

CHAPTER 24

**RETAIL FOOD ESTABLISHMENTS AND
FOOD AND BEVERAGE VENDING
MACHINES CHAPTER XII**

Authority

N.J.S.A. 26:1A-7.

Source and Effective Date

R.2004 d.64, effective February 17, 2004.
See: 35 N.J.R. 1482(a), 36 N.J.R. 961(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines Chapter XII, was extended by gubernatorial directive from February 17, 2006 to February 17, 2007. See: 38 N.J.R. 1452(a).

Chapter Historical Note

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines Chapter XII, also known as Chapter XII of the State Sanitary Code, was adopted as R.1972 d.117, effective July 6, 1972. See: 3 N.J.R. 203(a), 4 N.J.R. 158(b).

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was repealed and a new Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1983 d.98, effective April 4, 1983, operative June 1, 1983. See: 14 N.J.R. 509(a), 15 N.J.R. 544(b).

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expired April 4, 1988.

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1988 d.204, effective May 2, 1988. See: 20 N.J.R. 365(a), 20 N.J.R. 982(a). Subchapter 14, Community Residence and Bed and Breakfast Retail Food Establishments, originally codified as Subchapter 13, was adopted as R.1991 d.357, effective July 15, 1991, operative November 1, 1991. See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Pursuant to Executive Order No. 66(1978), Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was readopted as R.1993 d.201, effective April 14, 1993. See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b). Subchapter 8, Temporary and Mobile Retail Food Establishments and Agricultural Markets, was repealed, new Subchapters 8 and 9 were adopted, and former Subchapters 9 through 13 were recodified as Subchapters 10 through 14, by R.1993 d.345, effective July 6, 1993. See: 25 N.J.R. 662(a), 25 N.J.R. 2872(a).

Pursuant to Executive Order No. 66(1978), Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1998 d.211, effective April 7, 1998. See: 30 N.J.R. 302(a), 30 N.J.R. 1602(a). Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expired on October 4, 2003.

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as new rules by R.2004 d.64, effective February 17, 2004. See: 35 N.J.R. 1482(a), 36 N.J.R. 961(b).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expiration date was extended by gubernatorial directive from February 17, 2005 to February 17, 2006. See: 37 N.J.R. 774(b).

Cross References

Child care centers physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Personal care homes, facility to be in compliance with Sanitary Code, see N.J.A.C. 8:36-15.1.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

Residential child care physical facility requirements, see N.J.A.C. 10:127-4.1.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 8:24-1.1 Violations; declaration of nuisances
- 8:24-1.2 Separability
- 8:24-1.3 Definitions

SUBCHAPTER 2. FOOD SUPPLIES

- 8:24-2.1 Source; protection; wholesomeness; misbranding
- 8:24-2.2 Frozen desserts
- 8:24-2.3 Shellfish source
- 8:24-2.4 Meat, meat products, poultry, poultry products and game
- 8:24-2.5 Eggs
- 8:24-2.6 Emergency occurrences
- 8:24-2.7 Salvaged foods

SUBCHAPTER 3. FOOD PROTECTION

- 8:24-3.1 General protection of foods
- 8:24-3.2 Food temperatures
- 8:24-3.3 Food preparation
- 8:24-3.4 Food storage
- 8:24-3.5 Food display and service
- 8:24-3.6 Food transportation
- 8:24-3.7 Poisonous and toxic materials

SUBCHAPTER 4. FOOD SERVICE PERSONNEL

- 8:24-4.1 Health and disease controls
- 8:24-4.2 Hygiene practices
- 8:24-4.3 Handwashing
- 8:24-4.4 Clothing

SUBCHAPTER 5. FOOD EQUIPMENT AND UTENSILS

- 8:24-5.1 Design, construction and materials
- 8:24-5.2 Equipment installation and location
- 8:24-5.3 Equipment and utensil cleanliness
- 8:24-5.4 Equipment and utensil sanitization
- 8:24-5.5 Methods and facilities for washing and sanitizing
- 8:24-5.6 Storage and handling of cleaned equipment and utensils
- 8:24-5.7 Single service articles

**SUBCHAPTER 6. SANITARY FACILITIES AND
CONTROLS**

- 8:24-6.1 Adequacy, safety and quality of water
- 8:24-6.2 Transporting and dispensing water
- 8:24-6.3 Ice
- 8:24-6.4 Steam
- 8:24-6.5 Sewage
- 8:24-6.6 Size, installation and maintenance of plumbing
- 8:24-6.7 Drains

- 8:24-6.8 Toilet facilities
- 8:24-6.9 Handwashing facilities
- 8:24-6.10 Garbage and rubbish disposal facilities
- 8:24-6.11 Vermin control

SUBCHAPTER 7. OTHER FACILITIES AND OPERATIONS

- 8:24-7.1 Floors, walls and ceilings
- 8:24-7.2 Lighting
- 8:24-7.3 Ventilation
- 8:24-7.4 Housekeeping
- 8:24-7.5 Live birds and animals

SUBCHAPTER 8. TEMPORARY RETAIL FOOD ESTABLISHMENTS AND AGRICULTURAL MARKETS

- 8:24-8.1 General provisions
- 8:24-8.2 Restricted operations
- 8:24-8.3 Sources of ice
- 8:24-8.4 Wet storage of food and beverages
- 8:24-8.5 Food contact surfaces
- 8:24-8.6 Equipment
- 8:24-8.7 Single service articles
- 8:24-8.8 Water supply
- 8:24-8.9 Handwashing facilities
- 8:24-8.10 Liquid waste
- 8:24-8.11 Floors
- 8:24-8.12 Walls and ceilings

SUBCHAPTER 9. MOBILE RETAIL FOOD ESTABLISHMENTS

- 8:24-9.1 General provisions
- 8:24-9.2 Single service articles
- 8:24-9.3 Base of operations
- 8:24-9.4 Servicing area
- 8:24-9.5 Servicing operations
- 8:24-9.6 Water supply
- 8:24-9.7 Handwashing facilities
- 8:24-9.8 Liquid waste

SUBCHAPTER 10. ENFORCEMENT PROVISIONS

- 8:24-10.1 Legal authority
- 8:24-10.2 Inspection of retail food establishments
- 8:24-10.3 Examination of records
- 8:24-10.4 Examination and condemnation of unwholesome, contaminated or adulterated food and drink
- 8:24-10.5 Retail food establishments outside jurisdiction
- 8:24-10.6 Closure for infection
- 8:24-10.7 Penalties
- 8:24-10.8 Public posting of inspection reports
- 8:24-10.9 Public availability of inspection records
- 8:24-10.10 Report of inspections
- 8:24-10.11 Evaluation of reports
- 8:24-10.12 Interpretations

SUBCHAPTER 11. REVIEW OF PLANS, MANAGER TRAINING AND CERTIFICATION

- 8:24-11.1 Submission of plans
- 8:24-11.2 Pre-operational inspection
- 8:24-11.3 Food manager certification

SUBCHAPTER 12. SANITARY REQUIREMENTS FOR THE VENDING OF FOOD AND BEVERAGES

- 8:24-12.1 Food supplies
- 8:24-12.2 Food protection
- 8:24-12.3 Special requirements
- 8:24-12.4 Personal cleanliness
- 8:24-12.5 Interior construction and maintenance

- 8:24-12.6 Exterior construction and maintenance
- 8:24-12.7 Equipment location
- 8:24-12.8 Single service articles
- 8:24-12.9 Other equipment
- 8:24-12.10 Water supply
- 8:24-12.11 Waste disposal
- 8:24-12.12 Inspection frequency
- 8:24-12.13 Access for inspections
- 8:24-12.14 through 8:24-12.15 (Reserved)

SUBCHAPTER 13. ADDITIONAL REQUIREMENTS

- 8:24-13.1 Boiler water additives and chemical sanitizing solutions
- 8:24-13.2 Choking prevention posters
- 8:24-13.3 Smoking in restaurants and food stores

SUBCHAPTER 14. COMMUNITY RESIDENCE AND BED AND BREAKFAST RETAIL FOOD ESTABLISHMENTS

- 8:24-14.1 Scope; purpose
- 8:24-14.2 General provisions
- 8:24-14.3 Food supplies
- 8:24-14.4 Food protection and temperatures
- 8:24-14.5 Preparation of food
- 8:24-14.6 Food storage
- 8:24-14.7 Poisonous materials
- 8:24-14.8 Personal health and hygiene
- 8:24-14.9 Food equipment and utensils
- 8:24-14.10 Water and sewage
- 8:24-14.11 Toilet facilities
- 8:24-14.12 Garbage disposal
- 8:24-14.13 Vermin control
- 8:24-14.14 Other facilities and operations

SUBCHAPTER 1. GENERAL PROVISIONS

8:24-1.1 Violations; declaration of nuisances

Retail food establishments in violation of this chapter are hereby declared to be nuisances, hazardous to health.

Case Notes

The appropriate municipal or county board of health or local health agency has the responsibility to institute judicial proceedings to close food service and preparation areas of county facilities and jails. Atty.Gen.F.O.1977, No. 16.

The department of health or the appropriate local board or health agency may sue to recover monetary penalties for violations of the state sanitary code. Atty.Gen.F.O.1977, No. 16.

8:24-1.2 Separability

If any provision or applications of any provision of this chapter is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

8:24-1.3 Definitions

For the purpose of this chapter, the following words, phrases, names and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Adulteration" means the definition in N.J.S.A. 24:5-8.

"Agricultural market" means any fixed or mobile retail food establishment which is engaged in the sale of raw agricultural products; but may include as a minor portion of

the operation the sale of factory-sealed or pre-packaged food products that do not normally require refrigeration.

"Approved" means acceptable to the Department or health authority based on its determination as to conformance with appropriate standards and good public health practice.

"Bed and breakfast" means any private residence which has been adapted or converted to offer a homestyle place of lodging that provides 10 or fewer separate dwelling units as defined by the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq., for transients and individual sleeping accommodations for 25 or fewer persons, is occupied by the owner of the facility as his or her place of residence during any time that the facility is used for the lodging of guests, does not allow any guest to remain for more than 30 successive days or more than 30 days of any period of 60 successive days, does not offer food to the general public, and in which the only meal served to guests is breakfast.

"Bulk food" means any unpackaged or unwrapped food in aggregate containers from which quantities desired by the customer are withdrawn, provided that fresh fruits and vegetables, nuts in the shell, salad bars and potentially hazardous foods are not included in this definition.

"Closed" means fitted together snugly leaving no openings large enough to permit the entrance of vermin.

"Commissary" means a catering establishment, restaurant or any other approved facility in which food, containers or supplies are kept, handled, prepared, packaged, or stored. The term shall not apply to an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

"Community residence" means any community residential facility regulated by N.J.S.A. 55:13B-1 et seq., Rooming and Boarding House Act of 1979; provided that, shelter and food for 16 or fewer residents exclusive of the owner and his or her family and the operator and employees are provided in a family style setting; and, provided further, that food prepared or served is not offered to the public. Community residences include, but are not limited to, licensed or regulated group homes, halfway houses, rooming houses, boarding houses, and similar residences. Licensed or regulated foster homes, skill development homes, family care homes, respite care homes, facilities licensed under N.J.S.A. 30:11B-1 et seq., Community Residences for the Developmentally Disabled and Mentally Ill (N.J.A.C. 10:44A; 10:39) and residences similar in purpose are not considered community residences under this definition.

"Condiment" means any food such as salt, pepper, mustard and ketchup that is used to enhance the flavor of other food.

"Controlled location vending machine (limited service vending machine)" means a vending machine which:

1. Dispenses only nonpotentially hazardous food;

2. Is of such design that it can be filled and maintained in a sanitary manner by untrained persons at the location; and

3. Is intended for and used at locations in which protection is assured against environmental contamination.

"Corrosion-resistant material" means a material which maintains its original surface characteristics under prolonged exposure to the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other condition-of-use environment.

"Easily cleanable" means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

"Employee" means any person working in a retail food establishment who transports food or food containers who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

"Equipment" means all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, food transport vehicles and similar items, other than utensils, used in the operation of a retail food establishment.

"Food" means any raw, cooked, processed edible substances, water, 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 drain, drip, or splash back onto surfaces normally in contact with food.

"Food processing establishment" means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

"Health authority" means the duly licensed agent of the local board of health and/or State Department of Health to act in the enforcement of its ordinances and sanitary laws of the State.

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

"Kitchenware" means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

"Law" means Federal, State and local statutes, ordinances, and regulations.

"Misbranded" means the definition in N.J.S.A. 24:5-16, 17.

"Mobile retail food establishments" means any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable unit including hand carried, portable containers in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

"Packaged" means bottled, canned, cartoned or securely wrapped.

"Perishable food" means raw fruits and vegetables, live seafood other than soft shell clams (species *mya arenaria*) and mussels, or any food of such type or in such condition as may spoil.

"Person" means an individual, or a firm, partnership, company, corporation, trustee, association, or any public, private or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection.

"Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, raw seed sprouts, heat treated vegetables and vegetable products, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of *C. botulinum*. The term does not include foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

"Readily accessible" means exposed or capable of being exposed for cleaning and inspection without the use of tools.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Retail food establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public or nonprofit organization, institution, or group preparing, storing or serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered dish suppers or similar type of infrequent church or nonprofit type institution meal services shall meet the special provisions of N.J.A.C. 8:24-8; provided that any food and beverage vending machine shall meet the requirements of N.J.A.C. 8:24-11; provided further, that bed and breakfast and community residences, as defined, meet the provisions of N.J.A.C. 8:24-13.

"Safe materials" means articles or substances manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in Section 201(S) or (T) of the Federal Food, Drug, and Cosmetic Act they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 201(S) or (T) of the Federal Food, Drug and Cosmetic Act and are used in conformity with all applicable regulations of the U.S. Food and Drug Administration.

"Safe temperatures", as applied to potentially hazardous food, means temperatures of 45 degrees Fahrenheit or below, and 140 degrees Fahrenheit or above unless otherwise specified.

"Sanitize" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Department or health authority as being effective in destroying microorganisms, including pathogens.

"Sealed" means free of cracks or other openings which permit the entry or passage of liquid, dirt or debris.

"Shellfish" means all edible species of clams, oysters and mussels either shucked or in the shell, fresh or frozen.

"Single service articles" means cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

"State Department", "Department of Health" and "Department" means the New Jersey State Department of Health.

"Tableware" means all multiuse eating and drinking utensils, including flatware (knives, forks, and spoons).

"Temporary retail food establishment" means any retail food establishment which operates at a fixed location for a temporary period of time in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering, including church suppers, picnics, or similar organizational meetings, as well as agricultural markets.

"Utensil" means any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

"Vending machine" means any self-service device which, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. It shall also include self-service dispensers equipped for coin, paper currency, token, card or key operations and optional manual operation. Unless otherwise stated, vending machine includes controlled location vending machines.

"Vending machine operator" means any person, who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more vending machines.

"Wholesome" means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Amended by R.1991 d.507, effective October 7, 1991 (operative January 1, 1992).

See: 23 N.J.R. 2088(a), 23 N.J.R. 3026(a).

Amended by R.1992 d.281, effective July 6, 1992.

See: 24 N.J.R. 915(a), 24 N.J.R. 2448(b).

Community residences for the developmentally disabled added to definition of community residence.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Mobile establishments deleted from definition of temporary retail food establishment.

(d) All milk, milk products, and milk substitutes including fluid milk, other fluid dairy products and manufactured milk products, shall meet applicable State and local laws and regulations.

(e) Only pasteurized fluid milk or fluid milk products from approved sources shall be used or served, except that reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes only. Nondairy creaming, whitening or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled throughout to 45 degrees Fahrenheit or below within four hours after preparation. Reconstituted dry milk and dry milk products shall be considered as potentially hazardous foods.

(f) All milk, fluid milk products and milk substitutes for drinking purposes shall be purchased and served from the original, individual container in which they were packaged at the milk plant, or shall be served from an approved bulk milk dispenser.

(g) Multiuse pitchers may be used for service of milk, fluid milk products or substitutes for use in beverages such as coffee, tea, cocoa, and in other items such as cereals and fruits, provided that:

1. The unused portions of such products may be discarded after its use by the customer or group served; and

2. All such products must be served at a temperature of 45 degrees Fahrenheit or below.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Text previously at N.J.A.C. 8:24-7.4(e) transferred to 2.1; reference to bed and breakfast added.

Administrative Correction: Added new (b) and recodified (b)-(f) as (c)-(g).

See: 23 N.J.R. 2337(a).

SUBCHAPTER 2. FOOD SUPPLIES

8:24-2.1 Source; protection; wholesomeness; misbranding

(a) Food in the retail food establishment shall be from a source which is in compliance with applicable State and local laws and regulations. Food from such sources shall have been protected from contamination and spoilage during subsequent handling, packaging, and storage, and while in transit.

(b) Home prepared foods are prohibited for use in any retail food establishment. Private residences are prohibited from use as retail food establishments. A specially designated area of a residence may be used if the area meets all the requirements of this chapter, is physically separated from living areas, and is approved by the health authority. Bed and breakfast and community residence food operations as defined by N.J.A.C. 8:24-1.3 shall meet the requirements of N.J.A.C. 8:24-13.

(c) All food in retail food establishments shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. The use of food in hermetically sealed containers that was not prepared in an approved food processing establishment is prohibited.

8:24-2.2 Frozen desserts

(a) All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices and mix shall meet applicable State and local laws and regulations, including N.J.A.C. 8:21-7, Frozen Desserts.

(b) The manufacture of frozen desserts shall be conducted only by establishments licensed by the Department pursuant to N.J.A.C. 8:21-7, Frozen Desserts.

8:24-2.3 Shellfish source

(a) All shellfish shall be received from dealers which are currently certified by the New Jersey State Department of Health; provided, that if shellfish are received from dealers outside New Jersey they must be listed in the current Interstate Certified Shellfish Shippers List published by the U.S. Food and Drug Administration.

(b) Shellfish tagging and labeling shall be as follows:

1. Each container of unshucked shellfish received by a retail food establishment shall be identified by an attached tag that states the name and address of the certified shellfish dealer, the kind and quantity of shellfish, and the certification number issued by the State or the number published in the Interstate Certified Shellfish Shippers List.

2. Fresh and frozen shucked oysters, clams, and mussels shall be packed in nonreturnable containers permanently identified with the name and address of the certified packer or repacker preceded by the abbreviated name of the state. A properly completed shellfish tag shall accompany each lot of shucked shellfish.

3. Shellstock and shucked shellfish, while stored, shall be kept in the container in which they were received until they are empty. The stub or the tag shall not be removed from any container until the container is empty.

4. Immediately upon receipt of a container of shellstock or a lot of shucked stock, the purchaser shall mark the date of receipt on the stub or tag and when the package is empty, keep such stubs or tags on file for a period of not less than 90 days in an orderly fashion.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Storage requirements clarified.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-2.4 Meat, meat products, poultry, poultry products and game

(a) All meat and meat products including poultry and game animals shall have been inspected for wholesomeness under an official regulatory program; provided, that the health authority may accept other sources which are in its opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

(b) Storage and custom processing of game animals and custom slaughtering of other animals may be done upon request by an individual provided that:

1. The local health authority is notified annually of the establishment's intent to custom process and store these animals.

2. There is no cross contamination during storage and handling.

3. Carcasses are processed at a separate time from the normal establishment operation.

4. Equipment must be washed and sanitized immediately after processing game animals before resuming regular activities of the establishment.

5. There must not be any visible dirt, filth, fecal matter or hair on the carcass.

6. There must be an identifying tag on each carcass and each piece if quartered or divided.

7. The tag(s) must have the owner's name, address and phone number.

8. "Not for Sale" must be marked on each carcass and/or primal parts; and

9. When packaged, each package must be marked "Not for Sale".

8:24-2.5 Eggs

(a) Only clean whole eggs, with shell intact and without cracks or excessive checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

(b) Whole shell eggs shall be broken by a method that minimizes the commingling of the shell, shell fragments or membrane with the liquid contents of the eggs.

(c) Shell eggs shall only be cracked and pooled when used for immediate cooking.

(d) Raw eggs shall not be used as an ingredient or as a major component in the preparation of uncooked or undercooked (not prepared in accordance with the cooking temperature requirement as set forth in N.J.A.C. 8:24-3.3(d)) ready-to-eat foods, except as provided for in N.J.A.C. 8:24-3.3(d)4.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Egg-breaking requirements added at (b) and (c).

Amended by R.1992 d.281, effective July 6, 1992.

See: 24 N.J.R. 915(a), 24 N.J.R. 2448(b).

Use of raw eggs prohibited, except as provided for in N.J.A.C. 8:24-3.3(d).

8:24-2.6 Emergency occurrences

In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at safe temperatures, the person in charge shall immediately take necessary remedial action so as to prevent the adulteration of food. A fire, flood, or power outage of such duration or similar event which jeopardizes food safety shall be reported promptly to the health authority.

8:24-2.7 Salvaged foods

Only those salvaged foods which comply with N.J.A.C. 8:21-11.1 entitled "Dented Cans: Salvaged or Distressed Foods, Alcohol and Nonalcoholic Beverages and Industrial Mishandling" may be used or offered for sale.

SUBCHAPTER 3. FOOD PROTECTION

8:24-3.1 General protection of foods

(a) All food, while being stored, prepared, displayed, served or sold in retail food establishments, or transported shall be protected against contamination from dust, flies, rodents and other vermin, unclean utensils and work surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage, poisonous and toxic materials and any other source.

(b) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, transportation, display, and service. Each refrigerated facility used for the storage of potentially hazardous food shall be provided with an indicating thermometer accurate ± 3 degrees Fahrenheit, located in an area that reflects the air temperature within the unit, and of such type and so situated that the thermometer can be easily and readily observed for reading.

(c) Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to ± 3 degrees Fahrenheit located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to ± 3 degrees Fahrenheit may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

(d) Metal or plastic stem-type indicating thermometers, accurate to ± 3 degrees Fahrenheit, shall be provided and used to assure the attainment and maintenance of proper internal cooking, cooling, reheating, hot holding, and cold holding temperatures of all potentially hazardous foods.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Food temperature monitoring provisions clarified.

8:24-3.2 Food temperatures

(a) All perishable food, such as raw fruits and vegetables, live hardshell clams and oysters, shall be stored at such temperatures as will protect against spoilage.

(b) All potentially hazardous food, including shucked shellfish, unshucked mussels and soft shell clams, except when being prepared, displayed and served as provided in (d) below, shall be kept at 45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above. Frozen foods shall be maintained frozen until removed from storage for preparation and use except as noted in (f) below.

(c) Potentially hazardous foods which will be refrigerated after preparation, shall be rapidly cooled, without interruption, to below 45 degrees Fahrenheit utilizing such methods as shallow pans having depths no greater than four inches, agitation, quick chilling refrigeration equipment or water circulation external to the food container so that the cooling period shall not exceed four hours. In addition to the above requirements, the method utilized shall be capable of cooling the foods from 120 degrees Fahrenheit to 70 degrees Fahrenheit within two hours. While being cooled in conventional refrigeration equipment, containers of cooling potentially hazardous food should not be covered or stacked. Measures shall be taken to protect these uncovered foods from contamination while they are cooling. The refrigeration of mayonnaise and salad dressings containing eggs and egg products at temperatures of 45 degrees Fahrenheit or below may be waived if:

1. All mayonnaise or salad dressings received from the manufacturer in the original container shall have a pH of not more than 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent.

2. When the original container of such product is opened for use, and part of the product placed in another container, and not held at temperatures required for potentially hazardous food products, the mayonnaise or salad dressing in the "working container" shall be discarded after three hours. Where the product is kept covered and held on the service line at 45 degrees Fahrenheit or below, the three hour time limit shall not apply and it may be stored under refrigeration for future use.

3. Under no circumstance shall the product, in whole or in part be returned to the original container whether it is or is not held under refrigeration. Where the product is removed from the original container, under sanitary procedures, the original container need not be refrigerated.

4. When the original product is diluted, in any manner, the resulting product shall be subjected to temperature requirements for potentially hazardous food products.

(d) All potentially hazardous food, when placed on display shall be kept hot or cold as follows:

1. If served hot, the temperature of such food shall be kept at 140 degrees Fahrenheit or above, except that whole rare roast beef shall be held for service at a temperature of at least 130 degrees Fahrenheit;

2. If displayed cold, such food shall be:

- i. Displayed in or on a refrigerated facility which can reduce or maintain the product temperature at 45 degrees Fahrenheit or below; or

ii. Prechilled rapidly to a temperature of 45 degrees Fahrenheit or below, when placed on display for service, and the food temperature shall at no time during the display period exceed 55 degrees Fahrenheit. Foods shall not be held above 45 degrees Fahrenheit for a total period exceeding four hours. Displayed food held longer than this period of time at the above mentioned temperatures shall not be used or sold.

(e) Following preparation, hollandaise and other sauces which, pending service, must be held in the temperature range of 45 degrees Fahrenheit to 140 degrees Fahrenheit, may be exempt from the temperature requirements of this subsection, if they are prepared from fresh ingredients and are discarded as waste within three hours after preparation. Where such sauces require eggs as an ingredient, only pasteurized frozen or dried eggs shall be used.

(f) Frozen foods shall be kept frozen and should be stored at an air temperature of 0 degrees Fahrenheit or below; provided, that during the defrost cycles and brief periods of loading and unloading, the air temperature may rise to levels which do not cause product thawing. Frozen foods on display shall be stored below or behind case fill lines according to the cabinet manufacturer's specifications.

(g) Frozen food shall be kept frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed:

1. In refrigerated units at a temperature not to exceed 45 degrees Fahrenheit; or
2. Under potable running water of a temperature of 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or
3. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
4. As part of the conventional cooking process; or
5. By any other method satisfactory to the Department or health authority.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Shell eggs deleted at (a) and (e); cooling requirements revised.

8:24-3.3 Food preparation

(a) During the preparation of all raw meats, poultry, unpasteurized liquid eggs and fish, other ready to eat foods shall not be permitted to touch these uncooked products or any equipment surfaces which such raw products have touched prior to sanitization. After handling such raw products, hands shall be carefully washed and all equipment and surfaces that the raw meats, poultry, unpasteurized liquid eggs, and fish touched shall be washed and sanitized. Special emphasis shall be given to situations where cross contamination may occur.

(b) Convenient and suitable equipment and utensils, slicers, grinders, saws, cleavers, can openers, forks, knives, tongs, spoons, spatulas, scoops and the like shall be provided to minimize direct manual contact of food, particularly potentially hazardous food, at all points where food is prepared.

(c) All raw fruits and vegetables shall be washed thoroughly before being combined with other ingredients, cooked or served.

(d) Potentially hazardous foods requiring cooking or smoking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees Fahrenheit except that:

1. Poultry, poultry stuffings, stuffed meats, and stuffing containing meat shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the initial cooking process, except that the stuffing of raw poultry such as chicken, capon, duck or turkey having a weight greater than two pounds is prohibited; and
2. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees Fahrenheit or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit; and
3. Rare whole roast beef shall be cooked to an internal temperature of at least 130 degrees Fahrenheit, or, if cooked in a microwave oven, to at least 145 degrees Fahrenheit. Rare beef steak shall be cooked to a temperature of 130 degrees Fahrenheit unless otherwise ordered by the immediate consumer; and
4. Eggs prepared for individual service at the time of customer order and provided immediately for consumption may be served raw or cooked to a product temperature of less than 140 degrees Fahrenheit.

(e) Potentially hazardous foods that have been cooked and then refrigerated or frozen, shall be reheated rapidly within two hours to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility; provided, that rare whole roast beef may be reheated to at least 130 degrees Fahrenheit. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

(f) Meat, poultry, fish, potato, egg, and similar salads, cream filled pastries, and other potentially hazardous prepared food shall be prepared (preferably from chilled products) with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized.

(g) Custards, cream fillings, and similar products which are prepared by hot or cold processes, and which are used as puddings or pastry fillings, shall be kept at safe temperatures at or above 140 degrees Fahrenheit or at or below 45 degrees Fahrenheit except during necessary periods of preparation and service, and shall meet the following requirements as applicable:

1. Pastry fillings shall be placed in shells, crusts, or other baked goods either while hot (not less than 140 degrees Fahrenheit) or immediately following preparation, if a cold process is used; or

2. Such fillings and puddings shall be cooled to 45 degrees Fahrenheit or below as required by N.J.A.C. 8:24-3.2(c) immediately after cooking or preparation, and held there until combined into pastries, or served.

3. All completed custard filled and cream filled or similar type pastries shall, unless served immediately following filling, be cooled to 45 degrees Fahrenheit or below as required by N.J.A.C. 8:24-3.2(c) promptly after preparation, and held at that temperature until served. Synthetic filled products may be excluded from this requirement if:

- i. The filling has a pH level of 4.6 or less; or
- ii. It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or
- iii. Other scientific evidence is on file with the health authority demonstrating that the specific product will not support the growth of pathogenic microorganisms.

4. Synthetic filled products not requiring refrigeration shall be so labeled.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Unpasteurized liquid eggs added at (a).

Amended by R.1992 d.281, effective July 6, 1992.

See: 24 N.J.R. 915(a), 24 N.J.R. 2448(b).

Eggs may be individually served raw or cooked to a temperature of less than 140 degrees.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Reference to 3.2(c) added at (g)2; (g)3iv recodified as (g)4.

8:24-3.4 Food storage

(a) Containers of food shall be stored a minimum of six inches above the floor in such a manner as to be protected from splash and other contamination except that:

- 1. Cased food packaged in cans, glass or other water-proof containers including metal pressurized beverage containers need not be elevated above the floor, if the food containers are not exposed to floor moisture; and
- 2. The containers are stored on dollies, racks, pallets or skids that are easily movable.

(b) Large quantities of food containers stored in bulk for five or more days shall be:

- 1. Elevated above the floor on skids, pallets or similar equipment;

2. Stored at least 12 inches from any wall with a six inch wide white inspection strip at the floor along each wall in each room where food is stored in bulk; and

3. Divided into manageable cells with aisles if necessary to facilitate inspection.

(c) Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking.

(d) Packaged or bottled foods shall not be stored submerged in water or other liquids; provided, that wet storage of pressurized containers of beverages may be permitted when:

- 1. The water contains at least 50 ppm of available chlorine or equivalent; and
- 2. The iced water is changed frequently enough to keep both the water and container clean.

(e) Wet storage of shellfish is prohibited.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Storage requirements in (a) revised and placed in (b); exceptions added at (a).

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-3.5 Food display and service

(a) Where prepared, unwrapped food is placed on display in all types of retail food establishments, it shall be protected by cleanable counters, service line or salad bar protector devices, cabinets, sneeze guards, display cases, containers, or similar type of protective equipment. Self-service openings in counter guards shall be so designed and arranged to protect food from manual contact by customers. Portions of food once served to a customer shall not be served again. Wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be served again.

(b) Temporary buffets, smorgasbords, salad bars, or other foods offered to the consumer where the consumer may make a choice to partake, need not be covered, provided other sections applicable to such forms of service of food particularly including those of N.J.A.C. 8:24-3.2 relating to temperatures shall apply and:

- 1. Potentially hazardous foods are held at safe temperatures;
- 2. Limited quantities of foods are offered to allow a fast turnover;
- 3. Fresh supplies shall be provided in such a way as to ensure proper rotation of the foods.

(c) Where unwrapped bulk foods are provided to consumers for self-service sale they shall be in cleanable, covered containers which have a depth of no more than 18 inches and have access points located at least 30 inches above the floor. By definition, fresh fruits and vegetables, nuts in the shell, salad bars and potentially hazardous foods are excluded.

(d) Tongs, forks, spoons, picks, spatulas, scoops, and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided in a manner as to encourage their use. Each container of potentially hazardous food shall be provided with its own dispensing utensil and displayed in such a manner as to minimize cross contamination between raw and ready-to-eat products.

(e) Between uses dispensing utensils shall be:

1. Stored in the food with the dispensing utensil handle extended out of the food; or
2. Stored clean and dry; or
3. Stored in running water; or
4. Stored either in a running water dipper well, or clean and dry in the case of dispensing utensils and malt collars;
5. Or in a manner satisfactory to the Department.

(f) Sugar, condiments, seasonings and dressings shall be provided only in sanitary dispensers or in individual single service packages.

(g) Potentially hazardous food shall not be held or displayed in hot or cold holding units beyond the case fill line designed by the manufacturer of the case to ensure proper air flow and circulation.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Display and service requirements for bulk foods and potentially hazardous foods specified.

8:24-3.6 Food transportation

(a) The requirements for storage, display, and general protection against contamination as contained in this section, shall apply in the transporting of all food from a retail food establishment to another location for service, catering or other distribution. All potentially hazardous food shall be kept at 45 degrees Fahrenheit or below, 140 degrees Fahrenheit or above, and frozen foods shall be kept at such temperature as to remain frozen during transportation: Provided that cold food may be allowed to reach 55 degrees Fahrenheit and hot food may be allowed to reach 130 degrees Fahrenheit if they are to be consumed within one-half hour of plating.

(b) During the transportation of food to or from a retail food establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination except for hanging meats and raw agricultural products, which will be prepared for consumption in such a manner to remove the danger of possible contaminants.

(c) All food transportation vehicles, including carts, trucks, vans, and trailers shall be kept clean, free of vermin and in good repair.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Temperature standard deleted; frozen state required.

8:24-3.7 Poisonous and toxic materials

(a) Only those poisonous and toxic materials required to maintain the establishment in a sanitary condition, and for sanitization of equipment and utensils shall be present in any area used in connection with retail food establishments, other than those products for sale which must be stored in a specifically identified and designated area. Poisonous polishing materials shall not be used on equipment or utensils, nor stored in the establishment other than as indicated previously.

(b) All containers of poisonous and toxic materials shall be prominently and distinctively marked or labeled for easy identification as to contents.

(c) All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored or displayed above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations. Bactericides and cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials. First-aid supplies and personal medication shall be stored in a way that prevents them from contaminating food and food contact surfaces.

(d) Bactericides, cleaning compounds, or other compounds, intended for use on food contact surfaces, shall not be used in such a manner as to leave a toxic residue on such surfaces, or to constitute a hazard to employees or customers.

(e) Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food or food condiments.

(f) Poisonous materials and compounds shall not be used or stored in any way as to contaminate food, equipment, or utensils, nor to constitute other hazards to employees or customers. Poisonous and toxic materials shall be used in full compliance with the manufacturer's labeling.

(g) No person shall apply insecticides or rodenticides in or around any retail food establishment unless they are certified by the New Jersey Department of Environmental Protection and do so in full compliance with N.J.A.C. 7:30-1.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

DEP certification required.

SUBCHAPTER 4. FOOD SERVICE PERSONNEL

8:24-4.1 Health and disease controls

(a) Persons while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, acute respiratory infection, nausea, vomiting, or diarrhea which could cause food borne diseases such as staphylococcal intoxication, salmonellosis, shigellosis or hepatitis shall not work in any area of a food establishment in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity.

(b) If the manager or person in charge has reason to suspect that any employee has contracted any disease in a communicable form which could result in food borne disease or has become a carrier of such disease, he shall advise the employee to contact his physician for treatment and shall relieve him of duties relating to food handling or food contact surfaces.

(c) The Department or health authority shall use the latest edition of the American Public Health Association's text, "Control of Communicable Diseases in Man," as guidelines for the characteristics and control of food borne diseases, unless other rules, guidelines or interpretations are issued by the State Department of Health.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Typhoid deleted; shigellosis added; guideline reference added at (c). Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-4.2 Hygiene practices

(a) Employees shall maintain a high degree of personal cleanliness and shall conform to food hygienic practices during all working periods. Persons engaged in handling food and food contact surfaces shall not wear jewelry in a manner which could contaminate or become incorporated in the food.

(b) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in equipment and utensil washing or food preparation areas, provided that locations in such areas may be designated by management for smoking, where no contamination of food, equipment, utensils, or other items needing protection will result.

(c) Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils or other items needing protection.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic changes.

8:24-4.3 Handwashing

(a) The hands of all employees shall be kept clean while engaged in handling food and food contact surfaces. Employees shall thoroughly wash their hands and exposed arms with soap and warm water before starting work, and shall wash hands during work hours as often as is necessary to keep them clean, and after smoking, eating, drinking, visiting the toilet room, or handling raw food of animal origin. Approved separate handwashing facilities shall be provided at convenient locations as necessary to maintain clean hands and arms during working hours. Utensil washing sinks or vats and food preparation sinks are not acceptable as handwashing facilities for personnel.

(b) Employees shall keep their fingernails clean and neatly trimmed.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Handwashing required after handling raw foods; food prep sinks not to be used for handwashing.

8:24-4.4 Clothing

(a) All persons, including dishwashers, engaged in handling food or food contact surfaces shall wear clean outer garments.

(b) Employees engaged in the preparation of food and other persons who may come in contact with these operations shall use effective hair restraints to prevent the contamination of food. Service personnel shall take steps necessary to keep hair from food and food contact surfaces.

SUBCHAPTER 5. FOOD EQUIPMENT AND UTENSILS

8:24-5.1 Design, construction and materials

(a) Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials. They shall be corrosion resistant, nonabsorbent and shall be smooth, easily cleanable, and durable. Under conditions of normal use they shall be resistant to denting, buckling, pitting, chipping, crazing, and excessive wear; and shall be capable of withstanding repeated scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come in contact. Except that corrosion resistant requirements shall not preclude the use of cast iron as a food contact material when approved by the health authority.

(b) Food contact surfaces of equipment and utensils shall be smooth, free of breaks, open seams, cracks, chips, pits, difficult to clean internal corners and crevices and similar imperfections; shall be in good repair; and shall be easily accessible for cleaning and inspection. Threads which routinely contact food shall be of sanitary design and no V-type threads shall be used. Provided, wicker or plastic woven type or other hard to clean breadbaskets, when suitable lined with a clean disposable material or clean washable materials, may be used for unwrapped food.

(c) Cutting blocks, boards, and bakers' tables shall be of hard maple or equivalent material which is nontoxic, nonabsorbent, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable and cleanable. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

(d) Safe plastic, safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in (a) above are permitted for repeated use. Scratching and scoring of cutting surfaces that do not interfere with cleaning and sanitizing shall not constitute a violation of this section.

(e) Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited unless these shells are thoroughly washed, rinsed and sanitized. Sanitization of these shells shall be accompanied by immersion in boiling water for three minutes or immersion in a 100 ppm solution of chlorine for one minute.

(f) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food contact surfaces. Only safe food grade lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food contact surfaces.

(g) Soft solder, when used as a food contact surface, shall be limited to joining metal or sealing seams between abutting metal surfaces; shall be of such formulation as to be nontoxic under use conditions; shall contain at least 50 percent tin; shall contain no more lead than is necessary under good manufacturing practice; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(h) Hard solder (silver solder), when used as a food contact surface, shall be of such formulation as to be nontoxic under use conditions; shall be corrosion resistant; and shall be consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(i) Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

(j) Surfaces of equipment including shelves, not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth, washable, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning, and of such materials and in such repair as to be readily maintained in a clean and sanitary condition. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

(k) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice; provided, that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Condensate drainage or non-potable water drainage tubes from dispensing units shall not pass through the storage bin.

(l) All food contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and for inspection either:

1. Without being disassembled; or
2. By disassembling without the use of tools; or

3. By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver or an open end wrench.

(m) Equipment intended for in-place cleaning shall be so designed and constructed that:

1. Cleaning and sanitizing solutions can be circulated throughout a fixed system; and
2. Cleaning and sanitizing solutions will contact all interior surfaces; and
3. The system is self-draining or otherwise completely evacuated; and
4. Cleaning procedures result in thorough cleaning of the equipment.

(n) Sinks and drain boards shall be self-draining.

Amended by R.1993 d.201, effective May 17, 1993.
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).
Stylistic changes.

8:24-5.2 Equipment installation and location

(a) Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensate water may accumulate, open stairwells, or other sources of contamination.

(b) Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four-inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

(c) Equipment is portable if:

1. It is small and light enough to be moved easily; and
2. It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

(d) Floor-mounted equipment, unless readily movable, shall be:

1. Sealed to the floor; or
2. Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or
3. Elevated on legs to provide at least a six-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to pro-

vide at least a four-inch clearance between the floor and equipment if no part of the floor under the mixer is more than six inches from cleaning access.

(e) Equipment is easily movable if:

1. It is mounted on wheels or casters; and
2. It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

(f) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.

(g) Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food contact surfaces by clothing or through personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

8:24-5.3 Equipment and utensil cleanliness

(a) After each usage, all tableware shall be thoroughly cleaned to sight and touch.

(b) After each usage, all kitchenware and food contact surfaces of equipment, exclusive of cooking surfaces, used in the preparation, serving, display, or storage of food, shall be thoroughly cleaned to sight and touch. The food contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned after daily use; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil. Unused equipment shall be maintained clean to sight and touch or removed.

(c) Nonfood contact surfaces of all equipment used in the operation of a retail food establishment including tables, transport vehicles, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt, food particles, other debris, and to maintain them in a sanitary condition.

(d) Detergents and abrasives shall be rinsed off food contact surfaces.

(e) Cloths used by waiters, chefs, and other personnel, shall be clean, and any such cloths used for wiping food contact surfaces shall be used for no other purpose.

8:24-5.4 Equipment and utensil sanitization

(a) All tableware shall, after each use, be sanitized. A spoon or other utensil, once used for tasting food, shall not be reused until it has been cleaned and sanitized.

(b) All kitchenware and food contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be sanitized prior to such use, and following any interruption of operations during which contamination of the food contact surfaces is likely to have occurred. Where equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production line basis, the food contact surfaces of such equipment, and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule satisfactory to the Department or health authority.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Local health authorities granted latitude to exercise discretion regarding cleaning and sanitizing schedule in (b).

8:24-5.5 Methods and facilities for washing and sanitizing

(a) For both manual and machine washing and sanitizing:

1. Prior to washing, all equipment and utensils shall be preflushed or prescraped, and when necessary, presoaked to remove gross food particles and soil;

2. Dish tables, drainboards, or racks of impervious material of adequate size shall be provided for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization. They shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

3. Washing of utensils and equipment shall include effective treatment to remove all foreign matter.

4. After washing, utensils and equipment shall be rinsed free of detergent solution and foreign matter.

5. All utensils and food contact surfaces of equipment shall be sanitized.

6. Following sanitization, all utensils and food contact surfaces of equipment shall be air dried. Towel drying of equipment and utensils is prohibited.

(b) Manual washing and sanitizing:

1. All establishments engaging in manual washing, rinsing and sanitizing of utensils and equipment, shall provide and use a sink with not fewer than three compartments. Sink compartments shall be large enough to permit the complete immersion of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods; provided, that establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a two compartment sink may be approved by the health authority for this purpose. At least a two compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. Single compartment sinks, such as cooks' and bakers' sinks, may be used for the prerinsing of utensils. Hot and cold running water shall be supplied for each compartment. Dish baskets, where used, shall be of such design to permit complete immersion of equipment and utensils.

2. Manual washing, rinsing and sanitizing shall be conducted in the following sequence:

i. Sinks shall be clean prior to use. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

ii. Equipment and utensils shall be thoroughly washed in the first compartment with a detergent solution that is kept clean and used in accordance with manufacturer's directions.

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

iv. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in (c)1 through 4 below.

(c) Manual sanitization shall be accomplished by one of the following methods:

1. Immersion for at least 30 seconds in clean hot water at a temperature of at least 170 degrees Fahrenheit. When hot water is used for sanitizing, the following facilities shall be provided and used:

i. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit; and

ii. A numerically scaled indicating thermometer, accurate to ± 3 degrees Fahrenheit, for frequent checks of water temperature; and

iii. Dish baskets or similar devices of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

2. Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit; or

3. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75 degrees Fahrenheit; or

4. Immersion in a clean solution containing any other chemical sanitizing agent listed in N.J.A.C. 8:24-12.1(b) that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit for one minute; or

5. Treatment with steam free from materials or additives other than those specified in N.J.A.C. 8:24-12.1(a) in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under (b)-(d) of this section in the case of equipment too large to sanitize by immersion.

6. Chemical sanitizers used shall meet the requirements of N.J.A.C. 8:24-12.1(b) and be used in accordance with manufacturer's directions. A test kit or other device that accurately measures the parts per million concentration of the solution and a thermometer accurate to ± 3 degrees Fahrenheit to check water temperature shall be provided and used.

(d) Mechanical washing and sanitizing:

1. When spray type dishwashing machines are used, the following additional requirements shall be met:

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

ii. Wash water shall be kept clean, and rinse water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

2. The flow pressure shall not be less than 15 or more than 25 pounds per square inch on the water line at the machine, and not less than 10 pounds per square inch at the rinse nozzles. A suitable gauge cock shall be provided

immediately upstream from the final rinse valves to permit checking the flow pressure of the final rinse water on all machines.

3. Machines using hot water for sanitizing shall maintain clean wash and rinse water at not less than the following temperatures, unless otherwise approved by the Department or health authority:

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

(1) Wash temperature: 150°F;

(2) Final rinse temperature at manifold: 180°F.

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

(1) Wash temperature: 165°F;

(2) Final rinse temperature manifold: 165°F.

iii. Single-tank, conveyor machine:

(1) Wash temperature: 160°F;

(2) Final rinse temperature at manifold: 180°F.

iv. Multitank conveyor machine:

(1) Wash temperature: 150°F;

(2) Pumped rinse temperature: 160°F;

(3) Final rinse temperature at manifold: 180°F.

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

(1) Wash temperature: 150°F;

(2) Final rinse temperature at manifold: 180°F.

vi. To ensure proper sanitization in no instance shall the water temperature at the plate be less than 160 degrees Fahrenheit after the cycle is complete.

4. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications.

5. An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of ± 3 degrees Fahrenheit the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

6. Jets, nozzles, strainers, and all other parts of each machine shall be maintained free of excessive chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

7. Machines (single or multi-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used; provided that:

- i. The temperature of the wash water shall not be less than 120 degrees Fahrenheit;
- ii. The wash water shall be kept clean;
- iii. Chemicals added for sanitization purposes shall be automatically dispensed;
- iv. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time, temperature and concentration. This shall be posted at the machine;
- v. The chemical sanitizing rinse water temperature shall be not less than 75 degrees Fahrenheit nor less than the temperature specified by the machine's manufacturer;
- vi. Chemical sanitizers used shall meet the requirements of N.J.A.C. 8:24-12.1(b);
- vii. A test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used;
- viii. The conversion of hot water sanitizing dishwashing machines to chemical sanitizing machines shall meet the requirements of this section and shall be approved by the Department or health authority.

8. Any other type of machine, device, or facilities and procedures may be approved by the Department or local health authority for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

9. All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

(c) Pressure spray cleaning and sanitizing: When pressure spray methods are used for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a cleaning solution until the article being cleaned is free of visible food particles and soil. The detergent-sanitizer shall be used in accordance with manufacturer's label directions.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Chemical sanitizing permitted, with Department approval.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic changes.

8:24-5.6 Storage and handling of cleaned equipment and utensils

(a) Food contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip contact surfaces.

(b) Cleaned, and cleaned and sanitized, portable equipment and utensils shall be stored at least six inches above the floor in a clean, dry location, and suitable space and facilities shall be provided for such storage so that food contact surfaces are protected from splash, dust, and other contamination. Utensils shall be air-dried before being stored, or shall be stored in self-draining position on suitably located hooks or racks constructed of corrosion resistant material. Wherever practicable, stored containers and utensils shall be covered or inverted; facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.

(c) The storage of food equipment, utensils or single-service articles in toilet rooms, toilet vestibules or garbage or mechanical rooms is prohibited.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-5.7 Single service articles

(a) Single service articles shall be made from clean, sanitary, nontoxic, safe materials. Equipment, utensils, and articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

(b) Single service articles shall be stored at least six inches above the floor on pallets, dollies or racks, in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines that are leaking or on which condensate water may accumulate.

(c) When offered for self service, single service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single service knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

(d) Single service articles shall be used only once.

(e) All retail food establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single service articles.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Self-service specification added.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic changes.

SUBCHAPTER 6. SANITARY FACILITIES AND CONTROLS

8:24-6.1 Adequacy, safety and quality of water

(a) The water supply shall be adequate as to quantity, of a safe, sanitary quality, and from a public or private water supply system which is constructed, protected, operated, and maintained in conformance with the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) and regulations (N.J.A.C. 7:10) and local laws, ordinances, and regulations; provided, that if approved by the Department of Environmental Protection, a nonpotable water supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with N.J.A.C. 8:24-6.6 (size, installation and maintenance of plumbing), and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment or utensils.

(b) Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, and where equipment, utensils or containers are washed.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-6.2 Transporting and dispensing water

(a) All water, not piped into the establishment directly from the source, shall be transported, handled, stored, and dispensed in a sanitary manner whereby it will not become contaminated.

(b) Drinking water, if not dispensed through the water supply system of the retail food establishment, may be stored in a separate nonpressurized tank, reservoir, or other covered container.

8:24-6.3 Ice

(a) Ice shall be made from water meeting the requirements of N.J.A.C. 8:24-6.1(a) (adequacy, safety and quality of water) in an icemaking machine which is located, installed, operated and maintained so as to prevent contamination of the ice; or shall be obtained from a source meeting standards approved by law or regulation.

(b) Ice shall be handled, transported, and stored in a sanitary manner so as to be protected against contamination.

(c) If block ice is used, the outer surfaces shall be thoroughly rinsed so as to remove any soil before it is used for any purpose.

(d) If ice crushers are used, they shall be maintained in a clean condition and shall be covered when not in use.

(e) If ice is used, containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. Ice-dispensing utensils shall be stored on a clean surface which is self draining or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination.

(f) Only sanitary containers shall be used for the transportation or storage of any ice used in the retail food establishment. Canvas containers shall not be used unless provided with a sanitary, single service liner so as to completely protect the ice.

(g) Ice used for cooling stored food and food containers shall not be used for human consumption. Ice intended for human consumption may be used for cooling tubes conveying beverage ingredients to a dispenser head.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Indirect waste drain requirement transferred to 6.7.

8:24-6.4 Steam

Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in N.J.A.C. 8:24-12.1(a).

8:24-6.5 Sewage

(a) All sewage shall be disposed of by means of:

1. A public sewerage system; or
2. A disposal system which is constructed and operated in conformance with N.J.A.C. 7:9A Standards for Individual Subsurface Sewage Disposal Systems, the New Jersey Water Pollution Control Act regulations, N.J.A.C. 7:14, and local laws, ordinances, and regulations.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-6.6 Size, installation and maintenance of plumbing

(a) All plumbing shall be sized, installed and maintained in accordance with N.J.A.C. 5:23-1, New Jersey Uniform Construction Code, and shall:

1. Carry adequate quantities of water to required locations throughout the establishment;
2. Prevent contamination of the water supply;
3. Properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system;
4. Not constitute a source of contamination of food, equipment or utensils or create an unsanitary condition or nuisance; and
5. Be installed in such a manner as to preclude the possibility of backflow and backsiphonage.

(b) Nonpotable water shall not be connected to food related equipment or have outlets in the food preparation areas.

8:24-6.7 Drains

(a) Refrigerators, steam kettles, potato peelers, ice storage bins or ice machines and similar types of enclosed equipment in which food, portable equipment or utensils are placed, shall not be directly connected to the drainage system.

(b) Each waste pipe from such equipment shall discharge into an open, accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped and vented; provided, that indirect connections of drain lines from other equipment used in the preparation of food or washing of equipment and utensils may be required by the Department or health authority when, in its opinion, the installation is such that backflow of sewage is likely to occur.

(c) Floor drains, when provided within a walk-in refrigerator, shall be so installed as to preclude the backflow of sewage into the refrigerator.

(d) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult to clean areas, or otherwise create a nuisance. All new drains shall be installed in accordance with applicable sections of N.J.A.C. 5:23-1, New Jersey Uniform Construction Code.

Amended by R.1993 d.201, effective May 17, 1993.
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).
Stylistic change.

8:24-6.8 Toilet facilities

(a) Each retail food establishment shall be provided with adequate, conveniently located toilet facilities accessible to the employees at all times. All new establishments shall provide toilets for the public as per the requirements of N.J.A.C. 5:23-1, New Jersey Uniform Construction Code.

(b) Toilet facilities shall be installed in accordance with N.J.A.C. 5:23-1, New Jersey Uniform Construction Code. When a common toilet is used for employees and patrons, access shall not be through food preparation, food storage and utensils and equipment washing areas.

(c) Water closets and urinals shall be of a sanitary design and be cleanable.

(d) Toilet rooms shall be easily cleanable, completely enclosed, and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

(e) Toilet facilities, including toilet rooms and fixtures, shall be kept clean and in good repair, and free of objectionable odors.

(f) A supply of toilet tissue shall be provided at each toilet at all times.

(g) Handwashing signs stating "Wash Hands Before Resuming Work" or words of similar meaning shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in a retail food establishment. It is also recommended that a statement concerning disease transmission be included. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).
See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).
Stylistic changes.

8:24-6.9 Handwashing facilities

(a) Handwashing facilities shall be adequate in size and number and shall be so located and maintained as to permit convenient and expeditious use by all employees.

(b) Handwashing facilities shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered or change ownership, employee handwashing facilities shall also be located within the area where food is prepared.

(c) Handwashing facilities shall be in accordance with N.J.A.C. 5:23-1, New Jersey Uniform Construction Code.

(d) Each handwashing facility shall be designed to provide hot and cold or tempered water (90 degrees Fahrenheit to 105 degrees Fahrenheit).

(e) An adequate supply of hand cleansing soap or detergent shall be available at each handwashing facility. An adequate supply of sanitary towels, or an approved hand drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the handwashing facilities.

(f) All components of the handwashing facilities shall be kept clean and in good repair.

(g) Handwashing facilities shall be used only for handwashing purposes.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Handwashing facilities exclusively for handwashing.

8:24-6.10 Garbage and rubbish disposal facilities

(a) All garbage and rubbish containing food waste shall be kept in leakproof, nonabsorbent containers constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

(b) All containers, while being stored, shall be provided with tight fitting lids or covers and shall, unless kept in a special vermin proofed room or enclosure or in a waste refrigerator, be kept covered. Containers used in food preparation and utensil washing areas need not be covered; provided that they are removed to the garbage storage area upon being filled or otherwise emptied at least daily.

(c) Each container shall be maintained in a clean condition on the inside and outside. Garbage containers shall be cleaned in a manner so as not to contaminate food, equipment, utensils, or food preparation areas. Adequate cleaning facilities, including brushes, shall be provided for washing garbage containers and shall be used for no other purpose. Can washing machines, steam cleaning devices, or similar equipment should be used where the operation is large enough to warrant this type of equipment. Liquid waste from such cleaning operations shall be disposed of as sewage.

(d) There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises. Sufficient containers shall also be provided in exterior areas of take-out establishments in such a manner as to encourage litter control by patrons.

(e) Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in containers, rooms, or areas in such a manner as not to constitute a public nuisance. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises.

(f) Storage facilities shall be adequate for the proper storage of all garbage and rubbish.

(g) Storage areas shall be clean, and shall not constitute a nuisance.

(h) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be vermin-proof and shall be large enough to store the garbage and refuse containers that accumulate.

(i) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be located on or above a smooth surface of nonabsorbent material such as concrete that is kept clean and maintained in good repair.

(j) All garbage and rubbish shall be disposed of daily, or at such other frequencies and in such a manner as to prevent a public health nuisance, including the development of excessive odors and the attraction of vermin.

(k) Where garbage or combustible rubbish is permitted to be incinerated on the premises, such materials must be burned in an incinerator operated in accordance with N.J.A.C. 7:27-11. Areas around such incinerators shall be kept in a clean and orderly condition. Open burning of garbage and combustible rubbish is prohibited.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Covering of containers clarified at (b).

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-6.11 Vermin control

(a) Effective control measures shall be utilized to minimize and eliminate the presence of rodents, flies, roaches, and other vermin in the establishment and on the premises. The premises shall be kept in such condition as to prevent the breeding, harborage or feeding of vermin.

(b) All openings to the outer air shall be effectively protected against the entrance of insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means.

(c) Screening material shall not be less than 16 mesh to the inch or equivalent.

(d) Screen doors to the outer air shall be self-closing; and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight fitting and free of breaks.

(e) All openings to the outside shall be effectively protected against the entrance of rodents.

SUBCHAPTER 7. OTHER FACILITIES AND OPERATIONS**8:24-7.1 Floors, walls and ceilings**

(a) All floors shall be kept clean and in good repair. Non-slip agents may be used on floors under the following conditions:

1. Such agent shall be dry, clean, free of foreign material, obnoxious odors and shall not create dust or tracking problem. If such agent is woodshavings, it shall contain not more than five percent fines by weight passing a No. 20 screen. The use of sawdust, baked clay, peanut hulls, or similar material as a floor covering is prohibited.

2. Such agent shall be packed in single service paper or plastic containers.

3. Such agent shall be changed at least daily and more often if deemed necessary.

(b) The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable; provided, that in areas subject to spilling or dripping of grease or fatty substances, such floor coverings shall be of grease resistant materials; and provided further, that floors of nonrefrigerated dry food storage areas need not be nonabsorbent.

(c) Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. Installation of exposed horizontal utility lines and pipes on the floor is prohibited.

(d) Properly installed, floor drains with covers, traps and seals shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.

(e) Carpeting, if used as a floor covering shall be of closely woven construction, properly installed, easily cleanable, and shall be kept clean as to sight, touch and smell and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

(f) The walking and driving surfaces and all other exterior areas of retail food establishments shall be kept clean and free of debris, and shall be properly graded and drained so that water will not accumulate.

(g) Walking and driving surfaces shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate, maintain and to minimize dust.

(h) Mats or duckboards, if utilized, shall be so constructed as to facilitate easy cleaning, and shall be kept clean. They shall be of such design and size as to permit easy daily removal for cleaning. Duckboards shall not be used as storage racks.

(i) All concrete, terrazzo, ceramic tile or floors of similar impervious material hereafter installed in food preparation, food storage, and utensil washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all other cases, the juncture between the floor and wall shall be closed.

(j) All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.

(k) The walls of all food preparation, utensil washing, and handwashing rooms or areas, shall have light-colored, smooth, easily cleanable surfaces, and such surfaces shall be washable up to at least the highest level reached by splash or spray; provided, in instances where movable grills have been made part of the decor of a dining area in view of the public, the requirement for smooth, light-colored surfaces is waived providing these surfaces are maintained in a clean condition and meet all other requirements of this regulation. Acoustical materials may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption. When rough surfaced acoustical materials are used, a smooth, cleanable material should be provided around the ventilation ducts to facilitate cleaning. The use of such materials on kitchen ceilings should be discouraged. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules.

(l) Wall covering materials used, such as sheet metal, linoleum, plastic, paper and similar materials, shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.

(m) Studs, joists, and rafters shall not be left exposed in food preparation or utensil washing areas or toilet rooms. If left exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface and shall be kept clean and in good repair; provided that when rough surfaced materials are used for decorative or display purposes, they shall be maintained in a clean condition.

(n) Whenever food is exposed, decorative material attached to walls or ceilings shall be of safe design or otherwise protected, and kept clean. Lighting fixtures shall be protected from breakage and contamination of food and food contact surfaces through the use of effective protective devices such as shields, guards, sleeves, coatings or covers. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

Amended by R.1993 d.201, effective May 17, 1993.
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).
Stylistic change.

8:24-7.2 Lighting

(a) Permanently fixed artificial light sources shall be installed to provide at least 30 foot candles of light on all food preparation surfaces and at equipment or utensil-washing work levels.

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

1. At least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and
2. At least 10 foot candles of light in dry food storage areas, in walk-in refrigerators, and in all other areas. This shall also include dining areas during cleaning operations.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).
See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).
Stylistic changes.
Amended by R.1993 d.201, effective May 17, 1993.
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).
Lavatory and toilet areas deleted from (b)2.

8:24-7.3 Ventilation

(a) All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, grease, condensation, vapors, obnoxious odors, smoke and fumes which are a result of the preparation of food items.

(b) Exhaust hoods and ventilating devices shall be maintained clean and operated in areas where needed to expel excessive heat, steam, vapor, smoke, grease, fumes and obnoxious odors and to prevent the dissipation of these objectionable odors throughout the room.

(c) On all new installations or in extensively remodeled establishments, ventilating systems, including hood ventilators, shall be designed, maintained and operated in accordance with N.J.A.C. 5:23-1, New Jersey Uniform Construction Code and shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces.

(d) All ducts in ventilating hoods shall be provided with filters which are readily removable for cleaning and replacement excepting those systems which are effectively self-cleaning.

(e) Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

(f) Where intake or exhaust air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents or other contaminating materials.

(g) In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside.

(h) Where intake air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents or other contaminating materials.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).
See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).
Stylistic changes.

8:24-7.4 Housekeeping

(a) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided. Such designated areas shall be located outside of food preparation, storage and serving areas, and utensil washing and storage areas; provided that, the Department or health authority may approve such an area in a storage room where only completely packaged food is stored.

(b) Adequate lockers within dressing rooms or other suitable facilities shall be provided and used for the storage of employees' coats, clothing and personal belongings.

(c) Dressing rooms or areas, and lockers, shall be kept in a clean condition.

(d) All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish.

(e) Vacuum cleaning, wet cleaning, or other dustless methods of floor and wall cleaning shall be used; or dust arresting sweeping compounds and pushbroom shall be employed; and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals in such a manner as to minimize contamination of food and food contact surfaces.

(f) Laundered cloths and napkins shall be stored in a clean protected place until used.

(g) Nonabsorbent containers or laundry bags shall be provided, and damp or soiled linens and clothing shall be kept therein until removed for laundering.

(h) In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mopwater or similar liquid wastes. In all facilities the use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.

(i) Only articles necessary for the operation and maintenance of the establishment shall be stored on the premises.

(j) The traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited.

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

(l) Laundry facilities in a retail food establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Text at 7.4(e) deleted and moved to 2.1(b).

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic changes.

8:24-7.5 Live birds and animals

No live birds or animals shall be allowed in any area used for the storage, preparation, or serving of food, or for the cleaning or storage of utensils, or in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other areas or facility used in the conduct of retail food establishment operations; provided, that guide dogs accompanying blind or deaf persons may be permitted in dining areas and public areas of markets; restrained dogs on patrol may be permitted throughout the establishment; unrestrained dogs may be permitted in office areas and dining areas during hours when the establishment is closed.

SUBCHAPTER 8. TEMPORARY RETAIL FOOD ESTABLISHMENTS AND AGRICULTURAL MARKETS

8:24-8.1 General provisions

(a) All temporary retail food establishments and agricultural markets shall comply with all provisions of this chapter which are applicable to their operation; provided, that the Department or health authority may augment such requirements when needed to assure the service of safe food; may prohibit the sale of certain potentially hazardous food; and may modify specific requirements when, in its opinion, no imminent health hazard will result.

(b) Due to the nature, location and variety of conditions surrounding the operation of such establishments, it is frequently not possible to provide certain physical facilities required for "permanent" establishments. In order to assure adequate protection of food served by temporary establishments and agricultural markets which are unable to meet fully the requirements of this chapter, it may be necessary to restrict the types of food sold or the methods by which served, to modify some requirements for procedures and facilities, and to impose additional requirements.

(c) When, in the opinion of the Department or health authority, no imminent hazard to the public health will result, temporary retail food establishments and agricultural markets which do not fully meet the requirements of N.J.A.C. 8:24-2 through 7 may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth in this subchapter.

(d) Any other requirement deemed necessary by the Department or health authority to protect the public health, in view of the particular nature of the food service operation, shall be met.

8:24-8.2 Restricted operations

(a) These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of N.J.A.C. 8:24-8.1(c), to operate without complying with all the requirements of this subchapter.

(b) The preparation of potentially hazardous food shall be prohibited, except that this prohibition shall not apply to:

1. Food which prior to service, requires only limited preparation, such as seasoning and cooking; or
2. Potentially hazardous food which is obtained in individual servings and is stored in approved facilities which maintain food at safe temperatures, below 45 degrees Fahrenheit or above 140 degrees Fahrenheit, and is served directly in the original individual container in which it was packaged at a food processing establishment.

8:24-8.3 Sources of ice

(a) Ice which will be consumed, or which will come into contact with food, shall be obtained in chipped, crushed or cubed form and shall be made from water meeting the requirements of N.J.A.C. 8:24-6.1(a).

(b) Ice which will come in contact with food shall be obtained, transported and stored in sanitary closed containers satisfactory to the Department or health authority.

8:24-8.4 Wet storage of food and beverages

(a) Wet storage of packaged food and beverages shall be prohibited; provided, that wet storage of pressurized containers of beverages may be permitted when:

1. The water contains at least 50 parts per million of available chlorine; and
2. The used water is changed frequently enough to keep both the water and container clean.

8:24-8.5 Food contact surfaces

(a) Food contact surfaces of food preparation equipment such as grills, stoves and worktables shall be protected from contamination by dust, customers, insects or any other source.

(b) Where necessary, effective shields shall be provided.

8:24-8.6 Equipment

Equipment shall be installed in such a manner that the establishment can be kept clean, and so that food will not become contaminated.

8:24-8.7 Single service articles

All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single service articles for use by the consumer.

8:24-8.8 Water supply

An adequate supply of water meeting the requirements of N.J.A.C. 8:24-6.1(a) for cleaning and handwashing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes, shall be provided, except as provided in N.J.A.C. 8:24-8.9.

8:24-8.9 Handwashing facilities

(a) Adequate facilities shall be provided for employee handwashing.

(b) Such facilities may consist of commercially packaged handwash tissues, or a pan, water, soap and individual paper towels, when deemed appropriate by the health authority.

8:24-8.10 Liquid waste

All liquid waste shall be disposed of in such a manner as not to create a public health hazard or nuisance condition.

8:24-8.11 Floors

Floors shall be of tight wood, asphalt or other cleanable material; provided, that the Department or health authority may accept dirt or gravel floors when covered with removable, cleanable, platforms or duckboards, and graded to preclude the accumulation of liquids.

8:24-8.12 Walls and ceilings

(a) Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust.

(b) Ceilings may be of wood, canvas or other materials which protect the interior of the establishment from the elements, and walls may be of such materials or of 16 mesh screening or equivalent.

(c) When flies are prevalent, counter service openings shall either be equipped with self-closing, fly-tight doors, or the opening shall be protected by effective fans. Where fans are used for this purpose, the size of the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.

SUBCHAPTER 9. MOBILE RETAIL FOOD ESTABLISHMENTS**8:24-9.1 General provisions**

(a) All mobile retail food establishments shall comply with all provisions of this chapter which are applicable to its operation; provided, that the Department or health authority may augment such requirements when needed to assure the service of safe food; may prohibit the sale of certain potentially hazardous food; and may modify specific requirements when in its opinion no imminent health hazard will result.

(b) When, in the opinion of the Department or health authority, no imminent hazard to the public health will result, mobile retail food establishments which do not fully meet the requirements of N.J.A.C. 8:24-2 through 7 may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth in this subchapter.

(c) Mobile food units or pushcarts serving only food prepared, prepackaged in individual servings, transported and stored under conditions meeting the requirements of this chapter, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this chapter pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary. However, frankfurters may be prepared and served from these units or pushcarts.

(d) Any other requirement deemed necessary by the Department or health authority to protect the public health in view of the particular nature of the mobile food service operation shall be met.

8:24-9.2 Single service articles

Mobile food units or pushcarts shall provide only single service articles for use by the consumer.

Case Notes

Health officer responsible for inspection and surveillance of restaurants and similar retail food establishments to maintain compliance with sanitary requirements; health officer must be full time public employee; services cannot be outside contracted. State v. Board of Health of Morris Twp., 208 N.J.Super. 415, 506 A.2d 52 (App.Div.1986), appeal dismissed 107 N.J. 50, 526 A.2d 139 (1986).

8:24-9.3 Base of operations

(a) Mobile food units shall operate from a commissary or other fixed wholesale or retail food establishment. The units shall report daily or at a lesser frequency if deemed appropriate by the health authority to such location for all cleaning and servicing operations and for obtaining those food supplies deemed necessary by the health authority.

(b) The commissary or other fixed wholesale or retail food establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements set forth under N.J.A.C. 8:24-1 through 7 for retail food establishment and N.J.A.C. 8:21 for wholesale food establishments.

8:24-9.4 Servicing area

(a) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Those servicing area facilities which are used only for the disposal of waste water and water supply replenishment are not required to have overhead protection. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. The servicing area will not be required where only prepackaged food is placed on the mobile food unit or pushcart or where all mobile food units do not contain waste retention tanks.

(b) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt, and shall be maintained in good repair, kept clean, and be graded to drain.

8:24-9.5 Servicing operations

(a) Potable water servicing equipment shall be installed in accordance with N.J.A.C. 8:24-6.6. Hose and hose connections for supplying potable water to the mobile units shall be provided. Such hose shall be equipped with a check valve or other device to eliminate possible contamination from return flow. There shall be facilities for hanging the hose for complete drainage and to avoid contamination.

(b) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with N.J.A.C. 8:24-6.5

8:24-9.6 Water supply

A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of this chapter. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this subchapter.

8:24-9.7 Handwashing facilities

(a) Handwashing facilities shall be provided for employee handwashing for mobile retail food service establishments where food products are directly handled and fabricated, but need not be provided for mobile units serving prepackaged foods, milk, cold sealed beverages and tea, coffee, hot chocolate or other hot drinks at temperatures above 140 degrees Fahrenheit.

(b) Facilities as in (a) above may consist of commercially packaged handwash tissues, or a pan, water, soap and individual paper towels, if deemed appropriate by the health authority.

8:24-9.8 Liquid waste

If liquid waste results from the operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is at least 15 percent larger in capacity than the water supply tank. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or nuisance condition. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion.

SUBCHAPTER 10. ENFORCEMENT PROVISIONS**8:24-10.1 Legal authority**

All retail food establishments shall be operated in compliance with the provisions of this chapter and Title 24, Revised Statutes of New Jersey.

Case Notes

The appropriate municipal or county board of health or local health agency has the responsibility to institute judicial proceedings to close food service and preparation areas of county facilities and jails. Atty. Gen.F.O.1977, No. 16.

8:24-10.2 Inspection of retail food establishments

(a) The Department or health authority shall inspect every retail food establishment as often as it deems necessary.

(b) The person operating a retail food establishment shall permit access to all parts of the establishment.

Case Notes

Authority of State, county and local health agencies to inspect food preparation and service areas of county government facilities and jails. Atty Gen. Form. Op. 1977-No. 16.

The state department of health and the county or municipal boards of health and local health authorities have the right to enter upon, examine and inspect the food service and preparation areas of county government facilities and jails. Atty.Gen.F.O.1977, No. 16.

8:24-10.3 Examination of records

Upon request, the Department or health authority shall be permitted to examine the health and sanitary records of a retail food establishment to obtain information pertaining to food and supplies purchased, received or used and persons employed.

8:24-10.4 Examination and condemnation of unwholesome, contaminated or adulterated food and drink

(a) The Department or health authority, for examination purposes, may take and examine samples of food, drink and other substances as often as it deems necessary for the detection of unwholesomeness, adulteration or contamination.

(b) At the time such samples are taken, a receipt shall be delivered to the person in charge of the retail food establishment.

(c) The Department or health authority may forbid the sale or use of any food or drink which is, or is suspected of being unwholesome, adulterated or contaminated as defined by N.J.S.A. 24:5-8.

(d) The Department or health authority may forbid the use of any equipment or utensils which have not been properly sanitized.

8:24-10.5 Retail food establishments outside jurisdiction

(a) Food from a retail food establishment outside the jurisdiction of the Department or health authority shall not be sold or otherwise distributed if adulterated or misbranded.

(b) Determination of whether food is adulterated or misbranded shall be based upon the provisions of N.J.S.A. 24:5-8 and 24:5-17.

(c) The Department or health authority may accept and rely upon reports from other government officials responsible for administration of laws relating to public health and food and drugs as an aid to it in determining compliance with this section.

8:24-10.6 Closure for infection

(a) The Department or health authority having reason to suspect that any retail food establishment is or may be a source of food borne infection shall advise the owner, manager or employees thereof accordingly and order appropriate action to be taken which will eliminate the source of infection.

(b) In the event such action is not taken immediately, the Department or health authority may cause an order to be issued requiring the establishment to be closed in order to protect the public health.

(c) The order will give the alleged violator an opportunity to be heard within a reasonable time not to exceed 15 days while the order remains in effect.

(d) The Department or health authority which suspects an employee of any retail food establishment is ill or infected with a disease, or may be a carrier of a disease, which may be transmitted through food, may order him or her to leave the establishment and refrain from returning to work in or about such establishment and order the employer to prohibit such employee from returning to work, until permission is granted to return by the Department or health authority.

8:24-10.7 Penalties

Any person who shall violate any provision of this Chapter or who shall refuse to comply with a lawful order or direction of the Department or health authority, shall be liable to penalties as provided by N.J.S.A. 26:1A-10 or an injunctive action as provided by law, or both.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Citation added.

Case Notes

The department of health or the appropriate local board or health agency may sue to recover monetary penalties for violations of the state sanitary code. Atty.Gen.F.O.1977, No. 16.

8:24-10.8 Public posting of inspection reports

(a) The operator of every food establishment shall post on a placard approved by the New Jersey State Department of Health the most recent evaluation made by a licensed

municipal, county, regional, or State health department employee.

(b) An inspection report shall be presented by the inspector to the owner or person in charge or in their absence any employee of the establishment at the completion of each inspection. The evaluation placard shall be posted immediately in a conspicuous place near the public entrance of the establishment in such manner that the public may view the placard.

(c) The most recent inspection report shall be maintained by the operator of each food establishment on the premises for review by the public, upon request. Inspection reports and other applicable records shall be maintained on the premises for review for a minimum of two years.

Amended by R.1993 d.201, effective May 17, 1993.
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).
Stylistic changes.

8:24-10.9 Public availability of inspection records

Records of inspections of food establishments maintained by the health authority shall be made available to the public upon request.

8:24-10.10 Report of inspections

Whenever an inspection of a retail food establishment is made, the findings shall be recorded on an inspection report form approved by the State Department of Health. The inspection report form shall identify in a narrative form the violations of this chapter and shall be cross referenced to the section of the chapter being violated.

Amended by R.1993 d.201, effective May 17, 1993.
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).
Stylistic changes.

8:24-10.11 Evaluation of reports

(a) Immediately upon the conclusion of the inspection, the licensed health officer or licensed sanitary inspector shall issue the evaluation of the establishment and leave the original copy with the person in charge. Evaluations shall be as follows:

1. Satisfactory—The establishment is found to be operating in substantial compliance with this chapter and food service personnel have demonstrated that they are aware of and are practicing sanitation and food safety principles as outlined in this chapter.

2. Conditionally Satisfactory—At the time of the inspection the establishment was found not to be operating in substantial compliance with this chapter and was in violation of one or more provisions of this chapter. Due to the nature of these violations, a reinspection shall be scheduled. The reinspection shall be conducted at an unannounced time. A full inspection shall be conducted. Opportunity for reinspection shall be offered within a reasonable time and shall be determined by the nature of the violation.

3. Unsatisfactory—Whenever a retail food establishment is operating in violation of this chapter, with one or more violations that constitute gross insanitary or unsafe conditions which pose an imminent health hazard, the health authority shall issue an unsatisfactory evaluation. The health authority shall immediately request the person in charge to voluntarily cease operation until it is shown on reinspection that conditions which warrant an unsatisfactory evaluation no longer exist. The health authority shall institute necessary measures provided by law to assure that the establishment does not prepare or serve food until the establishment is re-evaluated. These measures may include embargo condemnation and injunctive relief.

Amended by R.1993 d.201, effective May 17, 1993.
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).
Stylistic changes.

8:24-10.12 Interpretations

For the purpose of uniform enforcement, the New Jersey Department of Health, at its discretion, will issue statements regarding the interpretation of portions of this chapter. The interpretations shall be regarded by local health authorities as statements of Statewide policy regarding the interpretation of this chapter.

New Rule, R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).
See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

SUBCHAPTER 11. REVIEW OF PLANS, MANAGER TRAINING AND CERTIFICATION

8:24-11.1 Submission of plans

Whenever a retail food establishment is constructed or renovated, and whenever a structure is converted to use as a retail food establishment or alterations are made that will significantly change the nature of the operation, plans and specifications pertaining to the health and sanitary aspects of the operation, such as proposed equipment layout, equipment design and installation, construction materials of food related work areas, type of operation and foods to be prepared or sold, shall be submitted to the health authority for review and approval before construction, renovations or conversion is begun. The health authority shall review these plans and respond accordingly within 30 days of the date of submission. No retail food establishment shall be constructed, renovated, or converted except in accordance with plans and specifications previously submitted to and approved by the appropriate health and construction authorities.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

Sec: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).
Clarification of requirements provided.

8:24-11.2 Pre-operational inspection

Whenever plans and specifications are required by N.J.A.C. 8:24-11.1 to be submitted to the regulatory authority, the regulatory authority shall inspect the retail food establishment prior to the start of operations, to determine compliance with the requirements of this chapter.

8:24-11.3 Food manager certification

Every retail food establishment should have supervisory personnel certified in food safety and sanitation through a course of instruction approved by the State Department of Health. Organizations or groups which hold periodic gatherings and meals should make every effort to have a responsible officer of the group certified in food safety.

**SUBCHAPTER 12. SANITARY REQUIREMENTS
FOR THE VENDING OF FOOD AND
BEVERAGES**

8:24-12.1 Food supplies

Food exposed for sale, offered for sale, sold through vending machines and offered to patrons of vending machines shall be sound and free from spoilage, filth, or other contamination and shall be safe for human consumption. The food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

Amended by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

Sec: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Definitions repealed; Food service recodified from 11.2.

8:24-12.2 Food protection

(a) At all times, including while being prepared, stored, loaded, displayed, or transported, food intended for sale through vending machines shall be protected from contamination by all agents, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding, draining, overhead leakage or condensation, poisonous or toxic materials or any other source.

(b) The temperature of potentially hazardous foods shall be 45 degrees Fahrenheit or below 140 degrees Fahrenheit or above at all times, except as otherwise provided in this chapter. Frozen foods shall be kept frozen and should be stored at an air temperature of 0 degrees Fahrenheit or below provided, that during the defrost cycles and brief periods of loading and unloading, the air temperature may rise to levels which do not cause product thawing.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

Sec: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Food service recodified to 11.1; Food protection recodified from 11.3.

8:24-12.3 Special requirements

(a) Milk and fluid milk products offered for sale through vending machines shall be pasteurized, shall meet all applicable State laws and regulations, and shall be dispensed only in individual original containers.

(b) Milk and fluid milk products and fluid non-dairy products (creaming agents) shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

(c) When condiments are provided in conjunction with food dispensed by a vending machine, they shall be:

1. Packaged in individual portions in single-service containers; or
2. Dispensed from sanitary dispensers which are cleaned, rinsed and sanitized and filled at the commissary or at the machine location if sanitary facilities are provided; or
3. Made available from condiment self-service dispensing equipment at those locations having an on-duty attendant.

(d) Fresh fruits which may be eaten without peeling shall be thoroughly washed in potable water at the packaging plant by the processor, or at the commissary before being placed in the vending machines for dispensing. The washed fruit shall be protected from contamination after the washing process.

(e) All food, other than fresh fruit, shall be stored or packaged in clean protective containers, and all food shall be handled and vended in a sanitary manner.

(f) Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual, original container or package into which it was placed at the commissary or at the manufacturer's or processor's plant. Potentially hazardous food shall not be dispensed from bulk food machines.

(g) Potentially hazardous food shall be maintained at safe temperatures except as follows:

1. During necessary periods of preparation and packaging; and
2. During the actual time required to load or otherwise service the machine and for a maximum machine ambient temperature recovery period of 30 minutes following completion of loading or servicing operation.

(h) Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units and thermostatic controls which insure the maintenance of safe temperatures at all times. Such vending machines shall also have automatic controls which prevent the machine from vending potentially hazardous food until serviced by the operator in the event of power failure, mechanical failure or other condition which results in non-compliance with temperature requirements in the food storage compartment.

(i) Potentially hazardous food that has failed to conform to the time-temperature requirements of this chapter shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.

(j) Vending machines dispensing potentially hazardous food shall be provided with one or more thermometers which, to an accuracy of ± 3 degrees Fahrenheit indicate the air temperature of the warmest part of the refrigerated food storage compartment, or the coldest part of the heated food compartment, whichever is applicable.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Food protection recodified to 11.2; Special requirements recodified from 11.4.

8:24-12.4 Personal cleanliness

(a) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices while engaged in handling foods or food-contact surfaces of utensils or equipment.

(b) Employees shall thoroughly wash their hands with soap and warm water immediately prior to engaging in any vending machine servicing operation which may bring them into contact with food, or with food-contact surfaces of utensils, containers, or equipment. While engaged in such servicing operations, employees shall wear clean outer garments, shall not use tobacco in any form and shall keep their fingernails clean and trimmed.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Special requirements recodified to 11.3; Personal cleanliness recodified from 11.5.

8:24-12.5 Interior construction and maintenance

(a) The nonfood contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning and to facilitate maintenance operations and shall be kept clean and in good repair. Inaccessible surfaces and areas shall be minimized.

(b) All food-contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall preclude routine contact between food and "V" type threaded surfaces except that in equipment where such contact is unavoidable, such as ice makers, such threads shall be minimized. All joints and welds in food-contact surfaces shall be smooth, and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.

(c) If solder or other sealer is used on food-contact surfaces, it shall be composed of safe materials and be corrosion resistant.

(d) All food-contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion-resistant, nonabsorbent, easily cleanable and durable under conditions of normal use and shall be cleaned, rinsed, and sanitized as often as necessary to maintain the equipment in a clean and sanitary condition.

(e) All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning, rinsing, sanitizing and inspection:

1. Without being disassembled; or
2. By disassembly without the use of tools; or
3. By easy disassembling with the use of only simple tools such as a screwdriver or an open-end wrench.

(f) All food-contact parts or surfaces not designed for in-place cleaning shall be cleaned, rinsed and sanitized in a manner described in N.J.A.C. 8:24-5.5 and 5.6.

(g) In machines designed so that food contact surfaces are not readily removable, all such surfaces intended for in-place cleaning shall be designed and fabricated so that:

1. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
2. Cleaning and sanitizing solutions will contact all food-contact surfaces; and
3. The system is self draining or capable of being completely evacuated; and
4. The procedures utilized result in thorough cleaning and sanitizing of the equipment. (Min. temperature of 75 degrees and spray sanitizing).

(h) The openings into all nonpressurized containers used for the storage of vendible food, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover wherever the collection of condensation, moisture, or splash is possible. Concave covers are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths inch, and shall be provided with an overlapping cover flanged downward. Condensation, drip, or dust deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the food container unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of safe materials, durable and relatively nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be easily cleanable.

(i) The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall divert condensation or moisture from the normal filling position of the container receiving the food. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed except when food is being removed. The cup filling area or platform of controlled location vending machines shall not require a door or cover if there is no opening into the cabinet interior at that point other than for dispensing tube(s) or trapped waste tubing. The dispensing compartment of prepackaged candy and similar product vending machines shall be equipped with a self-closing lid at vending locations where insect or rodent entry into the machine may occur.

(j) The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be self draining or equipped with a drain outlet which permits complete draining. In vending machines designed to store cartoned beverages, diversion devices and retention pans or drains for leakage shall be provided. All such drains, devices, and retention pans shall be easily cleanable.

(k) Can and bottle openers which come into contact with the food or the food-contact surfaces of the containers shall be constructed of corrosion-resistant, non-absorbent, and safe materials and shall be kept clean. Cutting or piercing parts of multiuse openers which come into contact with the food or food-contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination; and such parts shall be readily removable for cleaning.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Personal cleanliness recodified to 11.4; Interior construction and maintenance recodified from 11.6.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic changes.

8:24-12.6 Exterior construction and maintenance

(a) The vending machine shall be of sturdy construction and the exterior shall be designed, fabricated, finished and maintained to facilitate its being kept clean, and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean.

(b) Door and panel access openings to the food and container storage spaces of the machine shall be tight-fitting, and if necessary, gasketed to prevent the entrance of dust, moisture, insects, and rodents.

(c) All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall be less than 16 mesh to the inch or equivalent. Screening material for openings into condenser units which are separated from food and container storage spaces shall not be less than eight mesh to the inch or equivalent.

(d) In all vending machines in which the condenser unit is an integral part of the machine, such unit when located below the food and container storage space, shall be separated from such space by a dust proof barrier, and when located above, shall be sealed from such space.

(e) In order to prevent seepage underneath the machine and to promote cleaning, free standing vending machines shall have one or more of these elevation or movability features:

1. Be light enough to be manually moved with ease by one person; or

2. Be elevated on legs or extended sidewalls to afford with or without kickplates, an unobstructed vertical space of at least 6 inches (15.24 cm) under the machine; or

3. Be mounted on rollers or casters which permit easy movement; or

4. Be sealed to the floor so as to prevent the entry or passage of liquids, debris or dirt.

(f) Where used, kickplates shall be easily removable or be capable of being rotated. These kickplates shall be designed and installed to make the area under the machine easily accessible for routine cleaning without unlocking the cabinet door.

(g) Counter type machines shall be:

1. Sealed to the counter; or

2. Mounted on four-inch legs or the equivalent; or

3. Easily moved for cleaning with service connections in place.

(h) All service connections through an exterior wall of the machine including water, gas, electrical, and refrigeration connections, shall be grommeted, or closed with no opening over 1/32 inch to prevent the entrance of insects and rodents. All service connections to machines vending potentially hazardous food shall be such as to discourage their unauthorized or unintentional disconnection.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Interior construction and maintenance recodified to 11.5; Exterior construction and maintenance recodified from 11.7.

8:24-12.7 Equipment location

(a) Vending machines, ovens and other equipment shall be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer piping. The immediate area in which the equipment is located shall be well lighted and ventilated. Each vending machine shall be located so that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.

(b) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

(c) Adequate handwashing facilities including hot and cold or tempered running water, soap and individual towels, shall be convenient to the machine location and shall be available for use by employees servicing or loading bulk food machines.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Exterior construction and maintenance recodified to 11.6; Equipment location recodified from 11.8.

8:24-12.8 Single service articles

Single service articles shall be purchased in sanitary packages which protect the articles from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Such articles shall be furnished to the customer in the original individual wrapper or from a sanitary single service dispenser. All single service articles shall be protected from manual contact, dust, insects, rodents and other contamination.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Equipment location recodified to 11.7; Single-service articles recodified from 11.9.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic change.

8:24-12.9 Other equipment

(a) All other equipment at the vending location must be kept clean. Food-contact surfaces, if any, must be cleaned, rinsed and sanitized as often as necessary to maintain the machine in a clean and sanitary manner.

(b) The cavities and door edges of microwave ovens must be cleaned at such frequency with nonabrasive cleaners to assure that the equipment is kept free of encrusted grease deposits and other accumulated soil. All doors, seals, hinges, and latch fasteners (screws and related hardware) shall be kept tight and adjusted in accordance with manufacturer's procedures. Microwave ovens shall be in compliance with applicable safety standards of the United States Food and Drug Administration's Bureau of Radiological Health, as enforced by the New Jersey Department of Environmental Protection, Bureau of Radiation Protection or the local health authority.

(c) Food-contact surfaces of all equipment and utensils must be protected from contamination at all times including while being transported from the commissary to the vending location.

(d) All countertop vending machines as well as other types of countertop equipment must comply with the applicable provisions of N.J.A.C. 8:24-5.1.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Single-service articles recodified to 11.8; Other equipment recodified from 11.10.

8:24-12.10 Water supply

(a) All water used in vending machines shall be of a safe and sanitary quality and from a source constructed and operated in accordance with the Department's and/or New Jersey State Department of Environmental Protection laws and regulations. Water used as a food ingredient shall be piped to the vending machine under pressure, except that in controlled location vending machines, water may be obtained from a safe source and carried to the machines in containers that are clean and of good sanitary construction and protection.

1. External water fill ports or drawers of controlled location vending machines shall be designed so that covers and drawers are secured to the machine.

2. All plumbing connections and fittings shall be installed and maintained in conformance with the regulations set forth in the New Jersey Uniform Construction Code (N.J.A.C. 5:23) and applicable subcodes.

(b) If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

(c) To prevent leaching of toxic materials caused by the possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines manufactured after January 1, 1975, which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system tubing between the air gap and the downstream, carbonated water dispensing nozzle.

(d) To prevent leaching of toxic materials caused by the possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines which are directly connected to the external water supply system shall be equipped with a double (or two single) spring-loaded check valves or other devices which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system. Backflow preventive devices shall be located to facilitate servicing and maintenance. No copper tubing or other potentially toxic tubing or contact surfaces shall be permitted in or downstream from the check valves or backflow devices. These check valves or devices should be inspected and cleaned or replaced annually.

(e) Where spring-loaded check valves are used to prevent the backflow of carbon dioxide into accessible upstream copper or other potentially toxic piping or tubing, a screen of not less than 100 mesh to the inch shall be installed in the water line immediately upstream from the check valves in a location which permits servicing or replacement.

(f) In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Other equipment recodified to 11.9; Water supply recodified from 11.11.

Amended by R.1993 d.201, effective May 17, 1993.

See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

Stylistic changes.

8:24-12.11 Waste disposal

(a) All trash and other solid or liquid waste shall be removed from the machine location as frequently as may be necessary to prevent nuisances and unsightliness, and shall be disposed of according to law.

(b) Self-closing, leak-proof, easily cleanable, and rodent-proof waste receptacles of adequate number and capacity shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other items. Plastic bags and wet-strength paper bags may be used to line the receptacles. Soiled waste receptacles shall be cleaned and replaced at a frequency to prevent insect and rodent attraction and other nuisances.

(c) Waste receptacles shall not be located within the vending machines with the exception of those machines dispensing only packaged food with crown closures; in which case, the closures receptacles may be located within the machine. Waste receptacles shall not be located under counters or otherwise enclosed in a manner that will create a nuisance or prevent space around and under the counter or enclosure from being easily cleaned and maintained. Suitable racks or cases shall be provided for multi-use containers or bottles.

(d) Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow, or other internal wastes. Such machines shall be equipped with an automatic shutoff device at the waste pail or other devices or valves which will place the machine out of operation before the waste pail overflows. Such devices shall prevent water or liquid product from continuously running in the event of the failure of any single control, high level control, or other flow control device in the liquid product or water system.

(e) Controlled location vending machines not connected to a water supply system, and which generate no internal liquid wastes, may be equipped with easily removable drip pans at the dispensing platform in lieu of internal waste containers and automatic shut-off devices.

(f) Controlled location vending machines that are connected to a water supply and have no internal waste containers shall be equipped with at least two independently operated controls to prevent the continued flow of water in event of failure of any single flow control device.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Water supply recodified to 11.10; Waste disposal recodified from 11.12.

8:24-12.12 Inspection frequency

The regulatory authority shall select vending locations for inspection by a method which assures the inspection of representative machines and locations serviced by each of the operator's routemen and supervisors.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Waste disposal recodified to 11.11; Inspection frequency recodified from 11.13.

8:24-12.13 Access for inspections

The regulatory authority, after proper identification, shall be permitted to enter at any reasonable time, upon any private or public property where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions of these regulations. The operator shall make provision for the regulatory authority to have access, either in company with the operator or his authorized agent to the interior of all food vending machines operated by him.

8:24-12.14 (Reserved)

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Inspection frequency recodified to 11.12; Access for inspection recodified from 11.14.

8:24-12.15 (Reserved)

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Access for inspection recodified to 11.13.

SUBCHAPTER 13. ADDITIONAL REQUIREMENTS

8:24-13.1 Boiler water additives and chemical sanitizing solutions

(a) Boiler water additives and chemical sanitizing solutions used in a retail food establishment shall be used in accordance with the provisions set forth in the Code of Federal Regulations, Title 21, 173.310 and 178.1010.

(b) Sanitizing agents used in a retail food establishment shall be labeled and used in accordance with the labeling requirements of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 135 et seq., and N.J.A.C. 7:30-1.

Recodified by R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Boiler water additives and chemical sanitizing solutions recodified to 12.1.

8:24-13.2 Choking prevention posters

Choking prevention posters shall be conspicuously displayed in restaurants as defined and required by N.J.S.A. 26:3E-1.

New Rule, R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

8:24-13.3 Smoking in restaurants and food stores

All restaurants and food stores as defined by N.J.S.A. 26:3D-22 et seq., and N.J.S.A. 26:3E et seq., shall comply with regulations governing smoking and non-smoking areas as required by those Acts.

New Rule, R.1991 d.357, effective July 15, 1991 (operative November 1, 1991).

See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

SUBCHAPTER 14. COMMUNITY RESIDENCE AND BED AND BREAKFAST RETAIL FOOD ESTABLISHMENTS

8:24-14.1 Scope; purpose

Due to the nature, location and variety of conditions surrounding the operation of community residences and bed and breakfast establishments, it is frequently not possible to provide certain physical facilities required of other retail food establishments. In order to assure adequate protection of food served by community residences and bed and breakfast establishments which are unable to fully meet the requirements of this Chapter, it may be necessary to restrict the types of food or the methods by which such food is served, to modify some requirements for procedures and facilities, and to impose additional requirements.

8:24-14.2 General provisions

When, in the opinion of the Department or health authority, no imminent hazard to the public health will result, community residences and bed and breakfast establishments which do not fully meet the requirements of N.J.A.C. 8:24-2 through N.J.A.C. 8:24-7 may be permitted to operate when food preparation and service are restricted and alternatives to full compliance are provided for by the additional or modified requirements, as set forth in this subchapter. Bed and breakfast establishments serving only commercially prepared non-potentially hazardous foods are excluded from the requirements of N.J.A.C. 8:24. In addition, other private residences regulated under N.J.S.A. 55:13B-1 et seq., Rooming and Boarding House Act of 1979, such as licensed or regulated foster homes, skill development homes, family care homes, respite care homes, and facilities licensed under N.J.S.A. 30:11B-1 et seq., Community Residences for the Developmentally Disabled and Mentally Ill, and residences similar in purpose, are also excluded from the requirements of N.J.A.C. 8:24. However, residential health care facilities shall fully meet the requirements of N.J.A.C. 8:24.

Amended by R.1992 d.281, effective July 6, 1992.

See: 24 N.J.R. 915(a), 24 N.J.R. 2448(b).

Community residences for the developmentally disabled added.

8:24-14.3 Food supplies

(a) Food used and served in all establishments shall be from sources which comply with applicable laws and regulations relating to food. Such food shall be free from spoilage and adulteration and be wholesome and safe for human consumption. The use of food in hermetically sealed containers that was not prepared in an approved food processing establishment (home canned foods) is prohibited.

(b) Milk and fluid milk products shall be pasteurized and from approved sources, except that reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking.

8:24-14.4 Food protection and temperatures

(a) All food, while being stored, prepared, served or transported shall be protected against contamination.

(b) All perishable food shall be stored at temperatures which will protect against spoilage.

(c) All potentially hazardous food, including any foods consisting of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, raw seed sprouts, heat treated vegetable products or other ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *C. botulinum*, shall be maintained at the following minimal internal temperatures:

1. All potentially hazardous foods shall be kept at 45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above;
2. Frozen food shall be kept frozen, except when being thawed for preparation or use.
3. Potentially hazardous foods which will be refrigerated after preparation shall be rapidly cooled, without interruption, to below 45 degrees Fahrenheit within four hours using such methods as shallow pans (four inches or less in depth), agitation or other quick chilling methods. In addition to the above requirements, the method utilized shall be capable of cooling the foods from 120 degrees Fahrenheit to 70 degrees Fahrenheit within two hours. While being cooled in conventional refrigeration equipment, containers of cooling potentially hazardous food should not be tightly covered or stacked. Measures shall be taken to protect these uncovered foods from contamination while they are cooling.
4. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of:
 - i. 165 degrees Fahrenheit for all poultry, poultry stuffings, stuffed meats, and stuffings containing meat;

ii. 150 degrees Fahrenheit for all pork and any food containing pork, or if cooked in a microwave to 170 degrees Fahrenheit;

iii. 130 degrees Fahrenheit for rare whole roast beef, or if cooked in a microwave to 145 degrees Fahrenheit; and

iv. 130 degrees Fahrenheit for rare beef steak unless otherwise ordered by the immediate consumer; and

5. Potentially hazardous foods that have been cooked and then refrigerated, shall be rapidly reheated to an internal temperature of 165 degrees Fahrenheit or higher.

(d) Meat, poultry, fish, potato, egg, and similar salads shall be prepared from prechilled products with a minimum of manual contact, using equipment which has been cleaned before use.

(e) Conveniently located refrigeration equipment, such as refrigerators and freezers and hot food equipment, such as stoves and ovens shall be provided to assure the maintenance of all food at required temperatures.

(f) Stem-type indicating thermometers shall be provided and used to assure attainment and maintenance of proper internal temperatures of potentially hazardous food during cooking, cooling, hot holding, cold holding, and reheating.

8:24-14.5 Preparation of food

(a) During preparation, ready-to-eat foods shall not be permitted to touch raw foods of animal origin, such as meat, poultry, liquid unpasteurized eggs, fish and similar products, and the equipment and surfaces which such raw products have touched prior to being thoroughly cleaned.

(b) Suitable equipment and utensils shall be provided to minimize direct manual contact of food.

(c) All raw fruits and vegetables shall be thoroughly washed before use.

(d) The preparation of potentially hazardous foods in bed and breakfast establishments shall be limited to foods which prior to service require minimal preparation and handling.

(e) All potentially hazardous food shall be prepared immediately before serving. The advance preparation of potentially hazardous food is prohibited.

8:24-14.6 Food storage

Containers of food shall be stored above the floor and in such a manner as to be protected from contamination.

8:24-14.7 Poisonous materials

(a) Only those poisonous materials necessary to maintain the establishment in a sanitary condition shall be present in any area related to the food operation.

(b) All containers of poisonous materials shall be clearly marked or labeled as to contents.

(c) All poisonous materials shall be stored and used in such a manner as to prevent the contamination of food and food surfaces.

8:24-14.8 Personal health and hygiene

(a) Persons while affected with any disease in a communicable form, or while a carrier of such disease or while affected with boils, infected wounds, sores, acute respiratory infection, nausea, vomiting, or diarrhea which could cause foodborne diseases, shall not work in any area of the establishment in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms.

(b) The hands of all foodworkers shall be washed to keep them clean and in such a manner that will not contaminate food and equipment. Hands shall be thoroughly washed with soap and warm water before starting work, frequently during the handling of food and equipment, after handling raw foods of animal origin, smoking, eating, drinking and visiting the toilet room. An adequate supply of hand cleansing soap, and sanitary towels or other approved hand drying device shall be provided.

(c) All persons engaged in handling food and equipment shall wear clean outer garments.

8:24-14.9 Food equipment and utensils

(a) Equipment and utensils shall be constructed of safe materials and shall be easily cleanable and durable.

(b) After each usage, all tableware, kitchenware and food contact surfaces of equipment shall be thoroughly cleaned to sight and touch by manual or machine washing to include the following sequence of steps:

1. Equipment and utensils shall be preflushed or pre-scraped to remove gross food particles;

2. Equipment and utensils shall be thoroughly washed with a detergent solution and clean warm water;

3. Equipment and utensils shall be rinsed of detergent and other residues with clean water;

4. Manual sanitization shall be accomplished in accordance with N.J.A.C. 8:24-5.5(c)1 through 6; and

5. Any mechanical dishwasher used shall be capable of sanitizing either by hot water with a minimum final rinse water temperature of 160 degrees Fahrenheit mea-

sured at the plate; or by chemical sanitization in accordance with the provisions of N.J.A.C. 8:24-5.5(d)7.

(c) When manual washing, rinsing and sanitizing methods are employed, at least a two compartment sink supplied with hot and cold potable water under pressure shall be provided, with a smooth, impervious and suitably sized basin for sanitizing all equipment and utensils.

(d) Equipment and utensils washed in mechanical dishwashers which cannot achieve sanitization requirements as specified in N.J.A.C. 8:24-14.9(b)5 shall be manually sanitized using methods in accordance with N.J.A.C. 8:24-5.5(c)1 through 6.

(e) Non food contact surfaces of all equipment shall be cleaned at such frequency as is necessary to keep them free of accumulations and to maintain them in a sanitary condition.

(f) Clean equipment, utensils and food contact surfaces shall be protected from contamination while handled and stored.

Amended by R.1991 d.507, effective October 7, 1991 (operative January 1, 1992).

See: 23 N.J.R. 2088(a), 23 N.J.R. 3026(a).
Stylistic changes.

8:24-14.10 Water and sewage

(a) The water supply shall be adequate as to quantity, of a safe, sanitary quality, and from a public or private water supply system which is constructed, protected, operated, and maintained in conformance with the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., and rules (N.J.A.C. 7:10) and local laws, ordinances, and regulations; provided, that if approved by the Department of Environmental Protection, a nonpotable water supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with N.J.A.C. 8:24-6.6, Size, installation and maintenance of plumbing, and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment or utensils.

(b) Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, and where equipment, utensils or containers are washed.

(c) All sewage shall be disposed of by means of:

1. A public sewerage system; or
2. A disposal system which is constructed and operated in conformance with N.J.A.C. 7:9A, Standards for Individual Subsurface Sewage Disposal Systems, the New Jersey Water Pollution Control Act Regulations, N.J.A.C. 7:14, and local laws, ordinances, and regulations.

8:24-14.11 Toilet facilities

(a) Each establishment shall be provided with adequate and conveniently located toilet facilities accessible to the employees at all times.

(b) Toilet rooms shall be easily cleanable, completely enclosed, and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

(c) Toilet facilities, including toilet rooms and fixtures, shall be kept clean and in good repair, and free of objectionable odors.

(d) A supply of toilet tissues shall be provided at each toilet at all times.

(e) Handwashing facilities shall be provided and located within or immediately adjacent to all toilet rooms.

1. Each handwashing facility shall be provided with hot and cold or tempered water (90 degrees Fahrenheit to 105 degrees Fahrenheit).

Amended by R.1991 d.507, effective October 7, 1991 (operative January 1, 1992).

See: 23 N.J.R. 2088(a), 23 N.J.R. 3026(a).
Handwashing requirements added at (e).

8:24-14.12 Garbage disposal

(a) All garbage and rubbish containing food waste shall be stored in a sanitary manner so as to control accessibility to vermin.

(b) Storage containers shall be maintained in a clean condition.

8:24-14.13 Vermin control

(a) Effective control measures shall be utilized to minimize and eliminate the presence of rodents, flies, roaches and other vermin in the establishment.

(b) All openings to the outside shall be protected against the entry of vermin.

8:24-14.14 Other facilities and operations

(a) All floors, walls and ceilings shall be kept clean and in good repair.

(b) Permanently installed and adequate artificial lighting shall be provided in all food preparation, storage, and equipment washing areas.

(c) All areas of the establishment shall be sufficiently ventilated to prevent the accumulation of steam, grease, vapors, odors, smoke, fumes, and excessive heat.

(d) All areas of the establishment and its premises shall be kept clean. Cleaning shall be done at such a time and in such a manner as to prevent the contamination of food and equipment.

(e) No pets or other live animals shall be permitted in areas used for the preparation, serving and storage of food, and the cleaning of equipment during work and serving periods.