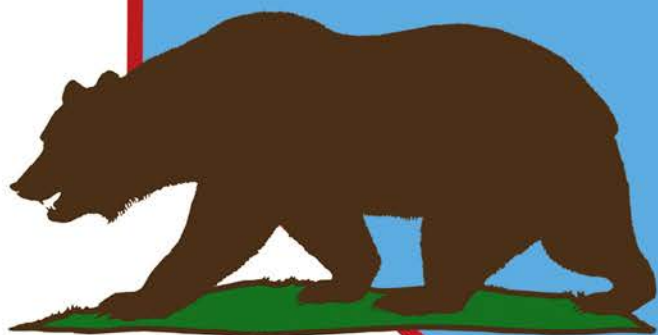


# CALIFORNIA RETAIL FOOD SAFETY COALITION



**CALIFORNIA**

**FOOD INSPECTION DATA FIELDS  
MARKING GUIDELINE**

**2018**  
Sixth Edition

California Retail



Food Safety Coalition



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## I. INTRODUCTION

The California Retail Food Code (CRFC), focuses retail food safety inspections on the Centers for Disease Control and Prevention's (CDC) five foodborne illness risk factors and public health interventions. The purpose of the Food Inspection Data Field Marking Guideline (Marking Guide) is to provide a standardized approach for food facility inspections that is risk-based and uses intervention-based inspection methodology that focuses on the most prevalent contributing factors related to foodborne illness or injury.

Assuring that the following five **risk factors** do not occur is vital to preventing foodborne illness:

1. Food from unsafe sources
2. Improper holding temperatures
3. Inadequate cooking
4. Contaminated equipment
5. Poor personal hygiene

Immediate correction is required of any of the risk factor violations that have been identified as major violations. When a major violation cannot be immediately corrected, or a suitable alternative found, the food facility may be subject to closure in the impacted areas until the violation is corrected (e.g. prepackaged areas of a market remain open but the service deli is closed due to clogged drain lines). Trends in the occurrence of these major violations can identify training or other intervention strategies that are needed to reduce the risk of foodborne illness or injury.

In addition to the above risk factors, five key public health interventions were identified by the United States Food and Drug Administration (FDA) and are listed in the preface of the FDA Food Code as methods to protect consumer health.

The five **interventions** are:

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

The Marking Guideline provides descriptions of standard Data Fields that should be used on inspection report forms in order to establish a more consistent compliance and enforcement program statewide. These Data Fields for general food safety requirements; permanent food facilities; mobile food facilities; temporary food facilities; and certified farmers' markets are numbered in this guideline for ease in use. Local enforcement agencies may adopt their own sequential order and numbering systems when implementing their inspection forms or data management systems. In addition, inspection items that relate to major violations and public health interventions are



prominent in this Marking Guideline because preventing risky behaviors and incorporating intervention based procedures into a food facility's food preparation practices will help keep food safe and protect the consumer's health. A Public Health Reasons document is also available to describe the science and public health significance of pertinent California Retail Food Code sections of law.

The use of positive reinforcement is also encouraged during an inspection process because it may help increase the occurrence of positive actions and behaviors on the part of the food facility operator. Numerous studies have shown that the use of positive reinforcement promotes long-term positive changes in human behavior. For this reason, the Marking Guideline provides instructions on documenting when a facility is in compliance with items related to major violations and interventions. The intended result of this process is that operators can see items being documented in compliance, out of compliance, not observed, and not applicable. An example of positive reinforcement, which is included in the Marking Guideline, is the use of a chart where temperatures that are both in and out of compliance can be recorded. This shows that Environmental Health Specialists (EHSs) are identifying and recognizing the positive behaviors and actions in a food facility, employees will be more apt to continue these positive actions and behaviors. This shifts the inspection's focus to determining compliance rather than only identifying violations.

While recognition of good food handling practices is important, it is also necessary to identify and change negative behaviors and actions that could lead to foodborne illness. When items are found out of compliance, the EHS must work with the Person In Charge (PIC) to ensure that changes are made so that critical items are brought back into compliance. Notes and Exceptions are also provided in the guideline for further clarification and/or guidance regarding compliance.

In the long term, if the EHSs limited time in a food facility is focused on identifying and reducing risky behaviors that can lead to foodborne illness and in improving public health interventions that prevent foodborne illness, then there should be an improvement in food employee behaviors and food preparation practices over time.

## **II. GENERAL MARKING INSTRUCTIONS**

This Marking Guide is a guidance document to assist the EHS in making a complete food facility inspection that is uniform and consistent. These marking instructions may not be all-inclusive as individual facilities and severity of violations can vary from the guidelines established in this document. The following Data Fields for inspection reports were developed by a statewide committee after Senate Bill 180 was chaptered in 2000. SB 180 requires a statewide uniform inspection format. The provisions of Senate Bill 180 have been incorporated into the California Retail Food Code.

<b>Facility Name</b>	Complete this section using the “usual/common name” or “Doing Business As” name of the business. This information should be the same as the license/permit application
<b>Physical Address</b>	Street address of the actual business location
<b>Zip Code</b>	Actual business location
<b>Telephone</b>	Contact phone number for the food facility
<b>License/Permit #</b>	License number or tracking identification
<b>Owner/Permitee</b>	Name of Owner or Operator as shown on application
<b>Person in Charge</b>	Name of Person in Charge of ensuring food safety at the facility
<b>Purpose</b>	The reason for the inspection – routine, reinspection, complaint, or follow-up, etc.
<b>Type of Facility</b>	Description or code for describing the type of facility (e.g. restaurant, market, vehicle, temporary food facility)
<b>Violations</b>	Identification or marking of major and minor violations observed on the inspection report (include code reference). Specific description of violations observed
<b>Reinspection Date</b>	Date by which violations have been corrected for compliance verification by inspector
<b>EHS’s name (printed)</b>	
<b>EHS’s office phone</b>	
<b>Score (optional)</b>	A score is optional on inspection forms. If a jurisdiction has a scoring system, it should be incorporated into the inspection form and the score of an inspection placed here
<b>Date</b>	The date of the inspection including month, day, and year
<b>Inspection Time In</b>	The actual time the inspection begins
<b>Inspection Time Out</b>	The actual time the inspection ends

### III. GENERAL MARKING INSTRUCTIONS FOR DATA FIELDS

#### A. INSPECTION ITEMS THAT RELATE TO MAJOR VIOLATIONS AND PUBLIC HEALTH INTERVENTIONS

Violations in this section of the report are considered to be associated with CDC identified risk factors and FDA identified public health interventions that have the greatest impact on preventing foodborne illness. These can be marked as either major or minor violations. It is important to note that inspection items in this section of the report are marked as major violations only when they meet the criteria of “Major Violation” as specifically defined at the beginning of each Data Field.

##### **Compliance**

##### **Status**

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

“**IN**” indicates that the item is observed in compliance during the inspection;

“**OUT**” means that the item is observed not in compliance during the inspection;

“**N.O.**” indicates that the item was not observed during the inspection, however the EHS should determine through discussion with the food employee if there is adequate employee knowledge of a practice or procedure (this should be viewed as an educational opportunity rather than a violation of “Demonstration of Knowledge”); or

“**N.A.**” indicates that the item is not applicable for the facility.

If N.A. or N.O. is not given as an option for a particular item, this means that this item may not be observable during the inspection and a compliance status must be determined. If an item is marked “OUT”, document each violation for the item number in the “Observations and Corrective Actions” section of the inspection report. Compliance status can generally be determined as a result of observations and questions that establish a pattern of compliance or non-compliance.

##### **Corrected On Site**

##### **(COS)**

For items marked “OUT”, further indicate the change in status of the violation by marking an “X” in the corresponding box “COS” when the violation is Corrected On-Site.

Marking COS indicates that all violations cited under that particular item number have been corrected and verified prior to the completion of the inspection. The actual corrective action taken for

each violation should be documented in the “Observations and Corrective Actions” section of the inspection report.

For example, adequate hand washing facilities supplied/accessible is marked OUT of compliance because the food facility does not have soap and paper towels at the hand wash sink. If, during the inspection, the operator partially corrects the problem by putting soap at the sink, but still does not have paper towels or any other effective means for drying hands. The corrective action taken for the soap is documented in the narrative on the form, but COS is not marked because all violations under that item were not corrected.

**Major Violations** Major violations are the risk factor violations found in Section 113725 of the California Retail Food Code and are traditionally looked upon as rationale for suspension of a food facility permit due to an imminent health hazard. According to the Centers for Disease Control and Prevention (CDC), these major violations are the most significant risk factors contributing to foodborne illness outbreaks, and are clearly an imminent health hazard to the public health and safety.

***Major violations require immediate corrective actions.***

When a major violation cannot be immediately corrected, the food facility may be subject to closure of the impacted areas until the violation is corrected.

## **B. INSPECTION ITEMS THAT DO NOT RELATE TO MAJOR VIOLATIONS AND PUBLIC HEALTH INTERVENTIONS**

Violations in this section of the report are considered Good Retail Practices (GRP) and are marked as minor violations. Good Retail Practices are the foundation of a successful food safety management system and include basic operational and sanitation programs to protect products from contamination by biological, chemical, and physical food safety hazards, to control bacterial growth and to maintain equipment. If GRP’s are not adequately implemented, the results could contribute to foodborne illness. However, the intention of the inspection form is to focus on those factors most often directly linked to causing foodborne illness. The major emphasis of an inspection should be on Risk Factors that are directly linked to foodborne illness and public health interventions that have the greatest impact on preventing foodborne illness, the GRP’s on the inspection form are differentiated by IN, OUT, N.A. and N.O.. Due to the indirect connection between GRP’s and foodborne illnesses, major or minor violations are not distinguished.

### **Good Retail Practices**

Place an “X” in the box to the left of the numbered item if a code provision under that item is **OUT** of compliance.

Document each violation of the code provision for the item number in the “Observations and Corrective Actions” section on the inspection report.

## IV. TEMPERATURE OBSERVATIONS

**Item/Location** Temperatures in compliance and out of compliance should be documented. Record the common name of the food as well as the location of the food at the time of monitoring (e.g., hot holding, refrigerator, prep-table). If there is insufficient space, record the additional temperatures in the “Observations and Corrective Actions” section of the inspection report.

**Food Temperature** Record the temperature indicated on the EHS’s thermometer. Specify the measurement in °F

## V. OBSERVATIONS & CORRECTIVE ACTIONS

In this section, include specific descriptions of observed violations and the corrective actions associated with those violations. Attach additional pages for comments if space allotted is insufficient.

The marking guideline provides guidance for the EHS on corrective actions that can be taken when major (risk factor) violations are observed. Guidance is provided in these critical, or traditionally difficult to interpret areas to establish a more consistent, science-based, enforcement and compliance system statewide.

## VI. VIOLATION DOUBLE DEBITING INSTRUCTIONS

It is important that food facilities should not be marked out of compliance in more than one Data Field when a single violation occurs, unless the violation results in a major violation in another Data Field. Examples include:

- Rodent droppings contaminating food contact surfaces that require cleaning and sanitization.
- A refrigerator that needs repair and results in potentially hazardous food (PHF) held at an unsafe temperature.

Some jurisdictions may choose to score inspection reports. In those cases, when a major violation occurs, the higher point values should be deducted. When a violation is observed that is a risk factor violation, but not a major violation, then a lesser point value should be deducted. Points in the Good Retail Practice (GRP) section of the report are deducted when a violation is found. Points should only be deducted for the most relevant Data Field for these types of violations. When major violations are identified, more than one Data Field may be marked.

## VII. MARKING INSTRUCTIONS FOR DATA FIELDS MARKED “IN”, “OUT”, “N.A.”, & “N.O.”

The following Data Fields are applicable to the general requirements found in Chapters 1-8 and Chapter 13 of the California Retail Food Code. They are considered to be associated with CDC identified risk factors and FDA identified public health interventions. These Data Fields can be marked as either major or minor violations and are marked as In Compliance (IN), Out of Compliance (OUT), Not Applicable (N.A.), or Not Observed (N.O.).

Violations are marked as major only when they meet the criteria of “Major Violation” as defined in the respective Data Field. Public health interventions do not have defined criteria for major violations.

### A. EMPLOYEE KNOWLEDGE

#### 01 *Demonstration of Knowledge* *Applicable Section: 113947*

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. Food employees and/or the PIC are unable to demonstrate food safety knowledge practices and principles applicable to their assigned duties. [§113947, §113947(a)]
2. The PIC is unable to demonstrate adequate allergen knowledge and/or has not educated food employees on allergens as required.

**N.A.** This item should not be marked N.A.

**Notes:**

- *Food facilities that handle nonprepackaged nonpotentially hazardous foods are required to have food employees who can demonstrate knowledge relative to their assigned duties.*
- *The EHS should assess this item by asking open-ended questions that would evaluate an employee's knowledge in performing assigned food safety duties. This item should be marked IN compliance if the employee is either able to articulate or demonstrate that he/she is knowledgeable. 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 may use job aids (posters, SOPs, cue cards, etc.) to demonstrate compliance.*
- *Major food allergens include: milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, soybeans and any food ingredient that contains protein derived from these foods.*

**02 Food Safety Certification, Food Handler Card Compliance**  
**Applicable Sections: 113947.1-113947.5, 113948**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. Lack of a valid food safety certificate available during the inspection. If no valid food safety certificate is available due to a new facility, change of ownership, lapse of expiration date, or prior Certified Food Manager is no longer employed by the food facility, the EHS should determine how long the food facility has been without a certified food safety manager. If it has been more than 60 days, this data field would be marked. [§113947.1(a)]
2. Lack of a valid food handling cards available during the inspection for all individuals that prepare, store or serve food in a food facility. If a valid food handling card is not available because the food handler was recently hired, the EHS should determine the date of hire. If it has been more than 30 days, this data field would be marked. [§113948(a)(1)]

**N.A.** This item should be marked **N.A.** if the facility is not required to have a food safety certificate or food handler cards because the facility type is specifically excluded from the requirements or there is no handling of unpackaged foods.

**Notes:**

- *This item is considered to be in compliance if there is no food safety certified owner or employee due to change of ownership, commencement of facility operations, or no longer has a certified owner or employee and 60 days have not elapsed. The item should also be marked IN compliance if a food handler does not have a valid food handling card and 30 days has not elapsed since the date of hire.*

The inspection report shall be documented to require proof of a certified owner or employee within 60 days or food handler card(s) within 30 days.

- Food facilities that handle nonprepackaged potentially hazardous foods are required to have a certified food manager.
- 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 required to be certified per Section 113947.1.
- A violation of any provisions in Sections 113947.1 through 113947.5, regarding food safety certificate requirements constitutes an infraction punishable by a fine of not more than \$100 for each day the facility is in violation.
- Food handler cards are not required for food handlers at the following types of facilities: temporary food facilities, certified farmers' markets, commissaries, grocery stores, licensed health care facilities, mobile support units, school cafeterias, bed and breakfasts, retail stores in which a majority of sales are from a pharmacy or snack bars where a majority of sales are from admission tickets except if restaurant-style-sit-down service is provided, a food facility that provides in-house food training using a course approved in another state that has adopted the requirements of the Model Food Code and can provide evidence of the approval, a food facility subject to a collective bargaining agreement with its food handlers, city, county, city and county, state or regional jails, juvenile halls, camps, residential programs or similar, elderly nutrition programs or food handlers subject to local food handling programs that took effect prior to January 1, 2009.
- Food safety certificates and food handling cards must only be obtained from American National Standards Institute (ANSI) accredited providers.
- Food Safety Certificates and food handling cards expire as indicated in the following table:

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

## **B. EMPLOYEE HEALTH & HYGIENIC PRACTICES**

**03 Communicable Disease; Reporting, Restrictions & Exclusions**  
**Applicable Sections: 113949.1, 113949.2, 113949.4, 113949.5, 113950, 113949.4, 113950.5, 113973(a), 113975**

**Major violations include any violations of these sections.**



**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for any of the following:

### **REPORTING**

1. When the Person In Charge (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 the enforcement agency. [§113949.5(a)]
2. When 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 the local enforcement agency. [§113949.5(b)]
3. When a food employee fails to report to the PIC that he/she has been diagnosed with a reportable illness. [§113949.4(a)]

### **RESTRICTIONS & EXCLUSIONS**

4. When the PIC has not excluded a food employee as required by Section 113949.1. (§113950)
5. When 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. (§113950)

### **REMOVAL OF RESTRICTIONS & EXCLUSIONS**

6. When the PIC removes a restriction of a food employee before resolution of symptoms of acute gastrointestinal illness. (§113950.5)
7. When the PIC removes an exclusion prior to receiving local health officer clearance. (§113950.5)

### **LESIONS & WOUNDS**

8. When the PIC is aware of a food employee who has a lesion or wound that is exposed and not properly protected or has not restricted the employee as specified in Section 113949.5(b) and 113975.
9. When food employees are observed contacting food and food-contact surfaces with any cuts, sores, or rashes and are not wearing single-use gloves. [§113973(a)]

**N.A.** Do Not Mark this item N.A.

**N.O.** Do Not Mark this item N.O.

### **Corrective Actions:**

If a food employee is found working when diagnosed with an illness, the food employee

shall be excluded from the food facility until the local health officer or local enforcement agency removes the exclusion. [§113950 (a) (1)]

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. [§113950 (b) (2)]

If a food employee is found working with an exposed lesion, 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. [§113949.2 (b)]

**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.*
- *The Person In Charge means the individual present who is responsible for the operation of the food facility.*
- *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 pertaining to artificial nails, nail polish, rings, or uncleanable orthopedic support devices should be marked in Data Field #6.*

<b>04</b>	<b>No Discharge from Eyes, Nose, and Mouth</b> <b>Applicable Section: 113974</b>
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**Major violations include discharges from eyes, nose or mouth that are not controlled by medication.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance when 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. (§113974)

**N.A.** Do Not Mark this item N.A.

**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.

**05 Proper Eating, Tasting, Drinking or Tobacco use**  
**Applicable Section: 113977**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance when a food employee is observed eating, drinking or using tobacco in non-designated areas where contamination can result. (§113977)

**N.A.** Do Not Mark this item N.A.

**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, nonprepackaged food, and food-contact surfaces.
- Data Field #14 is marked when a food employee is observed using a utensil to taste food more than once without being washed, rinsed, and sanitized between uses or when actual food contamination has resulted from a food employee eating, drinking, or using tobacco in a food preparation or storage area.
- Evidence of drinking and eating by food employees would be marked in Data Field #44 if the food employee is not actually observed eating, drinking, or using tobacco.

## C. PREVENTING CONTAMINATION BY HANDS

**06 Hands Clean and Properly Washed; Gloves Used Properly**  
**Applicable Sections: 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)**

**Major violations include handwashing not performed as specified in Section 113953.3.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. Hands and exposed portions of arms are not clean. (§113952)
2. Hands are not washed as specified in Section 113953.3.
3. Improper use of hand sanitizer or hands are not cleaned prior to use of hand sanitizer.(§113953.4)
4. Food employees are not minimizing bare hand contact by using utensils. [§113961(a,b)]
5. 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. [§113961(c)]
6. Food employees observed handling food with fingernails that are not trimmed, cleanable and smooth. (§113968).
7. 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 handling clean utensils without wearing single-use gloves. [§113973(a)]
8. Slash-resistant gloves are used in contact with ready-to-eat food that will not undergo additional cooking and the gloves are not smooth, durable and nonabsorbent or they are not covered with a single-use glove with these characteristics. [§113973(e)]
9. Cloth gloves are used in direct contact with food that is not subsequently cooked. [§113973(f)]

**N.A.** Do Not Mark this item N.A.

**N.O.** This item may be marked N.O. for retail operations only in the **RARE** case when there are no food workers present at the time of inspection. This item may also be marked N.O. when a handwashing sink is not required because the mobile food facility only handles whole produce or the bulk dispensing of nonpotentially hazardous foods.

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

**Notes:**

- *Lack of warm water or water at a non-adjustable faucet is less than 100°F or greater than 108°F should be marked under Data Field #22.*
- *Violations pertaining to cuts, sores, and rashes should be marked in Data Field #3.*

<p><b>07 Adequate Handwashing Facilities Supplied &amp; Accessible</b>  <b>Applicable Sections: 113953, 113953.1, 113953.2, 114067(f)</b></p>
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**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. Lack of handwashing sinks that are sufficient in number and conveniently located in a food preparation area or warewashing area, if facility was

constructed or extensively remodeled after January 1, 1996. [(§113953, §114067(f))]

2. Handwashing sink is not separated from a warewashing sink by a 6 inch high metal splashguard or 24 inch separation. (§113953)
3. Obstructed, inaccessible, improper use of, or unclean handwashing sink. (§113953.1)
4. Lack of required supplies in dispensers. (§113953.2)

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

**Notes:**

- *Handwashing facilities must be available to make handwashing not only possible, but likely. Therefore, the EHS should ensure that food employees have the necessary supplies available for handwashing.*
- *Food facilities constructed or extensively remodeled after January 1, 1996, that handle nonprepackaged food, shall provide facilities exclusively for handwashing in food preparation areas and in warewashing areas that are not located within or immediately adjacent to food preparation areas.*
- *Except where a determination is made that the nonconforming structural conditions pose a public health hazard, existing facilities shall be deemed in compliance with the law pending replacement or renovation.*

## D. TIME AND TEMPERATURE RELATIONSHIPS

<b>08</b>	<b><i>Proper Hot and Cold Holding Temperatures</i></b> <b><i>Applicable Sections: 113996, 113998, 114004, 114037, 114343(a)</i></b>
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***Major violations include potentially hazardous foods held at temperatures of 50°F to 130°F without any other intervention.***

**IN/OUT** **This item should be marked IN or OUT of compliance.** This item is marked OUT of compliance for food held at temperatures above 41°F/45°F or below 135°F without any of the exemptions below:

1. During preparation, cooking, cooling, transportation for a period of less than 30 minutes, or when time as a public health control is utilized. (§113996)
2. Roasts cooked to a temperature and for a time specified in Section 114004(b) that is held at a temperature of 130°F. (§113996)
3. 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; potentially hazardous foods held for dispensing in serving lines and salads bars

during periods not to exceed 12 hours in any 24-hour period; or potentially hazardous food held in vending machines; or, potentially hazardous food held for sampling at a Certified Farmers' Market. (§113996)

4. Pasteurized milk in original, sealed containers, pasteurized milk products in original, sealed containers, raw shell eggs, and unshucked live molluscan shellfish these foods are placed immediately upon their receipt in refrigerated equipment that maintains an ambient temperature of 45°F or less. [§114002(e)]
5. Food removed from specified holding temperatures for a cumulative time period of up to two hours to facilitate food preparation. (§113998)
6. Potentially hazardous food received at 45°F, if the food is cooled to 41°F within 4 hours. (§114037)

**N.A.** This item may be marked N.A. when the food facility does not hold hot or cold potentially hazardous 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.

**Corrective Actions:**

If a major violation is found and it is determined that food should be voluntarily discarded or impounded, the appropriate documentation should be provided according to the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

In order to properly evaluate the degree of time and temperature abuse of food and the corrective action for 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:

- Are there 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?
- Has there been an opportunity for post-cook contamination from raw animal foods or contaminated equipment?
- If there has been an opportunity for post-cook contamination, can the hazards of concern be eliminated by reheating?
- Are the food employees practicing good personal hygiene including frequent and effective handwashing?
- Was the food reheated or cooked to the proper temperature before being allowed out of temperature control?
- What is the current temperature of the food when taken with a probe thermometer?
- How long has the food been out of temperature control (ask both the manager and food employees)? Are the answers of the food employees and the manager consistent with one another?

- Is it likely that food has cooled to its current temperature after being out of temperature control for the alleged time?
- Will the food be saved as leftovers?
- How long before the food will be served?
- 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 rendered safe by reheating, steps should be taken by the person in charge to ensure future compliance, such as repairing malfunctioning or inoperative equipment, implementing a risk control plan (RCP) to modify preparation procedures or instituting a procedure for monitoring holding temperatures of food.

**Notes:**

- *Hot and cold holding temperatures, as well as cooling time and temperatures, of potentially hazardous foods should be thoroughly checked with a thermocouple, thermistor, or other appropriate temperature measuring device during each inspection. This includes the temperature of potentially hazardous food 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 with CalCode. Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit must be accurate to plus or minus 1°C or 2°F in the intended range of use. In addition, EHSs should not stir a food before taking its temperature since it is important to know the temperature of all parts of the food before it is agitated.*
- *The geometric center of a product is the recommended point of measurement when measuring the critical limit for cold holding. Under some circumstances where time parameters can be verified, potentially hazardous foods that exceed cold holding requirements may be rapidly cooled by an approved method.*
- *Additional measurements may need to be taken at points farthest from the heat source, e.g., near the product surface for food held on a steam table. Temperatures measured between packages of food, such as cartons of milk or packages of meat, may be limited in accuracy and, if at the wrong temperature, indicate the need for further examination. However, the temperature of a potentially hazardous food 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 determine reasons for the problem such as 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.*

**09** **Time as a Public Health Control; Procedures & Records**  
**Applicable Section: 114000**

**Major violations include food that has been time marked and has exceeded the time marked.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance when the PIC states he/she is using time as a public health control (TPHC) but does not have an effective mechanism for indicating the point in time when the food is removed from temperature control to the discard time, or a written procedure or an effective mechanism for using TPHC at the facility. This can include the following:

1. Food has been removed from temperature control and has not been marked or otherwise identified to indicate four hours past the point in time when the food was removed from temperature control. (§114000)
2. Written procedures are not maintained and available for food that has been prepared, cooked and refrigerated when using Time as a Public Health Control. (§114000)

**N.A.** This item may be marked **N.A.** when the food facility does not use time only as a public health control.

**N.O.** This item may be marked **N.O.** when the food facility uses time only as a public health control, but is not using this practice at the time of inspection.

**Corrective Action:** If food is found in the temperature danger zone due to improper implementation of time as a public health control, and it is determined that food should be voluntarily discarded or impounded, the appropriate documentation should be provided according to the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

**Exception:** *Time as a public health control cannot be used for raw eggs in licensed health care facilities or in public and private school cafeterias.*

**10** **Proper Cooling Methods**  
**Applicable Sections: 114002, 114002.1**

**Major violations include PHFs being improperly cooled when an approved method is not being used and has exceeded the critical time/temperature limits.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance.

1. Food cooling with no approved method and has exceeded a critical time/temperature limit, meaning the potentially hazardous food has not been cooled from 135°F to 70°F in two hours or has not been cooled from



135°F to 41°F in six hours. Approved intervention or rapid reheating shall be initiated immediately.

2. Food cooling without using an approved method. [§114002.1.(a)]

**N.A.** This item may be marked N.A. when the food facility does not cook and cool any potentially hazardous foods.

**N.O.** This item may be marked 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. In this case, the EHS should recommend that the Person In Charge verify that the cooling procedures meet the prescribed temperature and time parameters. These types of inquiries are opportunities for education.

**Note:** *The cooling categories and their temperature/time requirements are as follows:*

- *Cooked PHF is cooled from 135°F to 70°F within 2 hrs and from 70°F to 41°F or below within four hours.*
- *PHF shall be cooled within 4 hours to 41°F or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.*
- *Discussions with the person in charge along with observations should be used to determine compliance. For instance, during discussion the person in charge 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 as a major violation because the product did not cool from 135°F to 41°F or less within 6 hours.*

<b>11</b> <b>Proper Cooking Time &amp; Temperatures</b> <b>Applicable Sections: 114004, 114008, 114010</b>
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**Major violations include potentially hazardous food not cooked as required.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item should be marked **OUT** of compliance if the foods checked do not meet the temperature requirements for cooking and the employee doing the cooking attempts to serve the product without returning the product to the cooking process. (§114004, §114008, §114010)

The cooking temperature of foods must be taken to determine compliance or noncompliance. Do not rely solely upon discussions with managers or cooks to make a determination of compliance or noncompliance. The temperature of cooked potentially hazardous foods 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.

If a food is not cooked to 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.

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

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

**Corrective Action:** If required cooking temperatures are not met, EHSs should require that the operator continue cooking the food until the proper temperature is reached.

**Notes:**

- *The cooking temperature/time requirements are as follows:*

<b>Food</b>	<b>Internal cooking temperature</b>
Raw eggs – cooked to order	<b>145°F for 15 seconds</b>
Raw eggs that are pooled or not cooked to order	<b>155°F for 15 seconds</b>
Comminuted fish, meat (i.e. hamburger meat) or commercially raised game	<b>155°F for 15 seconds</b>
Roasts	<b>130°F for 112 minutes or as chart specified in §114004</b>
Ratites and injected meats	<b>155°F for 15 seconds</b>
Poultry, baluts, stuffed fish/meat/pasta/poultry/ratites, stuffing containing fish, meat, poultry or ratites, or wild game animals	<b>165°F for 15 seconds</b>
Whole commercially raised game animals	<b>145°F for 15 seconds</b>
Microwave cooking (let food stand covered for 2 minutes)	<b>165°F for 15 seconds</b>
Raw animal foods (i.e., pork, beef)	<b>145°F for 15 seconds</b>
Fruits and vegetables that will be hot held	<b>135°F for 15 seconds</b>
Exceptions: <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 form 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>	

- *To assess cooking, inspections should occur at varying times when food is being cooked.*
- *Critical limits for cooking potentially hazardous foods as specified in Sections 114004 and 114010 include specifications that all parts of the food be heated to a*

certain temperature. For large roasts, temperature measurement should take into account post-cooking heat rise which allows the temperature to reach equilibrium throughout the food. The critical limit of time at the terminal temperature must also be measured during inspections. For example, a roast beef cooked to 130°F is required to be held at this temperature for 112 minutes to ensure destruction of pathogens. Cooking temperatures should be noted on the inspection report.

- The correct temperature measuring device and technique are essential in accurately determining the temperatures of potentially hazardous foods. The geometric center or thickest parts of a product are the points of measurement of product temperature particularly when measuring critical limits for cooking.
- EHSs should take internal temperatures of products using a thermocouple or thermistor with a probe suitable for the product thickness. A thin diameter probe should be used for temperature measurements of hamburger patties and fish filets. Alternately, although less desirable, an EHS may use a suitable, calibrated bimetal stem thermometer for checking cooking temperatures of thick foods. Infrared thermometers are inappropriate for measuring internal cooking temperatures.
- In order to better assess cooking during all phases of the inspection, EHSs could enlist the help of cooperative food employees to notify them of foods that have finished cooking. This allows EHSs to continue with the inspection in other areas of the operation yet continue to verify that proper cooking temperatures are being met.
- Food facility operators should routinely monitor cooking temperatures. 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 as described in Data Field #8. Lack of proper thermometer should be marked under Data Field #39.

<b>12</b>	<b>Proper Reheating Procedures for Hot Holding</b> <b>Applicable Sections: 114014, 114016</b>
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**Major violations include potentially hazardous food not reheated as required.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item should be marked **OUT** of compliance if potentially hazardous foods are not reheated to the required temperatures prior to hot holding. (§114016)

The temperatures of reheated foods must be taken to determine compliance or noncompliance. Do not rely solely upon discussions with managers or cooks to determine compliance or noncompliance. Temperatures **IN** and **OUT** of compliance should be recorded in the “Temperature Observations” section of the inspection report. If there is insufficient space for the number of temperatures taken, additional temperatures should be documented in the “Observations and Corrective Actions” section of the inspection report.

**N.A.** This item may be marked **N.A.** when foods are not reheated for hot holding in

the food facility.

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

**Corrective Actions:**

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 voluntarily discarded or impounded. The appropriate documentation should be provided according to the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

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

## E. PROTECTION FROM CONTAMINATION

<b>13</b> <b><i>Returned and Reservice of Food</i></b> <b><i>Applicable Section: 114079</i></b>
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**IN/OUT** This item should be marked IN or OUT of compliance. This item is marked OUT of compliance when food served to a consumer was previously served to another consumer unless it is a nonpotentially hazardous food that is served through an approved dispenser or in an unopened original package and maintained in sound condition and checked on a regular basis. (§114079)

**N.A.** Mark this N.A. if the facility only handles prepackaged foods.

**N.O.** This item is marked N.O. if food service is not observed during the inspection.

**Note:** *A container of food that is not potentially hazardous may be transferred from one*

consumer to another if the food is dispensed so that it is protected from contamination and the container is closed between uses, such as salt and pepper shakers, a narrow-neck bottle containing catsup, steak sauce, or wine, or if the food, such as crackers is in an unopened original package and is maintained in sound condition, and if the food is checked periodically on a regular basis.

<b>14</b>	<b>Food in Good Condition, Safe and Unadulterated</b> <b>Applicable Sections: 113967, 113976, 113980, 113982, 113988, 113990, 114035, 114041, 114254.3</b>
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**Major violations include any violation of these sections when actual contamination or adulteration of food has occurred.**

**IN/OUT This item should be marked IN or OUT of compliance.**

1. This item is marked as a MAJOR violation for any of the following:
  - a) A food employee contaminates food by any intentional or unintentional act. (§113967)
  - b) When a food employee is observed using a utensil to taste food more than once without discarding after the first use or being properly washed, rinsed and sanitized between uses. (§113976)
  - c) Food is found to be adulterated. (§113980)
  - d) Unapproved additives are used in food such as sulfites being applied to fresh fruits or vegetables. (§113988)
  - e) Ice that has been used for cooling the exterior surfaces of food such as melon or fish, canned beverages, or equipment is used as food. (§113990)
  - f) Food received is not wholesome, not in good condition, eggs are cracked or broken, and food or food containers and pallets are infested with vermin or otherwise contaminated. (§114035, §114041)
  - g) A container that previously held poisonous or toxic material is used to store, transport, or dispense food, utensils, linen, or single-use articles. [§114254(c), §114254.3]
  - h) Cans or packaged foods are swollen with evidence of gas production. (§113980)
  
2. This data field should be marked OUT of compliance for the following:
  - a) Food-infesting insects, including beetles, moths, larvae, fruit flies, ants and gnats observed in food and/or beverage. (§113980)
  - b) Food is not inspected upon receipt (as soon as practical) and prior to any use, storage or resale. (§114035)
  - c) Food is transported in an unapproved manner that violates Section 113982.

**Note:** 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 California Department of Public Health 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.

**N.A.** Do not mark this item N.A.

**N.O.** Do not mark this item N.O.

**Corrective Action:** If food is found to be contaminated or adulterated it shall be voluntarily discarded or impounded until a decision is made by the enforcement officer. In addition, the EHS should ensure that management and food employees understand the risk of serving contaminated or adulterated food and the reason for the required corrective action. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

**Notes:**

- Section 113967 would be cited for violations that are not already specifically covered in Chapter 3, Articles 5 and 6 regarding Personal Cleanliness and Hygienic Practices. Eating and drinking in food preparation areas are covered in Section 113977.
- Section 113980 is cited in this Data Field when actual contamination has occurred, whereas prevention from contamination observations would be covered in other Data Fields such as #27-30 identified under "General Food Safety Requirements".
- EHSs should ensure that management and employees are aware of the risk of serving or selling food that contains unapproved additives.

<b>15</b>	<b>Food Contact Surfaces: Clean and Sanitized</b> <b>Applicable Sections: 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115 (a, b, d), 114117, 114125(b), 114141</b>
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**Major violations include:**

- **Improper sanitizing of food contact surfaces;**
- **Improper warewashing machine temperature;**
- **Contamination of food-contact surfaces that could result in food contamination; and**
- **Failure to sanitize food contact surfaces between each use with a different type of raw food of animal origin, and each time there is a change from working with raw foods to working with ready-to-eat foods.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

## CLEANING AND SANITIZING

1. Food contact surfaces of equipment or utensils are not cleaned and sanitized or fabric implements are not laundered and sanitized before and after coming into direct contact with food. [§113984(d), 114097, 114113, and 114118]
2. Equipment and utensils are not scraped of food debris or are not preflushed, presoaked, or scrubbed, if necessary. (§ 114099.1)
3. Manual or mechanical sanitization is not accomplished in the final sanitizing rinse by one of the methods listed in Section 114099.6(a-c) for manual sanitizing and Section 114099.7 for mechanical sanitizing.
4. Equipment and utensils are not air dried or adequately drained after cleaning and sanitizing. (§114105)
5. Drying agents used during sanitization contain compounds other than those listed in Section 114109(a-b).
6. Dry cleaning methods such as brushing, scraping, and vacuuming are used with other than dry nonpotentially hazardous food residues. [§114111(a)]
7. Cleaning equipment used in dry cleaning of food contact surfaces is used for other purposes. [§114111(b)]
8. Equipment food contact surfaces and utensils are not clean to sight and touch. [§114115(a)]
9. Equipment food contact surfaces and utensils are not cleaned and sanitized at the frequency required by Section 114117(a-e).
10. Lubricants that are not food grade are used on food contact surfaces. (§114141)

**Note:** *Actual contamination of food by lubricants is marked in Data Field #14 "Food in good condition, safe, and unadulterated."*

11. The warewashing sink is used to wash wiping cloths, wash produce, or thaw food and the sink is not cleaned and sanitized before and after each time it is used for such uses. [§114125(b)]

## MANUAL WAREWASHING

12. Manual warewashing is not accomplished by the use of a three compartment sink where utensils are first precleaned, then washed, rinsed, sanitized, and air dried as prescribed in Section 114099.2 (a) through (f).

**Note:** *Alternative methods may be approved as specified in Section 114099.3.*



13. Hot water sanitizing is used for manual warewashing and the water temperature in the sink compartment is not maintained at 171°F or there is no basket or rack to allow complete immersion of equipment and utensils. (§114099.4)

### **MECHANICAL WAREWASHING**

14. The Mechanical warewashing machine is not installed or operated in accordance with manufacturer's specifications. [§114101(a)]

15. Soiled items are not loaded in the warewashing machine correctly or the wash water or detergent are insufficient. [§11410(b-d)]

**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 verify appropriate methods are used to clean and sanitize food contact surfaces.

#### **Corrective Actions:**

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.

If a food facility is operating without the ability to properly clean and sanitize equipment or utensils, the enforcement officer shall suspend the permit to operate until the ability has been restored. The enforcement officer shall require that all equipment and utensils have been cleaned and sanitized correctly prior to reinstating the permit.

## **F. FOOD FROM APPROVED SOURCES**

<b>16</b>	<b><i>Food Obtained from Approved Source</i></b> <b><i>Applicable Sections: 113980, 114021-114031, 114041, 114365, 114376</i></b>
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***Major violations include any violations of these sections.***

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:



1. Food or ice is not from an approved food source. (§113758, 113980, 114021, 114023, 114025, 114376)
2. Liquid, frozen, and dry eggs and egg products are not pasteurized. (§ 114024)
3. Frozen milk products, such as ice cream, are not pasteurized. (§114024)

**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.*

4. Retail food facility manufacturing yogurt/ice cream without the required dairy license from California Department of Food and Agriculture. (§113980)
5. Fish is not commercially and legally caught or harvested. (§114027)
6. Molluscan shellfish are not received from sources listed in the Interstate Certified Shellfish Shippers list. (§114029)
7. 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. (§114031)
8. Shell eggs do not meet at least Grade B Standards. (§114041)

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

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

**Notes:**

- *A community food producer may sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to the public, to a permitted food facility, or a cottage food operation if the community food producer meets all applicable requirements [§114376.a)].*
- *Foods prepared in a permitted cottage food operation may be offered for sale or used as an ingredient in a food facility [§114021.(b)].*

<b>17 Compliance with Shell Stock Tags, Condition, Display</b> <b>Applicable Sections: 114039 – 114039.5</b>
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**Major violations include missing or incomplete shellfish certification tags or improper wet storage of shellfish (includes commingling of shellfish).**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. Raw shucked shellfish are not properly labeled. (§114039)
2. Shell stock is not obtained with proper tags or labels. (§114039.1)
3. Shell stock received is not discarded when they are not reasonably free of mud, dead shellfish, or broken shells. (§114039.2)
4. Shell stock 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. (§114039.3, §114039.4)
5. Shell stock 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.
6. 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. (§114039.5)
7. Shell stock from one harvest date/location has been commingled with different shell stock. (§114039.3)

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

**N.O.** This item may be marked N.O. when shell stock are not being sold at the time of inspection.

**Corrective Action:** Food from unapproved, unsafe, or otherwise unverifiable sources shall be voluntarily discarded or impounded until appropriate documentation is provided. In addition, EHSs 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.

<b>18</b> <b>Compliance with Gulf Oyster Regulations</b> <b>Applicable Sections: Title 17 CA Code of Regulations 13675, CalCode 114029</b>
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**Major violations include any violation of these sections.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. Raw Gulf Oysters are offered for sale, without evidence of approved treatment, between the months of April 1 – October 31.
2. 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.

**N.O.** This item may be marked N.O. when Gulf Oysters are not being sold at the time of inspection.

**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 California Department of Public Health, Food and Drug Branch. 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 during November 1-March 31, immediate corrective action should be taken to provide the approved signage.

## G. CONFORMANCE WITH APPROVED PROCEDURES

<b>19</b>	<b><i>Compliance with Variance, Specialized Process, &amp; HACCP Plan</i></b> <b><i>Applicable Sections: 114057, 114057.1, 114117-114117.2, 114417.6, 114419</i></b>
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**Major violations include any violations of these sections.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. If the food facility operator is utilizing any of the following practices without a written HACCP plan, or is not following the HACCP plan as written:
  - a. Smoking food as a method of preservation
  - b. Curing food
  - c. Using food additives as a method of preservation or as a means to change the food to non-potentially hazardous
  - d. Operating a molluscan shellfish life support tank for shellfish intended for human consumption
  - e. Custom processing animals as food for personal use
  - f. Preparing food by another method that requires a HACCP plan as determined by the enforcement officer
2. The food facility operator has not obtained HACCP plan approval from the California Department of Public Health (CDPH) for the following processes:
  - a. Packaging potentially hazardous food products using a reduced-oxygen packaging (ROP) method
  - b. Acidifying food using acidification or water activity as a means to prevent the growth of *Clostridium botulinum*

3. Food facility is required to have a HACCP plan approved by the CDPH and is not following the approved HACCP plan procedures.
4. Food facility has obtained a Variance from the CDPH to allow for deviation from specific code requirements and is not following the approved variance conditions or procedures.

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

**N.O.** **Do Not Mark** this item N.O.

**Corrective Actions:**

A food facility using reduced-oxygen packaging without following a HACCP plan approved by CDPH creates a potential risk *Clostridium botulinum* growth if the food is temperature abused. Similarly, the use of pH and water activity to prevent the growth of *Clostridium botulinum* in potentially hazardous foods must be strictly controlled utilizing the approved procedures included in the HACCP plan to ensure the food is safe. If it is determined during an inspection that an approved HACCP plan is required or that an approved HACCP plan is not being followed, the affected food products should be impounded, the person in charge should be directed to immediately stop the activity. CDPH should be notified of the violation in writing as soon as possible.

CDPH 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 direct the facility to correct the violation and impound the affected food products. CDPH should be notified of the violation in writing as soon as possible

When HACCP plans are required but do not require CDPH prior approval, a HACCP plan with adequate detail to produce safe food and in accordance with Section 114419.1 must be developed and followed to ensure a safe food product. If it is determined during an inspection a HACCP plan is required but is either not available or not being followed, the enforcement officer should conduct a risk assessment to determine the disposition of the affected food products. The enforcement options include:

- *Directing the person in charge to discontinue the food handling practice until a HACCP plan is developed and implemented.*
- *Request that the person in charge voluntarily discard the food or impound the product. Written documentation must be provided following the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.*

**Notes:**

- *A food facility is not required to have an HACCP plan if the food facility uses a reduced-oxygen packaging method to package hazardous food that always complies with the following standards with respect to packaging the hazardous food: (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.*
- *Exemptions include whole Chinese-style roast duck (§114425), Korean Rice Cakes (§114429), and Vietnamese Rice Cakes (§114429.3).*
- *Except for HACCP plans requiring approval by the CDPH, HACCP plans do not require prior approval by the enforcement agency prior to implementation. However, if it is determined during an inspection that a HACCP plan is required, the written HACCP plan and supporting documentation should be reviewed. The specific food handling procedures detailed in the HACCP plan should then be evaluated to verify that the HACCP plan is being followed as written.*

## H. CONSUMER ADVISORY

<b>20</b>	<b>Consumer Advisory Provided for Raw or Undercooked Foods</b> <b>Applicable Sections: 114012, 114093</b>
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**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item should be marked **OUT** of compliance for the following:

1. Pasteurized eggs or pasteurized egg products are not substituted for raw shell eggs in foods such as Caesar salad dressing or hollandaise sauce and no consumer warning is provided. (§114012)
2. 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. (§114093)

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

**N.O.** Do not mark this item **N.O.**

**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 means.*
- *“Disclosure” means a written statement that clearly includes either of the following:*
  1. *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*

2. Identification of the animal-derived foods marked by an asterisk denoting a footnote that states that the items are served raw or undercooked, or contain or may contain raw or undercooked ingredients.
- “Reminder” means a written statement that identifies the animal-derived foods by an asterisk that denotes 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.
  - For violations pertaining to Gulf oysters, see Data Field #18.
  - For violations pertaining to required cooking temperatures, see Data Field #11.
  - A consumer advisory is required if a food facility serves raw, unpasteurized milk to consumers.

## I. HIGHLY SUSCEPTIBLE POPULATIONS

**21**      **Licensed Health Care Facilities/Public & Private Schools: Prohibited Foods Not Offered**  
**Applicable Section: 114091**

**Major violations include any violation of this section:**

**IN/OUT**    **This item should be marked IN or OUT of compliance.** This item is marked OUT of compliance for the following:

1. Unpasteurized juice, fluid milk or dry milk is served. (§114091)
2. 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. (§114091)
3. Food in an opened original package is re-served. (§114091)
4. Ready-to-eat foods that contain raw food of an animal origin or partially cooked foods are served. (§114091)
5. Raw seed sprouts are served. (§114091)

**N.A.**        This item may be marked N.A. if a highly susceptible population is not served.

**N.O.**        **Do not mark** this item N.O.

**Note:** For highly susceptible populations, discussions with the person in charge and employees regarding whether or not certain foods are served or certain practices occur

*in the licensed health care facility and public or private school, along with observations should be used to determine compliance.*

## **J. WATER/HOT WATER**

<b>22</b>	<b><i>Hot and Cold Water Available</i></b> <b><i>Applicable Sections: 113941, 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 114195</i></b>
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### **Major violations include:**

- ***Inadequate water temperature for proper manual or mechanical warewashing and/or sanitizing;***
- ***Contaminated or unapproved water supply***
- ***No potable water is available in the facility***

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. The water supply is from a water system that is not approved by the Health Officer or the enforcement agency. [§114189 or 114192(a)]
2. An adequate, protected, pressurized, potable supply of hot and cold water is not provided as specified in Sections 114192(a) and 114192.1.
3. Lack of warm water (100°F) at a handwashing sink or water less than 100°F or greater than 108°F at a nonadjustable handwash sink. [§113953(c)]
4. Lack of hot water at a food preparation sink. [§114163(a)]
5. Lack of hot water at a janitorial sink. (§114192, §114279)

**N.A.** Do not mark this item N.A.

**N.O.** Do not mark this item N.O.

### **Corrective Action:**

If there is no water or the water supply is contaminated, a food facility shall immediately cease preparation of foods. In both of these cases, the food facility shall close or discontinue food preparation and only sell prepackaged food items if potable water is available for handwashing in the toilet rooms. Food items, including ice, prepared using nonpotable water, shall be disposed of and ice machines and beverage dispensers shall be cleaned and sanitized prior to reuse once potable water becomes available.

A food facility that cannot provide water at the warewashing sink at a temperature of 110°F or greater **OR** at the minimum temperature specified by the manufacturer of the chemicals used for proper cleaning and sanitizing must cease food preparation and food service requiring multi-use utensils until the required water temperature can be restored.



**Note:** This violation should only be marked as a major violation when lack of adequate water creates an imminent health hazard, including:

- Lack of potable, pressurized water
- Lack of approved water supply
- Water temperature below 110°F or below manufacturer recommended temperature for warewashing and/or sanitizing

## K. LIQUID WASTE DISPOSAL

<b>23</b>	<b><i>Sewage and wastewater properly disposed</i></b> <b><i>Applicable Sections: 114197, 114259</i></b>
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**Major violations include:**

- ***Overflows or back-ups of sewage/wastewater into the food facility that can or does result in contamination of food contact surfaces and adulteration of foods***
- ***Overflowing or clogged grease trap/interceptor***
- ***Lack of operable toilet facilities***

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance if liquid waste is not disposed of through the approved plumbing system or does not discharge into the public sewer system or an approved private disposal system. (§114197)

**N.A.** Do not mark this item N.A.

**N.O.** Do not mark this item N.O.

**Corrective Actions:**

A food facility shall not operate if there is sewage overflowing or backing up in the food facility or there are no operable toilets available for food employees. The food facility shall cease operation 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 also be properly disposed of.

If found operating with sewage overflowing or backing up in the food facility or there are no operable toilets available for food employees, the EHS shall suspend the permit to operate until the plumbing has been repaired and it has been determined that all contaminated surfaces have been cleaned and sanitized and all contaminated food product has been properly disposed of.



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.

## L. VERMIN

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

**Major violations include the presence of cockroaches, mice, rats, flies and similar vermin that are disease carrying within the food facility as evidenced by actual live bodies, fresh droppings or vomitus, urine stains, or gnaw marks, that has resulted or would likely result in contamination to the food, equipment, packaging, or utensils.**

**IN/OUT**    **This item should be marked IN or OUT of compliance.** This item is marked OUT of compliance for the following:

1. The premises of the food facility is not free of vermin, including but not limited to rodents and insects. (§114259.1)
2. 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. [114259.4(a)]

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

3. Live animals are allowed in a food facility in violation of the provisions that allow their presence as specified in Section 114259.5(b-d).

**Note:** *Food employees may handle or care for fish in aquaria or molluscan shellfish or crustacean in display tanks if they wash their hands as required. [§114259.4(b)]*

**N.A.**      **Do not mark** this item N.A.

**N.O.**      **Do not mark** this item N.O.

**Corrective Action:** A food facility shall not operate when a vermin infestation has resulted in contamination of food contact surfaces, food packaging, utensils, food equipment and/or adulteration of food. If a vermin infestation warrants a major violation, the enforcement officer should suspend the permit to operate and the food facility must cease operation immediately. The food facility shall remain closed until there is no

longer evidence of a vermin infestation, adulterated food and packaging has been disposed, all contaminated surfaces have been cleaned and sanitized and contributing factors such as cleaning, repairs, and conditions contributing to vermin harborage have been resolved. The enforcement officer should inquire about the cleaning and pest control programs to ensure the frequency is adequate to prevent reinfestation.

**Notes:**

- *Food infesting insects (such as, Indian meal moths, beetles), fruit flies, ants, spiders and birds would not be marked as a major violation.*
- *Food that has been adulterated due to the presence of insects or vermin, would need to be voluntarily discarded or impounded and Data Field 13 "Food in good condition, safe and unadulterated" would also be marked.*

## VIII. DATA FIELDS TO BE MARKED ONLY WHEN "OUT" OF COMPLIANCE

The following Data Fields are applicable to the general requirements found in Chapters 1-8 and Chapter 13 of the California Retail Food Code. They are considered Good Retail Practices (GRP's) and are only marked on the inspection report when observed OUT of compliance. When noted as "OUT" of compliance, observations and corrective actions should be included under the "Observations & Corrective Action" section of the inspection report.

### A. SUPERVISION

**25** *Person in Charge Present and Performs Duties*  
*Applicable Sections: 113945-113945.1, 113984.1, 114075*

**OUT** **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance when:

1. A Person In Charge (PIC) is not present during operating hours. (§113945)
2. Customers are allowed access through the food preparation area and the customer's route of access through the food preparation area is not separated from raw or undercooked foods by at least three feet of clearly delineated space from the consumer and/or the route of access is not separated by a rail or wall at least 3 feet high. (§113984.1)
3. Consumers are not notified orally or in writing that they must use clean tableware when returning to self-service areas such as salad bars and buffets. [§113945.1(b), §114075]

**Notes:**

- *The permit holder or person designated by the permit holder is the Person in Charge.*
- *Violations related to the PIC failing to perform duties related to communicable diseases should be marked under Data Field #3.*
- *The PIC does not have to be the certified food manager.*

## B. PERSONAL CLEANLINESS

<b>26</b>	<b><i>Personal Cleanliness and Hair Restraints</i></b> <b><i>Applicable Sections: 113969, 113971</i></b>
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**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. 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 nonprepackaged food, clean equipment, utensils, linens and unwrapped single-use articles. (§113969)

**Note:** *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.*

2. Food employees observed with soiled clothing. (§113971)

**Note:** *There is a tolerance for clothes that appear to have been soiled the same work day.*

## C. GENERAL FOOD SAFETY REQUIREMENTS

<b>27</b>	<b><i>Approved Thawing Methods Used, Frozen Food</i></b> <b><i>Applicable Sections: 114018, 114020</i></b>
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**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Frozen food is not being stored and displayed to ensure that food remains in a frozen state. (§114018)
2. Potentially hazardous food is observed not being thawed by one of the approved procedures. (§114020)

**Note:** Foods found in the temperature danger zone should be marked under Data Field #8 "Proper hot and cold holding temperatures."

**28 Food Separated and Protected**  
**Applicable Sections: 113984 (a,b,c,d,f), 113986, 114060, 114067(a,d,e,j), 114069(a, b), 114077, 114089.1(c), 114143(c)**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Unpackaged food is not protected from contamination. [§113984(b)]
2. Food is not being prepared in a fully enclosed food facility. [§113984 (c)]

**Note:** Limited food preparation may be conducted within a food compartment.

3. Limited food preparation is not conducted within an approved food compartment defined in Section 113784 or as approved by the enforcement agency. [§113984(c), §114067(d)]
4. Food is not protected from cross-contamination during storage, preparation, display (e.g., sneeze guards, lids, display cases, dispensers, labeled containers, separating raw food from ready to eat food etc.). (§113986, §114060, §114077)

**Exceptions:**

- Food does not have to be stored in packages, covered containers, or wrappings if:
  1. It is whole uncut raw fruits, vegetables, and nuts in the shell
  2. Raw meat hung on clean, sanitized hooks or racks
  3. Food is in the cooling process
  4. Shellstock
- Bread loaves or rolls are considered properly wrapped if contained in open-end bags that enclose the loaf or rolls. [§114089.1(c)]

**Note:** This section addresses prevention measures only. Actual contamination of food is marked in Data Field #14 "Food in good condition, safe and unadulterated."

5. Food is being thawed, washed, sliced or cooled in an unenclosed unapproved facility or overhead protection is not provided where required (e.g., outdoor food displays, vending machines, or satellite food service operations). [§113984(b,f), §114067(e), §114069(a), §114145]
6. Foods other than prepackaged nonpotentially hazardous food or uncut produce are displayed outdoors. (§114069)
7. Prepackaged nonpotentially hazardous foods or uncut produce displayed

- outdoors are not periodically checked on a regular basis. (§114069)
8. Badly dented cans, particularly with severe dents on the can seams. Swollen cans or packaged foods with evidence of gas production should be marked under Data Field #15.
  9. Bulk milk container dispensing tubes not cut diagonally so as to leave no more than one inch protruding from the chilled dispensing head. (§114073)
  10. The open-air barbecue or outdoor wood burning oven is not separated from public access to prevent food contamination or injury to public. [§114143(c)]

**Notes:**

- *Foods that may be displayed on open counters or containers can be found in §113986(b).*
- *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 Sections: 113992***

**OUT**      **This item should be marked only if it is OUT of compliance.** 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. (§113992)

**30**      ***Toxic Substances Properly Identified, Stored, Used***  
***Applicable Sections: 114254, 114254.1, 114254.2***

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. An insecticide, rodenticide, or other pesticide is not used in accordance with the manufacturer's instructions and/or not approved for use in a food facility. [§114254(a)]
2. 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. (§114254, §114254.1, §114254.2)

**Note:** *If food is found to be contaminated or adulterated during storage, Data Field #14 "Food in good condition, safe and unadulterated" should be marked as a major violation. (§113980)*

## D. FOOD STORAGE/DISPLAY/SERVICE

**31** ***Food Storage; Food Storage Containers Identified***  
***Applicable Sections: 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)***

**OUT** **This item should be marked only if it is OUT of compliance.** This item should be marked OUT of compliance for the following:

1. Food storage area is not clean, dry, or adequate for amount of food being stored. [§114047(a)]
2. Food is not stored above the floor at least 6 inches (except food stored on dollies, pallets, or similar equipment). [§114047(b)]
3. Food is stored in lockers, toilet rooms, dressing rooms, refuse rooms, mechanical rooms, under unshielded sewer lines, leaking water lines, under open stairwells, under other sources of contamination. (§114049, §114250)
4. 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). (§114051)
5. Prepackaged food is improperly stored in ice so water enters packages. (§114053)
6. 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. (§114055)
7. Food, food contact surfaces and utensils used at satellite food service areas and outdoor displays are not stored inside a fully enclosed permanent food facility during nonoperating hours and periods of inclement weather. [§114067(h), §114069(b)]

**Notes:**

- *Pressurized beverage containers, cased containers of bottles, cans or other food in water proof containers, and milk stored in plastic crates 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.*
- *If food is found to be contaminated or adulterated during storage, Data Field #14 "Food in good condition, safe and unadulterated" should be marked. (§113980)*

32

**Consumer self service**

**Applicable Sections: 114063, 114065, 114089.1**

**OUT This item should be marked only if it is OUT of compliance.** This item should be marked OUT of compliance when:

1. A food dispensing utensil is not provided for each container at buffets and salad bars. (§114063)
2. Raw, nonprepackaged food of animal origin such as lamb, beef, pork, poultry, and eviscerated fish is offered for customer self-service. (§114063)
3. Consumer self-service bulk beverage dispensers are not properly operated or maintained. (§114065)

**Exceptions:**

- *Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish. [§114063(a)]*
- *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. [§114063(a)]*

**Note:** *Buffets and salad bars must be checked on a regular basis by food employees trained in safe operating procedures. [§114063(e)]*

33

**Food Properly Labeled & Honestly Presented**

**Applicable Sections: 114087, 114089, 114089.1(a, b), 114090, 114093.1, 114094, 114094.5, 114365.2, 114377**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. Food is found offered for human consumption and is not honestly presented which misleads or misinforms the consumer. (§114087)  
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
  - Margarine advertised as butter
2. 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. (§114089)
3. Prepackaged food does not bear a label that complies with the labeling requirements as prescribed by the Sherman Food, Drug and Cosmetic

Law. [§114089, §114089.1(a)]

**Exception:** *Bakery products sold to other food businesses are exempt from labeling provisions. [§114089.1(b)]*

4. If the manufacturer's dating information on foods is concealed or altered. (§114090)
5. Unpackaged confectionary food contains more than ½% alcohol and is not labeled to identify alcohol content. (§114093.1)
6. A retail food facility sells or offers for sale infant formula after the "use by" date. "Use by" dates on baby food are not enforceable. (§114094.5)
7. Lack of or inadequate calorie and nutrition labeling at restaurants or similar retail food facility that is part of a chain with 20 or more locations, doing business under the same name, and offering for sale substantially the same menu items. This also applies to vending machine operators who operate 20 or more vending machines. Enforcement compliance effective May 7, 2018 or as otherwise implemented under the United States Code. (§114094)

**Exception:** The labeling requirements do not apply to foods that are not standard menu items, including:

- a. Items such as condiments that are for general use, including those placed on the table or on or behind the counter;
- b. Daily specials;
- c. Temporary menu items;
- d. Custom orders (food order that is prepared in a specific manner based on an individual customer's request, which requires the covered establishment to deviate from its usual preparation of a standard menu item);
- e. Food that is part of a demonstration for market test; and
- f. Self-service food and food on display that is offered for sale for less than a total of 60 days per calendar year or fewer than 90 consecutive days in order to test consumer acceptance.

Menu labeling must include:

- a. A declaration with the number of calories contained in each standard menu item listed on the menu or menu board, as usually prepared and offered for sale.
- b. A statement on menus and menu boards about the availability of additional written nutrition information.
- c. Nutrition information that must be available in written form on the premises of the establishment and provided to the customer upon request.
- d. List the number of calories on the menu or menu board:



- i. Adjacent to the name or the price of the associated standard menu item;
  - ii. In a type size no smaller than the type size of the name or the price of the associated standard menu item, whichever is smaller;
  - iii. In the same color, or a color at least as conspicuous as that used for the name of the associated standard menu item; and
  - iv. With the same contrasting background or a background at least as contrasting as that used for the name of the associated standard menu item.
- e. The term “Calories” or “Cal” must appear as a heading above a column listing the number of calories for each standard menu item or adjacent to the number of calories for each standard menu item.
  - f. When the menu or menu board lists two options for menu items in a combination meal (e.g., a sandwich with a side salad or chips), you must declare the calories for each option with a slash between the two calorie declarations (e.g., “350/450 calories”).
  - g. When the menu or menu board lists three or more options for menu items in a combination meal (e.g., a sandwich with chips, a side salad, or fruit), you must declare the calories as a range in accordance with the requirements of 21 CFR 101.11(b)(2)(i)(A)(7) (e.g., “350-500 calories”).
  - h. The following nutrition information for a standard menu item must be available in written form:

- Total calories (cal)
- Calories from fat (fat cal)
- Total fat (g)
- Saturated fat (g)
- Trans fat (g)
- Cholesterol (mg)
- Sodium (mg)
- Total carbohydrates (g)
- Dietary fiber (g)
- Sugars (g)
- Protein (g)

- i. The statement about daily caloric intake - “2000 calories a day is used for general nutrition advice, but calorie needs vary.” is required to be posted on menus and menu boards. Alternative statements for children’s menus and menu boards include, “1,200 to 1,400 calories a day is used for general nutrition advice for children ages 4 to 8 years, but calorie needs vary.” AND “1,200 to 1,400 calories a day is used for general nutrition advice for children ages 4 to 8 years and 1,400 to 2,000 calories a day for children 9 to 13 years, but calorie

needs vary.”

8. Foods stored, distributed, served by or used in the preparation of food within a food facility containing 0.5 grams or more of artificial trans-fat per serving, including any vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil.

**Exception:** Food sold or served in a manufacturer’s original, sealed package with proper labelling.

**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 CDPH for follow up investigation.*
- *Prepackaged food labeled at retail would be regulated by the local enforcement agency.*
- *For violations of the “use by” dates on infant formula, an enforcement agency can assess a penalty of ten dollars per day for each item sold or offered for sale; however, local health agencies should warn and educate retailers before assessing fines.*

## E. EQUIPMENT/UTENSILS/LINENS

<b>34</b>	<b><i>Nonfood-Contact Surfaces Clean</i></b> <b><i>Applicable Section: 114115(b)</i></b>
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**OUT** This item should be marked only if it is **OUT of compliance**. 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. [§114115(b)]

35

**Warewashing Facilities: Installed, Maintained, Used; Adequate Means to Measure Sanitizer**

**Applicable Sections: 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125**

**OUT** This item should be marked only if it is **OUT** of compliance. This item is marked OUT of compliance for the following:

1. The food facility prepares food and does not have a three compartment sink with two integral metal drain boards. [§114099 (a), §114067(f)]

**Exception:** A two compartment sink that is in use on January 1, 1996, need not be replaced when used as specified in Section 114099.3 (e).

2. Sink compartments are not large enough to accommodate the largest equipment and utensil. [§114099(b)]
3. Alternative manual warewashing equipment such as listed in Section 114099.3 (a) through (e) is used and the enforcement agency has not approved its use. [§114099.3, §114067(g)]
4. Mechanical warewashing machine is not approved, or not installed and operated according to manufacturer's specifications. [§114101(a-d)]
5. 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.
6. The warewashing machine is not equipped with a temperature measuring device that indicates the temperature of the water as specified in Section 114101.2.
7. Two integral metal drain boards of adequate size and construction and 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-e). [§114103 (a)].

**Exception:** The requirement for a drainboard for soiled equipment and 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.

8. The warewashing sink is used for handwashing except as allowed by Section 114125(a).
9. Means for adequately measuring the applicable sanitization method, such as test strips, are not provided. [§114107(a)]
10. The concentration of the sanitizing solution is not accurately determined to ensure proper dosage. [§114107(b)]
11. In manual warewashing operations, a temperature measuring device is

not provided and accessible for frequently measuring washing and sanitizing temperatures. (§114099.5)

**Notes:**

- *Alternative warewashing facilities may be allowed if approved by the enforcement agency. (§114099.3)*
- *Violations related to the actual improper cleaning sanitization of food contact surfaces are marked in Data Field #15 "Food contact surfaces: cleaned and sanitized."*

**36**      ***Equipment/Utensils - Approved; Installed; Good Repair; Capacity***  
***Applicable Sections: 114130, 114130.1, 114130.2, 114130.3, 114130.4,***  
***114130.5, 114130.6 114132, 114133, 114137, 114139, 114153, 114155,***  
***114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182***

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

**APPROVED**

1. Equipment and utensils are not designed and constructed to be durable and retain characteristic qualities under normal use. [§114130(a)]
2. Fabric implements are made of materials that allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions or are not safe, durable, and sufficient in strength to withstand repeated cleaning or laundering or are not resistant to fraying and deterioration. (§114130.6)
3. 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, is not evaluated by the local enforcement agency. [§114130(b)]

***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. [§114130(c)]*

4. New and replacement electrical appliances do not meet UL standards for electrical equipment. [§114130(d)]
5. Materials used in the construction of single-use articles, utensils, and food-contact surfaces of equipment allow migration of deleterious substances or impart colors, odors, or tastes to food or otherwise do not meet the standards of Sections 114130.1 and 114130.2.
6. Multiuse food-contact surfaces do not meet the requirements of Section

- 114130.3 (a-b).
7. Nonfood-contact surfaces do not meet standards specified in Section 114130.4.
  8. Clean In Place (CIP) equipment is designed in violation of Section 114130.5 (a-b).
  9. Wood or wood wicker is used as a food contact surface. [§114132(a)]

**Exceptions:**

- *Hard maple or equivalent may be used for cutting boards, rolling pins, chopsticks and as specified in Section 114132(b).*
  - *Raw fruit, vegetables and nuts in the shell may be kept in wood shipping containers as specified in Section 114132(c-d).*
10. 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. [§114133(a)]
- Note:** *Copper and copper alloys may be used in contact with beer brewing ingredients as noted in Section 114133(b).*
11. Dollies, pallets, racks, or skids are not designed to be moved by hand, hand truck or forklifts. (§114165)

**INSTALLED**

12. "V" type threads are used on food contact surfaces. (§114137)

**Exception:** *OK for hot oil cooking or filtering equipment.*

13. Cutting or piercing parts of can openers are not readily removable. (§114139)
14. Beverage tubing or cold-plate beverage cooling devices are installed in contact with ice intended to be used for food or drink. (§114167)

**Exception:** *Does not apply to cold plates constructed integrally with an ice storage bin. (§114167)*

15. 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. [§114169(a)(1-3), §114169(b)]

**Exception:** *Does not apply to display shelving, refrigeration, and freezer units located in consumer shopping areas if floor under these units is maintained clean. [§114169(c)]*

16. Table-mounted equipment that is not easily movable is not sealed to table or elevated on 4 inch legs. [§114169(d)]

### **CLEAN/GOOD REPAIR**

17. Equipment and utensils are not kept fully operative and in good repair. (§114175)
18. Surfaces of equipment such as cutting blocks and boards are scratched and scored so that they can no longer be effectively cleaned and sanitized. (§114177)

### **CAPACITY**

19. Equipment used for cooling and heating food, and for holding cold and hot food, is not sufficient in number and/or capacity to ensure proper food temperature control during transportation and operation. (§114153)
20. Electrical power is not supplied at all times, not resulting in major violations. (§114182)

**Note:** *Lack of electrical power resulting in major violations, such as food temperature violations should be marked in the corresponding data fields. Major violations that cannot be corrected on site should result in suspension of the operating permit and closure.*

### **MOLLUSCAN SHELLFISH TANKS**

21. Molluscan shellfish life-support system display tanks are used to display shellfish that are offered for human consumption. See exception below. [§114155(a)]
22. 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. [§114155(a)]

**Exception:** *If installed after July 1, 2007, molluscan shellfish may be offered for human consumption if the life-support system display tanks used to display shellfish that are offered for human consumption are operated and maintained according to a HACCP plan that has been submitted by the permit holder and approved by the enforcement agency. [§114155(b)]*

**Note:** *This plan must ensure all of the following: (1) water used with fish other than molluscan shellfish does not flow into the molluscan tank; (2) the safety and quality of the shellfish when they were received are not compromised by the use of the tank; and (3) the identity of the source of the shellstock is retained as required in Section 114039.1.*

## FOOD PREPARATION SINK

23. An approved food preparation sink is not provided when the food facility conducts washing, rinsing, soaking, thawing, or similar preparation of foods. (§114163)

**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. [§114163(b)(1)]*

**Note:** *The local agency can approve other methods where installation of a food preparation sink would not be readily feasible.*

## FOGGING DEVICES

24. Reservoirs that supply water to a device such as a produce fogger are not maintained and cleaned according to manufacturer's specifications or the following (whichever is more stringent): At least once a week – 1) Drainage and disassembly of the water and aerosol contact parts; 2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution; 3) Flushing the complete system with water to remove the detergent solution and particulate accumulation; 4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with an approved sanitizer 114180(b)(1) through (4).
25. Fogging device installed after July 1, 2007 using a reservoir instead of water under pressure for fogging or misting of food. [§114180(c)]

<p><b>37</b>     <b><i>Equipment, Utensils and Linens: Storage and Use</i></b> <b><i>Applicable Sections: 114074, 114075, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5</i></b></p>
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**OUT**     **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

### UTENSILS/TABLEWARE

1. Preset, unprotected tableware has not been removed when a customer is seated and has not been cleaned and sanitized before further use. (§114074)

**Note:** *Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware, food, and food-contact surfaces are not contaminated. (§114083)*

2. Soiled tableware is used to provide second portions. (§114075)
3. Utensils are not handled, displayed and dispensed so as to prevent contamination of lip-contact surfaces. [§114081(a)]
4. Single-use articles are reused. [§114081(d)]
5. Clean equipment and utensils are not stored covered or inverted in a self-draining manner that allows air drying. [§114178(b)]
6. Single-use articles are not kept in original protective package or otherwise protected from contamination until used. [§114178(c)]
7. If utensils are stored in an unapproved manner during pauses in food preparation or dispensing. (§114119)

**Note:** *The following are acceptable practices:*

- *Handles of food preparation/serving utensils stored above the top of the food and the container.*
- *Utensils used for non-PHF stored within a closed container and the handle of the utensil is above the top of the food (e.g., bins of sugar or flour).*
- *Utensils stored on a clean portion of the food preparation table or cooking equipment and the "in use" utensil is cleaned and sanitized as prescribed in Section 114117.*
- *In running water if used with ice cream.*
- *In a clean, protected location if the utensils (e.g., ice scoops) are used only with a food that is not a PHF.*
- *In a container of water 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**

8. Returned empty containers intended for refilling with food or beverage are not cleaned and refilled in an approved manner. Example: Customer owned-coffee cup or insulated bottle. [§114121(a)]

**Notes:**

- *Consumer-owned food containers returned to the food facility for refilling may be refilled and returned to the same consumer if either of the following conditions apply: 1) the container is refilled by an employee of the food facility, or 2) the container is refilled by the owner of the container if the dispensing system includes a transfer process that protects the dispensing equipment from lip contact surfaces and from manual contact of the delivery tube/chute/orifice.*
- *Drinking cups and containers may be reused for self-service if no contact occurs between pouring utensils and the lip area of the cup or container.*
- *Consumer-owned containers that are not food specific may be filled at a water vending machine or system.*



## STORAGE AREAS

9. 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 in, 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 [§114161(a)(1-8) and §114179(a)(1-8)]

**Exception:** *Laundered linens and single-use articles may be stored in a locker room if protected by packaging or a storage compartment. [§114179(b)]*

10. Pressurized cylinders are not securely fastened to a rigid structure. (§114172)

11. 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. [§114178(a)]

**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. [§114178(d)]*

## LINENS

12. Except for linen used in fabric implements, linens are used in contact with food in a manner different than allowed by Section 114185.

**Note:** *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.*

13. Linens are not free of food residue and soil. (§114185.2)

14. Linens, cloth gloves, or cloth napkins are not laundered as required. [§114185.3(a-c)]. The following are examples:

- Linens that do not come in direct contact with food are not laundered

- when they become wet, sticky or visibly soiled.
- Cloth gloves are not laundered before being used with a different type of raw animal food such as beef, lamb, pork, fish or poultry.
- Cloth napkins are not laundered between each use.

15. Adequate space is not provided for storage of clean linens [§114185.4(a)].
16. Soiled linens are not kept in proper receptacles or handled to prevent contamination of food, clean equipment and utensils, and single use articles. [114185.4(b)]

## LAUNDERING OF LINENS AND WORKCLOTHES

17. 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. [§114161(b)]
18. Linens and work clothes are laundered on the premises and a mechanical clothes washer and dryer are not provided. [§114185.5(b)]
19. Laundry facilities on premises are used for laundering items other than those used in the operation of the food facility. [§114185.5(a)]

**38**     ***Adequate Ventilation and Lighting; Designated Areas, Use***  
***Applicable Sections: 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1***

**OUT**     **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

### VENTILATION

1. 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. [§114149(a)]
2. 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. [§114149(b)]
3. Mechanical exhaust ventilation equipment is not provided over all cooking equipment to effectively remove cooking odors, smoke, steam, grease, heat and vapors. [§114149.1(a)]

***Exception:*** Section 114149.1 does not apply to cooking equipment when the equipment has been submitted to the local enforcement agency for evaluation, and the local enforcement agency has found that the equipment does not produce toxic gases, smoke, grease, vapors, or heat when operated under conditions recommended by the manufacturer. However, it is also important to note that local building and fire authorities

*may require mechanical exhaust ventilation over equipment exempted by the local agency. [ §114149(c)]*

**Note:** *Restricted food service facilities are exempt from Section 114149.1(a), but must still provide ventilation to remove gases, odors, steam, heat, grease, vapors and smoke from the food facility. If an enforcement officer determines that ventilation in a restricted food service facility must be mechanical in nature, the ventilation shall be accomplished by methods approved by the enforcement agency. [§114149.1(b)]*

4. 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. (§114149.3)
5. Mechanical exhaust ventilation equipment is not installed and maintained in accordance with the Uniform Mechanical Code. (§114149.1, §114149.2, §114149)

**Exception:** *For units subject to the California Mechanical Code, Part 2 (commencing with Section 18000) of Division 13, an alternative code adopted pursuant to Section 18028 shall govern construction standards. [§114149.1(a)]*

**Notes:**

- *CDPH is no longer authorized to exempt cooking equipment after evaluation for mechanical exhaust ventilation requirements.*
  - *Local enforcement agencies may now exempt cooking equipment from mechanical exhaust ventilation as appropriate. [114149.1(c)]*
  - *The local enforcement agency may recognize a testing organization to perform any necessary evaluations. [§114149(c)]*
6. Exhaust hood ducting does not meet the following requirements: [§114149.2(f)]
    - All seams are completely tight
    - Sufficient clean-outs are provided so that ducts are readily accessible for cleaning
    - Ducts are properly sloped
    - Intake and exhaust air ducts are cleaned and filters are changed so they are not a source of contamination by dust, dirt, and other materials

## **LIGHTING**

7. Sufficient natural or artificial lighting is not provided in every room and area, while the area is in use, in which any food is prepared, manufactured, processed or prepackaged, or in which equipment or

utensils are cleaned. (§114252)

**Notes:** *Lighting must be provided as follows:*

1. *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. [§114252(a)]*
  2. *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 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. [§114252(b)]*
  3. *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. [§114252(c)]*
8. 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. [§114252.1(a)]

**Note:** *Shielded, coated, or otherwise shatter-resistant bulbs are not required in areas used only for storing prepackaged food in unopened packages. [§114252.1(b)]*

9. Infrared or other heat lamps are not protected against breakage by a shield or by using shatter resistant bulbs. [§114252.1(c)]

<b>39</b>	<b><i>Thermometers Provided and Accurate</i></b> <b><i>Applicable Sections: 114157, 114159</i></b>
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**OUT** This item should be marked only if it is **OUT** of compliance. This item is marked OUT of compliance for the following:

**THERMOMETERS FOR HOT AND COLD HOLDING EQUIPMENT**

1. A readily visible thermometer is not provided in the warmest part of each refrigeration unit. [§114157(a-b)]
2. 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. [§114157(c)]

**Exception:** *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 heating units, heat lamps, cold plates, bain-marie units, steam tables, insulated food transport containers, and salad bars. [§114257(d)]*

3. Temperature measuring devices are not easily readable or have increments that are greater than 2°F. [§114157(e)]

### **THERMOMETERS FOR MEASURING FOOD TEMPERATURES**

4. A metal probe thermometer suitable for measuring the temperature of food is not readily available on the premises. [§114159(a)]

**Note:** *Required only if PHFs are stored and/or prepared.*

5. 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. [§114159(b)]
6. Temperature measuring devices used for food are not accurate to within plus or minus 2 degrees Fahrenheit or plus or minus 1 degree Celsius when scaled in only Celsius or dually scaled in Fahrenheit and Celsius. [§114159(c)]
7. Glass stem temperature measuring devices are used, unless they are candy thermometers encased in a shatterproof coating. [§114159(d)]

**40**

***Wiping Cloths: Properly Used and Stored***  
***Applicable Sections: 114135, 114185.1 114185.3(d-e)***

**OUT** **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. Sponges are used in contact with cleaned and sanitized or in-use food contact surfaces. (§114135)
2. Wiping cloths are used in a manner other than as prescribed. For example:
  - Wiping cloths used for wiping food spills are used for another purpose. [§114185.1(a)]
  - Cloths used for cleaning food spills from tableware and carry-out containers are not dry. [§114185.1(b)]
  - Dry cloths used for wiping food spills, other than from tableware

- and carryout containers, are used more than once prior to laundering. [§114185.1(b)]
- Cloths used repeatedly prior to laundering are not held in an approved sanitizing solution. [§114185.1(b)]
  - Dry or wet cloths used with raw animal foods are not kept separate from cloths used for other purposes. [§114185.1(c)]
  - Wet cloths used with raw animal foods are not kept in a separate sanitizing solution. [§114185.1(c)]
  - Wet wiping cloths used with a freshly made sanitizing solution, and dry wiping cloths, are not free of food debris and visible soil. [§114185.1(d)]
  - 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. [§114185.1(e)]
3. Wet wiping cloths are not laundered daily. [§114185.3(d)]
  4. Dry wiping cloths are not laundered as necessary to prevent contamination of food and clean serving utensils. [§114185.3(e)]

**Notes:**

- *Wiping cloths are considered a special-use type of linen that are to be used for no other purpose [See §113820, §114185.1(a)]. Common sense and a reasonable, but practicable approach, must be used when determining when a wiping cloth is so soiled that it must be laundered or a sanitizing solution so debris-laden that it must be changed. If laundered on the premises, 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.*
- *Contamination of food contact surfaces by soiled wiping cloths should be marked in Data Field #15 “Food Contact Surfaces: cleaned and sanitized.”*

**F. PHYSICAL FACILITIES**

**41**     ***Plumbing; Proper Backflow Devices***  
***Applicable Sections: 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269***

**OUT**     **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

**PLUMBING AND PLUMBING FIXTURES**

1. Plumbing and plumbing fixtures are not installed in compliance with local plumbing ordinances, or are not maintained to prevent contamination, or are not fully operative, or in good repair. (§114190)

2. Nonpotable water piping is not identified so as to be readily distinguishable from potable water piping. [§114192(c)]
3. Liquid waste drain lines pass through an ice machine or ice storage bin. (§114171)
4. Boiler water additives do not meet the requirements of 21 Code of Federal Regulations (C.F.R.) 173.310. (§114189.1)
5. 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. [§114192(b)]
6. Indirect waste receptors are not readily accessible. [§114193(c)]

### **BACKFLOW/BACK SIPHONAGE PROTECTION**

7. The potable water supply is not protected by a backflow or back siphonage protection device when required. [§114192(c)]

**Note:** *Mop sinks and sinks equipped with hose threaded faucets should be protected with a back flow prevention device.*

8. 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. [§114193(a-b)]

**Note:** *An evaporator for refrigeration units is acceptable if properly installed and functioning. [§114193(b)]*

9. Warewashing machines that are directly connected to the sewer are not connected immediately downstream from a floor drain. [§114193(d)]

**Notes:**

- *Warewashing only sinks that are directly plumbed on January 1, 1996 may continue in use. [§114193(e)]*
- *Warewashing sinks are not required to be indirectly plumbed when the local plumbing official determines that the sink should be directly plumbed. [§114193(e)]*

10. 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. (§114193.1)

### **GREASE TRAPS**

11. A grease trap or grease interceptor is located in a food or utensil handling area without approval of the enforcement agency. [§114201(a)]
12. A grease trap or grease interceptor is not easily accessible for servicing.

[§114201(b)]

**Exception:** *Food facilities approved with a grease trap or grease interceptor that were in operation before July 1, 2007 before the CalCode section became effective are not required to comply. [§114201(c)]*

## **DRAINAGE**

13. 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 1/4 inch per foot to the floor drains. (§114269)

**Note:** *Sewer backups are marked in Data Field #23 “Sewage and waste water properly disposed.”*

14. 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. (§114199)

<b>42</b>	<b>Garbage and Refuse Properly Disposed; Facilities Maintained</b> <b>Applicable Sections: 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8</b>
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**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

### **FACILITIES PROVIDED**

1. Facilities and equipment necessary to store or dispose of all waste material are not present. [§114244(a)]
2. Waste receptacles are not present for use by consumers when needed. [§114244(b)]
3. A waste receptacle is not provided in each area where refuse is generated or discarded, or where recyclables or returnables are placed. [§114244(c)]
4. 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. [§114245(a)]
5. Receptacles and waste handling units are located so as to create a public health hazard or nuisance, or interfere with cleaning of adjacent space. [§114245(b)]
6. An outside storage area or enclosure is not constructed of nonabsorbent material or is not easily cleanable, durable, and sloped to drain. (§114245.4)



7. 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). (§114245.5)

## **FACILITIES MAINTAINED**

8. Refuse, recyclables, or returnables is not kept in nonabsorbent, durable, cleanable, leak proof, and rodent proof containers. [§114245.1(a)]

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

9. Refuse containers are not covered with close-fitting lids, or sealed, disposable bags that are impervious to moisture are not used. (§114245.1)

**Exception:** *Refuse containers inside a food facility do not need to be covered during periods of operation. [§114245.1(b)]*

10. Storage areas, enclosures, and receptacles are not maintained in good repair. [§114245.1(d)]
11. 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; or 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. (§114245.6)
12. Suitable cleaning implements and supplies are not provided as necessary or off-premises cleaning services are not provided. [§114245.7(a-b)]

## **DISPOSAL**

13. Refuse is not removed and disposed of in a sanitary manner, as needed to prevent the creation of a nuisance. [§114245.1(c)]
14. 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. [§114245.1(e)]
15. 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. (§114245.2)

**Note:** *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. (§114245.2)*

16. Animal byproducts and inedible kitchen grease is not disposed of as required in Section 114245.8.

**43 Toilet Facilities: Properly Constructed, Supplied, Cleaned**  
**Applicable Sections: 114250, 114250.1, 114276**

**OUT** This item should be marked only if it is **OUT** of compliance. This item is marked OUT of compliance for the following:

1. Toilet facilities are:
  - Not provided or the number of toilet facilities is not in accordance with local building and plumbing ordinances,
  - Not clean and in good repair,
  - Not conveniently located and accessible to employees at all times the facility is in operation, or
  - Are used for storage of equipment or supplies.
2. Not provided with toilet tissue in permanently installed dispensers at each toilet. (§114250)

**Notes:**

- *Food facilities located within amusement parks, stadiums, arenas, food courts, fairgrounds, and similar premises are not required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet in travel distance of each food facility and are readily available for use by employees. Any food facility taking advantage of this allowance must be provided with approved handwashing facilities for employee use. [§114250.1(a)]*
- *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. [§114250.1(b)]*
- *Food stored in toilet rooms should be marked in Data Field #31.*

**APPLIES ONLY TO PERMANENT FOOD FACILITIES**

3. 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 it has more than 20,000 square feet of floor space. [§114276(b)(1)]

**Note:** *For the purposes of determining whether a public restroom is required, 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.*

4. Food facilities constructed before January 1, 2004 that provide food for consumption on the premises do not 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. [§114276(f)(1)]
5. 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. [§114276(b)(3)]
6. 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. [§114276(b)(2)]
7. Doors are not kept closed or are not self-closing or well-fitted.

**Exception:** *Doors may be open during cleaning or maintenance [§114276(c)(2)]*

8. Handwashing facilities in good repair are not provided. [§114276(d)]

**Notes:**

- See Sections 113935 through 113935.5 for requirements for handwashing facilities. [§114276(d)]
- Local jurisdictions may enact ordinances more restrictive than this Section. [§114276(e)]
- See Section 114276(f)(2) for penalties.
- See Section 114276(f)(3) for an option that allows employee toilets to meet the requirement for toilets for patrons, guests, and invitees.

**44 Premises; Personal/Cleaning Items; Vermin-Proofing**  
**Applicable Sections: 114123, 114143 (a) & (b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

**PREMISES**

1. 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. (§114123)
2. The premises are not kept free of litter and items that are unnecessary to the operation or maintenance of the facility. (§114257.1)
3. The open-air barbecue or outdoor wood burning oven is not operated on

the same premises, in conjunction with a permanent food facility or is operated in an area that may pose a fire hazard. [§114143(a-b)]

4. All facilities are not kept clean, fully operative, and in good repair. (§114257)
5. No room, area, or cabinet that is separate from any food prep or storage area, or warewashing or storage area, is provided for storage of cleaning equipment and supplies. (§114281)
6. Mops, after use, are not placed in a position that allows them to air dry without soiling walls, equipment, or supplies. (§114282)
7. No curbed cleaning facility or janitorial sink with drain is provided and conveniently located. [§114279(a)]

**Exception:** See Section 114279(b) for exemption of restricted food service facilities.

## **STORAGE OF PERSONAL/CLEANING ITEMS**

8. Lockers or areas designated for employees are located in an area where contamination of food, equipment, utensils, linens and single-use articles can occur. (§114256)
9. 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. (§114256.1)
10. 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. (§114256.2)
11. 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. (§114256.4)
12. Evidence of drinking and eating by food employees if the food employee is not actually observed eating, drinking, or using tobacco. (§113977)

## **VERMIN PROOFING**

13. The food facility is not constructed, equipped, maintained, or operated in a manner that prevents the entrance or harborage of animals, birds, or vermin, including but not limited to, insects and rodents. [§114067(j), §114259]
14. Pass-through window openings do not comply with requirements specified in Section 114259.2.
15. Insect electrocution devices do not retain the insect within the device or are located over food or utensil handling areas. (§114259.3)

**Exceptions:**

1. Fish, shellfish or crustacea in aquariums, shellfish or crustacea on ice

- of under refrigeration and shellfish in approved display tank systems.*
2. *Animals intended for consumption if the live animals are kept separate from food and utensils handling areas, held in sanitary conditions, slaughtered in a separate, approved room with separate ventilation that meets all other applicable requirements.*
  3. *A service animal under the control of the owner in areas not used for food preparation if no health or safety hazard will results from the presence or activities of the animal.*
  4. *Patrol dogs under the control of a uniformed officer.*
  5. *If the owner of a food facility allows pet dogs in outdoor dining areas, it is not a violation if:*
    - *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.*
    - *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.*
    - *Food and water for the pet is only provided in single-use disposable containers.*
    - *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 as required by Section 113953.3.*
    - *The outdoor dining area is maintained clean. Surfaces that have been contaminated by dog excrement or other bodily fluids shall be cleaned and sanitized.*
    - *The pet dog is on a leash or confined in a pet carrier and is under the control of the pet dog owner.*
    - *The food facility owner ensures compliance with local ordinances related to sidewalks, public nuisance, and sanitation. (§114259.5)*

## **G. PERMANENT FOOD FACILITIES**

<b>45</b>	<b><i>Floors, Walls and Ceilings: Built, Maintained, and Cleaned</i></b> <b><i>Applicable Sections: 114143(d), 114266, 114268, 114268.1, 114271, 114272</i></b>
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**OUT**     **This item should be marked only if it is OUT of compliance. This item is marked OUT of compliance for the following:**

1. 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. (§114266)

**Exceptions:**

- *A food facility that is not fully enclosed on all sides and that was in operation on January 1, 1985, does not need to meet this requirement until the facility is remodeled, has a significant menu change, or significant change in its method of operation. [§114266(a)]*
- *Dining areas or any other operation approved for outdoor food service is not required to be enclosed. [§114266(b)]*
- *A produce stand that was in operation prior to July 1, 2007 may have no more than one side open to the outside air during business hours. [§114266(c)]*

2. Floor surfaces are not clean and in good repair; or not smooth, durable, and nonabsorbent as required; or floor surfaces are not covered 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.

**Exception:** *See exception for public and private schools. [§114268(c)]*

**Notes:**

- *Sawdust, wood shavings, peanut hulls, or similar materials may be used in dining and serving areas only.*
- *Use of approved dust-arresting floor sweeping and cleaning compounds during floor cleaning operations is allowed. Use of anti-slip floor finishes or materials is allowed in areas where necessary for safety reasons [§114268(e)].*
- *Methods of cleaning other than dustless methods are used. (§114268.1)*

**Notes:**

- *Acceptable methods include wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds [§114268.1(a)].*
- *Spills or drippage may be cleaned without the use of dust-arresting compounds. Liquid spills and drippage may be cleaned with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth that is applied immediately before cleaning. [§114268.1(b)]*

3. Mats and duckboards, if used, are not removable and easily cleanable. (§114272)
4. Walls and ceiling surfaces are not clean and in good repair; or not durable, smooth, nonabsorbent. (§114271)

**Exceptions:** *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); or where food is stored only in unopened bottles, cans, cartons, sacks, or other shipping containers; or dining and sales areas, offices, or restrooms used exclusively by patrons. [§114271(b)]

**Notes:**

- *Acoustical paneling is acceptable if installed not less than 6 feet above the floor, however it must be durable, smooth, nonabsorbent, and easily cleanable. [§114272(c)]*
  - *Conduits must be installed within walls and ceilings as much as practicable, or mounted or enclosed to facilitate cleaning. [§114271(d)]*
  - *Attachments to walls and ceilings must be easily cleanable. [§114271(e)]*
5. The floor surfaces extending from a permanent open-air barbecue or wood-burning oven a minimum of five feet are not impervious or easily cleanable. [§114143(d)]

<b>46</b> <b><i>No Unapproved Private Homes /Living or Sleeping Quarters</i></b> <b><i>Applicable Sections: 114285, 114286, 114365</i></b>
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**OUT** **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. 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. (§114285)
2. 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. (§114286)

**Exceptions:**

- *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 the local enforcement agency.*

**Note:** *Nonperishable, prepackaged food may be given away, sold, or handled from a private home. Food that has exceeded the manufacturer's shelf life date is considered to be perishable food and may not be dispensed. See definition of "nonperishable food" in Section 114285(b).*

**47**      ***Vending Machines (Previously Data Field #37)***  
***Applicable Section: 114145***

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for vending machines that are in violation of the following:

1. The owners name, address, and telephone number are not posted.
2. There is wet storage of prepackaged food.
3. PHF are not dispensed in the original package.
4. A record of cleaning and sanitizing is not provided and current for at least the last 30 days.
5. The vending machine is not constructed to NSF or NAMA standards.
6. If overhead protection is not provided if the machine is located outside.
7. The dispensing compartment is not equipped with a self-closing door or cover if located outside or not under full-time supervision.

## **H. SIGNS/ REQUIREMENTS**

**48**      ***Signs Posted; Last Inspection Report Available***  
***Applicable Sections: 113725.1, 113953.5, 113978, 114381(e)***

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. A copy of the most recent routine inspection report is not maintained at the food facility and is not made available upon request. (§113725.1)
2. A sign was not posted advising patrons that a copy of the most recent inspection report is available for review. (§113725.1)
3. Handwashing sign is not posted at handwashing sinks used by food employees. (§113953.5)

***Exception:*** Does not apply to toilet rooms in guestrooms of restricted food service facilities.

4. "No Smoking" sign is not posted in food preparation, food storage or warewashing areas. (§113978)
5. Permit is not posted in conspicuous location. [§114381(e)]

## **I. COMPLIANCE AND ENFORCEMENT**

**49**      ***Plan Review***  
***Applicable Section: 114380***



**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance if complete plans (drawn to scale) for a proposed new construction or remodel of a food facility are not submitted prior to construction, or construction of a new facility or remodel of an existing food facility begins prior to plan approval by the enforcement agency. (§114380)

**Notes:**

- *Plans may be required by the enforcement agency 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 the local enforcement agency. These changes may include, but are not limited to, the addition of potentially hazardous food 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.*

<b>50</b>	<b>Permits Available</b> <b>Applicable Sections: 114067(b, c), 114381(a), 114387</b>
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**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Satellite food service is not operated in conjunction with a fully enclosed permanent facility or written procedures are not available. [§114067(b, c)]

**Note:** *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 (e.g., an outdoor beverage bar). Satellite food service does not include remote food service operations located within a fully enclosed food facility.*

2. When a food facility is open for business and does not have a valid permit. (§114381)

**Exception:** *A facility with a food display area of 25 square feet or less of prepackaged, nonpotentially hazardous food that complies with §114289(c) does not require a 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. (§114387)*
- *For purposes of enforcement, the EHS may, during the facility's hours of*

*operation and other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility.*

- *A food facility employee may refuse entry to an EHS who is unable to present official identification showing the EHS's picture and agency name. In the absence of official identification, the EHS can present a business card showing the agency name and separate photo identification such as a driver's license.*

**51     *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 by the enforcement agency. (§114393)

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

This item is marked when a food facility's permit has been suspended.

**DATA FIELDS 53-59 ARE INTENTIONALLY LEFT BLANK**

## IX. MARKING INSTRUCTIONS FOR MOBILE FOOD FACILITY DATA FIELDS

The California Retail Food Code (CalCode) roughly parallels the FDA Model Food Code in an effort to provide a uniform system of provisions that address the safety and protection of food offered at retail and in food service in order to assure the food will be “pure, safe, and unadulterated.” The primary emphasis of the code is to provide guidance to regulators and industry with the goal of preventing foodborne illness whenever food is served or sold at retail. In doing this the CalCode has stepped away from categorizing food facilities by type and has instead addressed common controls of risk factors that apply to all food facilities. As a result, foods that are served from mobile food facilities are expected to meet the applicable requirements of CalCode Chapters 1 through 8 which apply to all types of food facilities.

CalCode allows mobile food facilities in operation prior to July 1, 2007 to continue to operate in accordance with the original conditions of approval. This includes, but is not limited to, one and two compartment warewashing sinks.

The following Data Fields are for those special requirements specifically provided for mobile food facilities in Chapter 10 of the California Retail Food Code. Some of these Data Fields may be marked IN, OUT, NA, or NO if they are major violations. Violations of this section that are not major violations are only marked OUT.

### 60 ***Certification by Housing and Community Development*** ***Applicable Section: 114294(c)***

**OUT** **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance if the mobile food facility is not occupiable, has a gas appliance, electrical system or plumbing system and has not been certified by the California Department of Housing and Community Development (HCD). [§114294(c)]

**Notes:**

- *Certification by the Department of Housing and Community Development only applies to occupiable custom coaches. The certification includes gas fixtures, electrical and other structural items.*
- *Certification, when required, is a prerequisite of permitting.*
- *Mobile food units must meet the sanitation requirements in CalCode, in addition to obtaining HCD approval.*

**61**      **Approval by Enforcement Agency**  
**Applicable Sections: 114380, 114294, 114306**

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance if the mobile food facility has not been approved by the enforcement agency or is not operating as approved. (§114294, §114380)

**Notes:**

- *The enforcement agency looks at all mobile food facilities and bases approval on the unit meeting the requirements of the operation(s) intended on the mobile food facility.*
- *Approval is a prerequisite of permitting. All permitted mobile food facilities are approved or certified.*
- *Mobile food facilities operating at a single operating site are restricted to produce, prepackaged food and limited food preparation.*

**62**      **Compliance with Commissary Requirements**  
**Applicable Section: 114295**

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. The mobile food facility fails to operate out of a commissary or in conjunction with a mobile support unit. [§114295(a)]
2. The mobile food facility is not stored in a location approved by the enforcement agency. [§114295(c)]
3. Mobile support unit is not operated out of a commissary. [§114295(d)]
4. A mobile support unit is servicing a mobile food facility that is engaged in food preparation, other than limited food preparation. [§114295(d)]

**Exception:** *This section does not apply to mobile food facilities that operate at community events as defined in Section 113755 and that remain in a fixed position during food preparation and its hours of operation if potable water and liquid waste disposal facilities are available when required. [§114295(b)]*

**Notes:**

- *It is the responsibility of the operator to provide documentation that the mobile food facility or its mobile support unit is operating out of an approved commissary.*
- *Mobile food facilities operating at community events need to provide alternative means to restock and clean their facilities during the community event.*

**63**      **Cleaning & Servicing**  
**Applicable Section: 114297**

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. Mobile food facility is not cleaned and serviced daily. [§114297(a)]
2. Mobile support unit does not report to commissary daily for cleaning, servicing and storage. [§114297(d)]

**Notes:**

- *If a mobile food facility is in the field and it appears not to have been cleaned daily, it may be asked to return to its commissary for cleaning and servicing.*
- *Servicing includes removing food and other food related items that may not be adequately protected on the mobile food facility*

**64**      **Identification of Owner**  
**Applicable Section: 114299**

**OUT**      **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. The business name or the name of the operator, city state and ZIP code, and the name of the permittee if different from the business name is not clearly visible on the customer side of the mobile food facility. [§114299(a)]
2. Business or operator name is not at least 3 inches high and address is not one inch high. [§114299(b)]
3. Sign is not in contrasting color with the the background. [§114299(b)]
4. For a motorized vehicle and a mobile support unit, the sign is not present on both sides of vehicle. [§114299(c)]

**Notes:**

- *The name on the vehicle should enable the consumer to identify and locate the business*
- *Any appropriate, cleanable, material for the sign may be utilized as long as the identification is clear and of appropriate size.*
- *Any font or lettering style may be used as long as identification is legible.*
- *Lettering can be larger than the minimum.*
- *Any color may be used as long as it is contrasting with the color of the vehicle so as to be easily read.*

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Food equipment is not smooth, readily accessible and easily cleanable. [§114301(b)]
2. There are unfinished wood surfaces present. [§114301(b)(1)]
3. Construction joints and seams are not tight and/or sealed against entrance of liquids, waste, or vermin. [§114301(b)(2)]
4. Nonportable equipment is not an integral part of the primary unit. [§114301(b)(3)]
5. For mobile food facilities that handle potentially hazardous foods, there is no refrigeration unit as defined in Section 113885. [§114301(c)]

**Exception:** *If mobile food facility handles prepackaged frozen ready-to-eat foods, whole fish and whole aquatic invertebrates, a refrigeration unit is not required.*

6. All new and replacement gas or electrical appliances do not conform to applicable standards. [§114301(d)]
7. Space around pipes, conduits or hoses is not sealed, smooth, and cleanable. [§114301(e)]
8. Drip trays are not provided where appropriate. [§114301(f)]
9. All equipment is not installed so as to be easily cleanable, prevent vermin harborage and provide adequate access for service and maintenance. [§114301(g)]
10. Floors, walls and ceilings are not constructed so as to be impervious, smooth and easily cleanable. The floor wall juncture is not coved with minimum 3/8" radius cove. The floor does not extend up the wall at least 4". [§114301(h)]
11. Ground and floor surfaces where enclosed cooking processes are conducted do not provide employee safety from slipping for at least five feet on all open sides where cooking is conducted. [§114301(i)]
12. Mechanical exhaust ventilation equipment is not provided over all cooking equipment as required in Section 114149.1(a-d).

**Notes:**

- *Wood may be present but must be finished so as to be non-absorbent and easily cleanable. Depending on location and use this may mean all exposed surfaces must be finished.*
- *For the frozen ready-to-eat foods, whole fish and whole aquatic invertebrate exception, ice or other means may be used to maintain proper temperature.*
- *Drip trays are only necessary where moderate quantities of liquid spillage are possible. They should not be required where minimal spillage can easily be wiped*

*up and would not flow to other areas prior to clean-up (e.g. air pots are activated by a proactive mechanism and would not flow if not pumped. Spillage would be limited and should be cleaned up immediately. Drips would probably evaporate before they flow elsewhere. There is no requirement for drip tray covers.*

**66**      **Protection from contamination**  
**Applicable Sections: 114303**

**IN/OUT**    **This item should be marked only IN or OUT of compliance.** This item is marked OUT of compliance for the following:

1. Employee entrance doors for occupiable mobile food facilities are not self-closing or not kept closed. [§114303(a)]
2. The mobile food facility and all equipment and utensils are not protected from potential contamination, and not kept clean, not in good repair and not free of vermin. [§114303(b)]
3. Food, food contact surfaces, and utensils are not protected from contamination. [§114303(c)]
4. For unenclosed mobile food facilities handling non-prepackaged food, there is not available on the mobile food facility an approved written operational procedure for food handling and the cleaning and sanitizing of food contact surfaces and utensils. [§114303(d)]
5. Overhead protection is not provided for a warewashing sink for an unenclosed mobile food facility. [§114314(b)]

**Note:** *A mobile food facility operating within a fully enclosed structure shall not be required to provide a secondary food compartment over food preparation areas.*

**67**      **Food Storage and Preparation Space**  
**Applicable Section: 114305**

**OUT**    **This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. Food is conveyed, held, stored, displayed or served from any other place other than the mobile food facility except for restocking of product in a manner approved by the enforcement agency. [§114305(a)]
2. Counter space is not provided adjacent to all cooking equipment. [§114305(b)]
3. Food products after each day's operation are not stored in an approved facility. [§114305(c)]
4. Potentially hazardous food stored above 135°F is not destroyed at the end of the operating day. [§114305(d)]



**Notes:**

- *Mobile food facilities operating at a fixed location in conjunction with a community event can operate a beverage counter which is not part of the mobile food facility but is adjacent to it.*
- *Mobile food facilities operating at a fixed location in conjunction with a community event can store food products in approved off-site storage.*
- *Food may be conveyed to mobile food facilities from mobile support units, commissaries and approved off-site storage to the mobile food facility during restocking in a manner acceptable to the enforcement agency.*

**68 Handwashing Sinks**  
**Applicable Sections: 114311, 114314, 114306(a)**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. The mobile food facility sells nonprepackaged food and there is no adequate handwashing sink or if the hand sink is not separated from the warewashing sink. [§114311, §114306(a)]
2. The provided handwashing sink is not at least 9" by 9" and 5" deep and easily accessible to employees. [§114311(a)]
3. The handwashing sink is not separated from the warewashing sink by a metal splashguard of adequate size and construction, unless the handwashing sink is separated from the warewashing sink by at least 24". [ §114311(b)]
4. The mobile food facility is unenclosed, the sinks are not an integral part of the primary unit, nor are the sinks in an immediately adjacent auxiliary conveyance containing all the utility connections. (§114314)

**Notes:**

- *If a mobile food facility has been permitted prior to January 1, 1997, modifications to the mobile food facility are not required so long as the facility is operated in accordance with the conditions of approval. It may be necessary for the operator to maintain this documentation.*
- *Handwashing facilities are not required for mobile food facilities that only handle whole produce or the bulk dispensing of nonpotentially hazardous beverages.*

**69 Warewashing Sinks**  
**Applicable Sections: 114306(c), 114306(d), 114313, 114314**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. The mobile food facility does not have an available 3-compartment



warewashing sink with two integral drain boards available except when handling the following:

- a. Nonpotentially hazardous foods that do not require preparation other than heating, baking, popping, portioning, bulk dispensing, assembly, or shaving of ice.
  - b. Steamed or boiled hot dogs.
  - c. Tamales in the original, inedible wrapper.
  - d. An unenclosed mobile food facility that prepares potentially hazardous beverages for immediate service in response to an individual consumer order shall do one of the following:
    - i. Provide a three-compartment sink described in subdivision.
    - ii. Provide at least one two-compartment sink that complies with subdivision (e) of Section 114099.3.
    - iii. Provide a one-compartment sink with at least one integral metal drainboard, an adequate supply of spare preparation and serving utensils to replace those that become soiled or contaminated, and warewashing facilities that comply with subdivision (a) in reasonable proximity to, and readily accessible for use by, food employees at all times. [§114313, §114306(c)]
2. Where no warewashing sink is required, equipment and utensils are not washed and sanitized daily at the approved commissary or food facility, or an adequate supply of spare clean utensils is not provided. [§114313(b)]
  3. The compartments of the sink are not large enough to accommodate the cleaning of the largest utensil. or at least 12 inches wide, 12 inches long and 10 inches deep or 10 inches wide, 14 inches long and 10 inches deep [§114313(a)(1)]
  4. The drain boards are not at least the size of one of the sink compartments, are not installed with at least a 1/8 inch per foot slope toward the sink compartment, or are not constructed with a minimum one-half inch lip or rim to prevent spillage. [1§114313(a)(2)]
  5. The mobile food facility is unenclosed and the warewashing sinks are not an integral part of the primary unit, or an auxiliary conveyance operated in conjunction with the mobile food facility. [§114314(a)]
  6. The warewashing sinks for unenclosed mobile food facilities are not equipped with adequate overhead protection. [§114314(b)]
  7. Warewashing facilities at a single operating site are shared by more than four mobile food facilities. [§114306(d)]

**Notes:**

- *If a mobile food facility has been permitted prior to January 1, 1997 modifications to the mobile food facility are not required so long as the facility is operated in accordance with the conditions of approval. It may be necessary for the operator to maintain this documentation.*
- *Warewashing sinks must be large enough to accommodate the largest utensil used.*

- *Sufficient utensils shall be available if no warewash sink is provided. The utensils shall be washed and sanitized at a commissary. Soiled utensils shall be stored in a manner to prevent contamination of clean utensils and other food, and food related equipment.*

**70 Restroom Facilities**  
**Applicable Sections: 114315**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance if a mobile food facility is stopped in one location for more than one hour and is not within 200 feet of an approved, readily available, toilet and handwashing facility. (§114315)

**Notes:**

- *Mobile food facilities operating at a fixed location in conjunction with a community event should be within 200 feet of facilities as arranged by the event organizer.*
- *Readily available implies that employees of the mobile food facility have access to the toilet and handwashing facilities any time the mobile food facility is operating at the site.*
- *If the restroom facilities are not under the ownership of the mobile food facility owner/operator, then a letter of agreement of use or other documentation may be required.*

**71 Exterior and Surrounding Area Sanitary**  
**Applicable Section: 114317**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance if the exterior of a mobile food facility or the area around the mobile food facility are not maintained in a sanitary condition. (§114317)

**Notes:**

- *Exteriors of mobile food facilities should be cleaned as needed.*
- *If travel from one location to another causes the exterior to become less than sanitary, efforts should be made to clean those areas.*

**72 Storage of Nonfood Items**  
**Applicable Sections: 114254, 114319**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. *Insecticides and other poisonous substances are not stored in a separate cabinet or drawer. [§114319(b)]*

2. Nonfood items (e.g. spare tires, related automotive equipment, special tools) are not stored separate from the food preparation and food storage areas. [§114319(a), §114254, §114254.1, §114254.2, §114254.3]

**Note:** Storage of non-food related items may be accessed from the exterior of mobile food facility. This reference to non-food items does not include cups, napkins, single service utensils or other food related material.

**73 Compliance with Height and Width of Occupied Areas**  
**Applicable Section: 114321**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance if the height in aisle way is not a minimum of 74 inches unobstructed floor to ceiling and aisle way is not 30 inches unobstructed horizontal space due to structural limitations and/or improper storage. (§114321)

**Notes:**

- This section applies only to mobile food facilities that are occupied during normal operations.
- This section should be evaluated during the permitting process.
- Mobile food facilities that are certified by the Department of Housing and Community Development should meet these requirements.
- Facilities in operation prior to January 1, 1996 that do not meet this requirement are not required to be modified.

**74 Location of Compressors**  
**Applicable Sections: 114322**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance if compressors that are not an integral part of food equipment are not in an enclosure completely separated from food preparation and food storage. (§114322)

**Note:** Storage for compressors may be accessed from exterior of mobile food facility.

**75 Compliance with Safety Requirements**  
**Applicable Section: 114323**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. No first aid kit is available. First aid kit is not convenient. First aid kit is not in an enclosed case. [§114323(a)]
2. For mobile food facilities that operate in more than one location during the

- day, food equipment and utensils are not equipped or stored so as to prevent movement, spillage, or breakage in the event of a sudden stop, collision or overturn. [§114323(b)]
3. Light bulbs and tubes are not completely enclosed with a plastic safety shield or equivalent. [§114323(c)]
  4. There is no easily accessible and properly charged fire extinguisher available. [§114323(e)]
  5. There is no properly labeled, appropriately sized and located, second exit from an occupiable mobile food facility. [§114323(f)]
  6. Insulation is lacking from gas fired appliances. [§114323(g)]

**Notes:**

- *First aid kit should be stocked with sufficient supplies appropriate to emergencies anticipated.*
- *Drawers and doors should be equipped with latches or safeties so that they do not come open during transit.*
- *Fire extinguisher may not be needed on mobile food facilities without open flames or heat sources.*
- *Insulation for gas fired appliances should provide protection to operator from hot surfaces.*
- *Except for units subject to California Health and Safety Code, Part 2 (commencing with Section 18000) of Division 13, a second means of exit shall be provided in the side opposite the main exit door, or in the roof, or the rear of the unit, with an unobstructed passage of at least 61 centimeters by 91 centimeters (24 inches by 36 inches). The interior latching mechanism shall be operable by hand without special tools or key. The exit shall be labeled "Safety Exit" in contrasting colors with at least 2.5-centimeters (one-inch) high letters.*

<b>76 Compliance with Water Heater Requirements</b> <b>Applicable Sections: 114325</b>
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**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. There is no water heater or instantaneous heater capable of heating water to a minimum of 120°F.
2. Minimum capacity of water heater does not meet 4 gallons for a mobile food facility that has a warewashing sink (or ½ gallon a mobile food facility that only utilizes water for handwashing purposes).

**Notes:**

- *Facilities approved to operate prior to July 1, 2007 that do not meet this requirement are not required to be modified. [§114309(b)]*
- *A mobile food facility equipped with a 3 gallon-capacity that is in compliance with Section 114325 is not required to be modified.*

- *If there is no warewashing sink required, water heater must be capable of heating water to 100°F for handwashing sink.*

<b>77 Commissary Support Requirements</b> <b>Applicable Section: 114326</b>
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**Major violations include:**

- ***Hot water at warewashing sinks is measured at the faucet less than 110°F***
- ***Contaminated or unapproved water supply or no potable water is available to the facility***
- ***Lack of operable toilet facilities, an overflowing or clogged grease trap/interceptor, or overflows or back-ups of sewage/wastewater into the food facility that can or does result in contamination of food contact surfaces and adulteration of foods***

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked OUT of compliance for the following:

1. Commissary or other facilities approved by the local enforcement agency do not have adequate facilities provided for proper sanitary disposal of liquid wastes from mobile food facilities or mobile support units being serviced. [§114326(a)]
2. Commissary does not have adequate facilities provided for proper handling and disposal of garbage and refuse from mobile food facilities or mobile support units being serviced. [§114326(b)]
3. Commissary does not have adequate potable water or facilities for filling water tanks of mobile food facilities or mobile support units being serviced. [§114326(c)]
4. Commissary does not have enough hot and cold water under pressure for cleaning mobile food facilities or mobile support units being serviced. [§114326(d)]
5. Commissary does not have adequate facilities for the storage of food, utensils and other supplies. [§114326(e)]
6. Commissary does not have adequate servicing area, covered, sloped and drained as appropriate. [§114326(g), §114326(h)]
7. Commissary does not have adequate electrical power for mobile food facilities and mobile support units. [§114326(i)]
8. For Commissaries supporting mobile food facilities conducting limited food preparation, lack of an adequate food preparation area. [§114326(f)]
9. Commissaries that do not otherwise meet the applicable sanitation requirements of Chapters 1 through 8.

**Notes:**

- *The commissary should be inspected separately from the mobile food facilities which it services but should have adequate support facilities to support each mobile food facility and mobile support unit working from it.*

- *A separate permit is required for the commissary.*
- *Commissaries should meet the requirements of other regulatory authorities including building and safety, fire, and sanitary districts.*

**78 Compliance with Mobile Support Unit Requirements**  
**Applicable Sections: 114327**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Mobile support unit has not been approved by enforcement agency. [§114327(a)]
2. Interior floor sides and top of mobile support unit is not constructed appropriately for intended purpose. [§114327(b)]
3. Liquid wastes are draining onto street, sidewalk, or premises. [§114327(b)(2)]
4. Potentially hazardous foods being transported in the mobile support unit are not maintained at required temperature in equipment capable of maintaining that temperature. [§114327(b)(3)]
5. Food, utensils, and supplies being transported in the mobile support unit are not protected from contamination. [§114327(b)(4)]
6. No separate storage is provided for all poisonous substances, detergents, bleaches, cleaning compounds, and all other injurious or poisonous materials. [§ 114327(b)(5)]
7. Warewashing is being conducted on the mobile support unit. [§114327(c)]

**Notes:**

- *Mobile Support Units should be designed to adequately provide services to the mobile food facilities which they support.*
- *Easy access to movable equipment is important.*
- *Cleanability of the unit is required.*
- *Refrigeration units are not required on Mobile Support Units as long as Potentially Hazardous Foods can be transported/held at required temperatures in approved equipment. [See also §113719]*

**79 Mobile Water & Waste Water Tanks Installed**  
**Applicable Sections: 114205, 114207, 114209, 114211, 114213, 114215, 114217, 114219, 114221, 114223, 114225, 114227, 114229, 114231, 114233, 114235, 114238, 114239, 114240, 114241, 114242**

**Major violations include:**

- **No potable water**
- **No wastewater tank or other means of properly disposing of waste water**
- **Using hoses identified for potable water for other purposes**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked **OUT** of compliance for the following:

1. For nonpermanent food facilities that handle nonprepackaged foods, there is no potable water and/or no wastewater tank and there are no temporary water and wastewater connections. (§114205)
2. Materials used for the tanks are not safe, durable, corrosion-resistant, nonabsorbent and finished to have a smooth, easily cleanable surface. (§114207)
3. Tanks are not sloped to an outlet that allows complete drainage of the tank. (§114209)
4. The system is not designed and constructed to preclude contamination of the contents or of any food, food-contact surface or equipment. (§114211)
5. Tanks are not equipped with adequate air vent overflow. (§114213)
6. Hoses used show signs of pitting, chipping, crazing, scratching, scoring, distortion and decomposition, are not finished with a smooth interior surface and/or are not protected from contamination at all times. [§114215(a)]
7. Hoses are not clearly identified as to use and are not of different colors for different uses. [§114215(a)(6), 114215(b)]
8. Connecting devices do not match. [§114215(c)]
9. Tanks are not of sufficient capacity. (§114217)
10. Potable water tank is not enclosed. (§114219)
11. Tank lacks an access port for inspection and cleaning or an approved written procedure for cleaning and sanitizing. (§114221)
12. Outlets are not equipped with proper inlet and outlet connections (§114223, §114225)
13. Air compressor lacks adequate filter. (§114227)
14. When not in use, inlet and outlet fittings do not have protective covers. (§114229)
15. Water tank inlet is more than ¾". (§114231)
16. Water tank, pump and hoses are not flushed after construction, repair, modification or periods of nonuse. (§114233)
17. Back flow during use is not prevented. (§114235)
18. Hoses identified for potable water are also used for other purposes. (§114238)
19. Wastewater tanks are not equipped with a shut-off valve. [§114240(e)]
20. Tanks are not adequately serviced including removal, draining, and/or flushing. (§114242)

**Corrective Action:** Operation of mobile food facility should be stopped until water and waste tanks, hoses and related equipment and accessories meet applicable requirements.

**Notes:**

- *Operators of mobile food facilities should routinely check their water and waste systems to assure proper functioning and replace hoses, seals and couplings at regular intervals as needed to prevent failure during operation.*
- *Water tanks and waste tanks should be drained and flushed regularly.*
- *Extreme care should be taken to prevent cross contamination between potable water systems and waste water systems.*
- *Crazing is a polymerization of plastics causing brittleness and cracking.*

**DATA FIELDS 80-84 ARE INTENTIONALLY LEFT BLANK**



## X. MARKING INSTRUCTIONS FOR TEMPORARY FOOD FACILITY DATA FIELDS

The California Retail Food Code (CalCode) roughly parallels the FDA Model Food Code in an effort to provide a uniform system of provisions that address the safety and protection of food offered at retail and in food service in order to assure the food will be “pure, safe, and unadulterated.” The primary emphasis of the code is to provide guidance to regulators and industry to prevent foodborne illness whenever food is served or sold at the retail level. In doing this, CalCode has stepped away from categorizing food facilities by type and has instead addressed common controls of risk factors that apply to all food facilities. As a result, foods that are served from temporary food facilities are expected to meet the applicable requirements of Chapters 1-8 and 13 which apply to all food facilities.

What follows are the special requirements for temporary food facilities specifically provided for in Chapter 11 of the CalCode and modifications made for temporary food facilities as specified in Chapters 1-8 and 13. Some of these Data Fields may be marked IN, OUT, NA, or NO if they are major violations. Violations of this section that are not major violations are only marked OUT.

A **Temporary Food Facility** as defined in CalCode is a food facility approved by the enforcement officer that may be readily disassembled for storage or for transporting, and readily assembled to its original integrity at a different location, is easily movable, and operates at a fixed location for the duration of an approved community event or at a swap meet. A community event shall not be approved to operate for more than 25 consecutive or nonconsecutive days in a 90-day period. (§113755, §113930)

Temporary food facilities that operate at Swap Meets are permitted as follows:

1. Limited to only prepackaged nonpotentially hazardous food and whole uncut produce.
2. If approved by the enforcement agency, a temporary food facility may operate at a swap meet depending on the food service activity to be conducted, the type of food that is to be prepared or served, the duration of the swap meet, and the extent of food preparation to be conducted.

### 85 **Demonstration of Knowledge** **Applicable Sections: 113947, 113947.1**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked OUT of compliance when food employees are unable to demonstrate food safety knowledge practices and principles applicable to their assigned duties. [§ 113947, §113947.1(c)(2)]

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

**Notes:**

- *The EHS should assess this item by asking open-ended questions that would evaluate employee's knowledge in performing those duties. It is important that this item not be marked for an isolated incident, but rather for an overall evaluation of the food employee's ability to ensure proper performance of their assigned duties.*
- *By July 1, 2008, a guidance document will be developed for the Department and the California Conference for Directors of Environmental Health on how to determine compliance with these sections.*

**86 Handwashing Facilities: Supplied and Accessible**  
**Applicable Section: 113952-113953.4, 114358**

**IN/OUT This item should be marked IN or OUT of compliance.** This item is marked OUT of compliance for the following:

For facilities that handle prepackaged food only:

1. Food employees fail to keep their hands and exposed portions of their arms clean.
2. Restrooms with approved handwashing facilities are not provided.
3. Handwashing facilities at the restrooms are not supplied.
4. Handwashing facilities at the restrooms are obstructed, inaccessible, used improperly or are not clean.

For facilities that handle non-prepackaged foods and operate at community events for **three (3) days or less:**

1. Lack of a supply of water for proper handwashing (sufficient to provide a stream of water for at least 20 seconds so both hands are free) in a container capable of maintaining water at 100°F or more within the temporary food facility. [§114358(a)]
2. Lack of handwashing cleanser or single use sanitary towels. [§113953.2, §114358(d)]
3. Lack of a catch basin to collect wastewater used for handwashing. [§114358(c)]
4. Improper disposal of water used for handwashing.
5. Lack of a separate receptacle for disposal of towels used to dry hands. [§114358(e)]
6. Obstructed, inaccessible, improper use of, or unclean handwashing facilities. (§113953.1)

For facilities that handle non-prepackaged foods and operate at community events for more than three (3) days:

1. Lack of handwashing facilities as required under Section 113953-113953.4 within the temporary food facility,
2. Handwashing facilities are not separated from a warewashing sink by a 6 inch high metal splashguard or 24 inch separation. (§113953)
3. Obstructed, inaccessible, improper use of, or unclean handwashing facilities. (§113953.1)
4. Lack of required supplies in dispensers. [§113953.2, §114358(d)]
5. Lack of a separate receptacle for disposal of towels used to dry hands. [§114358(e)]

**N.A.** Do Not Mark this item N.A.

**N.O.** Do Not Mark this item N.O.

**Corrective Action:** Temporary food facilities must suspend food handling until appropriate handwashing facilities are obtained and installed within the facility and employees have properly washed their hands.

**Notes:**

- *Handwashing facilities must be available to make handwashing not only possible, but likely. Therefore, the EHS should ensure that food employees have the necessary supplies available for handwashing.*
- *Supplies for handwashing in temporary food facilities including soap, paper towels, bottled water, basins, and insulated containers are often available at retail stores near the community event.*
- *Observation of failure to wash hands is marked in Data Field #6. This section only addresses the actual hand washing facilities.*

**87 Proper Hot and Cold Holding Temperatures**  
**Applicable Sections: 113996, 113998, 114014, 114037, 114343**

**Major violations include multiple potentially hazardous foods (e.g., two or more food items in separate containers or compartments), or pooled eggs held at temperatures of 50°F to 130°F without any other intervention.**

**IN/OUT** This item should be marked IN or OUT of compliance. This item is marked OUT of compliance for the following:

1. Except as otherwise provided in Section 113996, during operating hours of the Temporary Food Facility, Potentially Hazardous Food is held at a temperature that exceeds 45°F for more than 12 hours in any 24-hour period.

2. Food is found being held at temperatures above 45°F or below 135°F without any other intervention.
3. If PHF held cold at 45°F or held hot at or above 135°F is not destroyed in an approved manner at the end of the operating day.

**N.A.** This item may be marked N.A. when the food facility does not hold hot or cold potentially hazardous food.

**N.O.** This item may be marked N.O. when the temporary food facility does not hold hot or cold hold foods, but no foods are being held hot during the time of inspection.

**Exceptions:**

- *During preparation, cooking, transportation for a period of less than 30 minutes, or when time as a public health control is utilized. (§113996)*
- *Roasts cooked to a temperature and for a time specified in Section 114004(b) that are held at a temperature of 130°F. (§113996)*
- *Food removed from specified holding temperatures for up to two hours to facilitate food preparation. (§113998)*
- *Cooked and refrigerated food prepared for immediate service may be served at any temperature in response to an individual consumer order. (§114014)*

**Corrective Actions:**

The operator of a temporary food facility must take steps to adequately hold potentially hazardous foods at appropriate temperatures. If ambient temperatures combined with the lack of proper equipment make it improbable that food can be held at appropriate temperatures, operations should be suspended until safe food holding can be assured.

If foods are to be voluntarily discarded or impounded, forms such as those used for impound may need to be completed following the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

**Note:** *Hot and cold holding temperatures, of potentially hazardous foods should be thoroughly checked with a thermocouple, thermistor, or other appropriate temperature measuring device during each inspection. This includes the temperature of potentially hazardous food during transport. As a rule, every effort should be made to assess every hot and cold holding unit in the temporary food facility during each inspection.*

<b>88</b>	<b>Approved Source</b> <b>Applicable Sections: 113980, 114339, 114355</b>
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**Major violations include food from an unsafe or unapproved source.**

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked OUT of compliance for the following:

1. Food or ice is not from an approved food source. (§113980)
2. Ice used for refrigeration purposes is used for consumption in food and beverages. (§114355)

**N.A.** Do Not Mark this item N.A.

**N.O.** Do Not Mark this item N.O.

**Exception:** *Nonpotentially hazardous beverages and baked goods may be offered for sale, sold, or given away by a nonprofit charitable organization or by an established club or organization that operates under the authorization of a school or educational facility for fundraising purposes at community events. (§114339)*

**Corrective Action:** Food from unapproved, unsafe, or otherwise unverifiable sources shall be impounded until appropriate documentation is provided or voluntarily discarded. 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 and in accordance to locally approved procedures.

**89 Toilet Facilities: Properly Constructed, Supplied, Cleaned**  
**Applicable Sections: 114250, 114250.1, 114359(b)**

*Lack of operable toilet facilities would be marked in Data Field #23 "Sewage and wastewater properly disposed" as a major violation and would require immediate correction or suspension of all temporary food facility operation.*

**OUT** This item should be marked **only if it is OUT** of compliance. This item is marked OUT of compliance for the following:

1. Toilet facilities are: (§114250)
  - Not provided or there is not a toilet facility provided for each 15 employees within 200 feet of any temporary food facility;
  - Not clean and in good repair;
  - Not conveniently located and accessible to employees at all times the facility is in operation; or
  - Are used for storage of food, equipment, or supplies.
2. Toilet facilities are not provided with toilet tissue in permanently installed dispensers at each toilet. (§114250)
3. Approved handwashing facilities are not provided adjacent to toilet facilities. [§114359(b)]

**90 Hot and Cold Beverage Service, Staffed Counter**  
**Applicable Section: 114345**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance if hot or cold beverages and ice from a staffed counter are not dispensed from approved bulk dispensing units or beverages are potentially hazardous. (§114345)

**91 Food Storage and Preparation**  
**Applicable Sections: 114341(a), 114356**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Food preparation is not conducted inside the temporary food facility or other approved facility. [§114341(a)]

**Exception:** *If the local fire department requires that cooking equipment be operated outside of the enclosure, the fire department's rule should generally supersede the CalCode requirement for enclosure.*

2. Potentially hazardous food is stored outside of the temporary food facility during operating hours. (§114356)
3. Non-potentially hazardous foods and/or supplies in opened containers are stored outside the temporary food facility during operating hours. (§114356)
4. During non-operating hours food is not protected from contamination by storage inside the temporary food facility, at a permanent food facility, in a storage container, or other approved method. (§114356)

**Note:** *Actual contamination of food would be marked in Data Field #14 and food prepared at an unapproved food source would be marked in Data Field #88*

**92 Single-Use Utensils Required**  
**Applicable Section: 114353**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance if multi-use utensils are provided to customers.

**Exception:** *Beverage refills into a single service container are allowed if the process does not result in contamination. "Souvenir" cups, glasses, and other utensils that are not returned for re-use by another person may be used in lieu of single use items if refilled by an approved method. [§114075(d-e)]*

93

**Manual Warewashing; Alternative Methods and Shared Facilities**  
**Applicable Section: 114351**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance if shared warewashing facilities are used by more than four (4) temporary food facilities or the shared facilities are not centrally located and adjacent to the temporary food facilities that are required to wash, rinse and sanitize equipment or utensils.

**Note:** Warewashing procedures for a temporary food facility must be accomplished as applicable in Chapter 5 of this code. Failure to properly wash, rinse and sanitize utensils would be marked under Data Field #15: Food Contact Surfaces: Clean and Sanitized as a major violation and would require immediate correction or suspension of all temporary food facility operations.

**Exceptions:**

- Based on the number and types of utensils used, the local enforcement agency may allow up to eight temporary food facilities to share a warewashing sink when easily accessible and located within 100 feet of each temporary food facility.
- Based on local environmental conditions, location, and similar factors, the local enforcement agency may, in lieu of a warewashing sink, allow a temporary food facility operating no more than four hours per day at a single event to provide an adequate supply of utensils and spare utensils when they have been properly washed and sanitized at an approved food facility and are stored and kept free of becoming soiled or contaminated.

94

**Equipment**  
**Applicable Sections: 114341, 114354**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Barbecue or other approved cooking equipment is not separated from public access by using ropes or other approved methods.
2. Food related and utensil related equipment used in conjunction with a temporary food facility is not approved by the enforcement agency.
3. Equipment is not located and installed to prevent food contamination.

**Notes:**

- Barbecues, grills, or other equipment approved for outdoor cooking may be located adjacent to the temporary food facility if local building and fire codes prohibit cooking inside the temporary food facility.
- Equipment and utensils certified to the ANSI standard are not required as specified in Section 114130, provided the equipment and utensils are maintained clean and in good repair.



95

**Permits Obtained**

**Applicable Sections: 114381.1, 114381.2, 114387**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. Organizer responsible for facilities that are shared by two or more food facilities did not obtain a permit from the local enforcement agency. (§114381.1)
2. Temporary food facility operating without a valid permit to operate. (§114387)

**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. (§114387)*
- *A complete permit application (including a site plan of the event location including food facilities, restrooms, refuse containers, potable water supply faucets, wastewater disposal facilities and all shared warewashing and handwashing facilities) shall be submitted at least two weeks prior to the event by the event organizer when two or more food facilities will be operating. (§114381.1)*
- *A complete permit application (including a site plan, details of construction, list of food products to be handled and dispensed, procedures for food preparation and handling, procedures and schedules for cleaning utensils and equipment, refuse disposal, food transport, steps to prevent contamination, methods for temperature controls for PHF's) must be submitted by the operator. (§114381.2)*

**Exception:** *Nonprofit charitable temporary food facilities as defined in Section 113842, may operate up to four times annually in accordance with CalCode, Chapter 10.5 . The local enforcement agency may choose to permit these facilities. (§114332.7)*

96

**Identification of Facility**

**Applicable Section: 114337**

**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked OUT of compliance for the following:

1. The name of the facility, city, state, ZIP code, and the name of the operator is not clearly visible to patrons.
2. Facility name is not at least 3 inches high or city state and ZIP code is not one inch high.
3. Sign is not in contrasting color with the surface on which it is posted.



**Notes:**

- *The law does not specify material. Any appropriate, cleanable, material for the sign may be utilized as long as the identification is clear and of appropriate size.*
- *The law does not require the information to be permanently affixed to the facility.*
- *Any font or lettering style may be used as long as identification is legible.*
- *Lettering can be larger than the minimum.*
- *Any color may be used as long as it is contrasting with the color of the surface on which it is posted.*

**97 Construction Requirements**  
**Applicable Sections: 114347, 114349, 114363**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. Lack of overhead protection for food preparation, food storage, and warewashing areas. (§114349)
2. Overhead protection is not made of wood, canvas, or other material approved by the enforcement agency. (§114349)

**When unpackaged foods are handled:**

3. Floors are not constructed of concrete, asphalt, tight wood, or other cleanable material. (§114347)
4. Floor material is not kept in good repair. (§ 114347)
5. Lack of enclosure with 16 mesh per square inch screen or lack of a food compartment if limited food preparation is conducted (e.g., covered chaffing dishes). [§114349(b)(1)]

**Notes:**

- *If a temporary food facility is approved for limited food preparation in a location that is free from flying insects, vermin, birds, or other pests, mesh screens are not required, provided a food compartment is provided. A food compartment can include covered chaffing dishes, etc. However, the enforcement officer may establish additional structural or operational requirements or both as necessary to ensure the food is of a safe and sanitary quality.*
- *Wood may be present but must be finished so as to be non-absorbent and easily cleanable. Depending on location and use this may mean all exposed surfaces must be finished.*

**98 Live Animals**  
**Applicable Section: 114259.5**

**OUT This item should be marked IN or OUT of compliance.** This item is marked

OUT of compliance if live animals are within twenty (20) feet of a temporary food facility.

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark this item N.O.**

**Notes:**

- *Community events often include the presence of live animals as a part of the event. Temporary food facilities may not be located closer than twenty (20) feet to any area where live animals are present. Exceptions specified in §114259.5(b) include live animals intended for human consumption, service animals and guard dogs, and fish or shellfish stored or displayed so as to prevent contamination of food or food contact surfaces.*
- *Evidence of a vermin infestation would be marked under Data Field #24 "No rodents, insects, birds or animals" as a major violation and would require immediate correction or suspension of all temporary food facility operation.*

**99 Adequate Cleaning and Servicing (Multi-Day Events)**  
**Applicable Section: 114361**

**OUT This item should be marked only if it is OUT of compliance.** This item is marked OUT of compliance for the following:

1. Non-food contact surfaces within temporary food facilities are not kept reasonably clean and free of dust, dirt, grease, and debris.
2. Overflowing trash containers, trash on the ground, or trash not removed daily.
3. Cleaning supplies and equipment are not replenished as needed or stored to avoid contamination of food.

**Note:** *This section applies to community events lasting more than one day. Temporary food facilities are often constructed of flammable materials. Attention to preventing the accumulation of grease or paper that could fuel a fire is essential.*

**100 Mobile Water and Wastewater Tanks Installed**  
**Applicable Sections: 114205, 114207, 114209, 114211, 114213, 114215, 114217, 114219, 114221, 114223, 114225, 114227, 114229, 114231, 114233, 114235, 114238, 114239, 114240, 114241, 114242**

**Major violations include: no potable water; no functioning wastewater tank or other means to properly dispose waste water; or using hoses identified for potable water for other purposes.**

**IN/OUT This item should be marked IN or OUT of compliance.** This item is marked

OUT of compliance for the following:

1. For nonpermanent food facilities that handle nonprepackaged foods, there is no potable water and no wastewater tank and there are no temporary water and wastewater connections. (§114205)
2. Materials used for the tanks are not safe, durable, corrosion-resistant, nonabsorbent and finished to have a smooth, easily cleanable surface. (§114207)
3. Tanks are not sloped to an outlet that allows complete drainage of the tank. (§114209)
4. The system is not designed and constructed to preclude contamination of the contents or of any food, food-contact surface or equipment. (§114211)
5. Tanks are not equipped with adequate air vent overflow. (§114213)
6. Hoses used with tanks are not safe, durable, corrosion-resistant, non-absorbent, resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition, finished with a smooth interior surface and protected from contamination at all times. [§114215(a)]
7. Hoses are not clearly identified as to use and are not of different colors for different uses. [§114215(a)(6), §114215(b)]
8. Hoses lack matching connecting devices. [§114215(c)]
9. Tanks are not of sufficient capacity. (§114217)
10. Potable water tank is not enclosed. (§114219)
11. Tank lacks an access port for inspection and cleaning or an approved written procedure for cleaning and sanitizing. (§114221)
12. Outlets are not equipped with proper inlet and outlet connections (§114223, §114225)
13. Air compressor lacks adequate filter. (§114227)
14. When not in use, inlet and outlet fittings do not have protective covers. (§114229)
15. Water tank inlet is more than  $\frac{3}{4}$ ". (§114231)
16. Water tank, pump and hoses are not flushed after construction, repair, modification or periods of nonuse. (§114233)
17. Back flow during use is not prevented. (§114235)
18. Hoses identified for potable water are also used for other purposes. (§114238)
19. Wastewater tanks are not equipped with a shut-off valve. [§114240(e)]
20. Tanks are not adequately serviced including removal, draining, and/or flushing. (§114242)

**N.A. Do Not Mark** this item N.A.

**N.O. Do Not Mark** this item N.O.

**Exception:** *Nonprofit charitable temporary food facilities subject to CalCode, Chapter 10.5 may not be required to provide mobile wastewater tanks. However, disposal of wastewater must be in a manner approved by the enforcement agency.*

**Corrective Action:** Operation of temporary food facilities should be stopped until water and waste tanks, hoses and related equipment and accessories meet applicable requirements.

**Notes:**

- *Operators of temporary food facilities should routinely check their water and waste systems to assure proper functioning and replace hoses, seals and couplings at regular intervals as needed to prevent failure during operation.*
- *Water tanks and waste tanks should be drained and flushed regularly.*
- *Extreme care should be taken to prevent cross contamination between potable water systems and waste water systems.*
- *Crazing is a polymerization of plastics causing brittleness and cracking.*

**DATA FIELDS 101-104 ARE INTENTIONALLY LEFT BLANK**

## XI. MARKING INSTRUCTIONS FOR CERTIFIED FARMERS MARKET DATA FIELDS

What follows are the special requirements for Certified Farmers Markets (CFM) specifically provided for in Chapter 12 of the CalCode. Certified Farmers Markets shall meet the applicable general sanitation requirements in section 113980 and as provided below. Some of these Data Fields may be marked IN, OUT, NA, or NO if they are major violations. Violations of this section that are not major violations are only marked OUT.

A **Certified Farmers Market** as defined in CalCode means a location that is certified by the State of California through the enforcement officers of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted pursuant to that chapter.

### 105 *Certified Farmers Markets: Food Samples* *Applicable Sections: 114371(b)*

**Major violations include:**

- ***Food intended for sampling is not washed or cleaned with potable water***
- ***Lack of potable water for hand washing or sanitizing***
- ***PHF samples are maintained at or above 50°F***
- ***PHF samples are not discarded within two hours after cutting***

**IN/OUT** This item should be marked IN or OUT of compliance. This item is marked OUT of compliance for the following:

1. Samples are not kept in approved, clean, covered, nonabsorbent containers.
2. Samples are prepared without a tent, canopy or other overhead covering.
3. Samples for distribution are not protected to prevent consumers from touching other samples.
4. Clean, disposable plastic gloves are not used while cutting food samples.
5. Fresh, whole produce intended for sampling is not washed or cleaned with potable water.
6. Lack of potable water for handwashing or sanitizing.
7. PHF samples are not maintained at 45°F or below.
8. PHF samples are not discarded within two hours after cutting.
9. Utensils and cutting surfaces used for preparing samples are not smooth, nonabsorbent or easily cleanable.

**N.A.** This item may be marked N.A. when the CFM does not prepare or hold PHF samples.

**N.O.** This item may be marked N.O. when the CFM does prepare or hold PHF samples, but no PHF samples are being prepared or held during the time of inspection.

**Corrective Action:** If a major violation is found and it is determined that food should be voluntarily discarded or impounded, forms such as those used for impound must be completed following the jurisdiction's procedures. Disposition of any impounded food item shall be conducted within 30 days as specified in Section 114393.

**Note:** *Single-use utensils may be used for cutting or preparing samples.*

<b>106</b>	<b><i>Certified Farmers Markets: Raw Shell Eggs; Storage and Display</i></b> <b><i>Applicable Section: 114373</i></b>
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**Major violations include:**

- ***Eggs from unsafe/unapproved food sources***
- ***Eggs not cleaned and sanitized***
- ***Eggs that is cracked or broken***

**IN/OUT** This item should be marked **IN** or **OUT** of compliance. This item is marked OUT of compliance for raw shell eggs stored without refrigeration and when any one of the following conditions are not met:

1. Eggs are not produced by poultry owned by the seller and are not collected on the seller's property.
2. Eggs are placed in direct sunlight during storage or display.
3. Retail egg containers are not labeled as required, "refrigerate after purchase."

**Note:** *In lieu of the container being labeled, the seller may post a conspicuous sign advising consumers that the eggs are to be refrigerated as soon as practical following purchase.*

4. The date of packing is not clearly identified on the retail egg containers.
5. Eggs have not been cleaned and sanitized.
6. Eggs are cracked or broken.
7. Eggs stored or displayed at 90 degrees F or below and are unsold after four days from the date of pack are not then 1) stored at 45 degrees F, 2) diverted to pasteurization, or 3) destroyed in a manner approved by the Local Enforcement Agency (LEA).
8. Eggs stored or displayed at above 90 degrees F and are unsold after four days from the date of pack are not then 1) diverted to pasteurization, or 2) destroyed in a manner approved by the LEA.

**N.A.** This item may be marked N.A. if the CFM does not sell raw shell eggs.

**N.O.** This item may be marked N.O. if the item does sell raw shell eggs, but there are no raw shell eggs being stored, displayed, or sold during the inspection.

<b>107</b>	<b><i>Certified Farmers Markets: Operational Requirements</i></b> <b><i>Applicable Section: 114371 (a,c,d,e)</i></b>
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**OUT** This item should be marked only if it is **OUT of compliance**. This item is marked out of compliance for the following:

9. The CFM is not located within 200 feet of an approved readily available toilet and handwashing facility, unless otherwise approved by the enforcement officer.
10. Food is not stored at least six inches off the ground.
11. Flavored nuts and dried fruits sold in bulk and not prepackaged are not displayed and dispensed in covered containers.
12. Food preparation other than the preparation of food samples, is being conducted. Trimming of whole produce for sale is not considered food preparation
13. Live animals (other than as specified in §114259.5(b) are within twenty (20) feet of any area where food is stored and held for sale.
14. Garbage and refuse is not stored or disposed of in an approved manner.
15. Wastewater not disposed of in a facility connected to the sewer or in a manner approved by the enforcement agency.
16. Smoking of cigarettes, cigars, pipe tobacco, and other nicotine products is permitted within 25 feet of the common commerce area.
17. Processed meat, poultry, and fish products are not from approved sources properly labeled or documentation is not available at the point of sale, demonstrating compliance.
18. Processed meat, poultry, and fish products offered for sale are not transported, stored, displayed, and maintained at a temperature of 41°F or colder or are not stored in insulated easily cleanable containers with surfaces that are smooth, nonabsorbent and easily cleanable.
19. Processed meat, poultry, and fish products are not stored in a manner to reduce the risk of cross-contamination.

**Notes:**

- *Mobile food facility vendors selling food adjacent to, and under the jurisdiction and management of, a CFM may store, display, and sell from a table or display fixture apart from the vehicle in a manner approved by the enforcement agency.*
- *Temporary food facilities may be operated as a separate community event adjacent to and in conjunction with CFM's that are operated as a community event.*