

**FOOD STORES, MARKETS AND WAREHOUSES**

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#### **AUTHORITY**

The following Rules and Regulations Pertaining to Food Stores, Markets, and Warehouses are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 96 of 1913 (Ark. Code Ann. § 20-7-109) and Act 415 of 1953 (Ark. Code Ann. §§ 20-56-201 through 20-56-223).

## CHAPTER ONE - GENERAL PROVISIONS

### 1-101. Definitions

- (a) "Corrosion resistant materials" means those materials that maintain their sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of the use environment.
- (b) "Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (c) "Employee" means the individual having supervisory or management duties, and any other person on the payroll of the retail food store and performing duties for that store.
- (d) "Equipment" means items other than utensils used in the storage, preparation, display and transportation of food, such as stoves, ovens, hoods, slicers, grinders, mixers, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, warehousing machines, ice makers, and similar items used in the operation of a retail food store. This item does not include fork lift trucks or dollies.
- (e) "Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (f) "Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes into contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.
- (g) "Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- (h) "Law" shall mean all applicable State Laws, Statutes, and Rules and Regulations of the Arkansas State Board of Health.
- (i) "Packaged" means bottled, canned, cartoned, bagged, or securely wrapped.
- (j) "Person" includes any individual, partnership, corporation, association, or other legal entity.
- (k) "Person in charge" means the individual present in a retail food store who is the apparent supervisor of the retail food store at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.
- (l) (1) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
- (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
  - (ii) The growth and toxin production of *Clostridium botulinum*; or
  - (iii) In raw shell eggs, the growth of *Salmonella Enteritidis*.
- (2) "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (1) of this definition.
- (3) "Potentially hazardous food" does not include:
- (i) An air-cooled hard-boiled egg with shell intact, or a shell egg that is not hard-boiled, but has been treated to destroy all viable *Salmonellae*;
  - (ii) A food with an  $a_w$  value of 0.85 or less;
  - (iii) A food with a pH level of 4.6 or below when measured at 24°C (75°F);
  - (iv) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;

(v) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. Enteritidis* in eggs or *C. botulinum* can not occur, such as a food that has an  $a_w$  and a pH that are above the levels specified under Subparagraphs (3)(ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or

(vi) A food that does not support the growth of microorganisms as specified under Subparagraph (1) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

(m) "Health Authority" means the Director, State Department of Health, or his authorized representative.

(n) "Retail food store" means any establishment or section of an establishment where food and food products are offered for sale to the ultimate consumer and intended for off-premise consumption. Food store shall not include establishments which handle only fresh fruits and vegetables for sale, food service establishments, or food and beverage vending machines.

(o) "Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

(p) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce bacterial count, including pathogens, to a safe level on cleaned food-contact surfaces of utensils and equipment.

(q) "Sealed" means free of cracks or other openings that permit the entry or passage of liquid.

(r) "Single-service articles" means cups, containers, lids, and packaging materials, including bags and similar articles, that are designed for one-time use only.

(s) "Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

(t) "Utensil" means any food-contact implement used in the storage, preparation, transportation or dispensing of food.

(u) "Warewashing" means the cleaning and sanitizing of food-contact surfaces of all equipment and utensils.

(v) "Warehouse" means any structure, room, or part thereof used for the purpose of storing commercially manufactured food.

(w) "Market" means any place, vehicle, building or structure in connection therewith in which meat, meat products, fish or poultry are processed, sliced, prepared or packaged for sale. The term "market" shall include wholesale and retail fish markets.

(x) "Food Service" is defined in the Rules and Regulations Pertaining to Food Service Establishments.

### **1-102 Special Provisions**

(a) New building structures and new equipment for which contractual obligations are incurred before the date of such adoption and publication which do not fully meet all the design and fabrication requirements of these Rules and Regulations shall be acceptable if they are capable of being maintained in a sanitary condition and if the food-contact surfaces (if any) are of safe materials.

(b) Building structures and equipment in use before the date of such adoption and publication and which do not meet fully all of the design and fabrication requirements of these Rules and Regulations shall be acceptable if they are in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces (if any) are of safe materials.

(c) Replacement equipment and new equipment acquired after the effective date of these Rules and Regulations shall meet the design and fabrication requirements of these Rules and Regulations.

## CHAPTER TWO - FOOD

### Food Supplies

#### 2-101 General

Food shall be in sound condition, free of filth and other contamination, and safe for human consumption. Food shall be obtained from sources that comply with laws relating to food and food labeling. Home prepared food shall not be used or offered for sale.

#### 2-102 Special Requirement

(a) Fluid milk and fluid milk products used or sold shall meet the Grade 'A' quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.

(b) Fresh and frozen shucked shellfish (oysters, clams or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the state certification number issued according to law. Shucked shellfish shall be kept in the container in which they were received until they are used or sold.

Each container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and the certification number issued by the State or foreign shellfish control agency where applicable.

(c) Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dried eggs, or pasteurized dry egg products shall be used or sold.

(d) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged and properly labeled or from an approved ice dispenser.

### Food Protection

#### 2-201 General

At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination by agents, including dust, insects, insecticides, rodents, rodenticides, unclean equipment and utensils, probe-type price or identification tags, unnecessary handling, coughs and sneezes, flooding, draining, and overhead leakage or condensation. The temperature of potentially hazardous foods shall be 45° F. or below or 140° F. or above, at all times, except as otherwise provided in these Rules and Regulations. Hermetically sealed packages shall be handled so as to maintain product and container integrity. Food items that are spoiled or damaged and those which have been returned to, or are being detained by, the retail food store because of spoilage, damage, or other public health considerations, unless promptly disposed of, shall be segregated and held in designated areas pending final disposition. If salvage food is sold it shall be in compliance with the Arkansas Food Salvage Act (Act 241 of 1963, Ark. Code Ann. § 20-57-102).

#### 2-202 Emergency Occurrences

The retail food store that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable probability that food in the retail food store may have been contaminated, or that the temperature level of food which is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take such action as is necessary to protect the public health and shall promptly notify the Health Authority of the emergency.

### Food Storage

#### 2-301 General.

(a) Food in original containers, once opened, shall be kept covered. Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and raw fruits shall be exempted from this requirement. Container covers shall be impervious to water and non-absorbent. During periods of storage, sub-primal cuts of meat shall be covered with single-service wrapping material. Primal cuts, quarters or sides of meat may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in storage.

(b) Containers of food shall be stored a minimum of 6 inches above the floor or stored on dollies, racks or pallets, provided such equipment is easily movable, either by hand or with the use of pallet moving equipment that is on the premises and used. Such storage areas shall be kept clean. Food packaged in cans, glass or other waterproof containers need not be elevated when the container is not exposed to floor moisture and the storage area is kept clean.

(c) Food and containers of food shall not be stored under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

(d) Packaged foods shall not be stored in contact with water or undrained ice.

(e) A bulk food ingredient that is not readily identifiable on sight shall be stored in a container identifying it by common name.

(f) Toilet rooms and their vestibules, and garbage or mechanical rooms shall not be used for the storage of food.

### **2-302 Refrigerated Storage**

(a) Refrigeration units or effectively insulated units shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}$  F. The sensing element shall be located to measure the air temperature in the unit at its warmest place and the thermometer scale shall be located to be easily readable. Recording thermometers, accurate to  $\pm 3^{\circ}$  F. may be used in lieu of indicating thermometers.

(b) Frozen food shall be kept frozen and shall be stored at an air temperature of  $0^{\circ}$  F. or below, except for defrost cycles and brief periods of loading or unloading.

(c) Ice used as a cooling medium for food storage shall not be used or sold for human consumption.

### **2-303 Hot Storage**

(a) If hot food storage units are provided for storing potentially hazardous food they shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}$  F. The sensing element shall be located to measure the air temperature in the unit and the thermometer scale shall be located to be easily readable. Recording thermometers, accurate to  $\pm 3^{\circ}$  F. may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as heat lamps, cal-rod units, or insulated food transport carriers, a food product thermometer shall be available and used to check internal food temperature.

(b) The internal temperature of potentially hazardous foods requiring hot storage shall be  $140^{\circ}$  F. or above, except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of  $140^{\circ}$  F. or above unless maintained in accordance with the refrigerated storage requirements of these Rules and Regulations.

## **Food Preparation**

### **2-401 General**

(a) Food shall be prepared with a minimum of manual contact using suitable utensils where practicable. Food-contact surfaces of equipment and utensils shall be cleaned and sanitized as appropriate to the type of food being prepared. Special emphasis shall be given to situations where cross-contamination may occur.

(b) Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products shall be prepared when possible from chilled products.

(c) Salads and other ready-to-eat foods prepared in the retail food store shall be prepared in areas that are separated from the fresh raw meat and poultry processing process. Except this shall not apply to sandwiches made from ready-to-eat lunch meats such as bologna, etc.

### **2-402 Raw Fruits and Raw Vegetables**

Raw fruits and raw vegetables. Raw fruits and raw vegetables that will be cut or combined with other ingredients or will be otherwise processed into food products by the retail food store shall be thoroughly cleaned with potable water before being used.

### **2-403 Cooking Potentially Hazardous Foods**

Shall be in compliance with Rules and Regulations Pertaining to Food Service.

### **2-404 Storage and Use of Shell Eggs**

Shell eggs are considered to be potentially hazardous and shall be stored and used as follows:

- (a) Shell eggs shall be maintained at an internal product temperature of 45°F. or below until sold or used.
- (b) The use of shell eggs for food preparation shall be in compliance with Rules and Regulations Pertaining to Food Service Establishments.

## **Food Display**

### **2-501 Potentially Hazardous Foods**

Potentially hazardous foods shall be held at an internal temperature of 45° F. or below or at an internal temperature of 140° F. or higher during display.

### **2-502 Frozen Foods**

Foods intended for sale in a frozen state shall be displayed at an air temperature of 0° F. or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods shall be displayed below or behind product food lines according to cabinet manufacturer's specifications.

### **2-503 Food Display**

Food on display, other than whole, unprocessed raw fruits and raw vegetables, shall be protected from contamination by packaging, counter-protector devices, display cases or similar equipment. All food shall be displayed in a manner that will protect the food from contamination. Hot or cold food units shall be provided to assure the maintenance of potentially hazardous food at the required temperature during display.

### **2-504 Food Sample Demonstrations and Food Promotions**

When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge shall ensure that such activities comply with the applicable sanitation provisions of these Rules and Regulations.

## **Food Transportation by the Retail Food Store**

### **2-601 General**

Food, other than hanging primal cuts, quarters, or sides of meat and raw fruits and raw vegetables, shall be protected from contamination by use of packaging or covered containers while being transported. All food being transported shall meet the applicable requirements of these Rules and Regulations relating to food protection and food storage. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken.

## **CHAPTER THREE - PERSONNEL**

### **Employee Health**

#### **3-101 General**

No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or a respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

### **Personal Cleanliness**

#### **3-201 General**

Employees engaged in direct hand contact with food shall thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work, and as often as necessary during work to keep them clean. Employees shall keep their fingernails trimmed and clean.

## **Clothing**

### **3-301 General**

- (a) Employees shall wear clean outer clothing.
- (b) Employees shall use effective hair restraints where necessary to prevent the contamination of food or food-contact surfaces.

## **Employee Practices.**

### **3-401 General**

- (a) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.
- (b) Employees shall consume food, smoke, or use tobacco only in designated areas where it will not result in contamination of food, equipment, or utensils needing protection.

## **CHAPTER FOUR - EQUIPMENT AND UTENSILS**

### **Materials**

#### **4-101 General**

Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials, shall be corrosion resistant and shall be non-absorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color or taste, nor contribute to the contamination of food.

#### **4-102 Wood**

Hard maple or equivalent non-absorbent wood that meets the general requirements set forth in paragraph 4-101 of these Rules and Regulations may be used for cutting blocks and cutting boards. Wood shall not be used as a food-contact surface under other circumstances, except for contact with raw fruits and raw vegetables.

#### **4-103 Plastics**

Safe food grade plastic, rubber or rubberlike materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods, and which meet the general requirements are set forth in paragraph 4-101 of these Rules and Regulations are permitted for repeated use.

#### **4-104 Single-Service Articles**

Single-service articles shall not be re-used.

### **Design and Fabrication**

#### **4-201 General**

All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

- (a) Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is used for cooking. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers, hot oil cooking equipment, or hot oil filtering systems, such threads shall be minimized.
- (b) Equipment containing bearings and gears requiring lubricants not made of safe materials shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Only lubricants made of safe materials shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.
- (c) Sinks and drain boards shall be sloped to drain and be self-draining.

#### **4-202 Accessibility**

Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

- (a) Without being disassembled; or
- (b) By disassembling without the use of tools; or
- (c) By easy disassembling with the use of only simple tools, such as mallets, screwdrivers, or open-end wrenches which are kept near the equipment.

#### **4-203 In-Place Cleaning**

Equipment intended for in-place cleaning shall be so designed and fabricated that:

- (a) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- (b) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- (c) The system is self-draining or capable of being completely evacuated.

#### **4-204 Food Product Thermometers**

Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to  $\pm 3^{\circ}$  F.

#### **4-205 Non-Food-Contact Surfaces**

Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

#### **4-206 Maintenance of Equipment and Materials**

All equipment and utensils shall be maintained in good repair to comply with the requirements of these Rules and Regulations.

### **Equipment Installation and Location**

#### **4-301 General**

Equipment, including ice makers and ice storage equipment shall not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensed water has accumulated, open stairwells, or other sources of contamination.

#### **4-302 Table-Mounted Equipment**

Table or counter mounted equipment shall be installed to facilitate the cleaning of the equipment and the adjacent areas or sealed to the table or counter.

#### **4-303 Floor-Mounted Equipment**

- (a) Floor-mounted equipment, unless easily movable, shall be:
  - (1) Sealed to the floor; or
  - (2) Elevated on legs to provide easy access for cleaning.
- (b) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch and, if exposed to seepage, the space shall be sealed.

## **CHAPTER FIVE - CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT AND UTENSILS**

### **Equipment and Utensil Cleaning and Sanitization**

#### **5-101 Cleaning Frequency**

- (a) Utensils and food-contact surfaces of equipment shall be cleaned and sanitized after any interruption of operations during which time contamination may have occurred, between processing raw pork, or raw poultry, or raw fish, and before processing any different kind of product.
- (b) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be cleaned and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.
- (c) Non-food-contact surfaces of equipment, including transport vehicles, shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

#### **5-102 Wiping Cloths**

Cloths or sponges used for wiping food spills on surfaces of equipment shall be clean and rinsed frequently in a sanitizing solution and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

#### **5-103 Manual Cleaning and Sanitizing**

- (a) For manual cleaning and sanitizing of equipment and utensils, a sink with two compartments shall be provided and used. Sink compartments shall be large enough to accommodate the immersion of most equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Where immersion in sinks is not practical, equipment and utensils may be washed and sanitized manually or cleaned and sanitized by pressure spray methods.
- (b) Drain boards or easily movable utensil tables of adequate size shall be provided for proper storage and handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with proper use of the warewashing facilities.
- (c) The sinks shall be cleaned before use.
- (d) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and shall be sanitized in the second compartment.
- (e) The food-contact surfaces of all equipment and utensils shall be sanitized by:
  - (1) Immersion for at least 30 second in clean, hot water of a temperature of at least 170° F.; or
  - (2) Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75° F.; or
  - (3) Any other effective chemical sanitizing agent which has been approved by the Health Authority; or
  - (4) Treatment with steam in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
  - (5) Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for immersion in the case of equipment too large to sanitize by immersion.
- (f) When hot water is used for sanitizing, the following equipment shall be provided and used:
  - (1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170° F.; or
  - (2) A numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}$  F., convenient to the sink for frequent checks of water temperature; and

(3) Utensil racks or baskets of such size and design to permit complete immersion of utensils and equipment in the hot water.

(g) When chemicals are used for sanitization, a test kit or other device that measures the parts per million concentration of the solution shall be provided and used.

#### **5-104 Mechanical Cleaning and Sanitizing**

(a) Warewashing machines, devices or facilities and procedures may be approved by the Health Authority for cleaning or sanitizing equipment and utensils, if it can be readily established, among other things, that such machine, device or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

#### **5-105 Drying**

Unless used immediately after sanitation, all equipment and utensils shall be air dried. Towel drying shall not be permitted.

Retail food stores that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare, dispense or store unpackaged food other than raw fruits and vegetables.

### **Equipment and Utensil Handling and Storage**

#### **5-201 Handling**

Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

#### **5-202 Storage**

(a) Utensils shall be air dried before being stored or shall be stored in a self-draining position.

(b) Stored utensils shall be covered or inverted wherever practical.

#### **5-203 Single-Service Articles**

(a) Single-service articles shall be stored in closed cartons or containers at least 6 inches above the floor or on easily movable dollies, racks, or pallets. Such storage shall protect the articles from contamination and shall not be under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

(b) Single-service articles shall be handled in a manner that prevent contamination of surfaces that may come in contact with food.

#### **5-204 Prohibited Storage Areas**

Food equipment, utensils or single-service articles shall not be stored in locker rooms, toilet rooms and vestibules and garbage or mechanical rooms.

## **CHAPTER SIX - SANITARY FACILITIES AND CONTROLS**

### **Water Supply**

#### **6-101 General**

Enough potable water for the needs of the retail food store shall be provided from a source meeting applicable water quality standards.

#### **6-102 Water Under Pressure**

Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

### **Sewage**

#### **6-201 General**

All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Non-water carried sewage disposal facilities are prohibited, except as permitted by the Health Authority.

## **Plumbing**

### **6-301 General**

Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any non-potable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

### **6-302 Backflow**

The potable water system shall be installed to preclude the possibility of backflow. No hose shall be attached to a faucet that is not equipped with a backflow prevention device.

### **6-303 Grease Traps**

When grease traps are provided, they must not be installed in or adjacent to food preparation areas or in any other areas whereby they might create a nuisance. Grease traps must be properly cleaned at frequent intervals.

### **6-304 Garbage Grinders**

Garbage grinders, if used, shall be installed and maintained according to law.

### **6-305 Drains**

Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed.

## **Toilet Facilities**

### **6-401 Toilet Installation**

Toilet facilities shall be installed according to law, shall be at least the number required by law, shall be conveniently located, and shall be accessible to employees at all times.

### **6-402 Toilet Design**

Toilets and urinals shall be designed to be easily cleanable.

### **6-403 Toilet Rooms**

Toilet rooms shall be completely enclosed and shall have tight fitting, self-closing solid doors and shall be equipped with forced air ventilation to the outside air.

### **6-404 Toilet Fixtures**

Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles with tight fitting covers shall be provided for waste materials.

## **Handwashing Facilities**

### **6-501 Handwashing Facility Installation**

Handwashing facilities shall be at least the number required by law, shall be installed according to law, and shall be conveniently located in food preparation areas. Handwashing facilities shall also be located in toilet rooms. Sinks used for food preparation or for warewashing shall not be used for handwashing or for any other purpose.

### **6-502 Handwashing Facility Faucets**

Each handwashing facility shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited at handwashing facilities.

### **6-503 Handwashing Supplies**

A supply of hand-cleaning soap or detergent shall be available at each handwashing facility. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each handwashing facility.

Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

#### **6-504 Handwashing Facility Maintenance**

Handwashing facilities, soap or detergent dispensers, hand-drying devices and all related facilities shall be kept clean and in good repair.

### **Garbage and Refuse**

#### **6-601 Containers**

- (a) Garbage and refuse shall be held in durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers.
- (b) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.
- (c) Containers stored outside the establishment, including dumpsters, compactors and compactor systems, shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.
- (d) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.
- (e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

#### **6-602 Storage**

- (a) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of non-rodent resistant plastic containers, unprotected plastic bags, wet strength paper bags, and baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.
- (b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, shall be insect and rodent proof, and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick-up frequency.
- (c) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers and shall be kept clean.

#### **6-603 Disposal**

- (a) Garbage and refuse shall be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.
- (b) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration in accordance with law. Areas around incineration units shall be kept clean and orderly.

### **Insect and Rodent Control**

#### **6-701 General**

Effective measures shall be utilized to minimize the entry and presence of rodents, flies, cockroaches, or other insects. Bait shops shall not be located inside a food store, except where a solid wall and self closing door are provided to separate the bait shop from the store.

#### **6-702 Openings**

Openings to the outside shall be effectively protected against the entry of rodents. Outside openings shall be protected against the entry of insects by tight-fitting, self-closing doors; closed windows; screening; controlled air currents; or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall be not less than 16 mesh to the inch.

## **SECTION SEVEN - CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.**

### **Floors**

#### **7-101 Floor Construction**

(a) Floors and floor coverings of all food preparation, food storage, and warewashing areas, and the floors of all walk-in refrigerators, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl asbestos or plastic tile, or tight-fitting wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of easy cleanable anti-slip floor covering in areas where necessary for safety reasons.

(b) Floors which are water flushed or which receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, shall be provided with trapped drains, properly installed. Such floors shall be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile or similar materials and shall be graded to drain.

(c) In all establishments utilizing concrete, terrazzo, quarry tile, ceramic tile or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors shall be coved and sealed. In all other cases, the juncture between walls and floors shall be closed so as not to present an open seam.

#### **7-102 Carpeting**

Carpeting shall not be used in food preparation and warewashing areas, in food storage areas, and in toilet room areas where urinals or toilet fixtures are located.

#### **7-103 Prohibited Floor Covering**

Sawdust, wood shavings, granular salt, baked clay, cardboard, or similar materials shall not be used as a floor covering.

#### **7-104 Mats and Duckboards**

Mats and duckboards shall be of non-absorbent, grease resistant materials, and of such size, design, and construction to facilitate cleaning and shall be maintained in good repair.

#### **7-105 Utility Line Installation**

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

### **Walls and Ceilings**

#### **7-201 Maintenance**

Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

#### **7-202 Construction**

The walls, including non-supporting partitions, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas, toilet rooms and vestibules shall be light colored, smooth, non-absorbent and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations shall be finished, filled and sealed to provide a smooth easily cleanable surface.

#### **7-203 Exposed Construction**

Studs, joints, and rafters shall not be exposed in those areas listed in paragraph 7-202 of these Rules and Regulations. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

#### **7-204 Utility Line Installation**

Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in paragraph 7-202 of these Rules and Regulations. Exposed utility lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

### **7-205 Attachments**

Light fixtures, vent covers, wall mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

### **7-206 Covering material installation**

Wall and ceiling covering materials shall be attached and sealed in a manner to be easily cleanable.

## **Cleaning Physical Facilities**

### **7-301 General**

(a) Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Cleaning of floors, walls, and ceilings shall be done as often as necessary, but preferably during periods when the least amount of food is exposed, such as after closing. Only dustless methods of cleaning floors, walls and ceilings shall be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust-arresting sweeping compounds with brooms.

(b) Facilities (such as a utility sink) necessary for the proper cleaning and maintaining the establishment in a clean and sanitary condition shall be provided.

## **Lighting**

### **7-401 General**

(a) Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles of light on all food preparation surfaces and at warewashing work levels.

(b) Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches from the floor:

(1) At least 20 foot candles of light in sales areas, utensil and equipment storage areas, and in handwashing and toilet areas; and

(2) At least 10 foot candles of light in walk-in refrigerators, dry food storage areas, and in all other areas.

### **7-402 Protective shielding**

(a) Shielding to protect against broken glass falling onto unpackaged food shall be provided for all artificial lighting fixtures located over or within food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored.

(b) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

(c) No colored or deceptive lighting shall be used.

## **Ventilation**

### **7-501 General**

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create a harmful, or unlawful discharge. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

## **Dressing Room and Areas**

### **7-601 Dressing Room and Areas**

If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage, display, or for warewashing, or storage of utensils and equipment.

### **7-602 Locker Areas**

When lockers or other similar facilities are provided for the storage of employee clothing and other belongings, such facilities may only be located in designated dressing rooms or areas in food storage rooms containing only completely packaged food or packaged single service articles.

## **Poisonous or Toxic Materials**

### **7-701 Materials Permitted**

Only those poisonous or toxic materials necessary for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, shall be present in retail food stores, except those items being stored or displayed for retail sale.

### **7-702 Labeling of Materials**

Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

### **7-703 Storage of Materials**

Poisonous or toxic materials necessary for the maintenance of the establishment consist of the following two categories:

- (a) Insecticides and rodenticides;
- (b) Detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.

Each of the two categories shall be stored and located to be physically separated from each other. All poisonous or toxic materials shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose. To preclude potential contamination, poisonous or toxic materials shall not be stored above or intermingled with food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergent or sanitizers at warewashing facilities.

### **7-704 Use of Materials**

- (a) Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces, nor in a way that constitutes a hazard to employees or other persons.
- (b) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

### **7-705 Storage and Display of Materials for Retail Sale**

Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single-service articles by spacing, partitioning, or dividers. These materials shall not be stored or displayed above food or single-service articles.

### **7-706 First-Aid Supplies and Personal Medications**

First-aid supplies and personal medications shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

## **Premises**

### **7-801 General**

- (a) Retail food stores and all parts of the property used in connection with operations of the establishment shall be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.
- (b) The walking and driving surfaces of all exterior areas of retail food stores shall be treated to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage.

### **7-802 Living Areas**

No operation of a retail food store shall be conducted in any room used as living or sleeping quarters. Retail food operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

### **7-803 Laundry Facilities**

(a) If provided, laundry facilities in a retail food store shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

(b) Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

### **7-804 Linens and Work Clothes Storage**

(a) Clean work clothes and linens shall be stored in a clean place and protected from contamination until used.

(b) Soiled work clothes and linens shall be kept in on-absorbent containers or washable laundry bags until removed for laundering and shall be stored to prevent contamination of food equipment and utensils.

### **7-805 Cleaning Equipment Storage**

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

### **7-806 Animals**

(a) Live animals shall be excluded from within the retail food operational areas and from immediately adjacent areas inside the store under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, shellfish, or fish in aquariums. Patrol dogs accompanying security or police officers shall also be permitted in offices, storage areas and outside store premises. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Guide dogs accompanying blind persons shall be permitted in sales areas.

(b) Persons employed in the food operational areas of an establishment shall not care for or handle any pets, patrol, or sentry dogs while on duty.

## **CHAPTER EIGHT - COMPLIANCE PROCEDURES**

### **8-101 Access**

Representatives of the Health Authority, after proper identification to the apparent person in charge, shall be permitted to enter any retail food store at any reasonable time for the purpose of making assessments to determine compliance with these Regulations. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

### **8-102 Inspection Frequency**

An assessment of retail food store shall be performed at least once every six months. Additional assessments of the retail food store shall be performed as often as necessary for the enforcement of these Regulations.

### **8-103 Report**

Whenever an inspection of a retail food store or commissary is made, the findings shall be recorded on the inspection report form. The assessment report shall summarize the requirements of these Regulations. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

### **8-104 Time Limits for Correction of Violations**

(a) The completed assessment report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified in accordance with the following provisions:

(1) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease operations. Operations shall not be resumed until authorized by the Health Authority.

(2) All critical violation items shall be corrected as soon as possible, but in any event, within 20 days following inspection. A follow-up assessment shall be conducted to confirm correction.

(3) All non-critical items shall be corrected as soon as possible.

(4) In the case of temporary food stores, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease operations until authorized to resume by the Health Authority.

(b) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of retail food operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health Authority within ten days following cessation of operations. If a request for hearing is received, a hearing shall be held within 20 days of receipt of the request.

(c) Whenever a retail food store is required under the provisions of section 8-104 to cease operations, it shall not resume operations until it is shown on re-assessment that conditions responsible for the order to cease operation no longer exist. Opportunity for re-assessment shall be offered within a reasonable time.

#### **8-106 Submission of Plans**

Whenever a retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a retail food store, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Health Authority shall approve the plans and specifications if they meet the requirements of these Regulations. No retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Health Authority.

#### **8-107 Pre-Operational Assessment**

Whenever plans and specifications are required by these Regulations to be submitted to the Health Authority, the Health Authority shall assess the retail food store prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of these Regulations.

#### **8-108 Procedure when Infection is Suspected**

When the Health Authority has reasonable cause to suspect possible disease transmission by an employee of a retail food store, it may secure a morbid history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Health Authority may require any or all of the following measures:

(a) The immediate exclusion of the employee from employment in a retail food store;

(b) The immediate closing of the retail food store concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists;

(c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;

(d) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

#### **8-109 Penalties**

Penalties for violations of these Rules and Regulations may be imposed as provided in Ark. Code Ann. § 20-7-101.

#### **8-110 Injunctions**

The Health Authority may seek to enjoin violations of these Regulations.

**SEVERABILITY**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

**REPEAL**

All Rules and Regulations and any parts of Rules and Regulations in conflict herewith are hereby repealed.

**CERTIFICATION**

This will certify that the [amendments cumulative to the] foregoing Rules and Regulations Pertaining to Food Stores, Markets, and Warehouses were duly adopted by the Arkansas Department of Health at a regular session of the Board of Health held in Little Rock, Arkansas on the twenty-third day of April, 1992.

(Signed)  
Fay Boozman, M.D., Director  
Arkansas Department of Health

Dated at Little Rock, Arkansas on the Twenty Fifth day of July, 2002.

The foregoing Rules and Regulations Pertaining to Food stores, Markets, and Warehouses having been filed in my office, is hereby approved this tenth day of October, 2002.

(signed)  
Mike Huckabee  
Governor