

CHAPTER 260. GOOD MANUFACTURING PRACTICE REGULATIONS

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[**Authority:** 63 O.S. 1981, Section 1-1101 et seq.]

[**Source:** Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

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310:260-1-1. Purpose; citation

(a) The Oklahoma State Board of Health finds and declares that a uniform statewide code is needed to regulate all food manufacturing, processing, packing, holding, transporting or salvaging operations conducting business within the State of Oklahoma, to provide for uniformity in inspecting of such establishments, and to protect the health of consumers by preventing the sale or distribution of foods which have become adulterated or misbranded.

(b) These rules and regulations may be cited as the Human Foods Good Manufacturing Practice Regulations.

310:260-1-2. Scope

The criteria in subchapter 3 shall apply in determining whether the facilities, methods, practices, and controls used in the manufacture, processing, packing, salvaging or holding of food are in conformance with or are operated or administered in conformity with good manufacturing practices to ensure that food for human consumption is safe and has been prepared, packaged, salvaged, or held under sanitary conditions.

310:260-1-3 Incorporation by reference

(a) Title 21, Parts 70 through 73A, 74A, 80 through 82B, 100

through 197, 1210, 1220, and 1250, Code of Federal Regulations (CFR), as of April 1, 1991, issued under the Federal Food, Drug and Cosmetic Act of April 1, 1986 are hereby incorporated by reference into this regulation, except: Parts 104.19, 109.5, 170.15, and 171.

(b) For purposes of the provisions adopted by reference, references to the "Secretary" or "Commissioner" shall be deemed to mean the Commissioner of Health for the State of Oklahoma, and "Department" shall be deemed to mean the Oklahoma State Department of Health.

(c) When a provision of the Code of Federal Regulations is incorporated by reference, all citations contained therein are also incorporated by reference, and the definitions contained therein shall apply.

(d) In the event that there are inconsistencies or duplications in the requirements of those provisions incorporated by reference from the CFR, and the requirements otherwise set forth herein, the provisions incorporated from the CFR shall prevail except where the regulations set forth herein are more stringent.

[**Source:** Amended at 9 Ok Reg 3145, eff 7-1-92 (emergency); Amended at 10 Ok Reg 1615, eff 6-1-93; Amended at 10 Ok Reg 3455, eff 7-1-93 (emergency); Amended at 11 Ok Reg 2627, eff 6-25-94]

310:260-1-4. Memorandums of agreement

Memorandums of agreement may be negotiated where possible with the federal agency to avoid duplication of inspection, when such agreements will satisfactorily fulfill the responsibility of the Commissioner of Health and the federal agency.

310:260-1-5. Exclusion

Persons engaged solely in the harvesting, storage, and distribution of one or more raw, unprocessed agricultural commodities are not subject to the provisions of this Chapter.

[**Source:** Amended at 10 Ok Reg 3455, eff 7-1-93 (emergency); Amended at 11 Ok Reg 2627, eff 6-25-94]

310:260-1-6. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Acid food or acidified food" means foods that have an equilibrium pH of 4.6 or below.

"Act" means Article 11 (Food) of the Oklahoma Public Health Code, Title 63 O.S. 1-1101 et.seq., as amended.

"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

"Batter" means a semi-fluid substance, usually composed of flour and other ingredients, into which principal components of food are dipped or with which they are coated, or which may be used directly to form bakery foods.

"Bin warehouse" means any building where pre-packaged food is stored, the operator or his employee is present no more than two hours daily, and no other operations are conducted.

"Blanching", except for tree nuts and peanuts, means a pre-packaging heat treatment of food stuffs for a sufficient time and at a sufficient temperature to partially or completely inactivate the naturally occurring enzymes and to effect other physical or bio-chemical changes in food.

"Corrosion-resistant" means capable of maintaining original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use.

"Critical control point" means a point in a food process where there is a high probability that improper control may cause, allow, or contribute to a hazard or filth in the final food or decomposition of the final food.

"Custom pecan cracking" means the cracking of whole pecans for individual customers. The pecans may be brought by the customer from off the premises or may be purchased from the cracker. Pecans may not be cracked for resale.

"Department" means the Oklahoma State Department of Health and its duly designated representatives.

"Distressed merchandise" means any food which has been subjected to improper storage; loss of label or identity; smoke, water, fumes, extreme temperatures, pressure or radiation which are due to natural disasters or otherwise; or which may have been rendered unsafe or unsuitable for human or animal consumption or use for any other reason.

"Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means the license holder, any individual having supervisory or management duties and any other person working in a food establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food establishment.

"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.

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

"Food storage warehouse" means any building, establishment or place where food is stored as a commercial venture or business, or is stored in connection with or as a part of a business.

"Grower" means a person who sells only whole pecans grown on his property.

"Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, an irritant, strong

sanitizer, flammable or which generates pressure through decomposition.

"Imminent public health hazard" means a situation wherein the evidence is sufficient to show that a product or practice, posing a significant threat or danger to health, creates a public health situation that should be corrected immediately to prevent injury and that should not be permitted to continue while a hearing or other formal proceeding is pending.

"Lot" means the food produced during a period of time indicated by a specific code.

"Manufacture" means the process of combining or purifying articles of food and packing same for sale to the consumer, either by wholesale or retail. Any firm, person, or corporation who represents itself as responsible for the purity and the proper labeling of any article of food by placing or having placed its name and address on the label of any food shall be deemed a manufacturer and shall be included within the meaning of these rules.

"Microorganism" means yeasts, molds, bacteria and viruses and includes, but is not limited to, species having public health significance. The term "undesirable microorganisms" includes those microorganisms that are of public health significance, that subject food to decomposition, that indicate that food is contaminated with filth, or that otherwise may cause food to be adulterated.

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

"Non-salvageable merchandise" means distressed merchandise which cannot be safely or practically reconditioned.

"Operator" means any person, partnership, corporation, association, cooperative or other business unit having the direct and primary responsibility for the construction, maintenance and operation of a food storage or food manufacturing plant or warehouse.

"Packaging" means any covering, wrapper, or container in which a product is placed for retail or wholesale distribution, either before or after sale, to a consumer. Packaging shall not be construed to include the inner wrapper.

"Pecan cracker/sheller" means a commercial establishment in which pecans are processed and/or packaged for human consumption, other than custom pecan cracking.

"Perishable foods" means any food of such type or in such condition or physical state that it may spoil or otherwise become unfit for human consumption.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, or any other public or

private legal entity.

"Personnel" means all persons employed by a food manufacturer, salvage establishment or salvage broker who do or may in any manner handle or come in contact with the handling, storage, transporting, selling or distributing of food, salvageable or salvaged merchandise.

"Pest" means any objectionable animal or insect including, but not limited to, birds, rodents, flies and larvae.

"Plant" means the building or facility or parts thereof, used for or in connection with the manufacturing, packaging, labeling or holding of human food.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below a water activity (a_w) value of 0.85 or less.

"Processing" means the preparing of a food in a manner which changes the food from its original state.

"Processor" means anyone processing food.

"Quality control operation" means a planned and systematic procedure for taking all actions necessary to prevent food from being adulterated.

"Reconditioning" means any appropriate process or procedure by which distressed merchandise can be brought into compliance with the standards of the Department for consumption or use by the public.

"Refuse" means all garbage, trash, and rubbish not intended for reuse as salvaged merchandise.

"Rework" means clean, unadulterated food that has been removed from processing for reasons other than insanitary conditions or that has been successfully reconditioned by reprocessing and that is suitable for use as food.

"Safe moisture level" is a level of moisture low enough to prevent the growth of undesirable microorganisms in the finished product under the intended conditions of manufacturing, storage and distribution. The maximum safe moisture level for a food is based on its water activity (a_w). An a_w will be considered safe for a food if adequate data are available that demonstrate that the food at or below the given a_w will not support the growth of undesirable microorganisms.

"Safe temperatures" as applied to potentially hazardous food means food temperature of 45°F or below 140°F or above.

"Sale or distribution" means the act of selling or distributing, whether for compensation or not, and includes delivery, holding or offering for sale, transfer, or other means of handling or trafficking.

"Salvage distributor or broker" means a person who engages in the business of selling, distributing, or otherwise trafficking in any distressed or salvaged merchandise who does not operate a salvage establishment.

"**Salvage establishment**" means any place of business engaged in reconditioning or by other means the salvaging of distressed merchandise or that sells, buys or distributes for human use any salvaged merchandise.

"**Salvage operator**" means a person who is engaged in the business of operating a salvage establishment.

"**Salvage processing plant**" means any establishment primarily engaged in the business of reconditioning or by other means the salvaging of distressed merchandise and which sells or distributes such merchandise for human use.

"**Salvage warehouse**" means a separate storage facility used by a salvage broker or salvage establishment for the purpose of holding distressed or salvaged merchandise. A salvage warehouse may not be used for the purpose of reconditioning or selling to consumers.

"**Salvageable merchandise**" means any distressed merchandise, as defined in this section, which can be reconditioned to the satisfaction of the Department.

"**Salvaged merchandise**" means any distressed merchandise that has been reconditioned to the satisfaction of the Department.

"**Sanitization**" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance and in substantially reducing the number of other microorganisms. Such treatments shall not adversely affect the product and shall be safe to the consumer.

"**Shall**" is used to state mandatory requirements.

"**Should**" is used to state recommended or advisory procedures or to identify recommended equipment.

"**Single-service articles**" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks and similar articles, intended to be discarded after one use.

"**Utensil**" means any implement used in the storage, preparation, transportation, or service of food.

"**Vehicle**" means any car, truck, bus or other means by which food or distressed, salvageable or salvaged merchandise is transported from one location to another.

"**Water activity**" (^aw) is a measure of the free moisture in a food and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

"**Wholesome**" means in sound condition, clean, free from adulteration and otherwise suitable for human consumption.

[**Source:** Amended at 8 Ok Reg 3099, eff 7-18-91 (emergency); Amended at 9 Ok Reg 1491, eff 5-1-92]

SUBCHAPTER 3. MANUFACTURING, PROCESSING, PACKING OR HOLDING HUMAN FOOD

Section

- 310:260-3-1. Personnel
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310:260-3-1. Personnel

(a) **Disease control.** Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination by which there is a reasonable possibility of food, food-contact surfaces, or food-packing materials becoming contaminated, shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected. Personnel shall be instructed to report such health conditions to their supervisors.

(b) **Cleanliness.** All persons working in direct contact with food, food-contact surfaces, and food-packaging materials shall conform to hygienic practices while on duty to the extent necessary to protect against contamination of food. The methods for maintaining cleanliness include, but are not limited to:

- (1) Wearing outer garments suitable to the operation in a manner that protects against the contamination of food, food-contact surfaces, or food-packaging materials.
- (2) Maintaining adequate personal cleanliness.
- (3) Washing hands thoroughly (and sanitizing if necessary to protect against contamination with undesirable microorganisms) in an adequate handwashing facility before starting work, after each absence from the work station, and at any other time when hands may have become soiled or contaminated.
- (4) Removing all insecure jewelry and other objects that might fall into food, equipment, or containers, and removing hand jewelry that cannot be adequately sanitized during periods in which food is manipulated by hand. If such hand jewelry cannot be removed, it may be covered by material which can be maintained in an intact, clean and sanitary condition and which effectively protects against the contamination by these objects of the food, food-contact surfaces, or food-packaging materials.
- (5) Maintaining gloves, if they are used in food handling, in an intact, clean, and sanitary condition. The gloves should be of an impermeable material, and intended for use in handling food.
- (6) Wearing, where appropriate, in an effective manner, hair nets, headbands, caps, beard covers, or other effective hair restraints.
- (7) Storing clothing or other personal belongings in areas other than where food is exposed or where equipment or utensils are washed.

(8) Confining the following to areas other than where food may be exposed or where equipment or utensils are washed: eating food, chewing gum, drinking beverages, or using tobacco.

(9) Taking any other necessary precautions to protect against contamination of food, food-contact surfaces, or food-packing materials with microorganisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicines applied to the skin.

(c) **Education and training.** Personnel responsible for identifying sanitation failures or food contamination should have a background of education or experience, or a combination thereof, to provide a level of competency necessary for production of clean and safe food. Food handlers and supervisors should receive appropriate training in proper food handling techniques and food protection principles and should be informed of the danger of poor personal hygiene and insanitary practices.

(d) **Supervision.** Responsibility for assuring compliance by all personnel with all requirements of this Chapter shall be clearly assigned to competent supervisory personnel.

(e) **Implementation.** The plant management shall take all reasonable measures and precautions to ensure that the provisions of the above subsections are achieved.

310:260-3-2. Grounds and plants

(a) **Grounds.** The grounds about a food plant under the control of the operator shall be kept in a condition that will protect against the contamination of food. The methods for adequate maintenance of grounds include, but are not limited to:

(1) Properly storing equipment, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place, or harborage for pests.

(2) Maintaining roads, yards, and parking lots, including dust and flying debris, so that they do not constitute a source of contamination in areas where food is exposed.

(3) Adequately draining areas that may contribute contamination to food by seepage, food-borne filth, or providing a breeding place for pests.

(4) Operating systems for waste treatment and disposal in an adequate manner so that they do not constitute a source of contamination in areas where food is exposed. If the plant grounds are bordered by grounds not under the operator's control and not maintained in the manner described in paragraph (a)(1) through (3) of this section, care shall be exercised in the plant by inspection, extermination, or other means to exclude pests, dirt, and filth that may be a source of food contamination.

(b) **Plant construction and design.** Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food-manufacturing purposes. The plant and facilities shall:

(1) Provide sufficient space for such placement of equipment

and storage of materials as is necessary for the maintenance of sanitary operations and the production of safe food.

(2) Permit the taking of proper precautions to reduce the potential for contamination of food, food-contact surfaces, or food-packing materials with microorganisms, chemicals, filth, or other extraneous material. The potential for contamination may be reduced by adequate food safety controls and operating practices or effective design, including the separation of operations in which contamination is likely to occur, by one or more of the following means: location, time, partition, air flow, enclosed systems, or other effective means.

(3) Permit the taking of proper precautions to protect food in outdoor bulk fermentation vessels by any effective means, including:

(A) Using protective coverings.

(B) Controlling areas over and around the vessels to eliminate harborage for pests.

(C) Checking on a regular basis for pests and pest infestation.

(D) Skimming the fermentation vessels, as necessary.

(4) Be constructed in such a manner that floors, walls, and ceilings may be adequately cleaned and kept in good repair; that drip or condensate from fixtures, ducts and pipes does not contaminate food, food-contact surfaces, or food packing materials; and that aisles or working spaces are provided between equipment and walls and are adequately unobstructed and of adequate width to permit employees to perform their duties and to protect against contaminating food or food-contact surfaces with clothing or personal contact.

(5) Provide adequate lighting in hand washing areas, dressing and locker rooms, and toilet rooms and in all areas where food is examined, processed, or stored and where equipment or utensils are cleaned.

(6) Provide safety-type light bulbs or protective shielding of artificial lighting fixtures located over, by, or within food storage or preparation areas and facilities where utensils and equipment are cleaned or stored, or otherwise protect against food contamination by broken glass.

(7) Provide adequate ventilation or control equipment to minimize odors and vapors (including steam and noxious fumes) in areas where they may contaminate food; and locate and operate fans and other air-blowing equipment in a manner that minimizes the potential for contaminating food, food-packaging materials, and food-contact surfaces.

(8) Provide, where necessary, adequate screening or other protection against pests.

(9) Provide adequate protection, from contamination, of food products, while being transported by vehicles.

310:260-3-3. Sanitary operations

(a) **General maintenance.** Buildings, fixtures, and other physical

facilities of the plant shall be maintained in a sanitary condition and shall be kept in repair sufficient to prevent food from becoming adulterated within the meaning of the Act. Cleaning operations shall be conducted in a manner that protects against contamination of food, food-contact surfaces, or food-packaging materials.

(b) **Cleaning and sanitizing substances.** Approved cleaning compounds and sanitizing agents used in cleaning and sanitizing procedures shall be free from undesirable microorganisms and shall be safe and adequate under the conditions of use. Compliance with this requirement may be verified by any effective means including purchase of these substances under a supplier's guarantee or certification, or examination of these substances for contamination. Only the following toxic materials that are required to maintain sanitary conditions may be used or stored in a plant where food is processed or exposed:

- (1) Those required to maintain clean and sanitary conditions;
- (2) Those necessary for use in laboratory testing procedures;
- (3) Those necessary for plant and equipment maintenance and operation; and
- (4) Those necessary for use in the plant's operations.

(c) **Storage of toxic materials.** Toxic cleaning compounds, approved sanitizing agents, and pesticide chemicals shall be identified, held, and stored in a manner that protects against contamination of food, food-contact surfaces, or food-packing materials. All relevant regulations promulgated by other Federal, State, and local government agencies for the application, use, or holding of these products shall be followed.

(d) **Pest control.** No pests or animals shall be allowed in any area of a food plant. Guard or guide dogs may be allowed in some areas of a plant if the presence of the dogs is unlikely to result in contamination of food, food-contact surfaces, or food-packing materials. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of food on the premises by pests. The use of insecticides or rodenticides is permitted only under precautions and restrictions that will protect against the contamination of food, food-contact surfaces, and food-packaging materials.

(e) **Sanitation of food-contact surfaces.** All food-contact surfaces, including utensils and food-contact surfaces of equipment, shall be cleaned as frequently as necessary to protect against contamination of food.

(1) Food-contact surfaces used for manufacturing or holding low-moisture food shall be in a dry, sanitary condition at the time of use. When the surfaces are wet-cleaned, they shall, when necessary, be sanitized and thoroughly dried before subsequent use.

(2) In wet processing, when cleaning is necessary to protect against the introduction of microorganisms into food, all food-contact surfaces shall be cleaned and sanitized before use and after any interruption during which the food-contact surfaces may have become contaminated. Where equipment and

utensils are used in a continuous production operation, the utensils and food-contact surfaces of the equipment shall be cleaned and sanitized as necessary.

(3) Non-food-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to protect against contamination of food.

(4) Single-service articles (such as utensils for one-time use, paper cups, and paper towels) should be stored in appropriate containers and shall be handled, dispensed, used, and disposed of in a manner that protects against contamination of food or food-contact surfaces.

(5) Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and product-contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production operation, the contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning and sanitizing. Sanitizing agents shall be approved, effective and safe under conditions of use. The wash solution for multi-use beverage containers must contain at least 3% caustic and must be maintained to at least 140 degrees F. temperature. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean and provide adequate sanitizing treatment.

(f) **Storage and handling of cleaned portable equipment and utensils.** Cleaned and sanitized portable equipment with food-contact surfaces and utensils should be stored in a location and manner that protects food-contact surfaces from contamination.

310:260-3-4. Sanitary facilities and controls

(a) **Water supply.** The water supply shall be sufficient for the operations intended and shall be derived from an adequate source in compliance with applicable water supply regulations adopted by the State Board of Health. Any water that contacts food or food-contact surfaces shall be safe and of adequate sanitary quality. Hot and cold running water under pressure shall be provided in all areas where required for the processing of food, for the cleaning of equipment, utensils, and food-packaging materials, or for employee sanitary facilities.

(b) **Plumbing.** Plumbing shall be of adequate design and adequately installed and maintained to:

- (1) Carry sufficient quantities of water to required locations throughout the plant.
- (2) Properly convey sewage and liquid disposable waste from the plant.
- (3) Avoid constituting a source of contamination to food,

water supplies, equipment, or utensils or creating an unsanitary condition.

(4) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(5) Provide that there is no backflow from, or cross-connection between, piping systems that discharge waste water or sewage and piping systems that carry potable water for food or food manufacturing or for equipment and utensil cleaning.

(c) **Sewage disposal.** Sewage disposal shall be made into an adequate and approved sewerage system which is in compliance with applicable wastewater disposal regulations adopted by the State Board of Health.

(d) **Toilet facilities.** The plant shall be provided with conveniently located toilets which shall be kept clean and in good repair. The toilet room shall be completely enclosed, well lighted vented to the outside, and equipped with a tight self-closing door. Any window opening shall be screened to prevent entrance of insects.

(e) **Hand-washing facilities.** Hand-washing facilities shall be adequate and convenient and shall be furnished with hot and cold running water at a suitable temperature. Compliance with this requirement includes:

(1) Hand-washing and, where appropriate, hand-sanitizing facilities at each location in the plant where good sanitary practices require employees to wash and/or sanitize their hands.

(2) Effective hand-cleaning and sanitizing preparations.

(3) Sanitary towel service or suitable drying devices.

(4) Devices or fixtures, such as water control valves, so designed and constructed to protect against recontamination of clean, sanitized hands.

(5) Readily understandable signs directing employees handling unprotected food, unprotected food-packaging materials, or food-contact surfaces to wash and, where appropriate, sanitize their hands before they start work, after each absence from post of duty, and when their hands may have become soiled or contaminated. These signs should be posted in the processing room(s) and in all other areas where employees may handle such food, materials, or surfaces and toilet facilities.

(6) Refuse receptacles that are constructed and maintained in a manner that protects against contamination of food, equipment or hands.

(f) **Rubbish and offal disposal.** Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, minimize the potential for the waste becoming an attractant and harborage or breeding place for pests, and protect against contamination of food, food-contact surfaces, water supplies, and ground surfaces.

(g) **Adequacy of facilities.** Each plant shall be equipped with adequate sanitary facilities and accommodations including, but not limited to, (a) through (f) of this section.

310:260-3-5. Equipment and utensils

(a) **Design, fabrication, installation and maintenance.** All plant equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable, shall meet NSF Standards, or equivalent, and shall be properly maintained. The design, construction, and use of equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces. Food-contact surfaces shall be corrosion-resistant and shall be made of nontoxic materials and designed to withstand the environment of their intended use and the action of food, and, if applicable, cleaning compounds and sanitizing agents. Food-contact surfaces shall be maintained to protect food from being contaminated by any source, including unlawful indirect food additives.

(b) **Seams.** Seams on food-contact surfaces shall be smoothly bonded or maintained so as to minimize accumulation of food particles, dirt, and organic matter and thus minimize the opportunity for growth of microorganisms.

(c) **Non-food contact equipment.** Equipment that is in the manufacturing or food-handling area and that does not come into contact with food shall be so constructed that it can be kept in a clean condition.

(d) **Holding, conveying and manufacturing systems.** Holding, conveying, and manufacturing systems, including gravimetric, pneumatic, closed, and automated systems, shall be of a design and construction that enables them to be maintained in an appropriate sanitary condition.

(e) **Thermometers.** Each freezer and cold storage compartment used to store and hold food capable of supporting growth of microorganisms shall be fitted with an indicating thermometer, temperature measuring device, or temperature recording device so installed as to show the temperature accurately to within +3°F. inside the compartment, and should be fitted with an automatic control for regulating temperature or with an automatic alarm system to indicate a significant temperature change during manual operation.

(f) **Instruments and controls.** Instruments and controls used for measuring, regulating, or recording temperatures, pH, acidity, water activity, or other conditions that control or prevent the growth of undesirable microorganisms in food shall be accurate and adequately maintained, and adequate in number for their designated uses.

(g) **Compressed air.** Compressed air or other gases mechanically introduced into food or used to clean food-contact surfaces or equipment shall be treated in such a way that food is not contaminated with unlawful indirect food additives.

310:260-3-6. Processes and controls

(a) **General sanitation requirements.** All operations in the receiving, inspecting, transporting, segregating, preparing,

manufacturing, packaging, processing and storing of food shall be conducted in accordance with adequate sanitation principles. Appropriate quality control operations shall be employed to ensure that food is suitable for human consumption and that food-packaging materials are safe and suitable. Overall sanitation of the plant shall be under the supervision of one or more competent individuals assigned responsibility for this function. All reasonable precautions shall be taken to ensure that production procedures do not contribute contamination from any source. Chemical, microbial, or extraneous material testing procedures shall be used where necessary to identify sanitation failures or possible food contamination. All food that has become contaminated to the extent that it is adulterated within the meaning of the Act shall be rejected, or if permissible, treated or processed to eliminate the contamination.

(b) **Raw materials and other ingredients.**

(1) Raw materials and other ingredients shall be inspected and segregated or otherwise handled as necessary to ascertain that they are clean and suitable for processing into food and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as necessary to remove soil or other contamination. Water used for washing, rinsing, or conveying food shall be safe and of potable quality. Water shall not be reused for washing, rinsing, or conveying if it increases the level of contamination of the food. Containers and carriers of raw materials should be inspected on receipt to ensure that their condition has not contributed to the contamination or deterioration of food.

(2) Raw materials and other ingredients shall either not contain levels of microorganisms that may produce food poisoning or other disease in humans, or they shall be pasteurized or otherwise be treated during manufacturing operations so that they no longer contain levels that would cause the product to be adulterated within the meaning of the Act.

(3) Raw materials and other ingredients susceptible to contamination with aflatoxin or other natural toxins, pesticides or herbicides, shall comply with current Food and Drug Administration regulations, guidelines, and action levels for poisonous or deleterious substances before these materials or ingredients are incorporated into finished food.

(4) Raw materials, other ingredients, and rework susceptible to contamination with pests, undesirable microorganisms, or extraneous material shall comply with applicable Food and Drug Administration regulations, guidelines, and defect action levels for natural or unavoidable defects if a manufacturer wishes to use the materials in manufacturing food.

(5) Raw materials, other ingredients, and rework shall be held in bulk, or in containers designed and constructed so as to protect against contamination and shall be held at such temperature and relative humidity and in such a manner as to

prevent the food from becoming adulterated within the meaning of the Act. Material scheduled for rework shall be identified as such and separated from other foods.

(6) Frozen raw materials and other ingredients shall be kept frozen. If thawing is required prior to use, it shall be done in a manner that prevents the raw materials and other ingredients from becoming adulterated within the meaning of the Act.

(7) Liquid or dry raw materials and other ingredients received and stored in bulk form shall be held in a manner that protects against contamination.

(c) **Manufacturing operations.**

(1) Equipment and utensils and finished food containers shall be maintained in an acceptable condition through appropriate cleaning and sanitizing, as necessary. Insofar as necessary, equipment shall be taken apart for thorough cleaning.

(2) All food manufacturing, including packaging and storage, shall be conducted under such conditions and controls as are necessary to minimize the potential for the growth of microorganisms, or for the contamination of food. This may include careful monitoring of physical factors such as time, temperature, humidity, a_w , p^H , pressure, flow rate, and manufacturing operations such as freezing, dehydration, heat processing, acidification, and refrigeration to ensure that mechanical breakdowns, time delays, temperature fluctuations, and other factors do not contribute to the decomposition or contamination of food.

(3) Food that can support the rapid growth of undesirable microorganisms, particularly those of public health significance, shall be held in a manner that prevents the food from becoming adulterated. Compliance with this requirement may be accomplished by any effective means, including:

(A) Maintaining refrigerated foods at 45°F (7.2°C) or below as appropriate for the particular food involved.

(B) Maintaining frozen foods in a frozen state.

(C) Maintaining hot foods at 140°F (60°C) or above.

(D) Heat treating acid or acidified foods to destroy mesophilic microorganisms when those foods are to be held in hermetically sealed containers at ambient temperatures.

(4) Measures such as sterilizing, irradiating, pasteurizing, freezing, refrigerating, controlling pH or controlling a_w that are taken to destroy or prevent the growth of undesirable microorganisms, particularly those of public health significance, shall be adequate under the conditions of manufacture, handling, and distribution to prevent food from being adulterated within the meaning of the Act.

(5) Work-in-process shall be handled in a manner that protects against contamination.

(6) Effective measures shall be taken to protect finished food from contamination by raw materials, other ingredients, or refuse. When raw materials, other ingredients, or refuse are unprotected, they shall not be handled simultaneously in a

receiving, loading, or shipping area if that handling could result in contaminated food. Food transported by conveyer shall be protected against contamination as necessary.

(7) Equipment, containers, and utensils used to convey, hold, or store raw materials, work-in-process, rework or food shall be constructed, handled, and maintained during manufacturing or storage in a manner that protects against contamination.

(8) Effective measures shall be taken to protect against the inclusion of metal or other extraneous material in food. Compliance with this requirement may be accomplished by using sieves, traps, magnets, electronic metal detectors, or other suitable effective means.

(9) Food, raw materials, and other ingredients that are adulterated shall be disposed in a manner that protects against the contamination of other food. If the adulterated food is capable of being reconditioned, it shall be reconditioned using a method that has been proven to be effective or it shall be reexamined and found not to be adulterated before being incorporated into other food.

(10) Mechanical manufacturing steps such as washing, peeling, trimming, cutting, sorting and inspecting, mashing, dewatering, cooling, shredding, extruding, drying, whipping, defatting, and forming shall be performed so as to protect food against contamination. Compliance with this requirement may be accomplished by providing adequate physical protection of food from contaminants that may drip, drain, or be drawn into the food. Protection may be provided by adequate cleaning and sanitizing of all food-contact surfaces, and by using time and temperature controls at and between each manufacturing step.

(11) Heat blanching, when required in the preparation of food, should be effected by heating the food to the required temperature, holding it at this temperature for the required time, and then either rapidly cooling the food or passing it to subsequent manufacturing without delay. Thermophilic growth and contamination in blanchers should be minimized by the use of adequate operating temperatures and by periodic cleaning. Where the blanched food is washed prior to filling, water used shall be safe and of adequate sanitary quality.

(12) Batters, breading, sauces, gravies, dressings, and other similar preparations shall be treated or maintained in such a manner that they are protected against contamination. Compliance with this requirement may be accomplished by any effective means, including the following:

(A) Using ingredients free of contamination.

(B) Employing adequate heat processes where applicable.

(C) Using adequate time and temperature controls.

(D) Providing adequate physical protection of components from contaminants that may drip, drain, or be drawn into them.

(E) Cooling to an adequate temperature during manufacturing.

(F) Disposing of batters at appropriate intervals to protect against the growth of microorganisms.

(13) Filling, assembling, packaging, and other operations shall

be performed in such a way that the food is protected against contamination. Compliance with this requirement may be accomplished by any effective means, including:

(A) Use of a quality control operation in which the critical control points are identified and controlled during manufacturing.

(B) Adequate cleaning and sanitizing of all food-contact surfaces and food containers.

(C) Using materials for food containers and food-packaging materials that are safe and suitable.

(D) Providing physical protection from contamination, particularly airborne contamination.

(E) Using sanitary handling procedures.

(14) Food such as, but not limited to, dry mixes, nuts, immediate moisture food, and dehydrated food, that relies on the control of a_w for preventing the growth of undesirable microorganisms shall be processed to and maintained at a safe moisture level. Compliance with this requirement may be accomplished by an effective means, including employment of one or more of the following practices as appropriate:

(A) Monitoring the pH of raw materials, food in process, and finished food.

(B) Controlling the soluble solids-water ratio in finished food.

(C) Protecting finished food from moisture pickup, by use of a moisture barrier or by other means, so that the a_w of the food does not increase to an unsafe level.

(15) Food such as, but not limited to, acid and acidified food, that relies principally on the control of pH for preventing the growth of undesirable microorganisms shall be monitored and maintained at a pH of 4.6 or below. Compliance with this requirement may be accomplished by an effective means, including employment of one or more of the following practices as appropriate:

(A) Monitoring the pH of raw materials, food in process, and finished food.

(B) Controlling the amount of acid or acidified food added to low-acid food.

(16) When ice is used in contact with food, it shall be made from water from a source in compliance with applicable water supply regulations adopted by the State Board of Health and shall be used only if it has been manufactured in accordance with current good manufacturing practice as outlined in these regulations, and provisions shall be made for drainage of water produced by melting ice.

(17) Food-manufacturing areas and equipment used for manufacturing human food shall not be used to manufacture nonhuman food-grade animal feed or inedible products, unless there is no reasonable possibility for the contamination of the human food. Food manufacturing shall not be performed in places of human residence nor shall manufacturing areas open directly into rooms occupied as residence or sleeping quarters.

(18) Meaningful coding of products sold or otherwise

distributed from a manufacturing, processing, packing, or repacking activity should be utilized to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records should be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than two years.

SUBCHAPTER 5. PECAN PROCESSING

Section

310:260-5-1. Pecan crackers/shellers

310:260-5-2. Custom pecan crackers

310:260-5-1. Pecan crackers/shellers

(a) **Physical facilities.** The physical facilities of a pecan cracker/sheller shall comply with Sections 310:260-3-2 through 310:260-3-5.

(b) **Cleaning and sanitizing.** All pecans shall be thoroughly cleaned to remove all foreign matter before sanitizing. After cleaning, pecans shall be subjected to a bactericidal process with:

(1) immersion in hot water at 170 degrees F. or more for at least 2 minutes or exposed to a flow of hot water at 170 degrees F. or more for at least 5 minutes, or exposed to hot air at a temperature of 180 degrees F. for at least 20 minutes in a properly constructed oven or hot air cabinet equipped with an indicating thermometer located in the coldest zone, or

(2) a 1000 PPM chlorine equivalent and a flotation process solution of 200 PPM chlorine equivalent, or

(3) exposure to steam in a properly designed cabinet for at least 15 minutes at 170 degrees F., or for at least 5 minutes at 200 degrees F., or

(4) exposure of a jet of live steam for at least 1 minute, or

(5) any other bactericidal treatment which has been proven by laboratory tests to effectively sanitize pecans and which has been approved by the Department.

(c) **Holding and drying.** Folding soaking or tempering, pecans must not be subjected to contamination. Drying of pecans must be done in such a manner as to prevent recontamination of moist pecans.

(d) **Sanitizing of equipment.** All equipment used for handling, storing, and transporting sanitized pecans and/or pecan meats shall be subjected to a bactericidal process approved by the Department. Approved processes shall include:

(1) exposure to steam in a properly constructed cabinet for at least 15 minutes at 170 degrees F., or for at least 5 minutes to at least 200 degrees F., or

(2) exposure to a jet of live steam for at least 1 minute, or

(3) immersion in or exposure to a flow of chlorine solution of not less than 200 PPM strength for at least 2 minutes, or

(4) immersion in hot water at 170 degrees F. or more for at

least 2 minutes or exposure to a flow of hot water at 170 degrees F. or more (at the outlet) for at least 5 minutes, or

(5) exposure to hot air at a temperature of 180 degrees F., for at least 20 minutes in a properly constructed oven or hot air cabinet equipped with an indicating thermometer located in the coldest zone, or

(6) any other bactericidal treatment which has been proven by laboratory tests to effectively sanitize equipment and which has been approved by the Department.

(e) **Other requirements.** Additionally, all pecan crackers/shellers shall be subject to Sections 310:260-3-1 and 310:260-3-6.

310:260-5-2. Custom pecan crackers

(a) **Signage.** The custom pecan cracking facility must display an easily readable sign which states: "Custom Pecan Operations are Exempt from Board of Health Regulations Pertaining to Cleaning and Sanitizing of Pecans/Processing Equipment. Pecans Cannot be Cracked for Resale" or words to that effect. A customer's own pecans left on the premises for custom pecan cracking must be separately labeled before and after custom cracking with the customer's name and address. Custom pecan crackers shall affix a statement, label, bill of sale, etc., to all custom cracked pecans which states: "Custom Pecan Cracking Operations are Exempt from Health regulations on Cleaning and Sanitizing of Pecans/Processing Equipment. Pecans Cannot Be Cracked for Resale" or words to that effect.

(b) **Other requirements.** Custom pecan crackers shall be subject to Sections 310:260-3-3 and 310:260-3-6.

SUBCHAPTER 7. SALVAGEABLE AND SALVAGED MERCHANDISE

Section

310:260-7-1. Merchandise protection

310:260-7-2. Movement of distressed merchandise

310:260-7-3. Reconditioning

310:260-7-4. Labeling

310:260-7-5. Handling of nonsalvageable merchandise

310:260-7-6. Record keeping

310:260-7-7. Salvage processors and distributors out-of-state

310:260-7-1. Merchandise protection

(a) **Protection from contamination.** All salvageable and salvaged merchandise, while being stored or processed at a salvage processing plant, or during transportation, shall be protected from contamination. All perishable foods shall be kept at such temperature as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperature (45 degrees F. or below; 140 degrees F. or above). Poisonous and toxic materials shall be identified, and handled under such conditions as will not contaminate other salvageable or salvaged merchandise or constitute a hazard to personnel.

(b) **Segregation of non-salvageable materials.** All salvageable

articles shall be promptly sorted and segregated from non-salvageable materials to prevent further contamination of goods to be salvaged or offered for sale or distribution.

310:260-7-2. Movement of distressed merchandise

(a) **Notice to department.** When merchandise becomes distressed as the result of train, automotive, airline, marine, or other conveyance accident; flood, wind, fire, sewer backup, or such other unforeseen catastrophe, it shall be the duty of the owner or claimant of such distressed merchandise to make personal contact with the Department within 24 hours after the merchandise becomes distressed and prior to removal from the place at which it was located when it became distressed merchandise. If emergency removal of such distressed merchandise is required, such notice to the Department shall be made as soon thereafter as possible. It shall be the duty of the owner or manager of the salvage processing plant to make contact with the Department within forty-eight (48) hours whenever distressed merchandise subject to the provisions of this regulation is obtained.

(b) **Movement of distressed merchandise.** Distressed merchandise shall be moved from the site of a fire, flood, sewer backup, wreck or other cause as expeditiously as possible after compliance with (a) of this section so as not to become putrid, rodent or insect harborage, or otherwise a menace to the public health. All distressed and salvageable merchandise of a perishable nature shall, prior to reconditioning, be transported only in vehicles provided with adequate refrigeration for product maintenance. No interstate movement of distressed or salvageable merchandise from or into Oklahoma shall be made without prior approval of the Department. Concurrence shall also be obtained from the U.S. Food and Drug Administration or U.S. Department of Agriculture, Animal and Plant Health Inspection Service (meat and poultry products), and as required by State law of the State to or from which such merchandise is being shipped, prior to such anticipated interstate movement.

310:260-7-3. Reconditioning

(a) **Salvageable merchandise.** All salvageable merchandise shall be reconditioned prior to sale or distribution.

(b) **Distressed or nonsalvageable merchandise.**

(1) 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).

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

(3) Containers, including metal and glass containers with press caps, screw caps, pull rings or other types of openings which have been in contact with non-potable water, liquid foam, or other deleterious substances, as a result of fire fighting efforts, flood, sewer backups or similar mishaps shall be deemed unfit for sale or distribution, i.e., nonsalvageable merchandise.

(c) **Metal containers of food.** All metal containers of food, other than those mentioned in (b) of this section whose integrity has not been compromised and whose integrity would not be compromised by the reconditioning, and 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, after thorough cleaning, be subjected to sanitizing rinse of a concentration of 200 ppm available chlorine for a minimum period of one minute, or shall be sanitized by another method approved by the Department. They shall subsequently be treated to inhibit rust formation. All other types of containers so damaged shall be deemed unfit for use or sale.

310:260-7-4. Labeling

(a) **Label removal.**

(1) Any cans or tins showing surface rust shall have labels removed, the outer surface cleaned by buffing, a protective coating applied where necessary, and shall be relabeled.

(2) Relabeling of other salvageable nonmetal (glass, plastic, etc.) containers shall be required when original labels are missing or illegible.

(b) **Relabeling.**

(1) All salvaged merchandise shall be labeled to indicate that the merchandise has been salvaged. All salvaged merchandise in containers is to be provided with labels meeting the requirement of Oklahoma statutes.

(2) Where original labels are removed from containers which are to be resold or redistributed, the replacement labels must show the name and address of the salvage establishment.

310:260-7-5. Handling of nonsalvageable merchandise

(a) **Nonsalvageable merchandise.** Food deemed to be nonsalvageable merchandise are:

(1) Foods contaminated and/or adulterated by pesticides or other chemicals;

(2) Potentially hazardous foods (frozen or those requiring refrigeration) which have been exposed to a temperature above 45°F (7.2°C) for a period exceeding 4 hours;

(3) Foods packaged in paper or other porous materials which have been subjected to contamination.

(4) Those described in Section 310:260-7-3 as nonsalvageable.

(b) **Distribution of nonsalvageable merchandise.** Nonsalvageable 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 Department.

310:260-7-6. Record keeping

(a) **Inspection by the Department.** A written record of receipt of distressed, salvageable and salvaged merchandise shall be kept by the salvage establishment or salvage broker for inspection by the Department during business hours.

(b) **Content of records.** The records shall include a general

description of distressed merchandise received, source of the distressed merchandise, the date received and the type of damage (fire, flood, etc.)

(c) **Retention of records.** These records shall be kept on the premises of the salvage establishment or salvage broker for a period of two years following the completion of transactions involving a lot of merchandise.

310:260-7-7. Salvage processors and distributors out-of-state

Salvaged merchandise from salvage processing plants and distributors located outside the jurisdiction of the State of Oklahoma may be sold or distributed within the State, if such plants and distributors conform to the provisions of this regulation or to substantially equivalent provisions and have a valid permit, for such sale or distribution, from the Department. To determine the extent of compliance with such provisions, the Department may accept reports from responsible authorities in other jurisdictions where such plants and distributors are located.

SUBCHAPTER 9. FOOD STORAGE WAREHOUSES

Section

- 310:260-9-1. Lighting and ventilation
- 310:260-9-2. Dry storage
- 310:260-9-3. Cold storage
- 310:260-9-4. Protection of stored food
- 310:260-9-5. Morgue
- 310:260-9-6. Toilet and handwashing facilities
- 310:260-9-7. Waste disposal
- 310:260-9-8. Exterior construction
- 310:260-9-9. Surroundings
- 310:260-9-10. Transportation and storage
- 310:260-9-11. Exemptions

310:260-9-1. Lighting and ventilation

(a) **Lighting.** All parts of the food storage warehouse shall be lighted so as to permit the activity for which the premises are used to be carried on safely and to permit effective cleaning and inspection of the premises. Safety shields on lights or safety type lights shall be used where needed for the protection of food storage.

(b) **Ventilation.** Where needed, rooms shall have sufficient ventilation to prevent any undue condensation or water vapor or objectionable odors, or temperature extremes.

310:260-9-2. Dry storage

(a) **Floors.** Floors shall be constructed of easily cleanable and reasonably smooth material. They shall be kept clean and in good repair.

(b) **Walls and ceiling.** Walls and ceiling shall be of sound construction, easily cleanable and kept reasonably free of dirt,

dust and cobwebs and in good repair.

310:260-9-3. Cold storage

(a) **Thermometers.** Each cold storage unit shall be equipped with an accurate and easily visible thermometer with the sensing element at least five feet above the floor.

(b) **Storage temperatures.** Perishable and potentially hazardous foods shall be stored at 45°F or below.

(c) **Frozen foods.** All frozen food shall be stored at a temperature of 0°F or below except for defrost cycles, loading or unloading, or for other temporary conditions beyond the immediate control of the person or company under whose care or supervision the frozen food is stored. However, the internal temperature of all frozen food shall be maintained at 0°F or below except when the product is subjected to the above-mentioned conditions; at such times the internal product temperature shall not exceed 10°F and such product shall be returned to 0°F as quickly as possible.

(d) **Floors.** Floors shall be constructed of material that can be easily kept clean, sanitary and in good repair.

(e) **Walls and ceilings.** Walls and ceiling shall be reasonably smooth, and kept clean and in good repair.

(f) **Defrosting.** During defrosting of overhead coils in cold storage rooms, stored food shall be effectively protected from contamination by condensation, drip or leakage.

310:260-9-4. Protection of stored food

(a) **Pests.** The operator shall take all reasonable measures to protect the area where food is kept or stored in a food storage warehouse against the entrance into the establishment, and the breeding or presence on the premises of rodents, birds, flies, roaches, weevils and other vermin.

(b) **Animals.** No dogs, cats, fowl, birds or any other type animal shall be permitted in a food storage warehouse, except that patrol dogs or guide dogs accompanying blind or deaf persons shall not be excluded.

(c) **Use of rodenticides.** When in use, rodenticides shall be placed in covered bait boxes where necessary to prevent spillage or possible contamination of stored food and danger to employees. All rodenticide baits shall be applied in such a manner as to prevent contamination of stored food products.

(d) **Approval and application of pesticides and rodenticides.** All pesticides and rodenticides used for control of vermin shall be in compliance with the Federal Insecticide, Fungicide and Rodenticide Act, and shall be applied in such a manner as to protect stored foods from contamination and in accordance with labeled instructions.

(e) **Labeling of toxics.** Cleaning materials, pesticides, rodenticides, and any other such hazardous substances used in the operation of the warehouse shall be stored in properly labeled containers in a closed closet or cabinet in a separate area from food products.

(f) **Pest control services.** When a licensed pest control service

is employed, it shall file at the warehouse a diagram of the bait station locations and the rodenticide in use. The operator should designate an employee to be responsible for the pest control program being used.

(g) **Storage of toxics.** Storage methods shall be used to minimize deterioration and prevent contamination of stored food products. Cleaning materials, pesticides, rodenticides, and any other hazardous substances shall be stored an adequate distance from stored food and single service articles to prevent contamination caused by leakage or spillage. Where multiple level storage methods are used, all such substances shall be stored below food or single service articles. Shelves, cabinets, dunnage and pallets shall be used where necessary to protect stored food products.

(h) **Storage on floors.** Skids or pallets shall provide a minimum of 6" clearance above the floor to facilitate cleaning, protection of the product, and for movement of air in refrigerated storage areas.

(i) **Space around walls.** Merchandise stored on skids or pallets shall be at least 18" away from any wall.

(j) **Access for cleaning.** Construction of shelving, cabinets, and storage methods used shall be such as to permit ready access for cleaning and sanitary inspection.

(k) **Overhead piping.** No overhead waste drain pipes or other overhead piping shall be used which presents a risk of contamination to foods stored below due to excess condensation or leakage. Protective shields may be used to eliminate this risk.

(l) **Animal feeds.** Bagged animal feeds shall be stored so as not to be intermingled with the storage of human food products. Storage on separate pallets is acceptable.

310:260-9-5. Morgue

(a) **Holding of damaged foods.** The operator of a food storage warehouse shall provide an area for the accumulation and holding of all damaged foods or foods which may be unwholesome.

(b) **Disposal of unwholesome foods.** The operator shall maintain a program of timely and proper disposal of unwholesome food to prevent development of unsanitary conditions or vermin breeding places and rodent harborage.

310:260-9-6. Toilet and handwashing facilities

(a) **Toilets.** The warehouse shall be provided with conveniently located toilets and shall be kept clean and in good repair. The toilet room shall be completely enclosed, well lighted, vented, and equipped with a tight, self-closing door. Any window opening shall be screened to prevent entrance of insects.

(b) **Handwashing facilities.** Handwashing facilities shall be adequate and conveniently located in relation to toilet areas. Handwashing facilities shall be equipped with hot and cold water, under pressure. Soap or detergent and paper towels or other single use drying devices shall be provided at all times. Handwashing facilities shall be kept clean and in good repair.

(c) **Sign.** A sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms.

310:260-9-7. Waste disposal

(a) **Liquid waste.** All liquid waste resulting from cleaning floors, equipment, flushing toilets, handwashing facilities, refrigeration equipment and air conditioners shall be disposed of in a sanitary manner. Where wastes cannot be discharged into a sanitary sewer, all wastes shall be discharged into a system which meets or exceeds the minimum standards for waste disposal, as approved by the Department.

(b) **Waste containers.** Containers shall be provided for trash or rubbish.

(c) **Maintenance.** The warehouse shall be free of unnecessary litter and rubbish, such as paper, empty containers, or other material that might serve as a place for harborage of rodents or other vermin.

(d) **Storage.** All garbage and waste shall be stored in covered containers. Reusable containers shall be non-absorbent, easily washable receptacles which are covered with close-fitting lids, pending removal. Disposable containers or liners may be used. Removal of garbage and waste shall be frequent and the holding area shall be kept clean.

(e) **Disposal.** All garbage and rubbish shall be disposed of at regular intervals of sufficient frequency and in such manner as to prevent the creation of unsanitary conditions.

310:260-9-8. Exterior construction

(a) **Outer openings.** The exterior of a food storage warehouse shall be so designed, fabricated and finished to minimize the entrance of insects, birds and rodents.

(b) **Screening.** All necessary ventilation louvers or openings into food storage warehouses shall be effectively screened against insects, birds and rodents.

(c) **Service connections.** All service connections through the exterior wall of the establishment, including water, gas, electrical and refrigeration connections shall be grommeted or sealed to prevent the entrance of insects, birds and rodents.

310:260-9-9. Surroundings

The outer premises of the food storage warehouse shall be reasonably clean, and well drained, free from any material or condition that creates rodent, bird and/or insect harborage and free from other nuisances and sources of contamination.

310:260-9-10. Transportation and storage

(a) **Sanitation.** All cars, trucks or other vehicles used in the transportation of processed food products shall be kept in a clean condition at all times. Refuse, dirt and waste products subject to decomposition shall be removed daily. Storage and transportation of finished food shall be under conditions that

will protect food against physical, chemical, and microbial contamination as well as against deterioration of the food and the container.

(b) **Food protection.** Food products shall be handled in such a manner so as to protect all food from deterioration while in transit. Foods, while in transit, shall be protected in such a manner as to preclude being contaminated by hazardous substances. Vehicles transporting potentially hazardous food shall be equipped to maintain safe temperatures at all times. An accurate and easily visible thermometer shall be provided for monitoring the temperature of frozen and refrigerated storage areas while food is being held or transported.

310:260-9-11. Exemptions

Bin warehouses, as defined, shall be exempt from the regulations pertaining to providing toilet and handwashing facilities, and water under pressure provisions. However, this exemption applies only to these provisions and all other regulations are applicable.

SUBCHAPTER 11. LICENSING, INSPECTIONS AND PLAN REVIEW

Section

- 310:260-11-1. Licensing
- 310:260-11-2. Inspections
- 310:260-11-3. Examination and condemnation of food
- 310:260-11-4. Plan review

310:260-11-1. Licensing

(a) **General.** No person shall operate a food manufacturing establishment, food storage warehouse, or a salvage establishment, who does not have a valid license issued to such person by the Oklahoma State Department of Health pursuant to Title 63 O.S. 1981, Section 1-1101 and following. Only a person who is in virtual compliance with the requirements of these rules and regulations shall be entitled to receive or retain such a license.

(b) **Applications.** Any person desiring to operate a food manufacturing establishment, food storage warehouse or salvage establishment, shall make written application for a license on forms provided by the Oklahoma State Department of Health. The applicant shall be the legal owner of the business. Such application shall include the name and address of each applicant, the location and type of proposed establishment, and the signature of each applicant or his authorized agent.

(c) **Expiration of license.** A license shall expire one year from the date of its issuance unless canceled or revoked prior to its expiration. For purposes in determining the expiration date of all licenses under this section, the date of issuance shall be deemed to be the date that an approved application for licensure is first issued by a duly authorized representative of the Health Department.

(d) **License revocation and suspension.** Procedures for revocation and suspension of licenses are stated in the Oklahoma

Administrative Procedures Act. These procedures provide for the licensee to be notified of his alleged violations of the Public Health Code and any of these rules. The procedures also provide for the licensee to have the opportunity to be present at a hearing and to present evidence in his defense. The Commissioner of Health's representative makes a recommendation or proposed order to the Commissioner of Health or Deputy Commissioner of Health in his or her stead. The Commissioner of Health or Deputy Commissioner of Health promulgates a final order revoking or suspending the license, dismissing the matter, or providing for other relief as allowed by statute. This final order is appealable to District Court if it is contrary to law or evidence. At any time after the action is filed against the licensee, the State Department of Health and the licensee may dispose of the matter by consent order or stipulation.

[**Source:** Amended at 8 Ok Reg 3099, eff 7-18-91 (emergency); Amended at 9 Ok Reg 1491, eff 5-1-92]

310:260-11-2. Inspections

Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food manufacturing establishment, food storage warehouse or salvage establishment at any reasonable time for the purpose of making inspections to determine compliance with these regulations. The representative shall be permitted to examine records maintained in the food manufacturing establishment, food storage warehouse or salvage establishment (or other location) to obtain information pertaining to the source of food and supplies in the establishment when deemed necessary for the enforcement of these regulations.

[**Source:** Amended at 8 Ok Reg 3099, eff 7-18-91 (emergency); Amended at 9 Ok Reg 1491, eff 5-1-92]

310:260-11-3. Examination and condemnation of food

Food may be examined or sampled by the Oklahoma State Department of Health as often as necessary for enforcement of these rules and regulations. The Oklahoma State Department of Health may place an embargo on food in accordance with the provisions of Title 63 O.S. 1981, Section 1-1105.

310:260-11-4. Plan review

(a) **Submission.** Prior to commencing construction of a facility not previously licensed, or extensive remodeling of an existing structure, or hereafter substantial alteration of an existing facility for use as a manufacturing, processing, packing or holding plant, food storage or food salvage establishment, adequately prepared plans and specifications should be submitted to the Oklahoma State Department of Health, Food Protection Service, P.O. Box 53551, Oklahoma City, Oklahoma 73152.

(b) **Deficiencies.** If the Department deems such plans and specifications to not conform to the requirements or additional

material information is required, the Department shall, within ten (10) days after the receipt thereof, notify by certified mail, the person who submitted them of its objections or its need for additional information.

(c) **Criteria.** The decision to submit a formal plan when extensive remodeling or substantial alteration is contemplated, shall be determined as follows:

(1) if change prompts the preparation of a plan by an architect, or

(2) if change prompts the preparation of a plan by food processing or food equipment consultants.

(d) **Content.** Plans for new construction shall include:

(1) installation layout of processing equipment to be installed on the food processing floor.

(2) location of handwashing facilities, toilets, and employees locker rooms.

(3) construction material to be used on floors, walls, and ceiling.

(4) location of removable filters.

(5) ventilation system design.

(6) type of waste disposal systems to be used.

(7) any air quality equipment to be used.

SUBCHAPTER 13. SPECIAL RISK SITUATIONS

Section

310:260-13-1. Emergency occurrences

310:260-13-2. Infection

310:260-13-1. Emergency occurrences

The person in charge of a food establishment that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable probability that food in the food establishment may have been contaminated or that the temperature level of the food which is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take such action as is necessary to protect the public health and shall promptly notify the Oklahoma State Department of Health of the emergency. Upon receiving such notice of this occurrence, the regulatory agency shall take action deemed necessary to protect the public health.

310:260-13-2. Infection

When the Oklahoma State Department of Health has reasonable cause to suspect possible disease transmission by an employee of a food establishment, the Department may secure a morbidity history of the employee or make any other investigation as indicated and shall take appropriate action. The Oklahoma State Department of Health may require at a minimum any or all of the following measures:

(1) The immediate exclusion of the employee from employment in

food establishments;

(2) The immediate closing of the food establishment concerned until no further danger of disease outbreak exists.

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

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