

## CHAPTER 13

### FOOD SALVAGE

#### Section 1. Handling of Distressed Merchandise.

(a) Any person owning or having possession of distressed merchandise shall contact the director:

(i) Within 24 hours after the merchandise becomes distressed; and

(ii) Prior to its removal from the place at which it was located when it became distressed merchandise.

(b) If emergency removal of such distressed merchandise is required, or immediate contact with the director cannot be made, such notice to the director shall be made as soon thereafter as possible.

(c) The salvage distributor or manager of the salvage processing plant shall contact the director within forty-eight (48) hours whenever distressed merchandise subject to the provisions of this Rule is obtained.

(d) Distressed and salvageable merchandise shall:

(i) Be moved from the site of a fire, flood, sewer backup, wreck or other cause as expeditiously as possible so as not to become putrid, a rodent or insect harborage, or otherwise a menace to public health;

(ii) If of a perishable nature prior to reconditioning, be transported only in vehicles provided with adequate refrigeration if necessary for product maintenance; and

(iii) Not be shipped interstate without prior approval of the director.

(e) Distressed articles other than food that are also salvaged shall be handled in rooms separate from those in which foods are reconditioned.

(f) Sufficient precautions shall be taken to prevent cross-contamination (animal feed to human food, etc.) among the various types of merchandise which are salvageable or salvaged.

(g) Contaminated foods shall be separated immediately from non-contaminated foods.

Section 2. Reconditioning and Labeling of Distressed Merchandise.

(a) All salvageable merchandise shall be reconditioned prior to sale or distribution except for such sale or distribution to a person who meets all applicable requirements of this Rule and is acceptable to the director.

(b) All metal cans of food offered for sale or distribution shall be essentially free from rust (pitting) and dents (especially at rim, end double seams and/or side seams).

(i) Leakers, springers, flippers, and swells shall be deemed unfit for sale or distribution.

(ii) Metal or glass containers of food with press caps, screw caps, pull rings or other types of openings which have been in contact with:

(A) Water, liquid foam; or

(B) Other deleterious substances, as a result of fire fighting efforts, flood, sewer backups or similar mishaps, shall be:

(I) Deemed unfit for sale or distribution, and considered non-salvageable merchandise.

(c) Metal containers of food, other than those mentioned in (b) above:

(i) Whose integrity has not been compromised;

(ii) Whose integrity would not be compromised by reconditioning; and

(iii) Which have been partially or totally submerged in water, liquid foam, or other deleterious substance as the result of flood, sewer backup or other reasons shall be:

(A) Thoroughly cleaned; and

(B) Subjected to a sanitizing rinse of a concentration of 100 ppm available chlorine for a minimum period of one minute; or

(C) Sanitized by another method approved by the director.

(iv) Shall subsequently be treated to inhibit rust formation.

(d) Cans or tins showing surface rust shall have:

- (i) Labels removed;
  - (ii) The outer surface cleaned by buffing;
  - (iii) A protective coating applied when necessary; and
  - (iv) New labels applied.
- (e) Relabeling of other salvageable non-metal (glass, plastic, etc.) containers shall be required when original labels are missing or illegible.
- (f) All salvageable merchandise shall:
- (i) Be labeled to indicate that the merchandise has been salvaged; and
  - (ii) Be in containers provided with labels meeting the requirements of W.S. 35-7-119 Fair packaging and labeling provisions, and regulations promulgated under that Act for products in interstate commerce.
- (d) If original labels that are removed from containers which are to be resold or redistributed, the distributor must show the name and address of the salvage processing plant, as well as the date of reconditioning for sale or distribution.

### Section 3. Handling of Non-Salvageable Merchandise.

- (a) Foods shall be deemed to be non-salvageable merchandise if:
- (i) They are contaminated and/or adulterated by pesticides or other chemicals;
  - (ii) They are potentially hazardous foods which have been exposed to a temperature above 41°F (5°C) for a period exceeding four (4) hours;
  - (iii) They are foods found unfit for salvage upon examination;
  - (iv) They are foods packaged in paper or other porous materials which have been subject to contamination; and
  - (v) They are foods so packaged that contaminating residues cannot be removed.
- (b) Non-salvageable merchandise shall not be sold or distributed as food, but shall be disposed of in a manner approved by and under the supervision of the regulatory authority.

Section 4. Records.

(a) A written record or receipt of distressed, salvageable and salvaged merchandise shall be kept by the salvage processing plant for inspection by the regulatory authority during business hours.

(i) The records shall include:

- (A) The name of the product;
- (B) The name and address of the manufacturer or distributor;
- (C) The production code;
- (D) Container sizes;
- (E) Source of the distressed merchandise;
- (F) The date received;
- (G) The type of damage; and
- (H) The salvage process conducted.

(ii) These records shall be kept on the premises of the salvage processing plant for a period of two (2) years following the completion of transactions.

(b) A written record shall be kept by salvage handlers on forms provided by the director.

(i) The record shall include, among other information requested by the director:

- (A) Name and address of manufacturer or distributor;
- (B) Description of food;
- (C) Production codes;
- (D) Container sizes;
- (E) Date and time of accident or other event which caused merchandise to be distressed;

- (F) Date and time of removal;
- (G) Hours without refrigeration, when applicable;
- (H) Type and extent of damage;
- (I) Methods used for moving;
- (J) Amount of merchandise destroyed;
- (K) Method of destruction;
- (L) Landfill receipt number;
- (M) Location of landfill; and
- (N) License and trailer numbers of all vehicles used to transport distressed food.

Section 5. Embargo of Distressed Food.

(a) Whenever a "notice of embargo" has been placed on or about any premises or vehicle by the regulatory authority, any person, acting as a salvage handler, must handle the distressed merchandise within the conditions outlined on the notice.

(i) The "notice of embargo" must be kept in the general area of the distressed merchandise at all times.

(b) Distressed merchandise which is under embargo may be transferred and moved to a nearby location for further handling.

(i) In all cases the regulatory authority must be notified when distressed merchandise is moved.

(c) Upon final disposition of all distressed merchandise, the salvage handler must return the "notice of embargo" and all other records required by this Rule to the regulatory authority within three (3) days.