

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 6

FOOD RELATED FACILITIES

In addition to complying with the regulations in Section 1 and 2 of this Chapter, beverage plants, damaged and salvaged food establishments, bakeries, ice manufacturing plants, refrigerated warehouses, and food catering establishments shall comply with the following regulations.

REGULATION 1. Beverage Plants

- a. Bottling, canning and packaging shall be performed using approved mechanical apparatus.
- b. The product surface contact surface of containers shall be inert to the contents.
 - a. Chipped, cracked or otherwise defective containers shall not be used.
 - d. Crowning and closing shall be done by approved machinery. Hand crowning or closing is prohibited.

REGULATION 2. Salvage and Sale of Damaged Food

- a. Damaged food shall be stored apart from other food and food products in a section or area of the premises clearly designated by sign as the “Damaged Foods Section.”
- b. Damaged food shall be labeled either on the food itself or on its container or package, to indicate the nature of the damage, such as “fire damaged”, “radiation damaged”, etc.
- c. No person shall sell, offer for sale or give away damaged food that is unclean, unwholesome, contaminated, unfit or otherwise dangerous or deleterious to human health.
- d. Any person in charge of a food establishment wherein food has been subjected to any of the deleterious influences described herein Chapter VIII, Section 1,

definition of damaged food, shall notify the Department thereof before marketing such food.

REGULATION 3. Bakeries

- a. Refrigeration – All readily perishable bakery products, such as custard or cream filled pastries or pies, commonly known as cream pies shall be cooled to a temperature specified in Chapter VIII, Section 2, §3-501.16 within one (1) hour of completion and shall be kept at or below that temperature. Perishable ingredients shall be kept at a temperature specified in Chapter VIII, Section 2, §3-501.16 or less at all times.
- b. Wrapping and Transportation – No bakery product shall be transported or delivered unless it is wrapped or packaged to prevent contamination. Packaging shall be done at the place of manufacture. An exception may be allowed where bakery products are transported from the place of manufacture to a retail branch store where the unwrapped products shall be displayed only in enclosed display cases. The unwrapped products may be packed for transportation in dust proof bulk containers. Bulk containers shall be of easily cleanable construction, and shall be kept clean at all times. The unwrapped contents thereof shall not be handled by drivers or any other person.
- c. Vehicles – All vehicles used in transporting bakery products shall be of a closed type, dust and fly proof. All shelves used in such vehicles shall be readily removable and easily cleanable.

REGULATION 4. Ice Manufacturing Plants

- a. Ice and all water used in ice manufacturing, including that used in preparing brine solutions, shall be of a safe, sanitary quality and from an approved public or private water supply system.
- b. Only potable water shall be used in sprays and in filling dipping wells, for the removal of ice cakes from the ice cans or tanks.
- c. A nonpotable water supply approved by the Department may be permitted within the establishment for purposes of fire protection and the cooling of refrigeration equipment.
- d. Ice shall not come in direct contact with water in dipping wells.
- e. If water is treated with chemicals or additives at the ice plant, the treatment and facilities shall be as approved by the Department.

- f. Air used for water agitation shall be filtered or otherwise treated to render it free of dust, dirt, insects, and extraneous material. Air intakes shall be so located and maintained as to accomplish this. Filters shall be located upstream from the compressor and shall be easily removable for cleaning or replacement.
- g. The blower or compressor for supplying air for water agitation shall be designed so it will deliver oil-free air.
- a. Ice shall not be stored or kept in canvas containers unless provided with a sanitary single-service liner, which protects the ice from contamination.
- b. Freezing tank covers shall be so designed and of such material as to protect the ice containers from splash, drip and other contamination. Such covers shall be equipped with lifting rings or similar devices.
- c. No person shall enter the tank room or any room or area where ice contacts a walking surface, unless they wear clean suitable boots or shoe covering. Such boots or shoe covering shall be removed when the person leaves such room or area; provided, that if boots or shoe coverings are not removed, they shall be Thoroughly washed in an approved sanitizing solution before reentering such rooms or areas.
- d. Ice for human consumption shall be transported in clean, enclosed vehicles. Vehicles hauling unpackaged ice shall be thoroughly washed immediately prior to loading with ice.
- e. That part of core suction or filling equipment that penetrates the ice block shall be properly protected against contamination when not in use. Where a protective collar is used, it shall be large enough and so positioned as to prevent the tip of the suction or filling tube from touching the deck when it is laid down.
- m. Ice used for human consumption shall not be cracked, chipped, crushed, packaged, or pulverized on delivery trucks, loading platforms or on the ground. This operation shall be performed in an enclosed protected area.
- n. All cubed or crushed ice shall be transported and delivered in clean, closed, single-service bags, cartons or containers, which shall be stored in a clean dry place until use, and shall be handled in a sanitary manner. Single-service containers shall be used once only.
- o. No toilet room or toilet vestibule shall open directly into ice making or ice storage areas.

- p. Containers used to package ice for retail sale shall be labeled in accordance with 21CFR101.
- q. Ice making machines and associated equipment shall be located so that the ice will not be exposed to any source of contamination while being produced, handled, packaged, or stored.
- r. Ice that is available for self-service by the public shall be dispensed in single-service packages or through a device which will not permit exposure or access to ice held in storage.

REGULATION 5. Refrigerated Warehouses

- a. No food shall be placed, received or kept in a refrigerated warehouse unless such food is in a pure and wholesome condition. Food or food products marked “withheld”, “embargoed” or “condemned” shall be kept in a place and under conditions which have been approved by the Department.
- b. The operator of a refrigerated warehouse shall, upon request from the Department, when it has reasonable suspicion regarding the wholesomeness of food, submit reports setting forth the quantity and condition of any food or food product stored therein.
- c. Period of Storage - No person shall keep or permit to remain in any refrigerated warehouse any food beyond the time when it is sound, wholesome and fit to remain in storage. Food found to be fit for human consumption but unfit for further storage shall at once be removed from warehouse storage. No food shall be kept or permitted to remain in any refrigerated warehouse for a longer aggregate period than twenty-four (24) calendar months except by permission of the Department. Upon written application for an extension of time, the Department may approve such request if it determines that the food is sound, wholesome and fit for further storage. If any food is held longer than twenty-four (24) months without an approved extension and neither the operator nor the Department can locate the owner of said food, after a ten (10) day notice made by registered mail to the last known address of such owners by the operator of the facility, the Department may, at its discretion, order the disposition of the food.
- d. Restorage Prohibited - No food that has once been released from storage in a refrigerated warehouse and placed on the market for sale to consumers or delivered for use by the ultimate consumer, shall again be placed or stored in a refrigerated warehouse for resale for human consumption.
- e. Marks, Tags, Identification of Food - The operator of each refrigerated warehouse shall assign to each lot of food and drink, when received for storage, a distinguishing lot number for identification purposes and shall keep an accurate record of such lot number and shall also make and keep a record of the date of the receipt and the date of removal of each lot of food and drink. No food shall

be held unless plainly marked and tagged, either upon the container or upon the article itself, with the identification lot number assigned and recorded in accordance with this regulation, except that where food products are bulk-piled, palletized or piled in unit loads it will be satisfactory to have the outside of the bins in which the bulk is piled or the outside of containers marked as required.

- f. Transfer - Food may be transferred from one refrigerated warehouse to another if all prior stamping, tags and marking remain thereon and such transfer is not made for the purpose of evading the provisions of this code.
- g. Alteration Prohibited - No person shall alter, obliterate, mutilate, destroy, remove or eradicate any stamp, tag or mark placed upon any food package, container or food to indicate that the food was received for refrigerated storage from within or from out of the County in order to evade any of the provisions of this code.

REGULATION 6. Frozen Desserts

- a. Finished products - after pasteurization, frozen desserts or frozen dessert mix shall not contain in excess of 20 coliform per gram and/or in excess of 50,000 plate count of bacteria per gram at any time.
- b. Method of determination - bacteria and other counts referred to herein shall be based on recognized standard methods of analysis as prescribed in the latest edition of standard methods for the Examination of Dairy Products of the American Public Health Association, Inc.
- c. The Department shall suspend the conversion of pasteurized mix into frozen dessert whenever the bacteria counts and/or coliform determinations exceed the quality standards for frozen desserts in three out of the last five samples taken on separate days.

REGULATION 7. Food Caterers

- a. All catering activities that occur prior to service must occur at the approved, permitted food establishment.
- b. Food service will generally be limited only to holding and serving as well as cooking of animal proteins, soy proteins and vegetables. Approval for limited on-site re-heating and food assembly may be granted by the Department following application review. All food preparation (breading, chopping, mixing, marinating, etc.) must be accomplished at the food service establishment.
- c. Food products that have been cooked/prepared at the event are to be discarded at the end of each day.

- d. All food products requiring temperature control shall be transported and stored in equipment whose intended use is for such activities.
- e. All vehicles carrying food and food products shall be constructed, equipped and maintained as to protect the purity and wholesomeness of the transported products. Personal vehicles (passenger cars and station wagons, etc.) are prohibited for use with a food catering operation.
- f. Accessible hand washing facilities shall be located and maintained open at all times. Where suitable facilities are not immediately accessible, a self-contained hand washing station, as defined in Section 3 of this Chapter, is required.
- g. Where off-site food service is to occur outdoors, acceptable booth enclosure for all food activities is required per this code.
- h. All sewage, including liquid waste, shall be emptied into an approved sewage disposal system.
- i. All foods offered for customer self-service (i.e., on a buffet or similar means) shall be protected from contamination by the use of packaging, food guards, display cases, or other effective means. In addition, foods that have been offered in this manner shall not be offered for human consumption upon the completion of each day.
- j. Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky or visibly soiled.
- k. An operating schedule must be provided to the Department upon request. This schedule should include dates and times of events and dates and times when food preparation will occur at the permitted food establishment.
- l. All caterers operating from a shared facility must maintain a log of visits to the commissary in the manner prescribed by this Department. This log shall be signed off by the person in charge of the commissary or their designee. This log shall be maintained at the operating location at all times.

REGULATION 8. Trial Review Establishment

- a. Areas eligible for review under a Trial Review Establishment permit include structural items, custom equipment, unique architectural designs, alternative equipment systems, or other items the Department deems appropriate.

- b. Areas not eligible for review under a trial review establishment permit include food temperature control, personal hygiene control, chemical/reagent materials, any item directly related to cdc risk factors, or any item the Department deems could adversely impact public health.
- c. Any establishment that serves a highly susceptible population may not apply for a trial review establishment permit.
- d. At the end of the six month period, the Department will transition the business into an applicable food service establishment permit where the owner will either:
 - (1) Make all necessary modifications to meet current Maricopa County Environmental Health Code regulations; or
 - (2) Operate in compliance with a Department approved alternative design, equipment and/or active managerial control plan.
- e. The Trial Review Establishment plan review fees are the same as the Chapter I Fee Schedule “Environmental Health Plan Review” fees for categories “All Other Food Establishments”, “Mobile Food Establishments” and “Pushcart Plan Review”. In addition, the Trial Review Establishment permit fees are half the annual “Food Environmental Health Operating Permits” fees by class and seating capacity as listed in the Chapter I Fee Schedule.

REGULATION 9. Confectionary Food Establishment

- a. In facilities that do not meet §4-301.12 of the 2009 FDA Food Code, warewashing can be accomplished using alternative cleaning and sanitizing procedures approved by the Department. The Department will evaluate the type/quantity of utensils required to be cleaned, the type of warewashing equipment available, and the cleaning procedures developed by the applicant as part of the approval process.
- b. The Department may approve the use of noncommercial food service equipment if it can be demonstrated the equipment can be sufficiently cleaned and sanitized and can withstand the intended use of the business.
- c. Employees must have access to a handwashing sink within 25 feet of the food production area. Employees cannot use a warewashing or food preparation sink for hand washing.

- d. Food production, food storage, and equipment storage areas must contain cleanable finishes and be in good repair.
- e. Employees must have access to a restroom supplied with a water closet, lavatory with hot and cold water, and soap and paper towels.
- f. The Confectionary Food Establishment plan review fee is half the plan review fee for the “All Other Food Establishments” category, and the annual permit fee is half the “Bakery” permit fee, both of which are listed in the Chapter I Fee Schedule of this code.

When the Department has previously permitted the location, half the new permit application inspection fee listed in the Chapter I Fee Schedule of this code may apply in lieu of half the plan review fee.