

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Department of Agriculture

Adopted Permanent Rules Relating to Retail Food Store Sanitation

Rules as Adopted

1547.0001 PURPOSE.

The purpose of this chapter is to provide uniform statewide rules for retail food establishments.

1547.0002 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the terms in this section have the meanings given them.

Subp. 2. **Bulk food.** "Bulk food" means unpackaged and unwrapped food in aggregate containers from which quantities are withdrawn by the consumer, excluding fresh fruits, fresh vegetables, nuts in the shell, and food in salad bars.

Subp. 3. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

Subp. 4. **Easily cleanable.** "Easily cleanable" means that surfaces are readily accessible and made of a material and finish and so fabricated that residue can be effectively removed by normal cleaning methods.

Subp. 5. **Employee.** "Employee" means the license holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food store.

Subp. 6. **Equipment.** "Equipment" means items other than utensils used in the storage, preparation, display, or transportation of food including stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and

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similar items used in the operation of a retail food store. "Equipment" does not include fork lift trucks or dollies.

Subp. 7. **Food.** "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.

Subp. 8. **Food contact surfaces.** "Food contact surfaces" means surfaces of equipment and utensils with which food normally comes into contact and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 9. **Food service establishment.** "Food service establishment" means a place where food is prepared and intended for individual portion service, including the place at which individual portions are provided, whether or not consumption is on the premises and whether or not there is a charge for the food. "Food service establishment" includes delicatessens that offer prepared food in individual service portions, but does not include private homes where food is prepared or served for individual family consumption, retail food stores without food service, the location of food vending machines, and supply vehicles.

Subp. 10. **Hermetically-sealed container.** "Hermetically-sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

Subp. 11. **Law.** "Law" includes applicable federal, state, and local statutes, ordinances, rules, and regulations.

Subp. 12. **License.** "License" means the document issued by the Department of Agriculture that authorizes a person to operate a retail food store.

Subp. 13. **Packaged.** "Packaged" means contained in a case, carton, can, box, wrapping, barrel, tub, bottle, phial, or other receptacle or covering of any kind that is used by a manufacturer, producer, jobber, packer, or retail dealer to transport, handle, store, or offer something for sale.

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Subp. 14. **Person.** "Person" means an individual, firm, corporation, company, association, cooperative, or partnership and includes a trustee, receiver, assignee, or other similar representative.

Subp. 15. **Person in charge.** "Person in charge" means the individual in a retail food store who is the supervisor of the retail food store at the time of inspection.

Subp. 16. **Potentially hazardous food.** "Potentially hazardous food" means food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs, foods that have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less at 77 degrees Fahrenheit (25 degrees centigrade), and food products in hermetically-sealed containers processed to prevent spoilage.

Subp. 17. **Regulatory authority.** "Regulatory authority" means the Department of Agriculture, which is responsible for enforcing this chapter.

Subp. 18. **Retail food store.** "Retail food store" means an establishment where food and food products are offered to the consumer and intended for off-premises consumption. "Retail food store" includes an establishment with a delicatessen that offers prepared food, and does not include persons selling the products of the farm or garden occupied and cultivated by those persons, persons not regularly engaged in the business of manufacturing and selling food and who prepare food only on order of and for sale directly to the ultimate consumer, or educational, charitable, or religious organizations not regularly engaged in the business of manufacturing, processing, or selling food at their established educational, charitable, or religious institutions.

Subp. 19. **Safe materials.** "Safe materials" means materials that may not reasonably be expected to result,

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directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food. Food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act are "safe materials" only if they are used in conformity with regulations established under Section 409 or 706 of that act. Other materials are "safe materials" only if, as used, they are not food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with applicable regulations of the United States Food and Drug Administration.

Subp. 20. **Sanitization.** "Sanitization" means effective bactericidal treatment of clean food contact surfaces of utensils and equipment by ~~a~~ an approved process ~~that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count~~ that is effective in destroying microorganisms, including pathogens, ~~to a safe level on cleaned food contact surfaces of utensils and equipment~~ without adversely affecting the product or the safety of the consumer.

Subp. 21. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 22. **Single-service articles.** "Single-service articles" means cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, or paddles; straws, placemats, napkins, doilies, or wrapping material; and similar articles constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

Subp. 23. **Transportation or transported.** "Transportation" or "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.

Subp. 24. **Utensil.** "Utensil" means a food contact

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implement used in the storage, preparation, transportation, or dispensing of food.

Subp. 25. **Warewashing.** "Warewashing" means the cleaning and sanitizing of food contact surfaces of equipment and utensils.

1547.0003 FOOD SUPPLIES.

Food must be in sound condition and safe for human consumption. Food must be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home must not be used or offered for sale.

1547.0004 SPECIAL REQUIREMENTS.

Subpart 1. **Milk products.** Fluid milk and fluid milk products used or offered for sale must comply with the Grade A standards established by law. Dry milk and milk products used or offered for sale must be made from pasteurized milk and milk products.

Subp. 2. **Shellfish.** Fresh and frozen shucked shellfish (oysters, clams, or mussels) must be received and repacked in nonreturnable 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 must be kept in the container in which they were received until used or sold.

An original container of unshucked shellfish (oysters, clams, or mussels) must be identified for a period of 90 days with 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.

Subp. 3. **Eggs.** Only clean, sound shell eggs meeting applicable Minnesota and federal weight and grade standards established for consumer grades, or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products may be used or offered for sale.

Subp. 4. **Ice.** Only ice manufactured from potable water

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and handled in a sanitary manner may be used or offered for sale. Ice offered for sale must be packaged.

1547.0005 FOOD PROTECTION.

At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food must be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous foods must be 40 degrees Fahrenheit (5 degrees centigrade) or below or 150 degrees Fahrenheit (66 degrees centigrade) or above at all times, except as otherwise provided in this chapter. Hermetically-sealed packages must be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and food items that have been returned to, or are being detained by, the retail food store because of spoilage, container damage, or other public health considerations, must be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the regulatory authority.

1547.0006 EMERGENCY OCCURRENCES.

The person in charge of a retail food store that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable possibility that food in the retail food store may have been contaminated or that the temperature level of food that is in a potentially hazardous form may have caused that food to have become hazardous to health, must take the action necessary to protect the public health and promptly notify the regulatory authority of the emergency.

1547.0007 FOOD STORAGE.

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Subpart 1. **Packaged food; meats.** Food packaged in an immediate closed container, once the container is opened in the retail food store before use or retail sale, must be kept covered. Raw or prepared food removed from the immediate closed container in which it was originally packaged before use or retail sale, must be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fresh raw fruits are exempted from this requirement. Container covers must be impervious and nonabsorbent.

During periods of storage, subprimal cuts of meat must be covered with single-service wrapping material. Primal cuts, quarters, or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in a manner that will preclude contamination of any food products in storage.

Subp. 2. **Storage areas.** Containers of food must be stored at least six inches (152 millimeters) above the floor or on dollies, skids, racks, or open-ended pallets, if the equipment is easily movable either by hand or with the use of pallet-moving equipment that is on the premises and used. Storage areas must be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated if the case of food is not exposed to floor moisture and the storage area is kept clean.

Subp. 3. **Water or sewer lines.** Food and containers of food must not be stored under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 4. **Water or ice.** Packaged foods must not be stored in contact with water or undrained ice.

Subp. 5. **Food ingredient storage.** A food ingredient, such as flour, sugar, salt, baking powder, cooking oil, or vinegar, that is not stored in the original package and is not readily identifiable on sight, must be stored in a container identifying

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it by common name.

Subp. 6. **Toilets; garbage or mechanical rooms.** Toilet rooms and their vestibules, and garbage or mechanical rooms must not be used for the storage of food.

1547.0008 REGRIGERATED OR FROZEN STORAGE.

Subpart 1. **Storage capacity; thermometers.** Refrigeration units or effectively insulated units must be provided in a number and capacity that assures the maintenance of potentially hazardous food at required temperatures during storage. A mechanically-refrigerated unit storing potentially hazardous food must be provided with a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade). The sensing element must be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale must be located to be easily readable. Recording thermometers, accurate to ±3 degrees Fahrenheit (±1 degree centigrade) may be used in lieu of indicating thermometers.

Subp. 2. **Rapid cooling.** Potentially hazardous food requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below. Potentially hazardous foods of large volume or prepared in large quantities must be rapidly cooled using methods such as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period does not exceed four hours. Potentially hazardous food to be transported must be prechilled and held at a temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below unless maintained in accordance with the hot storage requirements of this chapter.

Subp. 3. **Frozen food.** Potentially hazardous frozen foods must be kept frozen and must be stored at an air temperature of zero degrees Fahrenheit (-18 degrees centigrade) or below except for defrost cycles and brief periods of loading or unloading.

Subp. 4. **Ice used for cooling.** Ice used as a cooling

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medium for food storage must not be used or sold for human consumption.

Subp. 5. **Eggs.** Clean, sound shell eggs must be stored at 60 degrees Fahrenheit (16 degrees centigrade) or below.

1547.0009 HOT STORAGE.

Subpart 1. **Storage units.** Hot food storage units must be provided in a number and of a capacity to assure the maintenance of potentially hazardous food at the required temperature during storage. A hot food storage unit storing potentially hazardous food must be provided with a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade). The sensing element must be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit. The thermometer scale must be located to be easily readable. Recording thermometers accurate to ±3 degrees Fahrenheit (±1 degree centigrade) may be used in lieu of indicating thermometers. If it is impractical to install thermometers on equipment such as heat lamps, calrod units, or insulated food transport carriers, a food product thermometer must be available and used to check internal food temperature.

Subp. 2. **Food temperatures.** The internal temperature of potentially hazardous foods requiring hot storage must be 150 degrees Fahrenheit (66 degrees centigrade) or above, except during necessary periods of preparation. Potentially hazardous food to be transported must be held at a temperature of 150 degrees Fahrenheit (66 degrees centigrade) or above, unless maintained in accordance with the refrigerated storage requirements of this chapter.

1547.0010 FOOD PREPARATION.

Subpart 1. **Contact with food.** Food must be prepared with a minimum of manual contact. Food must be prepared on food contact surfaces and with utensils that are clean and have been sanitized.

Subp. 2. **Change in foods; separation.** Each time there is

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a change in processing between raw beef, raw pork, raw poultry, raw game, or raw seafood, or a change in processing from raw to ready-to-eat foods, the new operation must begin with food contact surfaces and utensils that are clean and have been sanitized. Salads and other ready-to-eat foods must be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

Subp. 3. **Consumable food.** Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products must be prepared from chilled products.

1547.0011 RAW FRUITS AND 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 must be thoroughly cleaned with potable water before being used.

1547.0012 COOKING POTENTIALLY HAZARDOUS FOODS.

Potentially hazardous foods being processed by cooking within a retail food store must be cooked to heat all parts of the food to a temperature of at least 150 degrees Fahrenheit (66 degrees centigrade), except that:

A. Poultry, poultry stuffing, stuffed meats, and stuffings containing meat, must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

B. Pork and pork products must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

C. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be

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preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

To meet public health requirements for the processes in this item, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at that temperature:

Minimum Holding Times for Beef Roasts at Various Internal Temperatures

Minimum internal temperature		Minimum holding time	Minimum internal temperature		Minimum holding time
°F	°C	Minutes	°F	°C	Minutes
130	54.4	121	138	58.9	19
131	55.0	97	139	59.5	15
132	55.6	77	140	60.0	12
133	56.1	62	141	60.6	10
134	56.7	47	142	61.1	8
135	57.2	37	143	61.7	6
136	57.8	32	144	62.2	5
137	58.4	24			

D. Beef roasts, if cooked in a microwave oven, must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

1547.0013 BAKERY PRODUCT FILLINGS.

Custards, cream fillings, and similar products, including synthetic fillings, must meet the temperature requirement in part 1547.0008, subpart 2, following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings are excluded from this requirement if:

A. the food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less under standard conditions;

B. it is handled in a manner to preclude

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contamination with and the growth of pathogenic microorganisms after heat processing; or

C. other scientific evidence is on file with the regulatory authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

Bakery products with synthetic fillings that meet the criteria in items A to C may be labeled to state that refrigeration is not required.

1547.0014 REHEATING.

Potentially hazardous foods that have been cooked and then refrigerated must be reheated rapidly to an internal temperature of 165 degrees Fahrenheit (74 degrees centigrade) or higher before being placed in hot food storage holding units. Food warmers and other hot food holding units must not be used for the reheating of potentially hazardous foods.

1547.0015 FOOD PRODUCT THERMOMETERS.

Metal, stem-type, numerically-scaled indicating thermometers, accurate to ±2 degrees Fahrenheit (±1 degree centigrade) must be provided and used to assure attainment and maintenance of proper temperatures during preparation of potentially hazardous foods.

1547.0016 THAWING POTENTIALLY HAZARDOUS FOODS.

Potentially hazardous foods must be thawed:

A. in refrigerated units at a temperature not more than 40 degrees Fahrenheit (5 degrees centigrade);

B. under potable running water at a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not more than that reasonably required to thaw the food;

C. in a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

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D. as part of the conventional cooking process.

1547.0017 POTENTIALLY HAZARDOUS FOOD DISPLAY.

Potentially hazardous foods must be held at an internal temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below or at an internal temperature of 150 degrees Fahrenheit (66 degrees centigrade) or higher during display, except that rare roast beef offered for sale hot must be held at a temperature of at least 130 degrees Fahrenheit (55 degrees centigrade).

1547.0018 FROZEN FOOD DISPLAY.

Foods intended for sale in a frozen state must be displayed at an air temperature of zero degrees Fahrenheit (-18 degrees centigrade) or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods must be displayed below or behind product food lines according to cabinet manufacturers' specifications.

1547.0019 FOOD DISPLAY.

Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, must be protected from contamination by being packaged, by display cases, by covered containers for self-service, or by similar protective equipment. Food must be displayed above the floor in a manner that will protect the food from contamination. Hot or cold food units must be provided to assure the maintenance of potentially hazardous food at the required temperature during display. Potentially hazardous food must not be provided for consumer self-service.

1547.0020 DISPENSING UTENSILS.

To avoid unnecessary manual contact with food, suitable dispensing utensils and single-service articles must be used by employees. Consumers who serve themselves bulk food must be provided suitable dispensing utensils.

Bulk food may be dispensed by: mechanical dispensing devices including gravity dispensers, pumps, extruders, and

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augers; or manual dispensing utensils including tongs, scoops, ladles, and spatulas.

A manual dispensing utensil must have a handle long enough to avoid consumer contact with the bulk food. When not in use, dispensing utensils must be stored either in the food with the handle extended out of the food, or in a protective enclosure attached or adjacent to the display unit with the utensil on a tether of easily cleanable material short enough to prevent contact with the floor.

1547.0021 FOOD SAMPLE DEMONSTRATIONS AND FOOD PROMOTIONS.

When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge must ensure that those activities comply with the applicable sanitation provisions of this chapter.

1547.0022 FOOD TRANSPORTATION BY RETAIL FOOD STORE.

Food, other than hanging primal cuts, quarters, or sides of meat, and raw fruits and raw vegetables must be protected from contamination by use of packaging or covered containers while being transported. Food being transported must meet the applicable requirements of this chapter relating to food protection and food storage. Foods packaged in immediate closed containers do not need to be overwrapped or covered if the immediate closed containers have not been opened, torn, or broken.

1547.0023 EMPLOYEE HEALTH.

No employee, 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 an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.

1547.0024 PERSONAL CLEANLINESS.

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Employees engaged in food preparation and warewashing operations must thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work; after smoking, eating, or using the toilet; before and after handling raw meat, raw poultry, or raw seafood; and as often as is necessary during work to keep them clean. Employees must keep their fingernails trimmed and clean.

1547.0025 CLOTHING.

Employees must wear clean outer clothing and use effective hair restraints at all times in a food service and food processing operation to prevent the contamination of food or food contact surfaces.

1547.0026 EMPLOYEE PRACTICES.

Subpart 1. **Cleanliness; hygiene.** Employees must maintain a high degree of personal cleanliness and must conform to good hygienic practices during work times.

Subp. 2. **Eating; tobacco use.** Employees must eat food or use tobacco only in designated areas. The designated areas must be located so that the eating or tobacco use of an employee does not result in contamination of food, equipment, or utensils.

1547.0027 MATERIALS.

Multi-use equipment and utensils must be constructed and repaired with safe materials, including finishing materials; must be corrosion resistant and must be nonabsorbent; and must be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles must be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles must not impart odors, color, or taste or contribute to the contamination of food.

1547.0028 SOLDER.

If solder is used, it must be composed of safe materials and be corrosion resistant.

1547.0029 WOOD.

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Hard maple or equivalent nonabsorbent wood that meets the general requirements in part 1547.0027 may be used for cutting blocks, cutting boards, and bakers' tables. Wood must not be used as a food contact surface under other circumstances, except for contact with raw fruits, raw vegetables, and nuts in the shell.

1547.0030 PLASTICS AND RUBBER MATERIALS.

Safe plastic, rubber, or rubber-like 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 that meet the requirements in part 1547.0027, are permitted for repeated use.

1547.0031 CUTTING SURFACES.

Cutting surfaces subject to scratching and scoring must be resurfaced so as to be easily cleaned, or be discarded when they can no longer be effectively cleaned and sanitized.

1547.0032 SINGLE-SERVICE ARTICLES.

Single-service articles must not be reused.

1547.0033 DESIGN AND FABRICATION.

A. Equipment and utensils, including plasticware, must be designed and made for durability under conditions of normal use and must be resistant to denting, buckling, pitting, chipping, and crazing.

B. Food contact surfaces must be easily cleanable, smooth, 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 must 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, they must be minimized.

C. Equipment containing bearings and gears requiring

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lubricants not made of safe materials must be designed and made so that the lubricants cannot leak, drip, or be forced into food or onto food contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food contact surfaces must be lubricated with materials meeting the requirements of Code of Federal Regulations, title 21, section 178.3570.

D. Sinks and drain boards must be sloped to drain and be self-draining.

1547.0034 ACCESSIBILITY.

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

A. without being disassembled;

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 kept near the equipment.

1547.0035 CLEAN IN PLACE (CIP) EQUIPMENT.

Equipment intended for in-place cleaning must be designed and made so that:

A. cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;

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.

1547.0036 FOOD PRODUCT THERMOMETERS.

Indication thermometers required for immersion into food or cooking media must be of metal, stem-type construction, numerically scaled, and accurate to ±2 degrees Fahrenheit (±1 degree centigrade).

1547.0037 NON-FOOD-CONTACT SURFACES.

Surfaces of equipment not intended for contact with food,

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but exposed to splash or food debris or otherwise requiring frequent cleaning, must be designed and made to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and must be of a material and in repair so as to be easily maintained in a clean and sanitary condition.

1547.0038 VENTILATION HOODS.

If ventilation hoods and devices are installed, they must be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food contact surfaces. Filters or other grease-extracting equipment must be readily removable for cleaning and replacement if they are not designed to be cleaned in place.

1547.0039 MAINTENANCE OF EQUIPMENT AND UTENSILS.

Equipment and utensils must be maintained in good repair to comply with the requirements of this chapter.

1547.0040 EQUIPMENT INSTALLATION AND LOCATION.

Equipment, including ice makers and ice storage equipment, must 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.

1547.0041 TABLE-MOUNTED EQUIPMENT.

Subpart 1. **Installation.** Table-mounted equipment must be installed to facilitate the cleaning of the equipment and the adjacent areas.

Subp. 2. **Clearance.** Equipment that is mounted on tables or counters, unless portable, must be sealed to the table or counter or elevated on legs to provide at least a four-inch (102 millimeters) clearance between the equipment and the table or counter. If no part of the table under the equipment is more than 18 inches (457 millimeters) from cleaning access, the clearance space must be three inches (76 millimeters) or more. If no part of the table under the equipment is more than three inches (76 millimeters) from cleaning access, the clearance

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space must be two inches (51 millimeters) or more.

Subp. 3. **"Portable" defined.** Equipment is portable within the meaning of subpart 2 if:

A. it is small and light enough to be moved easily by one person;

B. it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; and

C. it is table-mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment, and:

(1) does not exceed 80 pounds (36 kilograms); or

(2) is equipped with a mechanical means of safely tilting the unit for cleaning.

1547.0042 FLOOR-MOUNTED EQUIPMENT.

Subpart 1. **Floor clearance.** Floor-mounted equipment, unless easily movable, must be:

A. sealed to the floor; or

B. elevated on legs to provide at least a six-inch (152 millimeters) clearance between the floor and equipment, except that equipment may be elevated to provide at least a four-inch (102 millimeters) clearance between the floor and equipment if no part of the floor under the equipment is more than six inches (152 millimeters) from cleaning access.

Display shelving units, display refrigeration units, and display freezer units are exempt from items A and B if they are installed so that the floor beneath the units can be cleaned.

Subp. 2. **"Easily movable" defined.** Equipment is easily movable if:

A. it is mounted on wheels or casters; and

B. it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

Subp. 3. **Side, top clearance.** Unless sufficient space is

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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 must be not more than 1/32 inch (0.8 millimeters) and, if exposed to seepage, the space must be sealed.

1547.0043 AISLES AND WORKING SPACES.

Aisles and working spaces between units of equipment and between equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food contact surfaces by clothing or personal contact. Easily movable storage equipment such as dollies, skids, racks, and open-ended pallets must be positioned to provide accessibility to working areas.

1547.0044 CLEANING FREQUENCY.

Subpart 1. **Cleaning times.** Utensils and food contact surfaces of equipment must be cleaned and sanitized:

A. each time there is a change in processing between raw beef, raw pork, raw poultry, or raw seafood, or a change in processing from raw to ready-to-eat foods;

B. after any interruption of operations during which time contamination may have occurred; and

C. after final use each working day.

Subp. 2. **Continuous production.** If 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 must 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.

Subp. 3. **Cooking devices; microwave ovens.** The food contact surfaces of cooking devices and the cavities and door seals of microwave ovens must be cleaned at least once each day of use. This does not apply to hot oil cooling equipment and hot oil filtering systems. The food contact surfaces of baking equipment and pans must be kept free of encrusted grease

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deposits and other accumulated soil.

Subp. 4. **Non-food-contact surface.** Non-food-contact surfaces of equipment, including transport vehicles, must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

1547.0045 WIPING CLOTHS.

Subpart 1. **Rinsing; storage.** Cloths or sponges used for wiping food spills on food contact surfaces of equipment must be clean and rinsed frequently in one of the sanitizing solutions permitted in part 1547.0047, subpart 8, and used for no other purpose. These cloths and sponges must be stored in the sanitizing solution between uses.

Subp. 2. **Non-food-contact surfaces.** Cloths or sponges used for cleaning non-food-contact surfaces of equipment must be clean and rinsed as specified in subpart 1 and used for no other purpose. These cloths and sponges must be stored in the sanitizing solution between uses.

Subp. 3. **Single-service towels.** Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

1547.0046 FOOD SERVICE IN RETAIL FOOD STORES.

A food service operating as part of a retail food store must have equipment applicable to the operation conducted in the establishment that is designed, constructed, installed, located, and maintained in compliance with parts 4625.2400 to 4625.5000 as adopted by the Department of Health.

1547.0047 **MANUAL CLEANING AND SANITIZING.**

Supart 1. **Sinks.** A sink must be provided and used for any manual cleaning and sanitizing of equipment and utensils. A food service operation must meet the requirements in part 1547.0046. A three-compartment sink must be provided and used in any retail store processing operation that involves the preparation of potentially hazardous food. Sink compartments must be large enough to accommodate the immersion of equipment

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and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. If immersion in sinks is impracticable (for example, because equipment is too large), equipment and utensils must be cleaned and sanitized manually or by pressure spray methods.

Subp. 2. **Drain boards; utensil tables.** Drain boards or easily movable utensil tables of adequate size must be provided for proper storage and handling of soiled utensils before cleaning and for cleaned utensils following sanitizing and must be located so as not to interfere with proper use of the warewashing facilities.

Subp. 3. **Preparation.** Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.

Subp. 4. **Clean sinks.** Sinks must be cleaned before use.

Subp. 5. **Three-compartment sink.** If a three-compartment sink is required for warewashing, the operation must be conducted in the following sequence:

A. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration shown on the manufacturer's label.

B. Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

C. Equipment and utensils must be sanitized in the third compartment according to one of the methods included in subpart 8, items A to E.

Subp. 6. **Two-compartment sink.** If a two-compartment sink is permitted for warewashing, one of the following methods must be used:

A. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration shown on the manufacturer's label and must be sanitized in hot water in the second compartment in accordance with subpart 8, item A; or

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B. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent-sanitizer solution that is kept clean and at a concentration shown on the manufacturer's label, and must be sanitized in the second compartment in hot water in accordance with subpart 8 or with a solution containing that same detergent-sanitizer in accordance with subpart 8, items B to E.

Subp. 7. **Pressure spray methods.** If pressure spray methods are used for cleaning and sanitizing, the equipment and utensils must be thoroughly flushed with a detergent-sanitizer solution until the article is free of visible food particles and soil. The detergent-sanitizer must be used in accordance with the manufacturer's instructions and must be of the type that does not require a potable water rinse when used according to those instructions.

Subp. 8. **Sanitizing food contact surfaces.** The food contact surfaces of equipment and utensils must be sanitized by:

A. immersion for at least one-half minute in clean, hot water of a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

B. 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 degrees Fahrenheit (24 degrees centigrade);

C. immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine, having a pH range the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

D. immersion for at least one minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade). The quaternary ammonium compound used must have been compounded by the manufacturer to assure effectiveness in waters up to 500 parts per million hardness at use concentration;

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E. immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute;

F. treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

G. rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under items B, C, and E in the case of equipment too large to sanitize by immersion.

Subp. 9. **Hot water sanitizing.** When hot water is used for sanitizing, the following equipment must be provided and used:

A. 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 degrees Fahrenheit (77 degrees centigrade);

B. a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade) convenient to the sink for frequent checks of water temperature; and

C. utensil racks or baskets of a size and design that permit complete immersion of utensils and equipment in the hot water.

Subp. 10. **Chemical sanitization.** When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that measures the parts per million concentration of the solution must be provided and used.

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1547.0048 MECHANICAL CLEANING AND SANITIZING.

Subpart 1. **Types of devices.** Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices must be properly installed and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, must be properly installed and maintained. Mechanical dishwashing machines used for food service equipment and utensils must meet the requirements found in part 1547.0046.

Subp. 2. **Rinse water pressure.** The pressure of final rinse water supplied to spray-type dishwashing machines must not be less than 15 nor more than 25 pounds per square inch measured in the water line adjacent to the final rinse control valve. A one-fourth inch IPS valve must be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

Subp. 3. **Thermometers.** Machine or waterline-mounted numerically-scaled indicating thermometers, accurate to ±3 degrees Fahrenheit (1 degree centigrade), must be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

Subp. 4. **Rinse water tanks; conveyors.** Rinse water tanks must be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines must be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines.

Subp. 5. **Drain boards.** Drain boards must be provided and be of adequate size for the proper handling of soiled utensils

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before washing and of cleaned utensils following sanitization and must be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

Subp. 6. **Preparation of equipment and utensils.** Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

Subp. 7. **Machines using chemical sanitization.** Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, as long as:

A. the temperature of the wash water is not less than 120 degrees Fahrenheit (49 degrees centigrade);

B. the wash water is kept clean;

C. chemicals added for sanitization purposes are automatically dispensed;

D. utensils and equipment are exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time and concentration;

E. the chemical sanitizing rinse water temperature is not less than 75 degrees Fahrenheit (24 degrees centigrade) nor less than the temperature specified by the machine's manufacturer;

F. chemical sanitizers used meet the requirements of Code of Federal Regulations, title 21, section 178.1010; and

G. a test kit or other device that accurately measures the parts per million concentration of the solution is available and used.

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Subp. 8. **Machines using hot water sanitizing.** Machines using hot water for sanitizing may be used if wash water and pumped rinse water are kept clean and water is maintained at not less than the temperature stated in items A to E.

A. Single-tank, stationary-rack, dual-temperature machine:

(1) wash temperature, 150 degrees Fahrenheit (66 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

B. Single-tank, stationary-rack, single-temperature machine:

(1) wash temperature, 165 degrees Fahrenheit (74 degrees centigrade); and

(2) final rinse temperature, 165 degrees Fahrenheit (74 degrees centigrade).

C. Single-tank, conveyor machine:

(1) wash temperature, 160 degrees Fahrenheit (72 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

D. Multitank, conveyor machine:

(1) wash temperature, 150 degrees Fahrenheit (66 degrees centigrade);

(2) pumped rinse temperature, 160 degrees Fahrenheit (72 degrees centigrade); and

(3) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

E. Single-tank, pot, pan, and utensil washer (either stationary or moving rack):

(1) wash temperature, 140 degrees Fahrenheit (60 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

Subp. 9. **Cleaning of machines.** Dishwashing machines must be thoroughly cleaned at least once a day or more often when

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necessary to maintain them in a satisfactory operating condition.

1547.0049 DRYING.

Unless used immediately after sanitization, equipment and utensils must be air dried. Towel drying is not permitted.

1547.0050 RETAIL FOOD STORES WITHOUT EQUIPMENT AND UTENSIL CLEANING FACILITIES.

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

1547.0051 EQUIPMENT AND UTENSIL HANDLING.

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

1547.0052 EQUIPMENT AND UTENSIL STORAGE.

Subpart 1. **Location.** Cleaned and sanitized utensils and equipment must be stored at least six inches (152 millimeters) above the floor in a clean, dry location in a way that protects them from splash, dust, and other means of contamination. The food contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 2. **Drying.** Utensils must be air dried before being stored or must be stored in a self-draining position.

Subp. 3. **Covering; inversion.** Stored utensils must be covered or inverted wherever practical.

1547.0053 SINGLE-SERVICE ARTICLES.

Subpart 1. **Storage.** Single-service articles must be stored in closed cartons or containers at least six inches (152 millimeters) above the floor or on easily movable dollies, skids, racks, or open-ended pallets. Storage must protect the articles from contamination and must not be located under exposed or unprotected sewer lines, or water lines that are

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leaking or on which condensed water has accumulated.

Subp. 2. **Handling.** Single-service articles must be handled in a manner that prevents contamination of surfaces that may come in contact with food.

1547.0054 PROHIBITED STORAGE AREAS.

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

1547.0055 WATER SUPPLY; GENERAL.

Sufficient potable water for the needs of the retail food store must be provided from a source constructed, maintained, and operated according to law.

1547.0056 WATER UNDER PRESSURE.

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

1547.0057 STEAM.

Steam used in contact with food or food contact surfaces must be free from any materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

1547.0058 SEWAGE; GENERAL.

Sewage, including liquid waste, must be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Nonwater-carried sewage disposal facilities are prohibited, except as permitted by the regulatory authority.

1547.0059 PLUMBING; GENERAL.

Plumbing must be sized, installed, and maintained according to law. There must be no cross-connection between the potable water supply and any other system containing:

A. water of unknown or questionable origin; or

B. contaminating or polluting substances.

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1547.0060 NONPOTABLE WATER SYSTEM.

A nonpotable water system is permitted for air conditioning, equipment cooling, and fire protection, and must be installed according to law. Nonpotable water must not directly or indirectly contact food or equipment or utensils that contact food. The piping of any nonpotable water system must be durably identified so that it is readily distinguishable from piping that carries potable water.

1547.0061 BACKFLOW.

The potable water system must be installed to preclude the possibility of backflow. Devices must be installed to protect against backflow and backsiphonage at fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim. No hose can be attached to a faucet that is not equipped with a backflow prevention device.

1547.0062 GREASE TRAPS.

Grease traps, if used, must be located to be easily accessible for cleaning.

1547.0063 GARBAGE GRINDERS.

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

1547.0064 DRAINS.

Except for properly trapped open sinks, there must be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. If a warewashing machine is located within five feet (152 centimeters) of a trapped floor drain, the warewasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

1547.0065 TOILET INSTALLATION.

Toilet facilities must be installed according to law, must be at least one and at least the number required by law, must be

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conveniently located, and must be accessible to employees at all times.

1547.0066 TOILET DESIGN.

Toilets and urinals must be designed to be easily cleanable.

1547.0067 TOILET ROOMS.

Toilet rooms must be completely enclosed and must have tight-fitting, self-closing solid doors, except for louvers that may be necessary for ventilation systems.

1547.0068 TOILET FACILITY MAINTENANCE.

Toilet facilities, including toilet fixtures and any related vestibules, must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle.

1547.0069 HANDWASHING FACILITY INSTALLATION.

Handwashing facilities must be installed according to law, must be at least one and at least the number required by law, and must be conveniently located to permit use by all employees in food preparation and warewashing areas. Handwashing facilities must be accessible to employees at all times. Handwashing facilities must also be located in or immediately adjacent to toilet rooms or their vestibules. Sinks used for food preparation or for warewashing must not be used for washing of hands or for any other purpose.

1547.0070 HANDWASHING FACILITY FAUCETS.

Each handwashing facility must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing or metering faucet used must 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.

1547.0071 HANDWASHING SUPPLIES.

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A supply of hand-cleansing soap or detergent must be available at each handwashing facility. A supply of sanitary towels or a hand drying device providing heated air must be conveniently located near each handwashing facility. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles must be conveniently located near the handwashing facilities.

1547.0072 HANDWASHING FACILITY MAINTENANCE.

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

1547.0073 GARBAGE AND REFUSE CONTAINERS.

Subpart 1. **Types; liners.** Garbage and refuse must 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. These bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.

Subp. 2. **Covering.** Containers used in food preparation and utensil washing areas must be kept covered during nonworking hours and after they are filled.

Subp. 3. **Outside storage.** Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, must be easily cleanable, provided with tight-fitting lids, doors, or covers, and kept covered when not in actual use. In containers designed with drains, drain plugs must be in place at all times, except during cleaning.

Subp. 4. **Number.** There must be enough containers to hold the garbage and refuse that accumulates.

Subp. 5. **Cleaning.** Soiled containers must be cleaned at a frequency to prevent insect and rodent attraction. Containers must be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot

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water or steam must be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations must be disposed of as sewage.

1547.0074 GARBAGE AND REFUSE STORAGE.

Subpart 1. **Types of storage.** Garbage and refuse on the premises must 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, or baled units that contain garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

Subp. 2. **Storage rooms.** Garbage or refuse storage rooms, if used, must be constructed of easily cleanable, nonabsorbent, washable materials, must be kept clean, must be insect- and rodent-resistant, and must be large enough to store the garbage and refuse containers required by disposal pick-up frequency.

Subp. 3. **Outside storage.** Outside storage areas or enclosures, if used, must be kept clean and must be large enough to store the garbage and refuse containers required by disposal pick-up frequency. Garbage and refuse containers, dumpsters, and compactor systems located outside must be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

1547.0075 GARBAGE AND REFUSE DISPOSAL.

Garbage and refuse must be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.

If garbage or refuse is burned on the premises, it must be done by controlled incineration in accordance with law. Areas around incineration units must be kept clean and orderly.

1547.0076 INSECT AND RODENT CONTROL; GENERAL.

Effective measures must be used to minimize the entry,

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presence, and propagation of rodents, flies, cockroaches, or other insects. The premises must be maintained in a condition that prevents the harborage or feeding of insects or rodents.

1547.0077 OPENINGS.

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

1547.0078 FLOOR CONSTRUCTION.

Subpart 1. **Materials.** Except as specified in part 1547.0079, floors and floor coverings of food preparation, food storage, and warewashing areas, and the floors of walk-in refrigerators, dressing rooms, locker rooms, toilet rooms, and vestibules, must 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 must be maintained in good repair. Nothing in this section prohibits the use of antislip floor covering in areas where necessary for safety reasons.

Subp. 2. **Wet floors.** Floors that are water flushed or receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, must be provided with properly installed trapped drains. These floors must be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials, and must be graded to drain.

Subp. 3. **Floor junctures.** In establishments using concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors must be coved and

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sealed. In other cases, the juncture between walls and floors must be coved so as not to present an open seam of more than 1/32 inch (0.8 millimeters).

1547.0079 FLOOR CARPETING.

Carpeting, if used as a floor covering, must be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting must not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas where urinals or fixtures are located.

1547.0080 PROHIBITED FLOOR COVERING.

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials must not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors.

1547.0081 MATS AND DUCKBOARDS.

Mats and duckboards must be of nonabsorbent, grease-resistant materials and of a size, design, and construction to facilitate cleaning and must be maintained in good repair.

1547.0082 UTILITY LINE INSTALLATION.

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

1547.0083 MAINTENANCE.

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

1547.0084 CONSTRUCTION.

Walls, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas, and toilet rooms and their vestibules must be smooth,

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nonabsorbent, and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations must be finished and sealed to provide a smooth, easily cleanable surface.

1547.0085 EXPOSED CONSTRUCTION.

Studs, joists, and rafters must not be exposed in those areas listed in part 1547.0084. If exposed in other rooms or areas, they must be finished to provide a cleanable surface.

1547.0086 UTILITY LINE INSTALLATION.

Utility service lines and pipes must not be unnecessarily exposed on walls or ceilings in those areas listed in part 1547.0084. Exposed utility service lines and pipes must be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

1547.0087 ATTACHMENTS.

Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar attachments to walls and ceilings must be easily cleanable and maintained in good repair.

1547.0088 COVERING MATERIAL INSTALLATION.

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

1547.0089 CLEANING PHYSICAL FACILITIES; GENERAL.

Cleaning of floors, walls, and ceilings must 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 must be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust-arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (for example, light fixtures, vent covers, wall-mounted fans, and similar equipment), and decorative materials (for example, signs and advertising materials) must be kept clean.

1547.0090 SERVICE SINKS.

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At least one service sink or curbed cleaning facility with a floor drain must be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Handwashing or warewashing facilities, or food preparation sinks must not be used for this purpose.

1547.0091 LIGHTING; GENERAL.

Permanently fixed artificial light sources must be installed to provide at least 20 foot candles (215 lux) of light on food preparation surfaces and at warewashing work levels.

Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches (762 millimeters) from the floor:

A. at least 20 foot candles (215 lux) of light in sales areas, utensil and equipment storage areas, and handwashing and toilet areas; and

B. at least ten foot candles (108 lux) of light in walk-in refrigeration units, dry food storage areas, and other areas.

1547.0092 PROTECTIVE SHIELDING.

Lamps located over exposed food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored must be shielded, coated, or otherwise shatter-resistant.

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

1547.0093 VENTILATION; GENERAL.

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

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dirt, and other contaminating materials.

1547.0094 DRESSING ROOMS AND AREAS.

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

1547.0095 LOCKER AREAS.

Lockers or other suitable facilities must be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or areas, or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

1547.0096 POISONOUS OR TOXIC MATERIALS PERMITTED.

Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, must be present in retail food stores, except those items being stored or displayed for retail sale as described in part 1547.0100.

1547.0097 LABELING OF MATERIALS.

Containers of poisonous or toxic materials necessary for operational maintenance of the establishment must be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents must be individually labeled for easy identification of contents.

1547.0098 STORAGE OF MATERIALS.

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

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.

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Materials in each of these two categories must be stored and located to be physically separated from each other; must be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, must not be stored above or intermingled with food, food equipment, utensils, or single-service articles. This latter requirement does not prohibit the convenient availability of detergent sanitizers at warewashing facilities.

1547.0099 USE OF MATERIALS.

Sanitizers, cleaning compounds, or other compounds intended for use on food contact surfaces must not be used in a way that leaves a toxic residue on the surfaces or in a way that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils or in a way other than in full compliance with the manufacturer's labeling.

1547.0100 STORAGE AND DISPLAY OF TOXIC OR POISONOUS MATERIALS.

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

1547.0101 FIRST-AID SUPPLIES AND PERSONAL MEDICATIONS.

Retail food store employee first-aid supplies and personal medications must be stored in a way that prevents them from contaminating food and food contact surfaces.

1547.0102 PREMISES; GENERAL.

Retail food store and parts of the property used in connection with operations of the establishment must be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.

The walking and driving surfaces of exterior areas of retail food stores must be surfaces with concrete, asphalt, or gravel or similar material effectively treated to facilitate

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maintenance and minimize dust. These surfaces must be graded to facilitate drainage.

1547.0103 LIVING AREAS.

A retail food store operation may not be conducted in a room used as living or sleeping quarters. Retail food store operations must be separated from living or sleeping quarters by complete partitioning and solid, self-closing doors.

1547.0104 LAUNDRY FACILITIES.

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

Separate rooms must be provided for laundry facilities, except that laundry operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

1547.0105 LINENS AND WORK CLOTHES STORAGE.

Clean work clothes and linens, including articles such as wiping cloths, must be stored in a clean place and protected from contamination until used.

Soiled work clothes and linens, including articles such as wiping cloths, must be kept in nonabsorbent containers or washable laundry bags until removed for laundering and must be stored to prevent contamination of food, food equipment, and utensils.

1547.0106 CLEANING EQUIPMENT STORAGE.

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

1547.0107 ANIMALS.

Live animals must be excluded from within retail food store

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operational areas and from immediately adjacent areas inside the store under control of the owner. This exclusion does not apply to edible fish, crustacea, shellfish, or fish in aquariums.

Live or dead fish bait must be stored separately from food or food products.

Patrol dogs accompanying security or police officers are 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 sight or hearing impaired persons must be permitted in sales areas.

While on duty, persons employed in the food operational areas of an establishment must not care for or handle pets or patrol or sentry dogs.

1547.0108 LICENSE TO OPERATE; GENERAL.

A person must not operate a retail food store without a valid license to operate a retail food store issued to that person by the Department of Agriculture. The license is not transferable. A valid license must be obtained before engaging in business and must be posted in the retail food store.

1547.0109 ISSUANCE OF LICENSE.

Any person desiring to operate a retail food store must make written application for a license to operate a retail food store on forms provided by the Department of Agriculture. The application must include the name and address of each applicant, the location and type of the proposed retail food store, the signature of each applicant, and other required information.

Before approving an application for a license to operate a retail food store, the Department of Agriculture must inspect the proposed retail food store to determine compliance with the provisions of this chapter.

The Department of Agriculture shall issue a license to operate a retail food store if its inspection reveals that the proposed retail food store is designed, constructed, and equipped to be operated in a manner that protects the public health.

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1547.0110 REVIEW OF PLANS.

Before construction or major remodeling of a retail food store, and when an existing structure is converted to use as a retail food store, properly prepared plans and specifications for construction, major remodeling, or conversion must be submitted to the Department of Agriculture for review and approval. The plans and specifications must show the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Department of Agriculture will treat the plans and specifications as confidential or trade secret information in accordance with law and will approve the plans and specifications if they meet the requirements of this chapter. A retail food store may not be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Department of Agriculture.

1547.0111 PREOPERATIONAL INSPECTION.

If plans and specifications are required by part 1547.0110, the Department of Agriculture shall inspect the retail food store before the start of operations to determine compliance with the approved plans and specifications and with the requirements of this chapter.

1547.0112 EXISTING ESTABLISHMENTS.

Building facilities and equipment in use before the effective date of this chapter that do not meet fully the design and fabrication requirements of this chapter are acceptable if they are in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

New building facilities and new equipment for which contractual obligations are incurred before the effective date of this chapter that do not fully meet the design and fabrication requirements of this chapter are acceptable if they

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are capable of being maintained in a sanitary condition and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

May 16 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

FILE COPY

ATTORNEY GENERAL

May 16, 1988

PAUL STRANDBERG
Special Assistant Attorney General
Agriculture Division

MARTHA J. CASSERLY
Special Assistant
Attorney General

296-6839

In the Matter of the Adopted Permanent Rules Relating to Retail Food Store Sanitation

The above-referenced rule has been approved as to its legality by the Attorney General on May 16, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must establish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:bbl Enclosures

cc: Maryanne Hruby
Duane Harves

RULE REVIEW CHECKLIST

File No. 1481
DATE RECEIVED 5/05/88
REVIEW DATE ~~5/14/88~~ 5/16/88
DUE DATE 5/19/88

APPROVED 5.16.88 mjc
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0986
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED X
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion (if applicable)~~
~~Date published in State Register~~
~~Comments~~

~~Petition for Adoption of a Rule (if applicable)~~

~~Board's Authorizing Resolution~~
~~Date adopted~~

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
31.11 Statutory Authority
yes Small Business Statement
no Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)
yes Small Business Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
3/16/88 Date (30)/25 days before adoption
yes Notice attached
~~Copy of rule or summary attached~~

✓ Publication in State Register
3/21/88 Date (30)/25 days before adoption

~~Resolution Adopting~~
~~Date adopted~~

✓ Findings of FAct, Conclusions & Order Adopting
3/21/88 Date

✓ Written requests, submissions or comments (3)

✓ Declaration of attorney
Paul Strandberg Name of SAAG representing agency

~~Notice of Submission to Attorney General (if applicable)~~

mjc ~~Affidavit of Mailing Notice to Attorney General (if applicable)~~

SF-00006-05 (4/86)

DEPARTMENT : OF AGRICULTURE

STATE OF MINNESOTA

Office Memorandum

DATE : May 5, 1988

TO : Rita Desmond
Administration - Finance Division
Office of the Attorney General

Rec'd May 5

FROM : Carol Milligan, Management Analyst
Planning Division

PHONE : 296-6906

SUBJECT : Review of Proposed Rule Governing Retail Food Store Sanitation

The Department of Agriculture adopted the above-mentioned rule pursuant to Minnesota Statutes, sections 14.22-14.28. Enclosed with this memorandum are the documents which are required to be submitted to the Attorney General for review prior to final approval of the rule. A list of the documents is attached for your convenience.

The department did not receive any requests for notification of submission to the Attorney General.

If you have questions, please contact me.

CM:cb

Attachment

cc: Jim Nichols, Commissioner
Paul Strandberg, Special Assistant Attorney General
Craig Lindeke, Office of Revisor of Statutes
Gerald Heil, Director, Planning Division
Pat Jensen, Counsel to the Commissioner
Tom Masso, Food Inspection Division
Howard Anderson, Food Inspection Division

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE

LIST OF ATTACHED DOCUMENTS

A. Rule as Proposed.

B. Notice of Intent to Adopt a Rule Without Public Hearing .

C. Statement of Need and Reasonableness.

D. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing.

E. Certification of Mailing List.

F. State Register Photocopy of Notice of Intent.

G. Rule as Adopted (Original and three copies).

H. Findings of Fact and Conclusions, and Order Adopting.

I. Comment Received.

J. Declaration of Counsel.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED)
RULES OF THE DEPARTMENT OF)
AGRICULTURE GOVERNING RETAIL)
FOOD STORE SANITATIAON.)
(MINNESOTA RULES PART)
1547.0001 - 1547.0112)

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture (MDA) of a rule governing the sanitary requirements for retail food store establishments. This rule is proposed for adoption pursuant to Minnesota Statutes, section 31.11, which authorizes the MDA to promulgate and amend rules for the efficient administration and enforcement of the Minnesota Food Law. As provided in Minnesota Statute, section 31.002, when practicable and consistent with state law, these rules must conform with those promulgated under federal law.

The department has determined that the proposed rule is noncontroversial in nature because it is supported by the industry as providing uniform statewide sanitary requirements for the operation of retail food stores and will bring Minnesota's requirements into conformity with the Food and Drug Model Code. Because of the noncontroversial nature of this rule, the department directed that the rulemaking proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, sections 14.21 to 14.28. Accordingly, the rulemaking proceedings on the proposed rule are governed by that statute and no hearing will be conducted on the proposed amendment unless twenty-five or more persons submit to the department a written request for such a hearing.

In accordance with the requirement of Minnesota Statutes, section 14.23, this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The department has adopted rules to cover most categories of food handling which includes the manufacture, process, labeling, transporting, wholesaling, and salvaging, including most of the handling of food products up to but not including the final retailing of the finished product. The Food Inspection Division of this department has always had responsibility for retail food stores and has protected the public health through sanitary requirements and wholesomeness of food with existing laws found in Chapter 31 of the Minnesota Food Law. The department has adopted rules covering most other categories of food handlers but this proposed new rule will be the first and only rule which will cover the retail sale of food through grocery stores.

In 1974, the Association of Food and Drug Officials (AFDO) consisting of state and federal food officials submitted a "Retail Food Market Document" to the Food and Drug Administration (FDA) for the purpose of review, necessary changes and publishing the document as a national standard. The final draft of the proposed standard containing the sanitary requirements for operation of retail food stores was published in the Federal Register and adopted as a model "Retail Food Store Sanitation Code" in 1982.

The FDA is responsible for food establishments which operate in interstate business. Since retail food stores do not normally operate in interstate commerce, the FDA has little or no jurisdiction in the stores. For this reason the code was adopted as a model and not as part of the Code of Federal Regulations which this department has already adopted. Each state, therefore, must adopt the code as part of their rules.

The model code was accepted by the FDA after significant contributions through the cooperation of the food store industry, government agencies, food equipment manufacturers and other interested parties. The Department of Agriculture has the support of the food industry in the adoption of this code as part of Minnesota Rules.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1547.0001 Purpose

1547.0002 Definitions

These two rules are needed to define the purpose for this rule and Definitions are a basic and reasonable part of any rule.

1547.0003 Food Supplies

This rule is needed and is reasonable in that it requires a retailer to purchase and sell food which is wholesome as required by Minnesota Statute, chapter 31.02.

1547.0004 Special Requirements

The special requirements for eggs, milk and shellfish are needed because these products are exceptionally good media for the growth of pathogens. The need and reasonableness for this rule is as follows:

Subpart 1. Milk products: This subpart is a requirement found in Minnesota Statute, chapter 21.394.

Subpart 2. Shellfish: Raw shellfish may transmit intestinal diseases such as typhoid fever or be carriers of natural or chemical toxins. It is important that they be obtained from unpolluted waters and produced, handled and distributed in a sanitary manner. Shellfish must comply with the general requirements of the Food and Drug Administration and with the states through the National Sanitation Program. Shellfish plants must be approved and certified with that certification number attached to each shipped container. It is only reasonable that those shellfish containers should remain identified as a protective control in the event of a food poisoning.

Subpart 3. Eggs: This subpart is a requirement found in Minnesota Statutes, Chapter 29.33, requiring all eggs sold at retail to meet grade standards of quality.

Subpart 4. Ice: Any person engaging in the business of food handling must have a suitable water supply. Food products requiring water for production must be from a satisfactory source as required by Chapter 31.175. This part is needed to spell out the requirements for ice products and its sale and is, therefore, reasonable. The requirement that only prepackaged ice be sold will prevent further contamination prior to sale.

1547.0005 Food Protection

1547.0006 Emergency Occurrences

Food which is wholesome and safe when received from the supplier can become contaminated with filth, pathogenic organisms, and toxic chemicals if it is mishandled within the retail store. The requirements of these rules are needed to protect food from numerous sources of contamination that may occur during retail food store operations and are reasonable because sources of contamination will be minimized.

1547.0007 Food Storage

1547.0008 Refrigerated or Frozen Storage

1547.0009 Hot Storage

These rules are a needed and necessary part of this chapter because they spell out minimum requirements for the proper care during storage of various food products so that they are protected and will maintain the integrity and wholesomeness of the food products. Temperature requirements are defined as maximum and minimum safe temperatures which will prevent growth of potential food poisoning organisms. Thermometers are required in or on equipment to provide a means for monitoring air temperatures around potentially hazardous food.

1547.0010 Food Preparation

1547.0011 Raw Fruits and Vegetables

1547.0012 Cooking Potentially Hazardous Foods

1547.0013 Bakery Product Fillings

1547.0014 Reheating

Along with the requirements for storage which include proper temperatures for food, these rules are needed and are necessary to this chapter because they provide protection to the consumer through proper handling and separation of certain food products from others and also require maximum and minimum temperatures for food being processed to destroy or prevent rapid growth of microorganisms in food which may have become contaminated. The temperature specified for thawing, cooking, and reheating are based on safety requirements.

1547.0015 Food Product Thermometers

This rule is needed to require accurate thermometers for the protection of food. The rule is reasonable because proper temperatures are a basic requirement for the prevention of food poisoning.

1547.0016 Thawing Potentially Hazardous Foods

This rule is needed to show the three safe methods for the thawing of potentially hazardous foods in order to prevent food poison organisms from proliferating at stress temperatures above 40 degrees or below 150 degrees Fahrenheit. These methods are recommended by the U.S. Department of Agriculture, the Food and Drug Administration and the Minnesota Department of Health.

1547.0017 Potentially Hazardous Food Display

1547.0018 Frozen Food Display

1547.0019 Food Display

These rules are needed to detail continued control of product temperatures of potentially hazardous food and to direct the effort of store employees toward a sanitary display. The rules are reasonable because any lapse in concern for protecting food during display will negate all earlier efforts to maintain quality.

1547.0020 Dispensing Utensils

Chapter 31.84, section 5, relates to the sale of bulk food and the use of dispensing devices and utensils. The statute has been carried over to this rule because a large amount of bulk food is sold through grocery stores. The rule, therefore, has a need and is reasonable to this chapter by spelling out the requirements for dispensing utensils to prevent unnecessary contamination or adulteration of bulk food products by store patrons.

1547.0021 Food Sample Demonstrations and Food Promotions

1547.0022 Food Transportation by Retail Food Store

These two rules are self explanatory and are needed to detail assurances which are needed for both the promotion and transportation of food to meet requirements of sanitation.

1547.0023 Employee Health

1547.0024 Personal Cleanliness

1547.0025 Clothing

1547.0026 Employee Practices

These rules are needed and are reasonable for the protection of public health. Chapter 31.171 states that it is unlawful for any diseased person to work in or about any place where any fruit or any food products are packed, stored, prepared or sold. The Code of Federal Regulations in Part 110 which this Department has adopted also states that no person with a disease or infective wounds shall work in a food plant. All persons working in direct contact with food must wear clean outer garments and maintain a high degree of personal cleanliness to prevent potential contamination of food. These rules are reasonable because food recontaminated by insanitary and unsightly personal practices can adversely affect food products through disease or adulteration.

1547.0027 Materials

1547.0028 Solder

1547.0029 Wood

1547.0030 Plastics and Rubber Materials

1547.0031 Cutting Surfaces

1547.0032 Single-Service Articles

1547.0033 Design and Fabrication

1547.0034 Accessibility

1547.0035 Clean In Place (CIP)

1547.0036 Food Product Thermometers

1547.0037 Non-Food Contact Surfaces

1547.0038 Ventilation Hoods

These rules are needed to define to a retail store which food contact and non-food contact materials may be used, where they may be used, and how they must be maintained to remain in a sanitary condition. Food contact surfaces must meet the statutory requirements found in Chapter 31.121 which states that a food is deemed to be adulterated if its container is composed in whole or in part of any poisonous or deleterious substance which could render the contents injurious to health and Chapter 31.02 which prohibits the sale of any food that is adulterated. These rules are reasonable because they are only minimum requirements for food surfaces of equipment which must be smooth, made of safe materials and be easily cleanable.

1547.0039 Maintenance of Equipment and Utensils

1547.0040 Equipment Installation and Location

1547.0041 Table-Mounted Equipment

1547.0042 Floor-Mounted Equipment

1547.0043 Aisles and Working Spaces

These rules are needed and are reasonable because they define how food equipment must be maintained in order to be suitable for a sanitary operation in keeping with good public health practice. The Code of Federal Regulations, Part 110 which this department has adopted states that all plant equipment and utensils should be suitable for their intended use, so designed of such materials to be cleanable, and installed

and maintained to facilitate cleaning of the equipment and all other spaces. Equipment, as is the case with materials used within a food establishment, must be smooth, easily cleanable and made of safe materials. The aisles and working spaces are intended to assure that employees have enough space to perform duties without inadvertently contaminating food and clean surfaces.

1547.0044 Cleaning Frequency

1547.0045 Wiping Cloths

These rules are needed as minimum requirements for sanitation within the processing and retailing areas of the store. Minnesota Statute, Chapter 31.161 states in part that no person shall operate a food establishment in a filthy, unclean or insanitary condition. A definition of clean means free from physical, chemical and microbial substances discernable by ordinary sight or touch, by ultraviolet light, by artificial light and by the dye test, and free from insects, vermin and debris. Part 110 of the Code of Federal Regulations states in part that all utensils and product contact surfaces must be cleaned as frequently as necessary to prevent contamination of food and food products. The rules are reasonable because they are minimum requirements for public health to prevent the spread of food poisoning organisms and chemicals.

1547.0046 Food Service in Retail Food Stores

Restaurants and other food service operations are regulated under rules defined by the Minnesota Department of Health. Food Service in establishments licensed and regulated by Agriculture must meet the Minnesota Health Department rules. This rule is therefore needed and is reasonable for food service operations in retail food stores by definition to meet health rules.

1547.0047 Manual Cleaning and Sanitizing

1547.0048 Mechanical Cleaning and Sanitizing

1547.0049 Drying

1547.0050 Retail Food Stores without Equipment and Utensil Cleaning Facilities

1547.0051 Equipment and Utensil Handling

Regular, effective cleaning and sanitizing of equipment, utensils, and work surfaces minimizes the probability of food contamination, accelerated food spoilage, and the transmission of disease organisms or toxins to employees or consumers. These rules are needed as requirements to assure that all facilities and testing equipment necessary for effective cleaning and sanitization are provided. They are reasonable because effective cleaning prevents spread of disease and these rules will provide operating procedures which are known by public health officials to be safe and effective.

1547.0052 Equipment and Utensil Storage

1547.0053 Single-Service Articles

1547.0054 Prohibited Storage Areas

Proper food handling requires that single-service articles and reuseable equipment and utensils must be properly stored to prevent their being contaminated. Part 110 of the Code of Federal Regulations states under 110.37 that "Cleaned and sanitized portable equipment and utensils with product contact surfaces should be stored in such a location and manner that product contact surfaces are protected from splash, dust and other contamination." These three rules are needed to define proper areas of storage within a food store and are reasonable because assurances are provided for proper storage to prevent recontamination of clean equipment and utensils and single service articles.

1547.0055 Water Supply; General

1547.0056 Water Under Pressure

1547.0057 Steam

1547.0058 Sewage; General

1547.0059 Plumbing; General

1547.0060 Nonpotable Water System

1547.0061 Backflow

1547.0062 Grease Traps

1547.0063 Garbage Grinders

1547.0064 Drains

Any person engaging in the business of food handling must have a suitable water supply. Food products requiring water for processing must be from a potable source as required by Chapter 31.175 of the Food Law. Water and waste lines inconveniently located, improperly designed or in disrepair can make store operation difficult or impossible. These rules are needed to assure that plumbing is designed and installed so that equipment and facilities will have sufficient water volume and pressure to properly perform their functions. The rules are reasonable because they are only intended to protect potable water systems, fixtures and equipment from contamination by cross-connections or backflow involving toxic chemicals and pathogenic organisms.

1547.0065 Toilet Installation

1547.0066 Toilet Design

1547.0067 Toilet Rooms

1547.0068 Toilet Facility Maintenance

Toilet facilities are needed for the proper disposal of human waste which is a prime source of pathogens in the spread of disease from one person to another. These rules are reasonable by assuring that toilet facilities are provided, properly designed and conveniently located and will permit employees to practice personal cleanliness.

1547.0069 Handwashing Facility Installation

1547.0070 Handwashing Facility Faucets

1547.0071 Handwashing Supplies

1547.0072 Handwashing Facility Maintenance

Hands are probably the most common vehicle for the transmission of contamination to food and food contact surfaces. These rules are needed to assure that there are sufficient, convenient, properly equipped and located handwashing facilities in the store for the use of the employee. These rules are, therefore, reasonable in the prevention of disease transmission by requiring sinks for food preparation, warewashing and handwashing.

1547.0073 Garbage and Refuse Containers

1547.0074 Garbage and Refuse Storage

1547.0075 Garbage and Refuse Disposal

Proper storage and disposal of garbage and refuse are necessary in the prevention of the breeding, harboring, and attraction of insects, rodents, and other animals. Part 110.35 of the Code of Federal Regulations says in part that rubbish and offal must be so conveyed, stored and disposed of as to minimize odor and harborages of vermin and prevent contamination of food, food-contact surfaces, ground surfaces and water supplies. These rules are reasonable because they provide assurances that garbage and other refuse will be properly handled and not become a source of contamination to the food, equipment, or utensils.

1547.0076 Insect and Rodent Control; General

1547.0077 Openings

Insects and rodents are carriers of disease. Open doors or windows and damaged facilities can allow the entrance of animals, birds and vermin which can contaminate food and become a serious public health problem. These two rules are needed and reasonable because they will prevent a health nuisance if the food store maintains their facilities in compliance to these requirements.

1547.0078 Floor Construction

1547.0079 Floor Carpeting

1547.0080 Prohibited Floor Covering

1547.0081 Mats and Duckboards

1547.0082 Utility Line Installation

Floors that are of smooth durable construction and non-absorbent are more easily cleaned. Special materials, sealing, coving and grading to drains are needed for floors which are cleaned by spraying or flushing so that wastes are quickly carried away.

These rules are reasonable because they provide minimum requirements and restrictions to assure that regular and effective cleaning is possible and that insect harborage is minimized. Sawdust, wood shavings and similar materials are prohibited because they contribute to dust-borne contamination and makes floors more difficult to clean.

1547.0083 Maintenance

1547.0084 Construction

1547.0085 Exposed Construction

1547.0086 Utility Line Installation

1547.0087 Attachments

1547.0088 Covering Material Installation

Walls and ceilings that are of smooth construction, non-absorbent and in good repair can be easily and effectively cleaned. The special requirements provided for the installation of utility lines, attachment of accessories, and application of covering materials, are intended and needed to assure that the cleanability of these surfaces are retained. Cleanliness in a retail store is essential to prevent contamination and, therefore, these rules are reasonable.

1547.0089 Cleaning Physical Facilities

1547.0090 Service Sinks

Cleanliness in a retail food store is necessary to minimize attractants for insects and rodents, aid in preventing contamination of food and equipment and prevent nuisance conditions. Sinks used for food production, equipment washing and handwashing cannot be used as a service sink because of the potential of contamination between food contact and non-food contact surfaces. These rules are reasonable assurances to preclude avoidable contamination of food and equipment.

1547.0091 Lighting; General

1547.0092 Protective Shielding

These rules are necessary to provide for adequate lighting for reading labels, discerning colors of substances, identify toxic substances and to facilitate general store cleanup and yet provide protection to exposed food employees and equipment from glass breakage and, therefore, the rule is reasonable.

1547.0093 Ventilation; General

Ventilation is necessary for protecting food from contamination by controlling moisture condensation, obnoxious odors, drippage from accumulations of fats and oils and other hazards and nuisances produced within a food market. This rule is reasonable as it spells out the minimum requirements needed to prevent contaminating materials from being a problem in a retail food store.

1547.0094 Dressing Rooms and Areas

1547.0095 Locker Areas

Street clothing and personal belongings can contaminate food, food equipment and food preparation surfaces. Lockers and suitable facilities are needed to provide for the proper storage of personal belongings such as purses, coats, shoes and personal medications. These rules are reasonable in the prevention of further contamination of food products.

1547.0096 Poisonous or Toxic Materials Permitted

1547.0097 Labeling of Materials

1547.0098 Storage of Materials

1547.0099 Use of Materials

1547.0100 Storage and Display of Toxic or Poisonous Materials

1547.0101 First-Aid Supplies and Personal Medications

These rules are needed to prevent any accidental contamination of food or food-contact surfaces with pesticides, toxic cleaning compounds, other poisons or medicines. The rules are reasonable in that they will assure that only those toxic materials which

are necessary to the retail stores operation are present with proper labeling, safely stored and properly used.

1547.0102 Premises; General

1547.0103 Living Areas

1547.0104 Laundry Facilities

1547.0105 Linens and Work Clothes Storage

1547.0106 Cleaning Equipment Storage

1547.0107 Animals

Food store construction and design must be suitable in size, materials and design to facilitate maintenance and sanitary operation. These rules are necessary to provide for minimum size of the facilities and areas to effectively exclude pests, dirt and other filth or toxic substances from equipment and utensils. Toxic substances must be used according to manufacturers specifications, so as not to contaminate food. Except as specified in the rule, animals must be excluded from retail food stores to prevent contamination of food. These rules are reasonable because they are defined by other rules covering food operations similar to retail food stores.

1547.0108 License to Operate; General

1547.0109 Issuance of License

1547.0110 Review of Plans

1547.0111 Preoperational Inspection

Chapter 28A.04 requires all firms operating a food facility to obtain a license prior to doing business. Chapter 28A.07 states that prior to the issuance of the license, appropriate inspections will be made to determine fitness of the firm to do business. Plan reviews by the department prior to the construction of a retail food store will help to prevent problems with post construction requiring further inspection and delays to the facility. These rules, therefore, are needed in the Food Store Sanitation Rules and are reasonable because they require nothing greater than necessary minimum requirements.

1547.0112 Existing Establishments

This rule is needed as a grandfather clause to all existing facilities and equipment which are in good repair and maintained sanitary to be used after the effective date of the Retail Food Sanitation Rules and, therefore, is reasonable.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

As prescribed by Minnesota Statutes, Section 14.115, subdivisions 1 and 2, the department has considered the degree of impact the proposed rules will have on small businesses and the alternative methods for lessening that impact.

The department has determined that all small food stores will be minimally affected by these rules because of the provisions allowed by rule 1547.0112 which will allow a food store with existing facilities and equipment in use before the effective date of this chapter that do not fully meet the design and fabrication requirements to continue to use the facility or equipment so long as they are in good repair and able to be maintained in a clean and sanitary condition. Even though the department has always had responsibility for retail food stores, rules relating to the sanitary requirements and the wholesome handling of food products were never adopted. The laws found in Minnesota Statutes, Chapter 31, of the Food Laws have been used during the inspection of food stores. The adoption of these proposed rules will provide statewide uniform rules covering all retail food stores in Minnesota.

Since the requirements set by these rules are minimum requirements to protect the public health and interest any alternative method to reduce further impact would be contrary to the objectives set by Minnesota Statute, section 31.11 which requires the department to publish uniform rules, not inconsistent with law, to protect and preserve the public health.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF AGRICULTURE GOVERNING RETAIL FOOD STORE SANITATION

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on March 21, 1988, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, section 14.14, subd. 1a and 14.22 on March 16, 1988. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The department received two requests for a public hearing. Therefore, the department did not receive request for a public hearing from 25 or more persons which were not withdrawn.

No requests for submission to the attorney general were received by the department.

Based on the comments and evidence in the record before the department, I find the following:

1547.0002, Subp. 20.

The term "safe level" in the definition of sanitation in the rule as proposed is too vague. The change would clarify by specifically requiring destruction of pathogens, not reduction to an aribitrary "safe level." Since the change only clarifies a definition, it does not substantially change the rule.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the Rule Governing Retail Food Store Sanitation as modified is adopted this day of 1988, pursuant to authority vested in me by Minnesota Statutes, section 31.11.

STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER OF AGRICULTURE

Department of Agriculture

Proposed Permanent Rules Relating to Retail Food Store Sanitation

Rules as Proposed (all new material)

1547.0001 PURPOSE.

The purpose of this chapter is to provide uniform statewide rules for retail food establishments.

1547.0002 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the terms in this section have the meanings given them.

Subp. 2. **Bulk food.** "Bulk food" means unpackaged and unwrapped food in aggregate containers from which quantities are withdrawn by the consumer, excluding fresh fruits, fresh vegetables, nuts in the shell, and food in salad bars.

Subp. 3. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

Subp. 4. **Easily cleanable.** "Easily cleanable" means that surfaces are readily accessible and made of a material and finish and so fabricated that residue can be effectively removed by normal cleaning methods.

Subp. 5. **Employee.** "Employee" means the license holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food store.

Subp. 6. **Equipment.** "Equipment" means items other than utensils used in the storage, preparation, display, or transportation of food including stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving,

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reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. "Equipment" does not include fork lift trucks or dollies.

Subp. 7. **Food.** "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.

Subp. 8. **Food contact surfaces.** "Food contact surfaces" means surfaces of equipment and utensils with which food normally comes into contact and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 9. **Food service establishment.** "Food service establishment" means a place where food is prepared and intended for individual portion service, including the place at which individual portions are provided, whether or not consumption is on the premises and whether or not there is a charge for the food. "Food service establishment" includes delicatessens that offer prepared food in individual service portions, but does not include private homes where food is prepared or served for individual family consumption, retail food stores without food service, the location of food vending machines, and supply vehicles.

Subp. 10. **Hermetically-sealed container.** "Hermetically-sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

Subp. 11. **Law.** "Law" includes applicable federal, state, and local statutes, ordinances, rules, and regulations.

Subp. 12. **License.** "License" means the document issued by the Department of Agriculture that authorizes a person to operate a retail food store.

Subp. 13. **Packaged.** "Packaged" means contained in a case, carton, can, box, wrapping, barrel, tub, bottle, phial, or other receptacle or covering of any kind that is used by a manufacturer, producer, jobber, packer, or retail dealer to

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transport, handle, store, or offer something for sale.

Subp. 14. **Person.** "Person" means an individual, firm, corporation, company, association, cooperative, or partnership and includes a trustee, receiver, assignee, or other similar representative.

Subp. 15. **Person in charge.** "Person in charge" means the individual in a retail food store who is the supervisor of the retail food store at the time of inspection.

Subp. 16. **Potentially hazardous food.** "Potentially hazardous food" means food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs, foods that have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less at 77 degrees Fahrenheit (25 degrees centigrade), and food products in hermetically-sealed containers processed to prevent spoilage.

Subp. 17. **Regulatory authority.** "Regulatory authority" means the Department of Agriculture, which is responsible for enforcing this chapter.

Subp. 18. **Retail food store.** "Retail food store" means an establishment where food and food products are offered to the consumer and intended for off-premises consumption. "Retail food store" includes an establishment with a delicatessen that offers prepared food, and does not include persons selling the products of the farm or garden occupied and cultivated by those persons, persons not regularly engaged in the business of manufacturing and selling food and who prepare food only on order of and for sale directly to the ultimate consumer, or educational, charitable, or religious organizations not regularly engaged in the business of manufacturing, processing, or selling food at their established educational, charitable, or religious institutions.

Subp. 19. **Safe materials.** "Safe materials" means

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materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food. Food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act are "safe materials" only if they are used in conformity with regulations established under Section 409 or 706 of that act. Other materials are "safe materials" only if, as used, they are not food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with applicable regulations of the United States Food and Drug Administration.

Subp. 20. **Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on cleaned food contact surfaces of utensils and equipment.

Subp. 21. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 22. **Single-service articles.** "Single-service articles" means cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, or paddles; straws, placemats, napkins, doilies, or wrapping material; and similar articles constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

Subp. 23. **Transportation or transported.** "Transportation" or "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.

Subp. 24. **Utensil.** "Utensil" means a food contact implement used in the storage, preparation, transportation, or dispensing of food.

Subp. 25. **Warewashing.** "Warewashing" means the cleaning

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and sanitizing of food contact surfaces of equipment and utensils.

1547.0003 FOOD SUPPLIES.

Food must be in sound condition and safe for human consumption. Food must be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home must not be used or offered for sale.

1547.0004 SPECIAL REQUIREMENTS.

Subpart 1. **Milk products.** Fluid milk and fluid milk products used or offered for sale must comply with the Grade A standards established by law. Dry milk and milk products used or offered for sale must be made from pasteurized milk and milk products.

Subp. 2. **Shellfish.** Fresh and frozen shucked shellfish (oysters, clams, or mussels) must be received and repacked in nonreturnable 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 must be kept in the container in which they were received until used or sold.

An original container of unshucked shellfish (oysters, clams, or mussels) must be identified for a period of 90 days with 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.

Subp. 3. **Eggs.** Only clean, sound shell eggs meeting applicable Minnesota and federal weight and grade standards established for consumer grades, or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products may be used or offered for sale.

Subp. 4. **Ice.** Only ice manufactured from potable water and handled in a sanitary manner may be used or offered for sale. Ice offered for sale must be packaged.

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1547.0005 FOOD PROTECTION.

At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food must be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous foods must be 40 degrees Fahrenheit (5 degrees centigrade) or below or 150 degrees Fahrenheit (66 degrees centigrade) or above at all times, except as otherwise provided in this chapter. Hermetically-sealed packages must be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and food items that have been returned to, or are being detained by, the retail food store because of spoilage, container damage, or other public health considerations, must be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the regulatory authority.

1547.0006 EMERGENCY OCCURRENCES.

The person in charge of a retail food store that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable possibility that food in the retail food store may have been contaminated or that the temperature level of food that is in a potentially hazardous form may have caused that food to have become hazardous to health, must take the action necessary to protect the public health and promptly notify the regulatory authority of the emergency.

1547.0007 FOOD STORAGE.

Subpart 1. **Packaged food; meats.** Food packaged in an immediate closed container, once the container is opened in the retail food store before use or retail sale, must be kept

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covered. Raw or prepared food removed from the immediate closed container in which it was originally packaged before use or retail sale, must be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fresh raw fruits are exempted from this requirement. Container covers must be impervious and nonabsorbent.

During periods of storage, subprimal cuts of meat must be covered with single-service wrapping material. Primal cuts, quarters, or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in a manner that will preclude contamination of any food products in storage.

Subp. 2. **Storage areas.** Containers of food must be stored at least six inches (152 millimeters) above the floor or on dollies, skids, racks, or open-ended pallets, if the equipment is easily movable either by hand or with the use of pallet-moving equipment that is on the premises and used. Storage areas must be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated if the case of food is not exposed to floor moisture and the storage area is kept clean.

Subp. 3. **Water or sewer lines.** Food and containers of food must not be stored under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 4. **Water or ice.** Packaged foods must not be stored in contact with water or undrained ice.

Subp. 5. **Food ingredient storage.** A food ingredient, such as flour, sugar, salt, baking powder, cooking oil, or vinegar, that is not stored in the original package and is not readily identifiable on sight, must be stored in a container identifying it by common name.

Subp. 6. **Toilets; garbage or mechanical rooms.** Toilet rooms and their vestibules, and garbage or mechanical rooms must

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not be used for the storage of food.

1547.0008 REGRIGERATED OR FROZEN STORAGE.

Subpart 1. **Storage capacity; thermometers.** Refrigeration units or effectively insulated units must be provided in a number and capacity that assures the maintenance of potentially hazardous food at required temperatures during storage. A mechanically-refrigerated unit storing potentially hazardous food must be provided with a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade). The sensing element must be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale must be located to be easily readable. Recording thermometers, accurate to ±3 degrees Fahrenheit (±1 degree centigrade) may be used in lieu of indicating thermometers.

Subp. 2. **Rapid cooling.** Potentially hazardous food requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below. Potentially hazardous foods of large volume or prepared in large quantities must be rapidly cooled using methods such as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period does not exceed four hours. Potentially hazardous food to be transported must be prechilled and held at a temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below unless maintained in accordance with the hot storage requirements of this chapter.

Subp. 3. **Frozen food.** Potentially hazardous frozen foods must be kept frozen and must be stored at an air temperature of zero degrees Fahrenheit (-18 degrees centigrade) or below except for defrost cycles and brief periods of loading or unloading.

Subp. 4. **Ice used for cooling.** Ice used as a cooling medium for food storage must not be used or sold for human consumption.

Subp. 5. **Eggs.** Clean, sound shell eggs must be stored at

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60 degrees Fahrenheit (16 degrees centigrade) or below.

1547.0009 HOT STORAGE.

Subpart 1. **Storage units.** Hot food storage units must be provided in a number and of a capacity to assure the maintenance of potentially hazardous food at the required temperature during storage. A hot food storage unit storing potentially hazardous food must be provided with a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade). The sensing element must be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit. The thermometer scale must be located to be easily readable. Recording thermometers accurate to ±3 degrees Fahrenheit (±1 degree centigrade) may be used in lieu of indicating thermometers. If it is impractical to install thermometers on equipment such as heat lamps, calrod units, or insulated food transport carriers, a food product thermometer must be available and used to check internal food temperature.

Subp. 2. **Food temperatures.** The internal temperature of potentially hazardous foods requiring hot storage must be 150 degrees Fahrenheit (66 degrees centigrade) or above, except during necessary periods of preparation. Potentially hazardous food to be transported must be held at a temperature of 150 degrees Fahrenheit (66 degrees centigrade) or above, unless maintained in accordance with the refrigerated storage requirements of this chapter.

1547.0010 FOOD PREPARATION.

Subpart 1. **Contact with food.** Food must be prepared with a minimum of manual contact. Food must be prepared on food contact surfaces and with utensils that are clean and have been sanitized.

Subp. 2. **Change in foods; separation.** Each time there is a change in processing between raw beef, raw pork, raw poultry, raw game, or raw seafood, or a change in processing from raw to ready-to-eat foods, the new operation must begin with food

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contact surfaces and utensils that are clean and have been sanitized. Salads and other ready-to-eat foods must be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

Subp. 3. **Consumable food.** Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products must be prepared from chilled products.

1547.0011 RAW FRUITS AND 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 must be thoroughly cleaned with potable water before being used.

1547.0012 COOKING POTENTIALLY HAZARDOUS FOODS.

Potentially hazardous foods being processed by cooking within a retail food store must be cooked to heat all parts of the food to a temperature of at least 150 degrees Fahrenheit (66 degrees centigrade), except that:

A. Poultry, poultry stuffing, stuffed meats, and stuffings containing meat, must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

B. Pork and pork products must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

C. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

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When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

To meet public health requirements for the processes in this item, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at that temperature:

Minimum Holding Times for Beef Roasts at Various Internal Temperatures

Minimum internal temperature		Minimum holding time	Minimum internal temperature		Minimum holding time
°F	°C	Minutes	°F	°C	Minutes
130	54.4	121	138	58.9	19
131	55.0	97	139	59.5	15
132	55.6	77	140	60.0	12
133	56.1	62	141	60.6	10
134	56.7	47	142	61.1	8
135	57.2	37	143	61.7	6
136	57.8	32	144	62.2	5
137	58.4	24			

D. Beef roasts, if cooked in a microwave oven, must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

1547.0013 BAKERY PRODUCT FILLINGS.

Custards, cream fillings, and similar products, including synthetic fillings, must meet the temperature requirement in part 1547.0008, subpart 2, following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings are excluded from this requirement if:

A. the food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less under standard conditions;

B. it is handled in a manner to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or

C. other scientific evidence is on file with the

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regulatory authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

Bakery products with synthetic fillings that meet the criteria in items A to C may be labeled to state that refrigeration is not required.

1547.0014 REHEATING.

Potentially hazardous foods that have been cooked and then refrigerated must be reheated rapidly to an internal temperature of 165 degrees Fahrenheit (74 degrees centigrade) or higher before being placed in hot food storage holding units. Food warmers and other hot food holding units must not be used for the reheating of potentially hazardous foods.

1547.0015 FOOD PRODUCT THERMOMETERS.

Metal, stem-type, numerically-scaled indicating thermometers, accurate to ±2 degrees Fahrenheit (±1 degree centigrade) must be provided and used to assure attainment and maintenance of proper temperatures during preparation of potentially hazardous foods.

1547.0016 THAWING POTENTIALLY HAZARDOUS FOODS.

Potentially hazardous foods must be thawed:

A. in refrigerated units at a temperature not more than 40 degrees Fahrenheit (5 degrees centigrade);

B. under potable running water at a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not more than that reasonably required to thaw the food;

C. in a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

D. as part of the conventional cooking process.

1547.0017 POTENTIALLY HAZARDOUS FOOD DISPLAY.

Potentially hazardous foods must be held at an internal

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temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below or at an internal temperature of 150 degrees Fahrenheit (66 degrees centigrade) or higher during display, except that rare roast beef offered for sale hot must be held at a temperature of at least 130 degrees Fahrenheit (55 degrees centigrade).

1547.0018 FROZEN FOOD DISPLAY.

Foods intended for sale in a frozen state must be displayed at an air temperature of zero degrees Fahrenheit (-18 degrees centigrade) or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods must be displayed below or behind product food lines according to cabinet manufacturers' specifications.

1547.0019 FOOD DISPLAY.

Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, must be protected from contamination by being packaged, by display cases, by covered containers for self-service, or by similar protective equipment. Food must be displayed above the floor in a manner that will protect the food from contamination. Hot or cold food units must be provided to assure the maintenance of potentially hazardous food at the required temperature during display. Potentially hazardous food must not be provided for consumer self-service.

1547.0020 DISPENSING UTENSILS.

To avoid unnecessary manual contact with food, suitable dispensing utensils and single-service articles must be used by employees. Consumers who serve themselves bulk food must be provided suitable dispensing utensils.

Bulk food may be dispensed by: mechanical dispensing devices including gravity dispensers, pumps, extruders, and augers; or manual dispensing utensils including tongs, scoops, ladles, and spatulas.

A manual dispensing utensil must have a handle long enough

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to avoid consumer contact with the bulk food. When not in use, dispensing utensils must be stored either in the food with the handle extended out of the food, or in a protective enclosure attached or adjacent to the display unit with the utensil on a tether of easily cleanable material short enough to prevent contact with the floor.

1547.0021 FOOD SAMPLE DEMONSTRATIONS AND FOOD PROMOTIONS.

When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge must ensure that those activities comply with the applicable sanitation provisions of this chapter.

1547.0022 FOOD TRANSPORTATION BY RETAIL FOOD STORE.

Food, other than hanging primal cuts, quarters, or sides of meat, and raw fruits and raw vegetables must be protected from contamination by use of packaging or covered containers while being transported. Food being transported must meet the applicable requirements of this chapter relating to food protection and food storage. Foods packaged in immediate closed containers do not need to be overwrapped or covered if the immediate closed containers have not been opened, torn, or broken.

1547.0023 EMPLOYEE HEALTH.

No employee, 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 an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.

1547.0024 PERSONAL CLEANLINESS.

Employees engaged in food preparation and warewashing operations must thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water

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before starting work; after smoking, eating, or using the toilet; before and after handling raw meat, raw poultry, or raw seafood; and as often as is necessary during work to keep them clean. Employees must keep their fingernails trimmed and clean.

1547.0025 CLOTHING.

Employees must wear clean outer clothing and use effective hair restraints at all times in a food service and food processing operation to prevent the contamination of food or food contact surfaces.

1547.0026 EMPLOYEE PRACTICES.

Subpart 1. **Cleanliness; hygiene.** Employees must maintain a high degree of personal cleanliness and must conform to good hygienic practices during work times.

Subp. 2. **Eating; tobacco use.** Employees must eat food or use tobacco only in designated areas. The designated areas must be located so that the eating or tobacco use of an employee does not result in contamination of food, equipment, or utensils.

1547.0027 MATERIALS.

Multi-use equipment and utensils must be constructed and repaired with safe materials, including finishing materials; must be corrosion resistant and must be nonabsorbent; and must be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles must be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles must not impart odors, color, or taste or contribute to the contamination of food.

1547.0028 SOLDER.

If solder is used, it must be composed of safe materials and be corrosion resistant.

1547.0029 WOOD.

Hard maple or equivalent nonabsorbent wood that meets the general requirements in part 1547.0027 may be used for cutting blocks, cutting boards, and bakers' tables. Wood must not be

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used as a food contact surface under other circumstances, except for contact with raw fruits, raw vegetables, and nuts in the shell.

1547.0030 PLASTICS AND RUBBER MATERIALS.

Safe plastic, rubber, or rubber-like 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 that meet the requirements in part 1547.0027, are permitted for repeated use.

1547.0031 CUTTING SURFACES.

Cutting surfaces subject to scratching and scoring must be resurfaced so as to be easily cleaned, or be discarded when they can no longer be effectively cleaned and sanitized.

1547.0032 SINGLE-SERVICE ARTICLES.

Single-service articles must not be reused.

1547.0033 DESIGN AND FABRICATION.

A. Equipment and utensils, including plasticware, must be designed and made for durability under conditions of normal use and must be resistant to denting, buckling, pitting, chipping, and crazing.

B. Food contact surfaces must be easily cleanable, smooth, 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 must 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, they must be minimized.

C. Equipment containing bearings and gears requiring lubricants not made of safe materials must be designed and made so that the lubricants cannot leak, drip, or be forced into food or onto food contact surfaces. Equipment designed to receive

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lubrication of bearings and gears on or within food contact surfaces must be lubricated with materials meeting the requirements of Code of Federal Regulations, title 21, section 178.3570.

D. Sinks and drain boards must be sloped to drain and be self-draining.

1547.0034 ACCESSIBILITY.

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

A. without being disassembled;

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 kept near the equipment.

1547.0035 CLEAN IN PLACE (CIP) EQUIPMENT.

Equipment intended for in-place cleaning must be designed and made so that:

A. cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;

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.

1547.0036 FOOD PRODUCT THERMOMETERS.

Indication thermometers required for immersion into food or cooking media must be of metal, stem-type construction, numerically scaled, and accurate to ±2 degrees Fahrenheit (±1 degree centigrade).

1547.0037 NON-FOOD-CONTACT SURFACES.

Surfaces of equipment not intended for contact with food, but exposed to splash or food debris or otherwise requiring frequent cleaning, must be designed and made to be smooth, washable, free of unnecessary ledges, projections, or crevices,

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and readily accessible for cleaning, and must be of a material and in repair so as to be easily maintained in a clean and sanitary condition.

1547.0038 VENTILATION HOODS.

If ventilation hoods and devices are installed, they must be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food contact surfaces. Filters or other grease-extracting equipment must be readily removable for cleaning and replacement if they are not designed to be cleaned in place.

1547.0039 MAINTENANCE OF EQUIPMENT AND UTENSILS.

Equipment and utensils must be maintained in good repair to comply with the requirements of this chapter.

1547.0040 EQUIPMENT INSTALLATION AND LOCATION.

Equipment, including ice makers and ice storage equipment, must 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.

1547.0041 TABLE-MOUNTED EQUIPMENT.

Subpart 1. **Installation.** Table-mounted equipment must be installed to facilitate the cleaning of the equipment and the adjacent areas.

Subp. 2. **Clearance.** Equipment that is mounted on tables or counters, unless portable, must be sealed to the table or counter or elevated on legs to provide at least a four-inch (102 millimeters) clearance between the equipment and the table or counter. If no part of the table under the equipment is more than 18 inches (457 millimeters) from cleaning access, the clearance space must be three inches (76 millimeters) or more. If no part of the table under the equipment is more than three inches (76 millimeters) from cleaning access, the clearance space must be two inches (51 millimeters) or more.

Subp. 3. **"Portable" defined.** Equipment is portable within the meaning of subpart 2 if:

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A. it is small and light enough to be moved easily by one person;

B. it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; and

C. it is table-mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment, and:

(1) does not exceed 80 pounds (36 kilograms); or

(2) is equipped with a mechanical means of safely tilting the unit for cleaning.

1547.0042 FLOOR-MOUNTED EQUIPMENT.

Subpart 1. **Floor clearance.** Floor-mounted equipment, unless easily movable, must be:

A. sealed to the floor; or

B. elevated on legs to provide at least a six-inch (152 millimeters) clearance between the floor and equipment, except that equipment may be elevated to provide at least a four-inch (102 millimeters) clearance between the floor and equipment if no part of the floor under the equipment is more than six inches (152 millimeters) from cleaning access.

Display shelving units, display refrigeration units, and display freezer units are exempt from items A and B if they are installed so that the floor beneath the units can be cleaned.

Subp. 2. **"Easily movable" defined.** Equipment is easily movable if:

A. it is mounted on wheels or casters; and

B. it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

Subp. 3. **Side, top clearance.** 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 must be not more than 1/32

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inch (0.8 millimeters) and, if exposed to seepage, the space must be sealed.

1547.0043 AISLES AND WORKING SPACES.

Aisles and working spaces between units of equipment and between equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food contact surfaces by clothing or personal contact. Easily movable storage equipment such as dollies, skids, racks, and open-ended pallets must be positioned to provide accessibility to working areas.

1547.0044 CLEANING FREQUENCY.

Subpart 1. **Cleaning times.** Utensils and food contact surfaces of equipment must be cleaned and sanitized:

A. each time there is a change in processing between raw beef, raw pork, raw poultry, or raw seafood, or a change in processing from raw to ready-to-eat foods;

B. after any interruption of operations during which time contamination may have occurred; and

C. after final use each working day.

Subp. 2. **Continuous production.** If 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 must 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.

Subp. 3. **Cooking devices; microwave ovens.** The food contact surfaces of cooking devices and the cavities and door seals of microwave ovens must be cleaned at least once each day of use. This does not apply to hot oil cooling equipment and hot oil filtering systems. The food contact surfaces of baking equipment and pans must be kept free of encrusted grease deposits and other accumulated soil.

Subp. 4. **Non-food-contact surface.** Non-food-contact surfaces of equipment, including transport vehicles, must be

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cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

1547.0045 WIPING CLOTHS.

Subpart 1. **Rinsing; storage.** Cloths or sponges used for wiping food spills on food contact surfaces of equipment must be clean and rinsed frequently in one of the sanitizing solutions permitted in part 1547.0047, subpart 8, and used for no other purpose. These cloths and sponges must be stored in the sanitizing solution between uses.

Subp. 2. **Non-food-contact surfaces.** Cloths or sponges used for cleaning non-food-contact surfaces of equipment must be clean and rinsed as specified in subpart 1 and used for no other purpose. These cloths and sponges must be stored in the sanitizing solution between uses.

Subp. 3. **Single-service towels.** Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

1547.0046 FOOD SERVICE IN RETAIL FOOD STORES.

A food service operating as part of a retail food store must have equipment applicable to the operation conducted in the establishment that is designed, constructed, installed, located, and maintained in compliance with parts 4625.2400 to 4625.5000 as adopted by the Department of Health.

1547.0047 **MANUAL CLEANING AND SANITIZING.**

Supart 1. **Sinks.** A sink must be provided and used for any manual cleaning and sanitizing of equipment and utensils. A food service operation must meet the requirements in part 1547.0046. A three-compartment sink must be provided and used in any retail store processing operation that involves the preparation of potentially hazardous food. Sink compartments must be large enough to accommodate the immersion of equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. If immersion in sinks is impracticable (for example, because equipment is too large),

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equipment and utensils must be cleaned and sanitized manually or by pressure spray methods.

Subp. 2. **Drain boards; utensil tables.** Drain boards or easily movable utensil tables of adequate size must be provided for proper storage and handling of soiled utensils before cleaning and for cleaned utensils following sanitizing and must be located so as not to interfere with proper use of the warewashing facilities.

Subp. 3. **Preparation.** Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.

Subp. 4. **Clean sinks.** Sinks must be cleaned before use.

Subp. 5. **Three-compartment sink.** If a three-compartment sink is required for warewashing, the operation must be conducted in the following sequence:

A. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration shown on the manufacturer's label.

B. Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

C. Equipment and utensils must be sanitized in the third compartment according to one of the methods included in subpart 8, items A to E.

Subp. 6. **Two-compartment sink.** If a two-compartment sink is permitted for warewashing, one of the following methods must be used:

A. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration shown on the manufacturer's label and must be sanitized in hot water in the second compartment in accordance with subpart 8, item A; or

B. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent-sanitizer solution that is kept clean and at a concentration shown on the

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manufacturer's label, and must be sanitized in the second compartment in hot water in accordance with subpart 8 or with a solution containing that same detergent-sanitizer in accordance with subpart 8, items B to E.

Subp. 7. **Pressure spray methods.** If pressure spray methods are used for cleaning and sanitizing, the equipment and utensils must be thoroughly flushed with a detergent-sanitizer solution until the article is free of visible food particles and soil. The detergent-sanitizer must be used in accordance with the manufacturer's instructions and must be of the type that does not require a potable water rinse when used according to those instructions.

Subp. 8. **Sanitizing food contact surfaces.** The food contact surfaces of equipment and utensils must be sanitized by:

A. immersion for at least one-half minute in clean, hot water of a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

B. 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 degrees Fahrenheit (24 degrees centigrade);

C. immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine, having a pH range the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

D. immersion for at least one minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade). The quaternary ammonium compound used must have been compounded by the manufacturer to assure effectiveness in waters up to 500 parts per million hardness at use concentration;

E. immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide the

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equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute;

F. treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

G. rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under items B, C, and E in the case of equipment too large to sanitize by immersion.

Subp. 9. **Hot water sanitizing.** When hot water is used for sanitizing, the following equipment must be provided and used:

A. 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 degrees Fahrenheit (77 degrees centigrade);

B. a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade) convenient to the sink for frequent checks of water temperature; and

C. utensil racks or baskets of a size and design that permit complete immersion of utensils and equipment in the hot water.

Subp. 10. **Chemical sanitization.** When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that measures the parts per million concentration of the solution must be provided and used.

1547.0048 MECHANICAL CLEANING AND SANITIZING.

Subpart 1. **Types of devices.** Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by

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any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices must be properly installed and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, must be properly installed and maintained. Mechanical dishwashing machines used for food service equipment and utensils must meet the requirements found in part 1547.0046.

Subp. 2. **Rinse water pressure.** The pressure of final rinse water supplied to spray-type dishwashing machines must not be less than 15 nor more than 25 pounds per square inch measured in the water line adjacent to the final rinse control valve. A one-fourth inch IPS valve must be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

Subp. 3. **Thermometers.** Machine or waterline-mounted numerically-scaled indicating thermometers, accurate to ±3 degrees Fahrenheit (1 degree centigrade), must be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

Subp. 4. **Rinse water tanks; conveyors.** Rinse water tanks must be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines must be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines.

Subp. 5. **Drain boards.** Drain boards must be provided and be of adequate size for the proper handling of soiled utensils before washing and of cleaned utensils following sanitization and must be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not

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preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

Subp. 6. **Preparation of equipment and utensils.** Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

Subp. 7. **Machines using chemical sanitization.** Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, as long as:

A. the temperature of the wash water is not less than 120 degrees Fahrenheit (49 degrees centigrade);

B. the wash water is kept clean;

C. chemicals added for sanitization purposes are automatically dispensed;

D. utensils and equipment are exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time and concentration;

E. the chemical sanitizing rinse water temperature is not less than 75 degrees Fahrenheit (24 degrees centigrade) nor less than the temperature specified by the machine's manufacturer;

F. chemical sanitizers used meet the requirements of Code of Federal Regulations, title 21, section 178.1010; and

G. a test kit or other device that accurately measures the parts per million concentration of the solution is available and used.

Subp. 8. **Machines using hot water sanitizing.** Machines using hot water for sanitizing may be used if wash water and pumped rinse water are kept clean and water is maintained at not

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less than the temperature stated in items A to E.

A. Single-tank, stationary-rack, dual-temperature machine:

(1) wash temperature, 150 degrees Fahrenheit (66 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

B. Single-tank, stationary-rack, single-temperature machine:

(1) wash temperature, 165 degrees Fahrenheit (74 degrees centigrade); and

(2) final rinse temperature, 165 degrees Fahrenheit (74 degrees centigrade).

C. Single-tank, conveyor machine:

(1) wash temperature, 160 degrees Fahrenheit (72 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

D. Multitank, conveyor machine:

(1) wash temperature, 150 degrees Fahrenheit (66 degrees centigrade);

(2) pumped rinse temperature, 160 degrees Fahrenheit (72 degrees centigrade); and

(3) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

E. Single-tank, pot, pan, and utensil washer (either stationary or moving rack):

(1) wash temperature, 140 degrees Fahrenheit (60 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

Subp. 9. **Cleaning of machines.** Dishwashing machines must be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

1547.0049 DRYING.

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Unless used immediately after sanitization, equipment and utensils must be air dried. Towel drying is not permitted.

1547.0050 RETAIL FOOD STORES WITHOUT EQUIPMENT AND UTENSIL CLEANING FACILITIES.

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

1547.0051 EQUIPMENT AND UTENSIL HANDLING.

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

1547.0052 EQUIPMENT AND UTENSIL STORAGE.

Subpart 1. **Location.** Cleaned and sanitized utensils and equipment must be stored at least six inches (152 millimeters) above the floor in a clean, dry location in a way that protects them from splash, dust, and other means of contamination. The food contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 2. **Drying.** Utensils must be air dried before being stored or must be stored in a self-draining position.

Subp. 3. **Covering; inversion.** Stored utensils must be covered or inverted wherever practical.

1547.0053 SINGLE-SERVICE ARTICLES.

Subpart 1. **Storage.** Single-service articles must be stored in closed cartons or containers at least six inches (152 millimeters) above the floor or on easily movable dollies, skids, racks, or open-ended pallets. Storage must protect the articles from contamination and must not be located under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 2. **Handling.** Single-service articles must be handled in a manner that prevents contamination of surfaces that

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may come in contact with food.

1547.0054 PROHIBITED STORAGE AREAS.

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

1547.0055 WATER SUPPLY; GENERAL.

Sufficient potable water for the needs of the retail food store must be provided from a source constructed, maintained, and operated according to law.

1547.0056 WATER UNDER PRESSURE.

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

1547.0057 STEAM.

Steam used in contact with food or food contact surfaces must be free from any materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

1547.0058 SEWAGE; GENERAL.

Sewage, including liquid waste, must be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Nonwater-carried sewage disposal facilities are prohibited, except as permitted by the regulatory authority.

1547.0059 PLUMBING; GENERAL.

Plumbing must be sized, installed, and maintained according to law. There must be no cross-connection between the potable water supply and any other system containing:

A. water of unknown or questionable origin; or

B. contaminating or polluting substances.

1547.0060 NONPOTABLE WATER SYSTEM.

A nonpotable water system is permitted for air conditioning, equipment cooling, and fire protection, and must

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be installed according to law. Nonpotable water must not directly or indirectly contact food or equipment or utensils that contact food. The piping of any nonpotable water system must be durably identified so that it is readily distinguishable from piping that carries potable water.

1547.0061 BACKFLOW.

The potable water system must be installed to preclude the possibility of backflow. Devices must be installed to protect against backflow and backsiphonage at fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim. No hose can be attached to a faucet that is not equipped with a backflow prevention device.

1547.0062 GREASE TRAPS.

Grease traps, if used, must be located to be easily accessible for cleaning.

1547.0063 GARBAGE GRINDERS.

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

1547.0064 DRAINS.

Except for properly trapped open sinks, there must be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. If a warewashing machine is located within five feet (152 centimeters) of a trapped floor drain, the warewasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

1547.0065 TOILET INSTALLATION.

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

1547.0066 TOILET DESIGN.

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Toilets and urinals must be designed to be easily cleanable.

1547.0067 TOILET ROOMS.

Toilet rooms must be completely enclosed and must have tight-fitting, self-closing solid doors, except for louvers that may be necessary for ventilation systems.

1547.0068 TOILET FACILITY MAINTENANCE.

Toilet facilities, including toilet fixtures and any related vestibules, must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle.

1547.0069 HANDWASHING FACILITY INSTALLATION.

Handwashing facilities must be installed according to law, must be at least one and at least the number required by law, and must be conveniently located to permit use by all employees in food preparation and warewashing areas. Handwashing facilities must be accessible to employees at all times. Handwashing facilities must also be located in or immediately adjacent to toilet rooms or their vestibules. Sinks used for food preparation or for warewashing must not be used for washing of hands or for any other purpose.

1547.0070 HANDWASHING FACILITY FAUCETS.

Each handwashing facility must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing or metering faucet used must 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.

1547.0071 HANDWASHING SUPPLIES.

A supply of hand-cleansing soap or detergent must be available at each handwashing facility. A supply of sanitary towels or a hand drying device providing heated air must be

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

1547.0072 HANDWASHING FACILITY MAINTENANCE.

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

1547.0073 GARBAGE AND REFUSE CONTAINERS.

Subpart 1. **Types; liners.** Garbage and refuse must 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. These bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.

Subp. 2. **Covering.** Containers used in food preparation and utensil washing areas must be kept covered during nonworking hours and after they are filled.

Subp. 3. **Outside storage.** Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, must be easily cleanable, provided with tight-fitting lids, doors, or covers, and kept covered when not in actual use. In containers designed with drains, drain plugs must be in place at all times, except during cleaning.

Subp. 4. **Number.** There must be enough containers to hold the garbage and refuse that accumulates.

Subp. 5. **Cleaning.** Soiled containers must be cleaned at a frequency to prevent insect and rodent attraction. Containers must be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam must be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations must be disposed of as sewage.

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1547.0074 GARBAGE AND REFUSE STORAGE.

Subpart 1. **Types of storage.** Garbage and refuse on the premises must 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, or baled units that contain garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

Subp. 2. **Storage rooms.** Garbage or refuse storage rooms, if used, must be constructed of easily cleanable, nonabsorbent, washable materials, must be kept clean, must be insect- and rodent-resistant, and must be large enough to store the garbage and refuse containers required by disposal pick-up frequency.

Subp. 3. **Outside storage.** Outside storage areas or enclosures, if used, must be kept clean and must be large enough to store the garbage and refuse containers required by disposal pick-up frequency. Garbage and refuse containers, dumpsters, and compactor systems located outside must be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

1547.0075 GARBAGE AND REFUSE DISPOSAL.

Garbage and refuse must be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.

If garbage or refuse is burned on the premises, it must be done by controlled incineration in accordance with law. Areas around incineration units must be kept clean and orderly.

1547.0076 INSECT AND RODENT CONTROL; GENERAL.

Effective measures must be used to minimize the entry, presence, and propagation of rodents, flies, cockroaches, or other insects. The premises must be maintained in a condition that prevents the harborage or feeding of insects or rodents.

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1547.0077 OPENINGS.

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

1547.0078 FLOOR CONSTRUCTION.

Subpart 1. **Materials.** Except as specified in part 1547.0079, floors and floor coverings of food preparation, food storage, and warewashing areas, and the floors of walk-in refrigerators, dressing rooms, locker rooms, toilet rooms, and vestibules, must 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 must be maintained in good repair. Nothing in this section prohibits the use of antislip floor covering in areas where necessary for safety reasons.

Subp. 2. **Wet floors.** Floors that are water flushed or receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, must be provided with properly installed trapped drains. These floors must be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials, and must be graded to drain.

Subp. 3. **Floor junctures.** In establishments using concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors must be coved and sealed. In other cases, the juncture between walls and floors must be coved so as not to present an open seam of more than 1/32 inch (0.8 millimeters).

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1547.0079 FLOOR CARPETING.

Carpeting, if used as a floor covering, must be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting must not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas where urinals or fixtures are located.

1547.0080 PROHIBITED FLOOR COVERING.

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials must not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors.

1547.0081 MATS AND DUCKBOARDS.

Mats and duckboards must be of nonabsorbent, grease-resistant materials and of a size, design, and construction to facilitate cleaning and must be maintained in good repair.

1547.0082 UTILITY LINE INSTALLATION.

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

1547.0083 MAINTENANCE.

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

1547.0084 CONSTRUCTION.

Walls, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas, and toilet rooms and their vestibules must be smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations must be finished and sealed to provide a smooth,

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easily cleanable surface.

1547.0085 EXPOSED CONSTRUCTION.

Studs, joists, and rafters must not be exposed in those areas listed in part 1547.0084. If exposed in other rooms or areas, they must be finished to provide a cleanable surface.

1547.0086 UTILITY LINE INSTALLATION.

Utility service lines and pipes must not be unnecessarily exposed on walls or ceilings in those areas listed in part 1547.0084. Exposed utility service lines and pipes must be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

1547.0087 ATTACHMENTS.

Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar attachments to walls and ceilings must be easily cleanable and maintained in good repair.

1547.0088 COVERING MATERIAL INSTALLATION.

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

1547.0089 CLEANING PHYSICAL FACILITIES; GENERAL.

Cleaning of floors, walls, and ceilings must 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 must be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust-arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (for example, light fixtures, vent covers, wall-mounted fans, and similar equipment), and decorative materials (for example, signs and advertising materials) must be kept clean.

1547.0090 SERVICE SINKS.

At least one service sink or curbed cleaning facility with a floor drain must be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop

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water or similar liquid wastes. Handwashing or warewashing facilities, or food preparation sinks must not be used for this purpose.

1547.0091 LIGHTING; GENERAL.

Permanently fixed artificial light sources must be installed to provide at least 20 foot candles (215 lux) of light on food preparation surfaces and at warewashing work levels.

Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches (762 millimeters) from the floor:

A. at least 20 foot candles (215 lux) of light in sales areas, utensil and equipment storage areas, and handwashing and toilet areas; and

B. at least ten foot candles (108 lux) of light in walk-in refrigeration units, dry food storage areas, and other areas.

1547.0092 PROTECTIVE SHIELDING.

Lamps located over exposed food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored must be shielded, coated, or otherwise shatter-resistant.

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

1547.0093 VENTILATION; GENERAL.

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

1547.0094 DRESSING ROOMS AND AREAS.

If employees routinely change clothes within the

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establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, food storage, food display, warewashing, or storage of utensils and equipment.

1547.0095 LOCKER AREAS.

Lockers or other suitable facilities must be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or areas, or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

1547.0096 POISONOUS OR TOXIC MATERIALS PERMITTED.

Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, must be present in retail food stores, except those items being stored or displayed for retail sale as described in part 1547.0100.

1547.0097 LABELING OF MATERIALS.

Containers of poisonous or toxic materials necessary for operational maintenance of the establishment must be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents must be individually labeled for easy identification of contents.

1547.0098 STORAGE OF MATERIALS.

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

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and located to be physically separated from each other; must be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to

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preclude potential contamination, must not be stored above or intermingled with food, food equipment, utensils, or single-service articles. This latter requirement does not prohibit the convenient availability of detergent sanitizers at warewashing facilities.

1547.0099 USE OF MATERIALS.

Sanitizers, cleaning compounds, or other compounds intended for use on food contact surfaces must not be used in a way that leaves a toxic residue on the surfaces or in a way that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils or in a way other than in full compliance with the manufacturer's labeling.

1547.0100 STORAGE AND DISPLAY OF TOXIC OR POISONOUS MATERIALS.

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

1547.0101 FIRST-AID SUPPLIES AND PERSONAL MEDICATIONS.

Retail food store employee first-aid supplies and personal medications must be stored in a way that prevents them from contaminating food and food contact surfaces.

1547.0102 PREMISES; GENERAL.

Retail food store and parts of the property used in connection with operations of the establishment must be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.

The walking and driving surfaces of exterior areas of retail food stores must be surfaces with concrete, asphalt, or gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces must be graded to facilitate drainage.

1547.0103 LIVING AREAS.

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by Revisor _____

A retail food store operation may not be conducted in a room used as living or sleeping quarters. Retail food store operations must be separated from living or sleeping quarters by complete partitioning and solid, self-closing doors.

1547.0104 LAUNDRY FACILITIES.

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

Separate rooms must be provided for laundry facilities, except that laundry operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

1547.0105 LINENS AND WORK CLOTHES STORAGE.

Clean work clothes and linens, including articles such as wiping cloths, must be stored in a clean place and protected from contamination until used.

Soiled work clothes and linens, including articles such as wiping cloths, must be kept in nonabsorbent containers or washable laundry bags until removed for laundering and must be stored to prevent contamination of food, food equipment, and utensils.

1547.0106 CLEANING EQUIPMENT STORAGE.

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

1547.0107 ANIMALS.

Live animals must be excluded from within retail food store operational areas and from immediately adjacent areas inside the store under control of the owner. This exclusion does not apply to edible fish, crustacea, shellfish, or fish in aquariums.

Live or dead fish bait must be stored separately from food

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or food products.

Patrol dogs accompanying security or police officers are 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 sight or hearing impaired persons must be permitted in sales areas.

While on duty, persons employed in the food operational areas of an establishment must not care for or handle pets or patrol or sentry dogs.

1547.0108 LICENSE TO OPERATE; GENERAL.

A person must not operate a retail food store without a valid license to operate a retail food store issued to that person by the Department of Agriculture. The license is not transferable. A valid license must be obtained before engaging in business and must be posted in the retail food store.

1547.0109 ISSUANCE OF LICENSE.

Any person desiring to operate a retail food store must make written application for a license to operate a retail food store on forms provided by the Department of Agriculture. The application must include the name and address of each applicant, the location and type of the proposed retail food store, the signature of each applicant, and other required information.

Before approving an application for a license to operate a retail food store, the Department of Agriculture must inspect the proposed retail food store to determine compliance with the provisions of this chapter.

The Department of Agriculture shall issue a license to operate a retail food store if its inspection reveals that the proposed retail food store is designed, constructed, and equipped to be operated in a manner that protects the public health.

1547.0110 REVIEW OF PLANS.

Before construction or major remodeling of a retail food store, and when an existing structure is converted to use as a

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retail food store, properly prepared plans and specifications for construction, major remodeling, or conversion must be submitted to the Department of Agriculture for review and approval. The plans and specifications must show the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Department of Agriculture will treat the plans and specifications as confidential or trade secret information in accordance with law and will approve the plans and specifications if they meet the requirements of this chapter. A retail food store may not be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Department of Agriculture.

1547.0111 PREOPERATIONAL INSPECTION.

If plans and specifications are required by part 1547.0110, the Department of Agriculture shall inspect the retail food store before the start of operations to determine compliance with the approved plans and specifications and with the requirements of this chapter.

1547.0112 EXISTING ESTABLISHMENTS.

Building facilities and equipment in use before the effective date of this chapter that do not meet fully the design and fabrication requirements of this chapter are acceptable if they are in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

New building facilities and new equipment for which contractual obligations are incurred before the effective date of this chapter that do not fully meet the design and fabrication requirements of this chapter are acceptable if they are capable of being maintained in a sanitary condition and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Retail Food Store Sanitation

AGENCY: Department of Agriculture

MINNESOTA RULES: Chapter 1547

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Department of Agriculture
Food Inspection Division

In the Matter of the Proposed Rule
of the Department of Agriculture
Governing Retail Food
Store Sanitation

NOTICE OF INTENT TO ADOPT A
RULE WITHOUT A PUBLIC
HEARING

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22-14.28. The statutory authority to adopt this rule is Minnesota Statutes, Section 31.11.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to Minnesota Statutes, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this Notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ms. Milligan.

The proposed rule should not have a significant impact on small business as defined by Minnesota Statutes section 14.115. All retail food stores are currently required to abide by Statutes and rules that set sanitary standards for food handlers. The proposed rule would not significantly change those standards. Additionally, building facilities and equipment in use prior to adoption of the rule that do not fully meet the design and fabrication requirements of the rule, may continue to be used if they can be maintained in a sanitary condition.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

STATE OF MINNESOTA

Date: January 29, 1988

Jim Nichols

Jim Nichols, Commissioner
Department of Agriculture

In the Matter of the Proposed Rule
of the Department of Agriculture
Governing Retail Food Store Sanitation

AFFIDAVIT OF MAILING
THE NOTICE OF INTENT
TO ADOPT A RULE WIHTOUT
A PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marie Skerbitz, being sworn, says:

That on the 16th day of March, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations who have requested, persuant to Minnesota Statutes, sections 14.14, subdivision 1.a. and 14.22 OR 14.30, that their names be placed on the Minnesota Department of Agriculture rulemaking mailing list.

Marie Skerbitz
Mail Room Clerk

DIANE M. WINDHAM
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 1, 1990

Subscribed and sworn to before me
this 16th day of March, 1988.

Diane M Windham

In the Matter of the Proposed Rule
of the Department of Agriculture
Governing Retail Food Store Sanitation

CERTIFICATE OF
MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol Milligan, being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Statutes, sections 14.14, subd. 1a, and 14.22 or 14.30, that their names be placed on the Minnesota Department of Agriculture rulemaking mailing list is accurate, complete and current as of this 16th day of March, 1988.

Carol Milligan
Carol Milligan
Management Analyst

DIANE M. WINDHAM
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 1, 1990

Subscribed and sworn to before me
this 16th day of March, 1988.

Diane M. Windham

.0350 subparts 4,5, and 6 (proposed repealed) 1738

Revenue Department

8001.0300 (proposed) 1609

Secretary of State

8200.0300; .0400; .0700; .0800; .1100; .1200; .1500; .1700; .2100; .2200; .2600; .3700; .3800; .5100; .5400; .9910; .9919; 8220.1950; 8235.0200; 8240.2400 (proposed) 1611
8220.0650 (adopted) 1712
8200.1300; .1600; .3800 s.2; .9916; .9922; .9925 (proposed repealer) 1611
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8220.0650; .0800 (proposed) 1746

Public Service Department—Energy

8300.2500-.2509 (emergency extended) 2045
8300.2501 s.2,3 (emergency repealer extended) 2045

Teaching Board

8700.7600; .7700 (proposed) 1950

Transportation Department

8850.6900-9050; 8855.0300-.0850 (proposed) 1952
7800.0100 s.2,9,10; .0300; .1200; .1300; .1900; .3500; .3700-.8200; 7805.1400-.3600 (proposed repealer) 1952
8870.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100 (adopted) 1712

Veterinary Medicine Board

9100.0400 (proposed) 1450

Waste Management Board

9200.6000; .6001; .6002; .6003; .6004; .6007; .6008; .6010 (adopted) 1564
9200.6902-.6905 (proposed) 1807
9200.9501; .9502; .9503; .9506; .9508 (adopted) 2044
9220.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180 (proposed) 1704
9220.0200-.0680 (proposed) 1541
9220.0800-.0835 (adopted) 2104

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9500.1100 (adopted) 1611
9500.1302; .1306; .1308; .1310; .1314; .1316 (proposed) 2101
9500.2720; .2722; .2724; .2726; .2728; .2730 (proposed) 2010
9500.2700 s.13-19 (proposed repealer) 2010
9502.0335 (proposed) 1607
9505.2390-.2500 (proposed) 2018
9505.2250; .2260; .2270; .2280; .2290; .2300; .2310; .2320; .2330; .2340; .2350; .2360; .2370; .2380 (proposed repealer) 2018
9515.1000; .1200; .1300; .1400; .1500; .2200; .2300; .2400; .2500; .2600 (proposed) 1389
9515.1100 (proposed repealer) 1389
9525.1210; .1250 (adopted) 2044
9530.4100; .4120; .4130; .4200; .4210; .4220; .4230; .4250; .4260; .4270; .4280; .4300; .4310; .4320; .4330; .4340; .4350; .4370; .4380; .4390; .4400; .4410; .4450 (adopted) 1451
9530.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000 (repealed) 1451
9549.0059;.0060; (proposed) 1649
9553.0020; .0030; .0035; .0040; .0050; .0075 (adopted) 1711
9553.0041; .0050; .0060 (proposed) 1429
9553.0041; .0050; .0060 (adopted) 2104

Proposed Rules

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture

Proposed Permanent Rules Relating to Retail Food Store Sanitation

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, Section 31.11.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this Notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ms. Milligan.

The proposed rule should not have a significant impact on small business as defined by *Minnesota Statutes* section 14.115. All retail food stores are currently required to abide by Statutes and rules that set sanitary standards for food handlers. The proposed rule would not significantly change those standards. Additionally, building facilities and equipment in use prior to adoption of the rule that do not fully meet the design and fabrication requirements of the rule, may continue to be used if they can be maintained in a sanitary condition.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

Dated: 29 January 1988

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1547.0001 PURPOSE.

The purpose of this chapter is to provide uniform statewide rules for retail food establishments.

1547.0002 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the terms in this section have the meanings given them.

Subp. 2. **Bulk food.** "Bulk food" means unpackaged and unwrapped food in aggregate containers from which quantities are withdrawn by the consumer, excluding fresh fruits, fresh vegetables, nuts in the shell, and food in salad bars.

Subp. 3. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

Subp. 4. **Easily cleanable.** "Easily cleanable" means that surfaces are readily accessible and made of a material and finish and so fabricated that residue can be effectively removed by normal cleaning methods.

Subp. 5. **Employee.** "Employee" means the license holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food store.

Subp. 6. **Equipment.** "Equipment" means items other than utensils used in the storage, preparation, display, or transportation of food including stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

freezers, sinks, ice makers, and similar items used in the operation of a retail food store. "Equipment" does not include fork lift trucks or dollies.

Subp. 7. **Food.** "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.

Subp. 8. **Food contact surfaces.** "Food contact surfaces" means surfaces of equipment and utensils with which food normally comes into contact and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 9. **Food service establishment.** "Food service establishment" means a place where food is prepared and intended for individual portion service, including the place at which individual portions are provided, whether or not consumption is on the premises and whether or not there is a charge for the food. "Food service establishment" includes delicatessens that offer prepared food in individual service portions, but does not include private homes where food is prepared or served for individual family consumption, retail food stores without food service, the location of food vending machines, and supply vehicles.

Subp. 10. **Hermetically-sealed container.** "Hermetically-sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

Subp. 11. **Law.** "Law" includes applicable federal, state, and local statutes, ordinances, rules, and regulations.

Subp. 12. **License.** "License" means the document issued by the Department of Agriculture that authorizes a person to operate a retail food store.

Subp. 13. **Packaged.** "Packaged" means contained in a case, carton, can, box, wrapping, barrel, tub, bottle, phial, or other receptacle or covering of any kind that is used by a manufacturer, producer, jobber, packer, or retail dealer to transport, handle, store, or offer something for sale.

Subp. 14. **Person.** "Person" means an individual, firm, corporation, company, association, cooperative, or partnership and includes a trustee, receiver, assignee, or other similar representative.

Subp. 15. **Person in charge.** "Person in charge" means the individual in a retail food store who is the supervisor of the retail food store at the time of inspection.

Subp. 16. **Potentially hazardous food.** "Potentially hazardous food" means food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs, foods that have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less at 77 degrees Fahrenheit (25 degrees centigrade), and food products in hermetically-sealed containers processed to prevent spoilage.

Subp. 17. **Regulatory authority.** "Regulatory authority" means the Department of Agriculture, which is responsible for enforcing this chapter.

Subp. 18. **Retail food store.** "Retail food store" means an establishment where food and food products are offered to the consumer and intended for off-premises consumption. "Retail food store" includes an establishment with a delicatessen that offers prepared food, and does not include persons selling the products of the farm or garden occupied and cultivated by those persons, persons not regularly engaged in the business of manufacturing and selling food and who prepare food only on order of and for sale directly to the ultimate consumer, or educational, charitable, or religious organizations not regularly engaged in the business of manufacturing, processing, or selling food at their established educational, charitable, or religious institutions.

Subp. 19. **Safe materials.** "Safe materials" means materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food. Food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act are "safe materials" only if they are used in conformity with regulations established under Section 409 or 706 of that act. Other materials are "safe materials" only if, as used, they are not food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with applicable regulations of the United States Food and Drug Administration.

Subp. 20. **Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on cleaned food contact surfaces of utensils and equipment.

Subp. 21. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 22. **Single-service articles.** "Single-service articles" means cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, or paddles; straws, placemats, napkins, doilies, or wrapping material; and similar articles constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

Subp. 23. **Transportation or transported.** "Transportation" or "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.

Subp. 24. **Utensil.** "Utensil" means a food contact implement used in the storage, preparation, transportation, or dispensing of food.

Subp. 25. **Warewashing.** "Warewashing" means the cleaning and sanitizing of food contact surfaces of equipment and utensils.

1547.0003 FOOD SUPPLIES.

Food must be in sound condition and safe for human consumption. Food must be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home must not be used or offered for sale.

1547.0004 SPECIAL REQUIREMENTS.

Subpart 1. **Milk products.** Fluid milk and fluid milk products used or offered for sale must comply with the Grade A standards established by law. Dry milk and milk products used or offered for sale must be made from pasteurized milk and milk products.

Subp. 2. **Shellfish.** Fresh and frozen shucked shellfish (oysters, clams, or mussels) must be received and repacked in nonreturnable 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 must be kept in the container in which they were received until used or sold.

An original container of unshucked shellfish (oysters, clams, or mussels) must be identified for a period of 90 days with 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.

Subp. 3. **Eggs.** Only clean, sound shell eggs meeting applicable Minnesota and federal weight and grade standards established for consumer grades, or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products may be used or offered for sale.

Subp. 4. **Ice.** Only ice manufactured from potable water and handled in a sanitary manner may be used or offered for sale. Ice offered for sale must be packaged.

1547.0005 FOOD PROTECTION.

At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food must be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous foods must be 40 degrees Fahrenheit (5 degrees centigrade) or below or 150 degrees Fahrenheit (66 degrees centigrade) or above at all times, except as otherwise provided in this chapter. Hermetically-sealed packages must be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and food items that have been returned to, or are being detained by, the retail food store because of spoilage, container damage, or other public health considerations, must be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the regulatory authority.

1547.0006 EMERGENCY OCCURRENCES.

The person in charge of a retail food store that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable possibility that food in the retail food store may have been contaminated or that the temperature level of food that is in a potentially hazardous form may have caused that food to have become hazardous to health, must take the action necessary to protect the public health and promptly notify the regulatory authority of the emergency.

1547.0007 FOOD STORAGE.

Subpart 1. **Packaged food; meats.** Food packaged in an immediate closed container, once the container is opened in the retail food store before use or retail sale, must be kept covered. Raw or prepared food removed from the immediate closed container in which it was originally packaged before use or retail sale, must be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fresh raw fruits are exempted from this requirement. Container covers must be impervious and nonabsorbent.

During periods of storage, subprimal cuts of meat must be covered with single-service wrapping material. Primal cuts, quarters, or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on

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clean, sanitized hooks or placed on clean, sanitized metal racks in a manner that will preclude contamination of any food products in storage.

Subp. 2. **Storage areas.** Containers of food must be stored at least six inches (152 millimeters) above the floor or on dollies, skids, racks, or open-ended pallets, if the equipment is easily movable either by hand or with the use of pallet-moving equipment that is on the premises and used. Storage areas must be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated if the case of food is not exposed to floor moisture and the storage area is kept clean.

Subp. 3. **Water or sewer lines.** Food and containers of food must not be stored under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 4. **Water or ice.** Packaged foods must not be stored in contact with water or undrained ice.

Subp. 5. **Food ingredient storage.** A food ingredient, such as flour, sugar, salt, baking powder, cooking oil, or vinegar, that is not stored in the original package and is not readily identifiable on sight, must be stored in a container identifying it by common name.

Subp. 6. **Toilets; garbage or mechanical rooms.** Toilet rooms and their vestibules, and garbage or mechanical rooms must not be used for the storage of food.

1547.0008 REGRIGERATED OR FROZEN STORAGE.

Subpart 1. **Storage capacity; thermometers.** Refrigeration units or effectively insulated units must be provided in a number and capacity that assures the maintenance of potentially hazardous food at required temperatures during storage. A mechanically-refrigerated unit storing potentially hazardous food must be provided with a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade). The sensing element must be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale must be located to be easily readable. Recording thermometers, accurate to ±3 degrees Fahrenheit (±1 degree centigrade) may be used in lieu of indicating thermometers.

Subp. 2. **Rapid cooling.** Potentially hazardous food requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below. Potentially hazardous foods of large volume or prepared in large quantities must be rapidly cooled using methods such as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period does not exceed four hours. Potentially hazardous food to be transported must be prechilled and held at a temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below unless maintained in accordance with the hot storage requirements of this chapter.

Subp. 3. **Frozen food.** Potentially hazardous frozen foods must be kept frozen and must be stored at an air temperature of zero degrees Fahrenheit (−18 degrees centigrade) or below except for defrost cycles and brief periods of loading or unloading.

Subp. 4. **Ice used for cooling.** Ice used as a cooling medium for food storage must not be used or sold for human consumption.

Subp. 5. **Eggs.** Clean, sound shell eggs must be stored at 60 degrees Fahrenheit (16 degrees centigrade) or below.

1547.0009 HOT STORAGE.

Subpart 1. **Storage units.** Hot food storage units must be provided in a number and of a capacity to assure the maintenance of potentially hazardous food at the required temperature during storage. A hot food storage unit storing potentially hazardous food must be provided with a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade). The sensing element must be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit. The thermometer scale must be located to be easily readable. Recording thermometers accurate to ±3 degrees Fahrenheit (±1 degree centigrade) may be used in lieu of indicating thermometers. If it is impractical to install thermometers on equipment such as heat lamps, calrod units, or insulated food transport carriers, a food product thermometer must be available and used to check internal food temperature.

Subp. 2. **Food temperatures.** The internal temperature of potentially hazardous foods requiring hot storage must be 150 degrees Fahrenheit (66 degrees centigrade) or above, except during necessary periods of preparation. Potentially hazardous food to be transported must be held at a temperature of 150 degrees Fahrenheit (66 degrees centigrade) or above, unless maintained in accordance with the refrigerated storage requirements of this chapter.

1547.0010 FOOD PREPARATION.

Subpart 1. **Contact with food.** Food must be prepared with a minimum of manual contact. Food must be prepared on food contact surfaces and with utensils that are clean and have been sanitized.

Subp. 2. **Change in foods; separation.** Each time there is a change in processing between raw beef, raw pork, raw poultry, raw game, or raw seafood, or a change in processing from raw to ready-to-eat foods, the new operation must begin with food contact

surfaces and utensils that are clean and have been sanitized. Salads and other ready-to-eat foods must be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

Subp. 3. **Consumable food.** Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products must be prepared from chilled products.

1547.0011 RAW FRUITS AND 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 must be thoroughly cleaned with potable water before being used.

1547.0012 COOKING POTENTIALLY HAZARDOUS FOODS.

Potentially hazardous foods being processed by cooking within a retail food store must be cooked to heat all parts of the food to a temperature of at least 150 degrees Fahrenheit (66 degrees centigrade), except that:

A. Poultry, poultry stuffing, stuffed meats, and stuffings containing meat, must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

B. Pork and pork products must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

C. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

To meet public health requirements for the processes in this item, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at that temperature:

Minimum Holding Times for Beef Roasts at Various Internal Temperatures

Minimum internal temperature		Minimum holding time	Minimum internal temperature		Minimum holding time
°F	°C	Minutes	°F	°C	Minutes
130	54.4	121	138	58.9	19
131	55.0	97	139	59.5	15
132	55.6	77	140	60.0	12
133	56.1	62	141	60.6	10
134	56.7	47	142	61.1	8
135	57.2	37	143	61.7	6
136	57.8	32	144	62.2	5
137	58.4	24			

D. Beef roasts, if cooked in a microwave oven, must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

1547.0013 BAKERY PRODUCT FILLINGS.

Custards, cream fillings, and similar products, including synthetic fillings, must meet the temperature requirement in part 1547.0008, subpart 2, following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings are excluded from this requirement if:

A. the food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less under standard conditions;

B. it is handled in a manner to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or

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C. other scientific evidence is on file with the regulatory authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

Bakery products with synthetic fillings that meet the criteria in items A to C may be labeled to state that refrigeration is not required.

1547.0014 REHEATING.

Potentially hazardous foods that have been cooked and then refrigerated must be reheated rapidly to an internal temperature of 165 degrees Fahrenheit (74 degrees centigrade) or higher before being placed in hot food storage holding units. Food warmers and other hot food holding units must not be used for the reheating of potentially hazardous foods.

1547.0015 FOOD PRODUCT THERMOMETERS.

Metal, stem-type, numerically-scaled indicating thermometers, accurate to ±2 degrees Fahrenheit (±1 degree centigrade) must be provided and used to assure attainment and maintenance of proper temperatures during preparation of potentially hazardous foods.

1547.0016 THAWING POTENTIALLY HAZARDOUS FOODS.

Potentially hazardous foods must be thawed:

A. in refrigerated units at a temperature not more than 40 degrees Fahrenheit (5 degrees centigrade);

B. under potable running water at a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not more than that reasonably required to thaw the food;

C. in a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

D. as part of the conventional cooking process.

1547.0017 POTENTIALLY HAZARDOUS FOOD DISPLAY.

Potentially hazardous foods must be held at an internal temperature of 40 degrees Fahrenheit (5 degrees centigrade) or below or at an internal temperature of 150 degrees Fahrenheit (66 degrees centigrade) or higher during display, except that rare roast beef offered for sale hot must be held at a temperature of at least 130 degrees Fahrenheit (55 degrees centigrade).

1547.0018 FROZEN FOOD DISPLAY.

Foods intended for sale in a frozen state must be displayed at an air temperature of zero degrees Fahrenheit (−18 degrees centigrade) or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods must be displayed below or behind product food lines according to cabinet manufacturers' specifications.

1547.0019 FOOD DISPLAY.

Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, must be protected from contamination by being packaged, by display cases, by covered containers for self-service, or by similar protective equipment. Food must be displayed above the floor in a manner that will protect the food from contamination. Hot or cold food units must be provided to assure the maintenance of potentially hazardous food at the required temperature during display. Potentially hazardous food must not be provided for consumer self-service.

1547.0020 DISPENSING UTENSILS.

To avoid unnecessary manual contact with food, suitable dispensing utensils and single-service articles must be used by employees. Consumers who serve themselves bulk food must be provided suitable dispensing utensils.

Bulk food may be dispensed by: mechanical dispensing devices including gravity dispensers, pumps, extruders, and augers; or manual dispensing utensils including tongs, scoops, ladles, and spatulas.

A manual dispensing utensil must have a handle long enough to avoid consumer contact with the bulk food. When not in use, dispensing utensils must be stored either in the food with the handle extended out of the food, or in a protective enclosure attached or adjacent to the display unit with the utensil on a tether of easily cleanable material short enough to prevent contact with the floor.

1547.0021 FOOD SAMPLE DEMONSTRATIONS AND FOOD PROMOTIONS.

When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge must ensure that those activities comply with the applicable sanitation provisions of this chapter.

1547.0022 FOOD TRANSPORTATION BY RETAIL FOOD STORE.

Food, other than hanging primal cuts, quarters, or sides of meat, and raw fruits and raw vegetables must be protected from contamination by use of packaging or covered containers while being transported. Food being transported must meet the applicable requirements of this chapter relating to food protection and food storage. Foods packaged in immediate closed containers do not need to be overwrapped or covered if the immediate closed containers have not been opened, torn, or broken.

1547.0023 EMPLOYEE HEALTH.

No employee, 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 an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.

1547.0024 PERSONAL CLEANLINESS.

Employees engaged in food preparation and warewashing operations must thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work; after smoking, eating, or using the toilet; before and after handling raw meat, raw poultry, or raw seafood; and as often as is necessary during work to keep them clean. Employees must keep their fingernails trimmed and clean.

1547.0025 CLOTHING.

Employees must wear clean outer clothing and use effective hair restraints at all times in a food service and food processing operation to prevent the contamination of food or food contact surfaces.

1547.0026 EMPLOYEE PRACTICES.

Subpart 1. **Cleanliness; hygiene.** Employees must maintain a high degree of personal cleanliness and must conform to good hygienic practices during work times.

Subp. 2. **Eating; tobacco use.** Employees must eat food or use tobacco only in designated areas. The designated areas must be located so that the eating or tobacco use of an employee does not result in contamination of food, equipment, or utensils.

1547.0027 MATERIALS.

Multi-use equipment and utensils must be constructed and repaired with safe materials, including finishing materials; must be corrosion resistant and must be nonabsorbent; and must be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles must be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles must not impart odors, color, or taste or contribute to the contamination of food.

1547.0028 SOLDER.

If solder is used, it must be composed of safe materials and be corrosion resistant.

1547.0029 WOOD.

Hard maple or equivalent nonabsorbent wood that meets the general requirements in part 1547.0027 may be used for cutting blocks, cutting boards, and bakers' tables. Wood must not be used as a food contact surface under other circumstances, except for contact with raw fruits, raw vegetables, and nuts in the shell.

1547.0030 PLASTICS AND RUBBER MATERIALS.

Safe plastic, rubber, or rubber-like 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 that meet the requirements in part 1547.0027, are permitted for repeated use.

1547.0031 CUTTING SURFACES.

Cutting surfaces subject to scratching and scoring must be resurfaced so as to be easily cleaned, or be discarded when they can no longer be effectively cleaned and sanitized.

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1547.0032 SINGLE-SERVICE ARTICLES.

Single-service articles must not be reused.

1547.0033 DESIGN AND FABRICATION.

A. Equipment and utensils, including plasticware, must be designed and made for durability under conditions of normal use and must be resistant to denting, buckling, pitting, chipping, and crazing.

B. Food contact surfaces must be easily cleanable, smooth, 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 must 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, they must be minimized.

C. Equipment containing bearings and gears requiring lubricants not made of safe materials must be designed and made so that the lubricants cannot leak, drip, or be forced into food or onto food contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food contact surfaces must be lubricated with materials meeting the requirements of Code of Federal Regulations, title 21, section 178.3570.

D. Sinks and drain boards must be sloped to drain and be self-draining.

1547.0034 ACCESSIBILITY.

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

A. without being disassembled;

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 kept near the equipment.

1547.0035 CLEAN IN PLACE (CIP) EQUIPMENT.

Equipment intended for in-place cleaning must be designed and made so that:

A. cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;

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.

1547.0036 FOOD PRODUCT THERMOMETERS.

Indication thermometers required for immersion into food or cooking media must be of metal, stem-type construction, numerically scaled, and accurate to ± 2 degrees Fahrenheit (± 1 degree centigrade).

1547.0037 NON-FOOD-CONTACT SURFACES.

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

1547.0038 VENTILATION HOODS.

If ventilation hoods and devices are installed, they must be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food contact surfaces. Filters or other grease-extracting equipment must be readily removable for cleaning and replacement if they are not designed to be cleaned in place.

1547.0039 MAINTENANCE OF EQUIPMENT AND UTENSILS.

Equipment and utensils must be maintained in good repair to comply with the requirements of this chapter.

1547.0040 EQUIPMENT INSTALLATION AND LOCATION.

Equipment, including ice makers and ice storage equipment, must 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.

1547.0041 TABLE-MOUNTED EQUIPMENT.

Subpart 1. **Installation.** Table-mounted equipment must be installed to facilitate the cleaning of the equipment and the adjacent areas.

Subp. 2. **Clearance.** Equipment that is mounted on tables or counters, unless portable, must be sealed to the table or counter or elevated on legs to provide at least a four-inch (102 millimeters) clearance between the equipment and the table or counter. If no part of the table under the equipment is more than 18 inches (457 millimeters) from cleaning access, the clearance space must be three inches (76 millimeters) or more. If no part of the table under the equipment is more than three inches (76 millimeters) from cleaning access, the clearance space must be two inches (51 millimeters) or more.

Subp. 3. **"Portable" defined.** Equipment is portable within the meaning of subpart 2 if:

A. it is small and light enough to be moved easily by one person;

B. it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; and

C. it is table-mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment, and:

(1) does not exceed 80 pounds (36 kilograms); or

(2) is equipped with a mechanical means of safely tilting the unit for cleaning.

1547.0042 FLOOR-MOUNTED EQUIPMENT.

Subpart 1. **Floor clearance.** Floor-mounted equipment, unless easily movable, must be:

A. sealed to the floor; or

B. elevated on legs to provide at least a six-inch (152 millimeters) clearance between the floor and equipment, except that equipment may be elevated to provide at least a four-inch (102 millimeters) clearance between the floor and equipment if no part of the floor under the equipment is more than six inches (152 millimeters) from cleaning access.

Display shelving units, display refrigeration units, and display freezer units are exempt from items A and B if they are installed so that the floor beneath the units can be cleaned.

Subp. 2. **"Easily movable" defined.** Equipment is easily movable if:

A. it is mounted on wheels or casters; and

B. it has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

Subp. 3. **Side, top clearance.** 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 must be not more than 1/32 inch (0.8 millimeters) and, if exposed to seepage, the space must be sealed.

1547.0043 AISLES AND WORKING SPACES.

Aisles and working spaces between units of equipment and between equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food contact surfaces by clothing or personal contact. Easily movable storage equipment such as dollies, skids, racks, and open-ended pallets must be positioned to provide accessibility to working areas.

1547.0044 CLEANING FREQUENCY.

Subpart 1. **Cleaning times.** Utensils and food contact surfaces of equipment must be cleaned and sanitized:

A. each time there is a change in processing between raw beef, raw pork, raw poultry, or raw seafood, or a change in processing from raw to ready-to-eat foods;

B. after any interruption of operations during which time contamination may have occurred; and

C. after final use each working day.

Subp. 2. **Continuous production.** If 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 must 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.

Subp. 3. **Cooking devices; microwave ovens.** The food contact surfaces of cooking devices and the cavities and door seals of

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microwave ovens must be cleaned at least once each day of use. This does not apply to hot oil cooling equipment and hot oil filtering systems. The food contact surfaces of baking equipment and pans must be kept free of encrusted grease deposits and other accumulated soil.

Subp. 4. **Non-food-contact surface.** Non-food-contact surfaces of equipment, including transport vehicles, must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

1547.0045 WIPING CLOTHS.

Subpart 1. **Rinsing; storage.** Cloths or sponges used for wiping food spills on food contact surfaces of equipment must be clean and rinsed frequently in one of the sanitizing solutions permitted in part 1547.0047, subpart 8, and used for no other purpose. These cloths and sponges must be stored in the sanitizing solution between uses.

Subp. 2. **Non-food-contact surfaces.** Cloths or sponges used for cleaning non-food-contact surfaces of equipment must be clean and rinsed as specified in subpart 1 and used for no other purpose. These cloths and sponges must be stored in the sanitizing solution between uses.

Subp. 3. **Single-service towels.** Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

1547.0046 FOOD SERVICE IN RETAIL FOOD STORES.

A food service operating as part of a retail food store must have equipment applicable to the operation conducted in the establishment that is designed, constructed, installed, located, and maintained in compliance with parts 4625.2400 to 4625.5000 as adopted by the Department of Health.

1547.0047 MANUAL CLEANING AND SANITIZING.

Supart 1. **Sinks.** A sink must be provided and used for any manual cleaning and sanitizing of equipment and utensils. A food service operation must meet the requirements in part 1547.0046. A three-compartment sink must be provided and used in any retail store processing operation that involves the preparation of potentially hazardous food. Sink compartments must be large enough to accommodate the immersion of equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. If immersion in sinks is impracticable (for example, because equipment is too large), equipment and utensils must be cleaned and sanitized manually or by pressure spray methods.

Subp. 2. **Drain boards; utensil tables.** Drain boards or easily movable utensil tables of adequate size must be provided for proper storage and handling of soiled utensils before cleaning and for cleaned utensils following sanitizing and must be located so as not to interfere with proper use of the warewashing facilities.

Subp. 3. **Preparation.** Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.

Subp. 4. **Clean sinks.** Sinks must be cleaned before use.

Subp. 5. **Three-compartment sink.** If a three-compartment sink is required for warewashing, the operation must be conducted in the following sequence:

A. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration shown on the manufacturer's label.

B. Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

C. Equipment and utensils must be sanitized in the third compartment according to one of the methods included in subpart 8, items A to E.

Subp. 6. **Two-compartment sink.** If a two-compartment sink is permitted for warewashing, one of the following methods must be used:

A. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration shown on the manufacturer's label and must be sanitized in hot water in the second compartment in accordance with subpart 8, item A; or

B. Equipment and utensils must be thoroughly cleaned in the first compartment with a hot detergent-sanitizer solution that is kept clean and at a concentration shown on the manufacturer's label, and must be sanitized in the second compartment in hot water in accordance with subpart 8 or with a solution containing that same detergent-sanitizer in accordance with subpart 8, items B to E.

Subp. 7. **Pressure spray methods.** If pressure spray methods are used for cleaning and sanitizing, the equipment and utensils must be thoroughly flushed with a detergent-sanitizer solution until the article is free of visible food particles and soil. The detergent-

sanitizer must be used in accordance with the manufacturer's instructions and must be of the type that does not require a potable water rinse when used according to those instructions.

Subp. 8. **Sanitizing food contact surfaces.** The food contact surfaces of equipment and utensils must be sanitized by:

A. immersion for at least one-half minute in clean, hot water of a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

B. 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 degrees Fahrenheit (24 degrees centigrade);

C. immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine, having a pH range the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

D. immersion for at least one minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade). The quaternary ammonium compound used must have been compounded by the manufacturer to assure effectiveness in waters up to 500 parts per million hardness at use concentration;

E. immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute;

F. treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

G. rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under items B, C, and E in the case of equipment too large to sanitize by immersion.

Subp. 9. **Hot water sanitizing.** When hot water is used for sanitizing, the following equipment must be provided and used:

A. 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 degrees Fahrenheit (77 degrees centigrade);

B. a numerically-scaled indicating thermometer, accurate to ±3 degrees Fahrenheit (±1 degree centigrade) convenient to the sink for frequent checks of water temperature; and

C. utensil racks or baskets of a size and design that permit complete immersion of utensils and equipment in the hot water.

Subp. 10. **Chemical sanitization.** When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that measures the parts per million concentration of the solution must be provided and used.

1547.0048 MECHANICAL CLEANING AND SANITIZING.

Subpart 1. **Types of devices.** Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices must be properly installed and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, must be properly installed and maintained. Mechanical dishwashing machines used for food service equipment and utensils must meet the requirements found in part 1547.0046.

Subp. 2. **Rinse water pressure.** The pressure of final rinse water supplied to spray-type dishwashing machines must not be less than 15 nor more than 25 pounds per square inch measured in the water line adjacent to the final rinse control valve. A one-fourth inch IPS valve must be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

Subp. 3. **Thermometers.** Machine or waterline-mounted numerically-scaled indicating thermometers, accurate to ±3 degrees Fahrenheit (1 degree centigrade), must be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

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Subp. 4. **Rinse water tanks; conveyors.** Rinse water tanks must be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines must be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines.

Subp. 5. **Drain boards.** Drain boards must be provided and be of adequate size for the proper handling of soiled utensils before washing and of cleaned utensils following sanitization and must be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

Subp. 6. **Preparation of equipment and utensils.** Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

Subp. 7. **Machines using chemical sanitization.** Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, as long as:

A. the temperature of the wash water is not less than 120 degrees Fahrenheit (49 degrees centigrade);

B. the wash water is kept clean;

C. chemicals added for sanitization purposes are automatically dispensed;

D. utensils and equipment are exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time and concentration;

E. the chemical sanitizing rinse water temperature is not less than 75 degrees Fahrenheit (24 degrees centigrade) nor less than the temperature specified by the machine's manufacturer;

F. chemical sanitizers used meet the requirements of Code of Federal Regulations, title 21, section 178.1010; and

G. a test kit or other device that accurately measures the parts per million concentration of the solution is available and used.

Subp. 8. **Machines using hot water sanitizing.** Machines using hot water for sanitizing may be used if wash water and pumped rinse water are kept clean and water is maintained at not less than the temperature stated in items A to E.

A. Single-tank, stationary-rack, dual-temperature machine:

(1) wash temperature, 150 degrees Fahrenheit (66 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

B. Single-tank, stationary-rack, single-temperature machine:

(1) wash temperature, 165 degrees Fahrenheit (74 degrees centigrade); and

(2) final rinse temperature, 165 degrees Fahrenheit (74 degrees centigrade).

C. Single-tank, conveyor machine:

(1) wash temperature, 160 degrees Fahrenheit (72 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

D. Multitank, conveyor machine:

(1) wash temperature, 150 degrees Fahrenheit (66 degrees centigrade);

(2) pumped rinse temperature, 160 degrees Fahrenheit (72 degrees centigrade); and

(3) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

E. Single-tank, pot, pan, and utensil washer (either stationary or moving rack):

(1) wash temperature, 140 degrees Fahrenheit (60 degrees centigrade); and

(2) final rinse temperature, 180 degrees Fahrenheit (83 degrees centigrade).

Subp. 9. **Cleaning of machines.** Dishwashing machines must be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

1547.0049 DRYING.

Unless used immediately after sanitization, equipment and utensils must be air dried. Towel drying is not permitted.

1547.0050 RETAIL FOOD STORES WITHOUT EQUIPMENT AND UTENSIL CLEANING FACILITIES.

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

1547.0051 EQUIPMENT AND UTENSIL HANDLING.

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

1547.0052 EQUIPMENT AND UTENSIL STORAGE.

Subpart 1. **Location.** Cleaned and sanitized utensils and equipment must be stored at least six inches (152 millimeters) above the floor in a clean, dry location in a way that protects them from splash, dust, and other means of contamination. The food contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 2. **Drying.** Utensils must be air dried before being stored or must be stored in a self-draining position.

Subp. 3. **Covering; inversion.** Stored utensils must be covered or inverted wherever practical.

1547.0053 SINGLE-SERVICE ARTICLES.

Subpart 1. **Storage.** Single-service articles must be stored in closed cartons or containers at least six inches (152 millimeters) above the floor or on easily movable dollies, skids, racks, or open-ended pallets. Storage must protect the articles from contamination and must not be located under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

Subp. 2. **Handling.** Single-service articles must be handled in a manner that prevents contamination of surfaces that may come in contact with food.

1547.0054 PROHIBITED STORAGE AREAS.

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

1547.0055 WATER SUPPLY; GENERAL.

Sufficient potable water for the needs of the retail food store must be provided from a source constructed, maintained, and operated according to law.

1547.0056 WATER UNDER PRESSURE.

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

1547.0057 STEAM.

Steam used in contact with food or food contact surfaces must be free from any materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

1547.0058 SEWAGE; GENERAL.

Sewage, including liquid waste, must be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Nonwater-carried sewage disposal facilities are prohibited, except as permitted by the regulatory authority.

1547.0059 PLUMBING; GENERAL.

Plumbing must be sized, installed, and maintained according to law. There must be no cross-connection between the potable water supply and any other system containing:

A. water of unknown or questionable origin; or

B. contaminating or polluting substances.

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1547.0060 NONPOTABLE WATER SYSTEM.

A nonpotable water system is permitted for air conditioning, equipment cooling, and fire protection, and must be installed according to law. Nonpotable water must not directly or indirectly contact food or equipment or utensils that contact food. The piping of any nonpotable water system must be durably identified so that it is readily distinguishable from piping that carries potable water.

1547.0061 BACKFLOW.

The potable water system must be installed to preclude the possibility of backflow. Devices must be installed to protect against backflow and backsiphonage at fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim. No hose can be attached to a faucet that is not equipped with a backflow prevention device.

1547.0062 GREASE TRAPS.

Grease traps, if used, must be located to be easily accessible for cleaning.

1547.0063 GARBAGE GRINDERS.

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

1547.0064 DRAINS.

Except for properly trapped open sinks, there must be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. If a warewashing machine is located within five feet (152 centimeters) of a trapped floor drain, the warewasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

1547.0065 TOILET INSTALLATION.

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

1547.0066 TOILET DESIGN.

Toilets and urinals must be designed to be easily cleanable.

1547.0067 TOILET ROOMS.

Toilet rooms must be completely enclosed and must have tight-fitting, self-closing solid doors, except for louvers that may be necessary for ventilation systems.

1547.0068 TOILET FACILITY MAINTENANCE.

Toilet facilities, including toilet fixtures and any related vestibules, must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle.

1547.0069 HANDWASHING FACILITY INSTALLATION.

Handwashing facilities must be installed according to law, must be at least one and at least the number required by law, and must be conveniently located to permit use by all employees in food preparation and warewashing areas. Handwashing facilities must be accessible to employees at all times. Handwashing facilities must also be located in or immediately adjacent to toilet rooms or their vestibules. Sinks used for food preparation or for warewashing must not be used for washing of hands or for any other purpose.

1547.0070 HANDWASHING FACILITY FAUCETS.

Each handwashing facility must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing or metering faucet used must 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.

1547.0071 HANDWASHING SUPPLIES.

A supply of hand-cleansing soap or detergent must be available at each handwashing facility. A supply of sanitary towels or a hand drying device providing heated air must be conveniently located near each handwashing facility. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles must be conveniently located near the handwashing facilities.

1547.0072 HANDWASHING FACILITY MAINTENANCE.

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

1547.0073 GARBAGE AND REFUSE CONTAINERS.

Subpart 1. **Types; liners.** Garbage and refuse must 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. These bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.

Subp. 2. **Covering.** Containers used in food preparation and utensil washing areas must be kept covered during nonworking hours and after they are filled.

Subp. 3. **Outside storage.** Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, must be easily cleanable, provided with tight-fitting lids, doors, or covers, and kept covered when not in actual use. In containers designed with drains, drain plugs must be in place at all times, except during cleaning.

Subp. 4. **Number.** There must be enough containers to hold the garbage and refuse that accumulates.

Subp. 5. **Cleaning.** Soiled containers must be cleaned at a frequency to prevent insect and rodent attraction. Containers must be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam must be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations must be disposed of as sewage.

1547.0074 GARBAGE AND REFUSE STORAGE.

Subpart 1. **Types of storage.** Garbage and refuse on the premises must 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, or baled units that contain garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

Subp. 2. **Storage rooms.** Garbage or refuse storage rooms, if used, must be constructed of easily cleanable, nonabsorbent, washable materials, must be kept clean, must be insect- and rodent-resistant, and must be large enough to store the garbage and refuse containers required by disposal pick-up frequency.

Subp. 3. **Outside storage.** Outside storage areas or enclosures, if used, must be kept clean and must be large enough to store the garbage and refuse containers required by disposal pick-up frequency. Garbage and refuse containers, dumpsters, and compactor systems located outside must be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

1547.0075 GARBAGE AND REFUSE DISPOSAL.

Garbage and refuse must be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.

If garbage or refuse is burned on the premises, it must be done by controlled incineration in accordance with law. Areas around incineration units must be kept clean and orderly.

1547.0076 INSECT AND RODENT CONTROL; GENERAL.

Effective measures must be used to minimize the entry, presence, and propagation of rodents, flies, cockroaches, or other insects. The premises must be maintained in a condition that prevents the harborage or feeding of insects or rodents.

1547.0077 OPENINGS.

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

1547.0078 FLOOR CONSTRUCTION.

Subpart 1. **Materials.** Except as specified in part 1547.0079, floors and floor coverings of food preparation, food storage, and warewashing areas, and the floors of walk-in refrigerators, dressing rooms, locker rooms, toilet rooms, and vestibules, must be constructed of smooth durable material such as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl asbestos

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or plastic tile, or tight-fitting wood impregnated with plastic, and must be maintained in good repair. Nothing in this section prohibits the use of antislip floor covering in areas where necessary for safety reasons.

Subp. 2. **Wet floors.** Floors that are water flushed or receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, must be provided with properly installed trapped drains. These floors must be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials, and must be graded to drain.

Subp. 3. **Floor junctures.** In establishments using concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors must be coved and sealed. In other cases, the juncture between walls and floors must be coved so as not to present an open seam of more than 1/32 inch (0.8 millimeters).

1547.0079 FLOOR CARPETING.

Carpeting, if used as a floor covering, must be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting must not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas where urinals or fixtures are located.

1547.0080 PROHIBITED FLOOR COVERING.

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials must not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors.

1547.0081 MATS AND DUCKBOARDS.

Mats and duckboards must be of nonabsorbent, grease-resistant materials and of a size, design, and construction to facilitate cleaning and must be maintained in good repair.

1547.0082 UTILITY LINE INSTALLATION.

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

1547.0083 MAINTENANCE.

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

1547.0084 CONSTRUCTION.

Walls, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas, and toilet rooms and their vestibules must be smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations must be finished and sealed to provide a smooth, easily cleanable surface.

1547.0085 EXPOSED CONSTRUCTION.

Studs, joists, and rafters must not be exposed in those areas listed in part 1547.0084. If exposed in other rooms or areas, they must be finished to provide a cleanable surface.

1547.0086 UTILITY LINE INSTALLATION.

Utility service lines and pipes must not be unnecessarily exposed on walls or ceilings in those areas listed in part 1547.0084. Exposed utility service lines and pipes must be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

1547.0087 ATTACHMENTS.

Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar attachments to walls and ceilings must be easily cleanable and maintained in good repair.

1547.0088 COVERING MATERIAL INSTALLATION.

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

1547.0089 CLEANING PHYSICAL FACILITIES; GENERAL.

Cleaning of floors, walls, and ceilings must 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 must be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust-arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (for example, light fixtures, vent covers, wall-mounted fans, and similar equipment), and decorative materials (for example, signs and advertising materials) must be kept clean.

1547.0090 SERVICE SINKS.

At least one service sink or curbed cleaning facility with a floor drain must be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Handwashing or warewashing facilities, or food preparation sinks must not be used for this purpose.

1547.0091 LIGHTING; GENERAL.

Permanently fixed artificial light sources must be installed to provide at least 20 foot candles (215 lux) of light on food preparation surfaces and at warewashing work levels.

Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches (762 millimeters) from the floor:

A. at least 20 foot candles (215 lux) of light in sales areas, utensil and equipment storage areas, and handwashing and toilet areas; and

B. at least ten foot candles (108 lux) of light in walk-in refrigeration units, dry food storage areas, and other areas.

1547.0092 PROTECTIVE SHIELDING.

Lamps located over exposed food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored must be shielded, coated, or otherwise shatter-resistant.

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

1547.0093 VENTILATION; GENERAL.

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

1547.0094 DRESSING ROOMS AND AREAS.

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

1547.0095 LOCKER AREAS.

Lockers or other suitable facilities must be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or areas, or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

1547.0096 POISONOUS OR TOXIC MATERIALS PERMITTED.

Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, must be present in retail food stores, except those items being stored or displayed for retail sale as described in part 1547.0100.

1547.0097 LABELING OF MATERIALS.

Containers of poisonous or toxic materials necessary for operational maintenance of the establishment must be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents must be individually labeled for easy identification of contents.

1547.0098 STORAGE OF MATERIALS.

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

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and located to be physically separated from each other; must be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, must not be stored above or intermingled with food, food equipment, utensils, or single-service articles. This latter requirement does not prohibit the convenient availability of detergent sanitizers at warewashing facilities.

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1547.0099 USE OF MATERIALS.

Sanitizers, cleaning compounds, or other compounds intended for use on food contact surfaces must not be used in a way that leaves a toxic residue on the surfaces or in a way that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils or in a way other than in full compliance with the manufacturer's labeling.

1547.0100 STORAGE AND DISPLAY OF TOXIC OR POISONOUS MATERIALS.

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

1547.0101 FIRST-AID SUPPLIES AND PERSONAL MEDICATIONS.

Retail food store employee first-aid supplies and personal medications must be stored in a way that prevents them from contaminating food and food contact surfaces.

1547.0102 PREMISES; GENERAL.

Retail food store and parts of the property used in connection with operations of the establishment must be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.

The walking and driving surfaces of exterior areas of retail food stores must be surfaces with concrete, asphalt, or gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces must be graded to facilitate drainage.

1547.0103 LIVING AREAS.

A retail food store operation may not be conducted in a room used as living or sleeping quarters. Retail food store operations must be separated from living or sleeping quarters by complete partitioning and solid, self-closing doors.

1547.0104 LAUNDRY FACILITIES.

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

Separate rooms must be provided for laundry facilities, except that laundry operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

1547.0105 LINENS AND WORK CLOTHES STORAGE.

Clean work clothes and linens, including articles such as wiping cloths, must be stored in a clean place and protected from contamination until used.

Soiled work clothes and linens, including articles such as wiping cloths, must be kept in nonabsorbent containers or washable laundry bags until removed for laundering and must be stored to prevent contamination of food, food equipment, and utensils.

1547.0106 CLEANING EQUIPMENT STORAGE.

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

1547.0107 ANIMALS.

Live animals must be excluded from within retail food store operational areas and from immediately adjacent areas inside the store under control of the owner. This exclusion does not apply to edible fish, crustacea, shellfish, or fish in aquariums.

Live or dead fish bait must be stored separately from food or food products.

Patrol dogs accompanying security or police officers are 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 sight or hearing impaired persons must be permitted in sales areas.

While on duty, persons employed in the food operational areas of an establishment must not care for or handle pets or patrol or sentry dogs.

1547.0108 LICENSE TO OPERATE; GENERAL.

A person must not operate a retail food store without a valid license to operate a retail food store issued to that person by the Department of Agriculture. The license is not transferable. A valid license must be obtained before engaging in business and must be posted in the retail food store.

1547.0109 ISSUANCE OF LICENSE.

Any person desiring to operate a retail food store must make written application for a license to operate a retail food store on forms provided by the Department of Agriculture. The application must include the name and address of each applicant, the location and type of the proposed retail food store, the signature of each applicant, and other required information.

Before approving an application for a license to operate a retail food store, the Department of Agriculture must inspect the proposed retail food store to determine compliance with the provisions of this chapter.

The Department of Agriculture shall issue a license to operate a retail food store if its inspection reveals that the proposed retail food store is designed, constructed, and equipped to be operated in a manner that protects the public health.

1547.0110 REVIEW OF PLANS.

Before construction or major remodeling of a retail food store, and when an existing structure is converted to use as a retail food store, properly prepared plans and specifications for construction, major remodeling, or conversion must be submitted to the Department of Agriculture for review and approval. The plans and specifications must show the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Department of Agriculture will treat the plans and specifications as confidential or trade secret information in accordance with law and will approve the plans and specifications if they meet the requirements of this chapter. A retail food store may not be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Department of Agriculture.

1547.0111 PREOPERATIONAL INSPECTION.

If plans and specifications are required by part 1547.0110, the Department of Agriculture shall inspect the retail food store before the start of operations to determine compliance with the approved plans and specifications and with the requirements of this chapter.

1547.0112 EXISTING ESTABLISHMENTS.

Building facilities and equipment in use before the effective date of this chapter that do not meet fully the design and fabrication requirements of this chapter are acceptable if they are in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

New building facilities and new equipment for which contractual obligations are incurred before the effective date of this chapter that do not fully meet the design and fabrication requirements of this chapter are acceptable if they are capable of being maintained in a sanitary condition and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

Department of Human Services

Proposed Permanent Rules Relating to Work Readiness Program

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes 1987 Supplement*, section 256D.051, subdivision 8 and *Minnesota Statutes*, section 256D.051, subdivision 14.

All persons have 30 days or until 4:30 p.m. on April 20, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

In the Matter of the Adoption of the
Rule of the Minnesota Department
of Agriculture Governing Retail Food
Store Sanitation

DECLARATION
OF COUNSEL

I, Paul Strandberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, Chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0986.

Paul Strandberg
Special Assistant Attorney General

Date: 5/2/88