

## CHAPTER 9

### CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

#### Section 1. Floor, Wall, and Ceiling Surface Characteristics.

(a) Except as specified under Chapter 9, Section 1(b), materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(i) Smooth, durable, and easily cleanable for areas where establishment or processing plant operations are conducted;

(ii) Closely woven and easily cleanable carpet for carpeted areas; and

(iii) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile establishment servicing areas, and areas subject to flushing or spray cleaning methods.

(b) In a temporary establishment:

(i) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other approved materials that are effectively treated to control dust and mud; and

(ii) Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.

#### Section 2. Floors, Walls, and Ceilings; Designed and Installed.

(a) Except as specified under Chapter 9, Section 3, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, except that anti-slip floor coverings or applications may be used for safety reasons.

#### Section 3. Floor Carpeting, Restrictions and Installation.

(a) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

(b) If carpeting is installed as a floor covering in areas other than those specified

under Section (a), it shall be:

- (i) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by other approved method; and
- (ii) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

Section 4. Absorbent Materials on Floors, Use Limitation.

- (a) Except as specified under Chapter 9, Section 12(b), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

Section 5. Floor Covering, Mats and Duckboards.

- (a) Mats and duckboards shall be designed to be removable and easily cleanable.

Section 6. Floor and Wall Junctures, Coved, and Enclosed or Sealed.

- (a) In establishments or processing plants in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second (1/32) inch (1 mm).
- (b) The floors in establishments or processing plants in which water flush cleaning methods are used shall be provided with drains and be graded to drain and the floor and wall junctures shall be coved and sealed.

Section 7. Floors, Walls, and Ceilings; Utility Lines.

- (a) Utility service lines and pipes may not be unnecessarily exposed.
- (b) Exposed utility service lines and pipes shall be installed to not obstruct or prevent cleaning of the floor, walls, or ceilings.
- (c) Exposed horizontal utility service lines and pipes may not be installed on the floor.

Section 8. Wall and Ceiling Coverings and Coatings.

(a) Wall and ceiling covering materials shall be attached so that they are easily cleanable.

(b) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

Section 9. Walls and Ceilings, Studs, Joists, and Rafters.

(a) Studs, joists, and rafters may not be exposed in areas subject to moisture. This requirement does not apply to temporary establishments.

Section 10. Walls and Ceilings, Attachments.

(a) Except as specified under Chapter 9, Section 10(b), attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall-mounted fans, decorative items, and other attachments shall be easily cleanable.

(b) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

Section 11. Cleaning, Frequency and Restrictions.

(a) The physical facilities shall be cleaned as often as necessary to keep them clean.

(b) Cleaning shall be done during periods when the least amount of food is exposed, such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

Section 12. Cleaning Floors, Dustless Method.

(a) Except as specified under Chapter 9, Section 12(b), only dustless methods of cleaning shall be used, such as vacuum cleaning, wet cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

(b) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

- (i) Without the use of dust-arresting compounds; and
- (ii) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

Section 13. Warewashing Sinks, Use Limitation.

- (a) A warewashing sink may not be used for handwashing or dumping mop water.
- (b) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under Chapter 7, Section 10, before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under Chapter 7, Section 16, before and after using the sink to wash produce or thaw food.

Section 14. Cleaning Maintenance Tools, Preventing Contamination.

- (a) Food preparation sinks, handwashing lavatories, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

Section 15. Service Sink.

- (a) At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.
- (b) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

Section 16. Light Intensity.

- (a) The light intensity shall be:
  - (i) At least 10 foot candles (108 lux) at a distance of thirty (30) inches (75 cm) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;
  - (ii) At least twenty (20) foot candles (215 lux):

(A) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;

(B) Inside equipment such as reach-in and under-counter refrigerators;

(C) At a distance of thirty (30) inches (75 cm) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and

(iii) At least fifty (50) foot candles (540 lux) at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor; and

(iv) A minimum of fifty (50) foot candles (540 lux) of shadow free lighting at the inspection surfaces of the head, viscera, and carcass.

#### Section 17. Light Bulbs, Protective Shielding.

(a) Except as specified under Chapter 9, Section 17(b), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

(b) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:

(i) The integrity of the packages cannot be affected by broken glass falling onto them; and

(ii) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(c) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

#### Section 18. Mechanical Ventilation.

(a) If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

Section 19. Ventilation Hood Systems, Adequacy.

(a) Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

Section 20. Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.

(a) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

(b) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

Section 21. Storage of Other Personal Care Items.

(a) Except as specified under Chapter 9, Sections 37 and 38, employees shall store their personal care items in facilities as specified under Chapter 9, Section 23.

Section 22. Employee Accommodations.

(a) Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles cannot occur.

Section 23. Dressing Rooms and Lockers.

(a) Dressing rooms shall be designated and used by employees if the employees regularly change their clothes in the establishment or processing plant.

(b) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

(c) In new construction, lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

Section 24. Presence and Use of Toxic Materials.

(a) Only those poisonous or toxic materials that are required for the operation and maintenance of an establishment or processing plant, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in an establishment or processing plant.

(b) Chapter 9, Section 24(a) does not apply to packaged poisonous or toxic materials that are for retail sale.

Section 25. Identifying Information, Prominence.

(a) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

Section 26. Working Containers, Chemicals.

(a) Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

Section 27. Chemical Storage.

(a) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(i) Separating the poisonous or toxic materials by spacing or partitioning; and

(ii) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Section 28. Storage and Display.

(a) Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(i) Separating the poisonous or toxic materials by spacing or partitioning; and

(ii) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

Section 29. Sanitizers, Criteria.

(a) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions).

Section 30. Drying Agents, Criteria.

(a) Drying agents used in conjunction with sanitization shall:

(i) Contain only components that are listed as one of the following:

(A) Generally recognized as safe for use in food as specified in 21 CFR 182 -Substances Generally Recognized as Safe, or 21 CFR 184 -Direct Food Substances Affirmed as Generally Recognized as Safe;

(B) Generally recognized as safe for the intended use as specified in 21 CFR 186 -Indirect Food Substances Affirmed as Generally Recognized as Safe;

(C) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181 -Prior-Sanctioned Food Ingredients;

(D) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR parts 175 Indirect Food Additives: Adhesives and Components of Coatings through 21 CFR 178 Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; or

(E) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; and

(ii) When sanitization is with chemicals, the approval required under Chapter 9, Section 30(a)(i)(C) or (a)(i)(E), or as an indirect food additive required under Chapter 9, Section 30(a)(i)(D), shall be specifically for use with chemical sanitizing solutions.

Section 31. Lubricants.

(a) Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.

Section 32. Restricted Use Pesticides, Criteria.

(a) Restricted use pesticides specified under Chapter 9, Section 34(a)(iii), shall meet the requirements specified in 40 CFR 152 Subpart I - Classification of Pesticides.

Section 33. Boiler Water Additives, Criteria.

(a) Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310 Boiler Water Additives.

Section 34. Conditions of Use.

(a) Poisonous or Toxic Materials shall be:

(i) Used according to:

(A) Law and this Rule;

(B) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in an establishment;

(C) The conditions of certification, if certification is required, for use of the pest control materials; and

(D) Additional conditions that may be established by the regulatory authority; and

(ii) Applied so that:

(A) A hazard to employees or other persons is not constituted; and

(B) Contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted-use pesticide, this is achieved by:

- (I) Removing the items;
- (II) Covering the items with impermeable covers; or
- (III) Taking other appropriate preventive actions; and
- (IV) Cleaning and sanitizing equipment and utensils after the application.

(iii) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 U.S.C. 136(e) certified applicator, of the federal insecticide, fungicide and rodenticide act, or a person under the direct supervision of a certified applicator.

Section 35. Poisonous or Toxic Material Containers.

(a) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

Section 36. Medicines.

(a) Only those medicines that are necessary for the health of employees shall be allowed in an establishment or processing plant. This Section does not apply to medicines that are stored or displayed for retail sale.

(b) Medicines that are in an establishment or processing plant for the employees' use shall be labeled as specified under Chapter 9, Section 25, and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Section 37. Refrigerated Medicines, Storage.

(a) Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be:

(i) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and

(ii) Located so they are inaccessible to children.

Section 38. First Aid Supplies.

(a) First aid supplies that are in an establishment or processing plant for the employees' use shall be:

(i) Labeled as specified under Chapter 9, Section 25; and

(ii) Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Section 39. Facilities in Good Repair.

(a) The physical facilities shall be maintained in good repair.

Section 40. Maintaining Premises, Unnecessary Items and Litter.

(a) The premises shall be free of:

(i) Items that are unnecessary to the operation or maintenance of the establishment or processing plant such as equipment that is nonfunctional or no longer used; and

(ii) Litter.

Section 41. Private Homes and Living or Sleeping Quarters, Use Prohibition.

(a) A private home, a room used as living or sleeping quarters or an area directly opening into a room used as living or sleeping quarters may not be used for conducting an establishment or processing plant operations.

Section 42. Living or Sleeping Quarters, Separation.

(a) Living or sleeping quarters located on the premises of an establishment or processing plant such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for an establishment or processing plant operations by complete partitioning and solid self-closing doors.

Section 43. Clothes Washers and Dryers.

(a) Except as specified in Chapter 9, Section 43(b), if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.

(b) If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under Chapter 9, Section 46, a mechanical clothes washer and dryer need not be provided.

#### Section 44. Use of Laundry Facilities.

(a) Except as specified under Chapter 9, Section 44(b), laundry facilities on the premises of an establishment shall be used only for the washing and drying of items used in the operation of the establishment or processing plant.

(b) Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering establishment or processing plant items.

#### Section 45. Mechanical Washing.

(a) Except as specified under Chapter 9, Section 45(b), linens shall be mechanically washed.

(b) In establishments or processing plants in which only wiping cloths are laundered as specified under Chapter 9, Section 43(b), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified under Chapter 7, Section 10.

#### Section 46. Wiping Cloths, Air-Drying Locations.

(a) Wiping cloths laundered in an establishment or processing plant that does not have a mechanical clothes dryer as specified under Chapter 9, Section 43(b), shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, single-service and single-use articles and the wiping cloths. This Section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under Chapter 7, Section 18.

#### Section 47. Clean Linens.

(a) Clean linens shall be free from food residues and other soiling matter.

#### Section 48. Linen Specifications.

(a) Linens that do not come in direct contact with food shall be laundered

between operations if they become wet, sticky, or visibly soiled.

(b) Cloth gloves used as specified under Chapter 5, Section 7(d), shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork, and fish.

(c) Linens and napkins that are used as specified under Chapter 3, Section 24, and cloth napkins shall be laundered between each use.

(d) Wet wiping cloths shall be laundered daily.

(e) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

#### Section 49. Storage of Soiled Linens.

(a) Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

#### Section 50. Drying Mops.

(a) After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

#### Section 51. Storing Maintenance Tools.

(a) Maintenance tools such as brooms, mops, vacuum cleaners and similar items shall be:

(i) Stored so they do not contaminate food, utensils, equipment, linens, and single-service and single-use articles; and

(ii) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

#### Section 52. Prohibiting Animals.

(a) Except as specified under Chapter 9, Section 52(b) and (c), live animals may not be allowed on the premises of an establishment or processing plant.

(b) Live animals may be allowed in the following situations if the

contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result:

- (i) Edible fish, or decorative fish in aquariums, shellfish, or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
  - (ii) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
  - (iii) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person if a health or safety hazard will not result from the presence or activities of the service animal; and
  - (iv) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
    - (A) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
    - (B) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
    - (C) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and
  - (v) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.
- (c) Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

#### Section 53. Outdoor Surface Characteristics.

- (a) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (b) Exterior surfaces of buildings and mobile establishments or processing plants shall be of weather-resistant materials.
- (c) Outdoor storage areas for refuse, recyclables, or returnables shall be of

materials specified under Chapter 8, Sections 74 and 75.

Section 54. Outdoor Food Vending Areas, Overhead Protection.

(a) If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement.

Section 55. Outdoor Servicing Areas, Overhead Protection.

(a) Servicing areas shall be provided with overhead protection except that areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

Section 56. Outdoor Walking and Driving Surfaces, Graded to Drain.

(a) Exterior walking and driving surfaces shall be graded to drain.

Section 57. Outdoor Refuse Areas, Curbed and Graded to Drain.

(a) Outdoor refuse areas shall be curbed and graded to drain to collect and dispose of liquid waste resulting from the refuse and/or from cleaning the area and waste receptacles.

Section 58. Facilities, Sanitation at Official Establishments Requiring Inspection.

(a) Official establishments shall be adequate for conducting inspection and meet the requirements specified in 9 CFR 307 Facilities For Inspection; 416 Sanitation; and 9 CFR 381 Poultry Products Inspection Regulations, Subpart G Facilities for Inspection; Overtime and Holiday Service; Billing Establishments, Subpart H Sanitation, and Subpart I Operating Procedures.