

CHAPTER 1547

DEPARTMENT OF AGRICULTURE

RETAIL FOOD STORE SANITATION

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1547.0001 PURPOSE.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0002 DEFINITIONS.

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

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 **Bulk food.** "Bulk food" means unpackaged and unwrapped food in aggregate containers from which quantities are withdrawn by the consumer, excluding fresh fruits, fresh vegetables, nuts in the shell, and food in salad bars.

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

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

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

Subp. 6. **Equipment.** "Equipment" means items other than utensils used in the storage, preparation, display, or transportation of food including stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. "Equipment" does not include fork lift trucks or dollies.

Subp. 7. **Food.** "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

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

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

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

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

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

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

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

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

Subp. 16. **Potentially hazardous food.** "Potentially hazardous food" means food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor free shell eggs, foods that have a pH

level of 4.6 or below or a water activity (a_w) value of 0.85 or less at 77 degrees Fahrenheit (25 degrees centigrade), and food products in hermetically sealed containers processed to prevent spoilage.

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

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

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

Subp. 20. **Sanitization.** "Sanitization" means effective bactericidal treatment of clean food contact surfaces of utensils and equipment by an approved process that is effective in destroying microorganisms, including pathogens, without adversely affecting the product or the safety of the consumer.

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

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

Subp. 23. **Transportation or transported.** "Transportation" or "transported" means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0003 FOOD SUPPLIES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0004 SPECIAL REQUIREMENTS.

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

Subp. 2. **Shellfish.** Fresh and frozen shucked shellfish (oysters, clams, or mussels) must be received and repacked in nonreturnable packages identified with the name and address of

the original shell stock processor, shucker packer, or repacker, and the state certification number issued according to law. Shucked shellfish must be kept in the container in which they were received until used or sold.

An original container of unshucked shellfish (oysters, clams, or mussels) must be identified for a period of 90 days with the name and address of the original shellfish processor, the kind and quantity of shellfish, and the certification number issued by the state or foreign shellfish control agency, where applicable.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0005 FOOD PROTECTION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0006 EMERGENCY OCCURRENCES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0007 FOOD STORAGE.

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

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

Subp. 2. **Storage areas.** Containers of food must be stored at least six inches (152 millimeters) above the floor or on dollies, skids, racks, or open-ended pallets, if the equipment is

easily movable either by hand or with the use of pallet-moving equipment that is on the premises and used. Storage areas must be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated if the case of food is not exposed to floor moisture and the storage area is kept clean.

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

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0008 REFRIGERATED OR FROZEN STORAGE.

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

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

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0009 HOT STORAGE.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0010 FOOD PREPARATION.

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

Subp. 2. **Change in foods; separation.** Each time there is a change in processing between raw beef, raw pork, raw poultry, raw game, or raw seafood, or a change in processing from raw to ready-to-eat foods, the new operation must begin with food contact surfaces and utensils that are clean and have been sanitized. Salads and other ready-to-eat foods must be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0011 RAW FRUITS AND VEGETABLES.

Raw fruits and raw vegetables that will be cut or combined with other ingredients or will be otherwise processed into food products by the retail food store must be thoroughly cleaned with potable water before being used.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0012 COOKING POTENTIALLY HAZARDOUS FOODS.

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

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

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

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

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

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

Minimum Holding Times for Beef Roasts
at Various Internal Temperatures

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0013 BAKERY PRODUCT FILLINGS.

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

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

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0014 REHEATING.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0015 FOOD PRODUCT THERMOMETERS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0016 THAWING POTENTIALLY HAZARDOUS FOODS.

Potentially hazardous foods must be thawed:

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

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

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

D. as part of the conventional cooking process.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0017 POTENTIALLY HAZARDOUS FOOD DISPLAY.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0018 FROZEN FOOD DISPLAY.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0019 FOOD DISPLAY.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0020 DISPENSING UTENSILS.

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0021 FOOD SAMPLE DEMONSTRATIONS AND FOOD PROMOTIONS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0022 FOOD TRANSPORTATION BY RETAIL FOOD STORE.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0023 EMPLOYEE HEALTH.

No employee, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0024 PERSONAL CLEANLINESS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0025 CLOTHING.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0026 EMPLOYEE PRACTICES.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0027 MATERIALS.

Multiuse equipment and utensils must be constructed and repaired with safe materials, including finishing materials; must be corrosion resistant and must be nonabsorbent; and must be smooth, easily cleanable, and durable under conditions of normal use. Single service

articles must be made from clean, sanitary, safe materials. Equipment, utensils, and single service articles must not impart odors, color, or taste or contribute to the contamination of food.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0028 SOLDER.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0029 WOOD.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0030 PLASTICS AND RUBBER MATERIALS.

Safe plastic, rubber, or rubber like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods, and that meet the requirements in part 1547.0027, are permitted for repeated use.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0031 CUTTING SURFACES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0032 SINGLE SERVICE ARTICLES.

Single service articles must not be reused.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0033 DESIGN AND FABRICATION.

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

B. Food contact surfaces must be easily cleanable, smooth, free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult to clean internal corners and crevices. Cast iron may be used as a food contact surface only if the surface is used for cooking. Threads must be designed to facilitate cleaning. Ordinary "V" type threads are prohibited in food contact surfaces, except that in equipment such as ice makers, hot oil cooking equipment, or hot oil filtering systems, they must be minimized.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0034 ACCESSIBILITY.

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

- A. without being disassembled;
- B. by disassembling without the use of tools; or
- C. by easy disassembling with the use of only simple tools, such as mallets, screw-drivers, or open end wrenches kept near the equipment.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0035 CLEAN IN PLACE (CIP) EQUIPMENT.

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

- A. cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;
- B. cleaning and sanitizing solutions will contact all interior food contact surfaces; and
- C. the system is self-draining or capable of being completely evacuated.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0036 FOOD PRODUCT THERMOMETERS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0037 NONFOOD CONTACT SURFACES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0038 VENTILATION HOODS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0039 MAINTENANCE OF EQUIPMENT AND UTENSILS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0040 EQUIPMENT INSTALLATION AND LOCATION.

Equipment, including ice makers and ice storage equipment, must not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensed water has accumulated, open stairwells, or other sources of contamination.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0041 TABLE MOUNTED EQUIPMENT.

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0042 FLOOR MOUNTED EQUIPMENT.

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

A. sealed to the floor; or

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

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

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

A. it is mounted on wheels or casters; and

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

Subp. 3. **Side, top clearance.** Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings must be not more than 1/32 inch (0.8 millimeters) and, if exposed to seepage, the space must be sealed.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0043 AISLES AND WORKING SPACES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0044 CLEANING FREQUENCY.

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

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

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

C. after final use each working day.

Subp. 2. Continuous production. If equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, utensils and the food contact surfaces of equipment must be cleaned and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0045 WIPING CLOTHS.

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0046 FOOD SERVICE IN RETAIL FOOD STORES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0047 MANUAL CLEANING AND SANITIZING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

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

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

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

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

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

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

A. an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0048 MECHANICAL CLEANING AND SANITIZING.

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

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

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

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

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

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

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

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

B. the wash water is kept clean;

C. chemicals added for sanitization purposes are automatically dispensed;

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

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

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

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

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

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

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

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

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

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

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

C. Single tank, conveyor machine:

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

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

D. Multitank, conveyor machine:

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

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

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

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

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0049 DRYING.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0050 RETAIL FOOD STORES WITHOUT EQUIPMENT AND UTENSIL CLEANING FACILITIES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0051 EQUIPMENT AND UTENSIL HANDLING.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0052 EQUIPMENT AND UTENSIL STORAGE.

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0053 SINGLE SERVICE ARTICLES.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0054 PROHIBITED STORAGE AREAS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0055 WATER SUPPLY; GENERAL.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0056 WATER UNDER PRESSURE.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0057 STEAM.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0058 SEWAGE; GENERAL.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0059 PLUMBING; GENERAL.

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

A. water of unknown or questionable origin; or

B. contaminating or polluting substances.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0060 NONPOTABLE WATER SYSTEM.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0061 BACKFLOW.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0062 GREASE TRAPS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0063 GARBAGE GRINDERS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0064 DRAINS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0065 TOILET INSTALLATION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0066 TOILET DESIGN.

Toilets and urinals must be designed to be easily cleanable.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0067 TOILET ROOMS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0068 TOILET FACILITY MAINTENANCE.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0069 HAND WASHING FACILITY INSTALLATION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0070 HAND-WASHING FACILITY FAUCETS.

Each hand-washing facility must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing or metering faucet used must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited at hand-washing facilities.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0071 HAND-WASHING SUPPLIES.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0072 HAND-WASHING FACILITY MAINTENANCE.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0073 GARBAGE AND REFUSE CONTAINERS.

Subpart 1. **Types; liners.** Garbage and refuse must be held in durable, easily cleanable, insect resistant, and rodent resistant containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers. These bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.

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

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0074 GARBAGE AND REFUSE STORAGE.

Subpart 1. **Types of storage.** Garbage and refuse on the premises must be stored in a manner to make them inaccessible to insects and rodents. Outside storage of non-rodent-resistant plastic containers, unprotected plastic bags, wet strength paper bags, or baled units that contain garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0075 GARBAGE AND REFUSE DISPOSAL.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0076 INSECT AND RODENT CONTROL; GENERAL.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0077 OPENINGS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0078 FLOOR CONSTRUCTION.

Subpart 1. **Materials.** Except as specified in part 1547.0079, floors and floor coverings of food preparation, food storage, and warewashing areas, and the floors of walk-in refrigerators, dressing rooms, locker rooms, toilet rooms, and vestibules, must be constructed of smooth durable material such as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl asbestos or plastic tile, or tight fitting wood impregnated with plastic, and must be maintained in good repair. Nothing in this section prohibits the use of antislip floor covering in areas where necessary for safety reasons.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0079 FLOOR CARPETING.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0080 PROHIBITED FLOOR COVERING.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0081 MATS AND DUCKBOARDS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0082 UTILITY LINE INSTALLATION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0083 MAINTENANCE.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0084 CONSTRUCTION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0085 EXPOSED CONSTRUCTION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0086 UTILITY LINE INSTALLATION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0087 ATTACHMENTS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0088 COVERING MATERIAL INSTALLATION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0089 CLEANING PHYSICAL FACILITIES; GENERAL.

Cleaning of floors, walls, and ceilings must be done as often as necessary, but preferably during periods when the least amount of food is exposed, such as after closing. Only dustless methods of cleaning floors, walls, and ceilings must be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (for example, light fixtures, vent covers, wall mounted fans, and similar equipment), and decorative materials (for example, signs and advertising materials) must be kept clean.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0090 SERVICE SINKS.

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

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mop water or similar liquid wastes. Hand-washing or ware-washing facilities, or food preparation sinks must not be used for this purpose.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0091 LIGHTING; GENERAL.

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

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0092 PROTECTIVE SHIELDING.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0093 VENTILATION; GENERAL.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0094 DRESSING ROOMS AND AREAS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0095 LOCKER AREAS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0096 POISONOUS OR TOXIC MATERIALS PERMITTED.

Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the

control of insects and rodents, must be present in retail food stores, except those items being stored or displayed for retail sale as described in part 1547.0100.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0097 LABELING OF MATERIALS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0098 STORAGE OF MATERIALS.

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

A. insecticides and rodenticides; and

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0099 USE OF MATERIALS.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0100 STORAGE AND DISPLAY OF TOXIC OR POISONOUS MATERIALS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0101 FIRST AID SUPPLIES AND PERSONAL MEDICATIONS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0102 PREMISES; GENERAL.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0103 LIVING AREAS.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0104 LAUNDRY FACILITIES.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0105 LINENS AND WORK CLOTHES STORAGE.

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0106 CLEANING EQUIPMENT STORAGE.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0107 ANIMALS.

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

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

Patrol dogs accompanying security or police officers are permitted in offices, storage areas, and outside store premises. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Guide dogs accompanying sight or hearing impaired persons must be permitted in sales areas.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0108 LICENSE TO OPERATE; GENERAL.

A person must not operate a retail food store without a valid license to operate a retail food store issued to that person by the Department of Agriculture. The license is not transfer-

able. A valid license must be obtained before engaging in business and must be posted in the retail food store.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0109 ISSUANCE OF LICENSE.

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

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

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0110 REVIEW OF PLANS.

Subpart 1. Submission of plans. Before construction or major remodeling of a retail food store, and when an existing structure is converted to use as a retail food store, properly prepared plans and specifications for construction, major remodeling, or conversion must be submitted to the Department of Agriculture for review and approval. The plans and specifications must show the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Department of Agriculture will treat the plans and specifications as confidential or trade secret information in accordance with law and will approve the plans and specifications if they meet the requirements of this chapter. A retail food store may not be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Department of Agriculture.

Subp. 2. Plan review fee. Plans submitted to the Department of Agriculture under this part must be accompanied by the appropriate fee and a plan review application form provided by the department. Fees are based on the square footage of the structure being constructed, remodeled, or converted as prescribed below.

Square Footage	Review Fee
0 – 4,999	\$125
5,000 – 24,999	175
25,000 plus	275

Statutory Authority: *MS s 31.11*

History: *13 SR 38; 14 SR 2789*

1547.0111 PREOPERATIONAL INSPECTION.

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

Statutory Authority: *MS s 31.11*

History: *13 SR 38*

1547.0112 EXISTING ESTABLISHMENTS.

Building facilities and equipment in use before July 11, 1988, that do not meet fully the design and fabrication requirements of this chapter are acceptable if they are in good repair,

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

New building facilities and new equipment for which contractual obligations are incurred before July 11, 1988, that do not fully meet the design and fabrication requirements of this chapter are acceptable if they are capable of being maintained in a sanitary condition and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

Statutory Authority: *MS s 31.11*

History: *13 SR 38*