EQUIPMENT**

- A readily visible thermometer is not provided in the warmest part of each refrigeration unit.
- A temperature measuring device is not integral or permanently affixed to cold or hot holding equipment used for PHFs or is not located to allow easy viewing of the device's temperature display.  
*Exceptions: This requirement does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod units, heat lamps, cold plates, Bain maries, steam tables, insulated food transport containers, and salad bars.*
- Temperature measuring devices are not easily readable or have increments that are greater than 2°F.

**THERMOMETERS FOR MEASURING FOOD TEMPERATURES**

- A metal probe thermometer suitable for measuring the temperature of food is not readily available on the premises.  
*Note: Required only if PHFs are held or cooked. The EHS should inquire how cooking temperatures are verified when no probe thermometer is available.*
- A temperature measuring device with a suitable small-diameter probe designed to measure the temperature of thin masses of food is not provided and readily accessible to measure thin foods, such as meat patties and fish filets.
- Temperature measuring devices used for food are not accurate to within plus or minus 2 degrees Fahrenheit.
- Glass stem temperature measuring devices are used, unless they are candy thermometers encased in a shatterproof coating.

**NOTES:**

- *The distinction between having a thermometer for measuring properly cooked foods vs a thermometer used to measure a refrigerator must be made.*
- *The use of an infrared thermometer does not replace the need for a probe thermometer.*

**40 Wiping cloths: properly used and stored**  
**Applicable Sections: 114135, 114185.1 114185.3 (d-e)**

This item is marked **OUT** of compliance for any of the following.

- Wiping cloths are used in a manner other than as prescribed. For example:
  1. Wiping cloths used for wiping food spills are used for another purpose.
  2. Cloths used for cleaning food spills from tableware and carry-out containers are not dry.

3. Dry cloths used for wiping food spills other than from tableware and carryout containers are used more than once prior to laundering.
4. Cloths used repeatedly prior to laundering are not held in an approved sanitizing solution.
5. Dry or wet cloths used with raw animal foods are not kept separate from cloths used for other purposes.
6. Wet cloths used with raw animal foods are not kept in a separate sanitizing solution.
7. Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths are not free of food debris and visible soil.
8. Working containers of sanitizing solutions for storage of in-use wiping cloths are not used in a manner that prevents contamination of food, equipment, utensils, linens, or single-use articles.
  - Wet wiping cloths are not laundered daily.
  - Dry wiping cloths are not laundered as necessary to prevent contamination of food and clean serving utensils.
  - Sponges are used in contact with cleaned and sanitized or in-use food-contact surfaces.

**NOTES:**

- Contamination of food-contact surfaces by soiled wiping cloths should be marked in data field #15 (Food-contact surfaces: cleaned and sanitized).
- Sanitizer buckets **do not** have to be set up in prep areas. They are only required when wiping towels are being re-used.
- Wiping cloths must be laundered in a clean mechanical clothes washer and dryer or in a warewashing sink that is cleaned and sanitized before and after each time it is used to wash wiping cloths.

## PHYSICAL FACILITIES

**41 Plumbing; proper backflow devices**  
**Applicable Sections: 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269**

This item is marked **OUT** of compliance for any of the following:

### PLUMBING AND PLUMBING FIXTURES

- Plumbing and plumbing fixtures are not installed in compliance with local plumbing ordinances, are not maintained to prevent contamination, or are not fully operative or in good repair.
- Nonpotable water piping is not identified so as to be readily distinguishable from potable water piping.
- Liquid waste drain lines pass through an ice machine or ice storage bin.
- Boiler water additives do not meet the requirements of 21 C.F.R. 173.310.
- A hose used for conveying potable water is not constructed of nontoxic materials, is used for other purposes, is not clearly labeled as to its use, or is not stored or used in a manner that keeps it free of contamination.
- Indirect waste receptors are not readily accessible.

### BACKFLOW/BACK SIPHONAGE PROTECTION

- The potable water supply is not protected by a backflow or back siphonage protection device when required.
- Equipment, such as refrigeration units, that discharge liquid waste is not drained by means of indirect waste pipes through an air gap into a floor sink or other approved receptor.
- Warewashing machines that are directly connected to the sewer are not connected immediately downstream from a floor drain.
- An air gap between a water supply inlet and flood level rim of a plumbing fixture, equipment, or nonfood equipment is not at least twice the diameter of the inlet or is less than one inch.

### GREASE TRAPS

- A grease trap or grease interceptor is located in a food or utensil handling area without

approval of Environmental Health.

- A grease trap or grease interceptor is not easily accessible for servicing.  
*Exception: Food facilities approved with a grease trap or grease interceptor that were in operation before January 2006 are not required to comply with this section [Section 114201(c)].*

## DRAINAGE

- In new construction and extensive remodels, floor drains are not installed in floors that are water flushed or where pressure spray methods of cleaning equipment are used. Such floor surfaces are not sloped 1/8 inch per foot to the floor drains.
- Equipment compartments that are subject to accumulation of moisture from condensation, food or beverage drip, or water from melting ice are not sloped to an outlet that allows complete draining.

## NOTES:

- *Mop sinks and sinks equipped with hose threaded faucets should be protected with a back flow prevention device.*
- *An evaporator for refrigeration units is acceptable if properly installed and functioning.*
- *Violations in this category may require a follow-up inspection within 2 weeks along with a referral to the local building department for approval.*

**42**     **Garbage and refuse properly disposed; facilities maintained**  
**Applicable Sections: 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8**

This item is marked **OUT** of compliance for any of the following:

## FACILITIES PROVIDED

- Facilities and equipment necessary to store or dispose of all waste material are not present.
- Waste receptacles are not present for use by consumers when needed.
- A waste receptacle is not provided in each area where refuse is generated or discarded, or where recyclables or returnables are placed.
- An area designated for refuse, recyclables, returnables, or a redeeming machine for recyclables or returnables is not separate from food, equipment, utensils, linens, and single-service and single-use articles, and a public health hazard or nuisance is created.
- Receptacles and waste handling units are located so as to create a public health hazard or nuisance, or interfere with cleaning of adjacent space.
- Indoor storage area does not comply with requirements for floors, walls, ceilings, and vermin exclusion.  
*Exception: Areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers; this is typically the area where a cardboard baler may be installed and operated in a grocery store [Section 114271(b)(2)].*
- An outside storage area or enclosure is not constructed of nonabsorbent material or is not easily cleanable, durable, and sloped to drain.
- Receptacles or waste-handling units for refuse and recyclables are not installed so that accumulation of debris and insect and rodent attraction and harborage are minimized, or so that effective cleaning is facilitated around and under the unit (unless the unit is installed flush with the base pad).

## FACILITIES MAINTAINED

- Refuse, recyclables, or returnables is not kept in nonabsorbent, durable, cleanable, leak-proof, and rodent-proof containers.
- Refuse containers are not covered with close-fitting lids, or sealed, disposable bags that are impervious to moisture are not used.  
*Exception: Refuse containers inside a food facility do not need to be covered during periods of operation.*

- Storage areas, enclosures, and receptacles are not maintained in good repair.
- Receptacles and waste-handling units are cleaned in a way that causes contamination of food, equipment, utensils, linens, or single-service or single-use articles; at a frequency that does not prevent the buildup of soil or that allows them to become an attractant for insects or rodents; or wastewater is not disposed of as specified in Section 114241.
- Suitable cleaning implements and supplies are not provided as necessary, or off-premises cleaning services are not provided.

## DISPOSAL

- Refuse is not removed and disposed of in a sanitary manner, as needed to prevent the creation of a nuisance.
- Refuse, recyclables, or returnables are not removed from the premises at a frequency that will minimize the development of objectionable odors or conditions that attract or harbor insects or rodents.
- Cardboard or other packaging material that does not contain food residue and that is stored outside creates a rodent harborage problem or is not removed on a regularly-scheduled basis.  
*Exception: Cardboard or other packaging material that does not contain food residue and that is stored outside may be stored without being in a covered receptacle if it does not create a rodent harborage problem.*
- Cast-off/non-functional equipment stored at the exterior of the facility.
- Animal byproducts and inedible kitchen grease is not disposed of as required in Section 114245.8.

## NOTES:

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

**43 Toilet facilities: properly constructed, supplied, cleaned**  
**Applicable Sections: 114250, 114250.1, 114276**

This item is marked **OUT** of compliance for any of the following:

- Toilet facilities are not provided or the number of toilet facilities is not in accordance with local building and plumbing ordinances.
- Toilet facilities are not clean and in good repair.
- Toilet facilities are not conveniently located and accessible to employees at all times the facility is in operation.
- Toilet facilities are not provided with toilet tissue in permanently installed dispensers at each toilet.
- Doors are not kept closed or are not self-closing or well-fitted.  
*Exception: Doors may be open during cleaning or maintenance.*

## APPLIES ONLY TO PERMANENT FOOD FACILITIES

- Clean toilet facilities in good repair are not provided for use by employees or for patrons, guests, and invitees where there is onsite consumption of foods or where the food facility was constructed after July 1, 1984 and has more than 20,000 square feet of floor space.  
*Exception: The gas pump area of a service station that is maintained in conjunction with a food facility shall not be considered in determining the square footage of the floor space of the food facility.*
- At least one separate toilet facility for men and one separate toilet facility for women are not provided in food facilities with more than 20,000 square feet of floor space.
- Patron toilet facilities are located where patrons, guests, or invitees pass through food preparation, food storage, or utensil washing areas to reach the toilet facilities.
- Food facilities constructed before January 1, 2004 that provide food for consumption on the premises shall either 1) provide clean toilet facilities in good repair for patrons, guests, or invitees; or 2) prominently post a sign in a public area of the food facility stating that toilet facilities are not provided.

**NOTES:**

- Lack of functional toilets is marked **ONLY** in data field #23 (Sewage and wastewater properly disposed).
- Food facilities located within amusement parks, stadiums, arenas, food courts, fairgrounds, and similar premises are not required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet in travel distance of each food facility and are readily available for use by employees. Any food facility taking advantage of this allowance must be provided with approved handwashing facilities for employee use.
- A food facility that was approved prior to July 1, 2007 with toilet facilities within 300 feet are not required to meet the 200-foot requirement.

**44 Premises; personal/cleaning items; vermin-proofing**  
**Applicable Sections: 114067(h), 114123, 114143(a)&(b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282**

This item is marked **OUT** of compliance for any of the following:

**PREMISES**

- Satellite food service operations are not completely enclosed during nonoperating hours or periods of inclement weather.
- Food preparation sinks, handwashing sinks and warewashing equipment are used for the cleaning of maintenance tools, the holding of maintenance materials, or the disposal of mop water and similar liquid wastes.
- The premise is not kept free of litter and items that are unnecessary to the operation or maintenance of the facility.
- The open-air barbecue or outdoor wood burning oven is not operated on the same premises in conjunction with a permanent food facility, or it is operated in an area that may pose a fire hazard.
- All facilities are not kept clean, fully operative, and in good repair.
- No room, area, or cabinet separate from any food prep or storage area and warewashing or storage area is provided for storage of cleaning equipment and supplies.
- Mops, after use, are not placed in a position that allows them to air dry without soiling walls, equipment, or supplies.
- No curbed cleaning facility or janitorial sink with drain is provided and conveniently located.  
*Exception: See Section 114279(b) for exemption of restricted food service facilities.*

**STORAGE OF PERSONAL/CLEANING ITEMS**

- Personal storage of clothing or personal effects in any area used for the storage and preparation of food or utensils.
- Lockers or areas designated for employees are located in an area where contamination of food, equipment, utensils, linens, and single-use articles can occur.
- Lockers or other suitable facilities are not provided for the storage of employee clothing and other personal possessions, or dressing rooms/areas are not provided for employees who regularly change their clothes in the food facility.
- Medicines are found in the food facility that are for an employee's use and are not labeled with a legible manufacturer's label and stored in a kit or container that is located to prevent contamination.
- First aid supplies are not labeled with a legible manufacturer's label and stored in a kit or container that is located to prevent contamination.

**VERMIN PROOFING**

- The food facility is not constructed, equipped, maintained, or operated in a manner that prevents the entrance or harborage of animals, birds, or vermin.
- Air curtain ineffective, non-functional, or turned off at open door.
- Pass-through window openings do not comply with Section 114259.2.
- Insect electrocution devices do not retain the insect within the device or are located over food or utensil handling areas.

## PERMANENT FOOD FACILITIES

**45 Floors, walls and ceilings: built, maintained, and clean**  
**Applicable Sections: 114143(d), 114266, 114268, 114268.1, 114271, 114272**

This item is marked **OUT** of compliance for any of the following:

- A permanent food facility is not fully enclosed in a building or does not consist of permanent floors, walls, and an overhead structure that meet minimum standards.  
*Exception:*
  1. *A food facility that is not fully enclosed on all sides and that was in operation on January 1, 1985 does not need to meet this requirement until the facility is remodeled, has a significant menu change, or has a significant change in its method of operation.*
  2. *Dining areas or any other operation approved for outdoor food service is not required to be enclosed.*
  3. *A produce stand that was in operation prior to July 1, 2007 may have no more than one side open to the outside air during business hours.*
- Floor surfaces are not clean and in good repair; not smooth, durable, and nonabsorbent as required; or floor surfaces are not coved at the floor-wall juncture with a minimum 3/8 inch radius coving and don't extend up the wall 4 inches, except as allowed in Section 114268(b).  
*Exception: Public or private schools are exempt provided floors are maintained in good repair and in a sanitary condition.*
- The floor surfaces extending from the open-air barbecue or wood-burning oven a minimum of five feet are not impervious or easily cleanable.
- Floor drains or floor sinks are not clean.
- Mats and duckboards, if used, are not removable and easily cleanable.
- Walls and ceiling surfaces are not clean and in good repair or not smooth, durable, and nonabsorbent.  
*Exception: This does not apply to walls and ceilings of bar areas in which alcoholic beverages are sold or served (except wall areas adjacent to bar sinks and areas where food is prepared); where food is stored only in unopened bottles, cans, cartons, sacks, or other shipping containers; or in dining and sales areas, offices, or restrooms used exclusively by patrons.*

### NOTES:

- *Acoustical paneling is acceptable if installed not less than 6 feet above the floor; however, it must be smooth, durable, nonabsorbent, and easily cleanable.*
- *Conduits must be installed within walls and ceilings as much as practicable, or mounted or enclosed to facilitate cleaning.*
- *Attachments to walls and ceilings must be easily cleanable.*

**46 No unapproved private homes / living or sleeping quarters**  
**Applicable Sections: 114285, 114286, 114365**

This item is marked **OUT** of compliance for any of the following:

- A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters is used for conducting food facility operations.
- Areas not approved as part of a Cottage Food Operation.
- A sleeping accommodation is kept in a room where food is prepared, stored, or sold, or living or sleeping quarters that are located on the premises of a food facility are not separated from rooms and areas used for food facility operations by complete partitioning and solid, self-closing doors.

### EXCEPTION:

- *Restricted food service facilities are exempt provided that no sleeping accommodations are in any area where food is prepared or stored.*
- *Cottage food operations are exempt when registered or permitted by Environmental Health.*

## SIGNS/REQUIREMENTS

**47**      **Signs posted; last inspection report available**  
**Applicable Sections: 113725.1, 113945.1, 113953.5, 113978, 114075, 114276, 114381 (e)**

This item is marked **OUT** of compliance for any of the following:

- Handwashing sign is not posted at handwashing sinks used by food employees.  
*Exception: Does not apply to toilet rooms in guestrooms of restricted food service facilities.*
- “No Smoking” sign is not posted in food preparation, food storage or warewashing areas.
- A sign advising customers that toilet facilities are not provided is not posted.
- A copy of the most recent routine inspection report is not maintained at the food facility and is not made available upon request.
- A sign notifying customers that clean tableware is to be used when they return to self-service area.
- A sign was not posted advising patrons that a copy of the most recent inspection report is available for review.
- Permit is not posted in conspicuous location.

**NOTES:**

- *If the business is operating without a valid health permit, the EHS should determine if the facility has been issued a permit. If the facility is operating without a permit data field #49 (Permits available) shall be marked.*

**48**      **Plan Review**  
**Applicable Section: 114380**

This item is marked **OUT** if complete plans (drawn to scale) for a proposed new construction or remodel of a food facility are not submitted and approved by Environmental Health prior to construction of a new facility or remodel of an existing food facility.

**NOTES:**

- *Plans may be required by Environmental Health due to a menu change that would require a change in the food facility’s food preparation methods, storage equipment, or storage capacity previously approved by Environmental Health. These changes may include, but are not limited to, the addition of PHF to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.*
- *Structural and sanitation requirements are based on the food service activity to be conducted, the type of food that is prepared or served, and the extent of food preparation that is to be conducted at the food facility.*

**49**      **Health Permit**  
**Applicable Sections: 114067(b,c), 114381(a), 114387**

This item is marked **OUT** when a food facility is open for business and does not have a valid permit, or a satellite food service operation is not operated in conjunction with a permanent food facility.

**EXCEPTION:**

- A business with a food display area of 25 square feet or less of prepackaged nonPHF that complies with Section 114289(c) is not required to obtain a health permit.

**NOTES:**

- *Food facilities that operate without a valid permit shall be subject to closure of the food facility and a penalty not to exceed three times the cost of the permit.*
- *Satellite food service means a remotely located food service operation that is conducted on the same property as, in reasonable proximity to, and in conjunction with and by, a fully enclosed permanent food facility (i.e., an outdoor beverage bar).*

## COMPLIANCE AND ENFORCEMENT

**50**      ***Permit Suspension - Imminent Health Hazard***  
***Applicable Sections: 114409***

This item is marked when a food facility's permit has been suspended due to an imminent health hazard. Any food facility whose permit has been suspended shall close and remain closed until the permit has been reinstated.

**51**      ***Notice of Violation - Hearing***  
***Applicable Section: 114411***

This item is marked when a permit suspension hearing will be scheduled to provide an opportunity to present evidence as to why the food facility's permit should not be suspended or revoked due to serious or repeat violations or for interference in the performance of the duty of the enforcement officer. A fee is charged when a Notice of Violation hearing is scheduled.

**52**      ***Permit Suspension***  
***Applicable Sections: 114405, 114409, 114411***

This item is marked when a food facility's permit has been suspended or revoked, after providing opportunity for hearing, due to serious or repeat violations of any requirement or for interference in the performance of the duty of the enforcement officer.

**53**      ***Voluntary Condemnation & Destruction (VC&D)***  
***Applicable Section: 111890, 111895***

This item is marked when food has been voluntarily removed from sale and destroyed by the permit holder.

**54**      ***Impoundment***  
***Applicable Section: 114393***

This item is marked when food, equipment, or utensils have been impounded; or the operator is observed using food or equipment that has been impounded.

**55**      ***Sample Collected***  
***Applicable Section: 114390***

This item is marked when an EHS collects samples of food or equipment, takes photos, or other evidence, including copies of a HACCP plan and other documents.