

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 31**

**Alaska Food Code**

**As amended through June 24, 2012**

### **IMPORTANT NOTE TO READER**

THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED BY THE LIEUTENANT GOVERNOR ARE AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THE REGULATIONS HAVE AN EFFECTIVE DATE OF JUNE 24, 2012, ARE IN REGISTER 202, AND WILL APPEAR IN THE OFFICIAL PUBLISHED FORM IN THE JULY 2012 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

**Chapter 31. Alaska Food Code.****Article**

1. General Operating and Permit Requirements (18 AAC 31.010 - 18 AAC 31.070)
2. Food Care (18 AAC 31.200 - 18 AAC 31.250)
3. Management and Personnel (18 AAC 31.300 - 18 AAC 31.335)
4. Equipment and Utensils (18 AAC 31.400 - 18 AAC 31.425)
5. Sanitation and Physical Facilities (18 AAC 31.500 - 18 AAC 31.575)
6. Temporary Food Service, Limited Food Service, Mobile Food Units, and Vending Machines (18 AAC 31.600 - 18 AAC 31.630)
7. Food Processing (18 AAC 31.700 - 18 AAC 31.760)
8. Markets (18 AAC 31.800 - 18 AAC 31.820)
9. Compliance Procedures and General Provisions (18 AAC 31.900 - 18 AAC 31.990)

**Editor's Notes:** The regulations in this chapter, effective May 18, 1997, and distributed in Register 142, have been renumbered and reorganized. The history notes at the end of each section do not reflect the history of that section as it appeared before May 18, 1997, nor do the article or section titles or numbers reflect previous titles or numbering. Previous amendments to these regulations may be reviewed at the Office of the Lieutenant Governor. Refer to regulations in and amendments to 7 AAC 25 for requirements in effect before the issuance of Executive Order No. 51 which transferred functions from the Department of Health and Social Services to the Department of Environmental Conservation. Previous amendments to some of the regulations in this chapter occurred before those regulations were transferred from 18 AAC 30.

**Article 1. General Operating and Permit Requirements.****Section**

10. Purpose and applicability
11. Requirements adopted by reference
12. Exempt activities and facilities
14. Repealed
15. Confidentiality of trade secrets
20. Permit requirements
21. Permit: conditions
30. Permit application and renewal requirements
40. Pre-construction and operation plan review and pre-operation inspection
50. Fees
55. Laboratory fees
60. Labeling, placarding, and consumer advisory
70. School food establishments

**18 AAC 31.010. Purpose and applicability.** (a) The purpose of this chapter is to safeguard public health and require that consumers' food is safe and wholesome, is not adulterated, and is honestly presented within the state.

(b) Except as provided in (c) of this section and 18 AAC 31.012, the requirements of this chapter apply to premises, practices, and procedures of food establishments, including each type of operation under each category of food service, market, and food processing establishment.

(c) The requirements of this chapter do not apply to those portions of a food establishment subject to 18 AAC 32 (Dairy, Meat, and Poultry Inspection) or 18 AAC 34 (Seafood Processing and Inspection).

(d) The operator of a bar or tavern shall obtain a food service permit under this chapter for service of beverages even if other food is not served.

(e) Table A of this subsection illustrates how the categories and types of operation are classified in this chapter.

TABLE A FOOD ESTABLISHMENTS		
Categories of Food Establishments		
FOOD SERVICE	MARKET	FOOD PROCESSING ESTABLISHMENT
Types of Operations Within Each Category		
restaurant delicatessen takeout or drive-in caterer limited food service temporary food service mobile food unit kiosks schools institution bar or tavern club or organization labor camp other similar operations	convenience store grocery grocery portion of a supermarket retail meat market retail seafood market retail bakery food bank mobile retail vendor warehouse food salvager other similar operations	acidifying curing dehydrating thermal processing, low-acid food reduced-oxygen packaging bakery bottled beverage ice jam, jelly, syrup, confections other similar operations

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
 AS 17.20.010 AS 17.20.180 AS 44.46.020  
 AS 17.20.020

**Editor’s note:** Frequently used terms such as "food establishment," "food processing establishment," "food service," "market," "operation," and "operator" are defined at 18 AAC 31.990.

If an operator’s activities involve interstate commerce, additional requirements of the United States Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA) may apply.

**18 AAC 31.011. Requirements adopted by reference.** (a) The following federal requirements are adopted by reference:

(1) the definition of “meat,” as set out in 9 C.F.R. 301.2 (Definitions), revised as of January 1, 2006;

(2) the definition of “poultry,” as set out in 9 C.F.R. 381.1(b) (Definitions), revised as of January 1, 2006;

(3) 7 C.F.R. Part 56 (Voluntary Grading of Shell Eggs), revised as of January 1, 2006;

(4) 9 C.F.R. Part 317 (Labeling, Marking Devices, and Containers), revised as of January 1, 2006;

(5) 9 C.F.R. Part 319 (Definitions and Standards of Identity or Composition), revised as of January 1, 2006;

(6) 9 C.F.R. 381.125(b) (Special Handling Label Requirements: Safe Handling Instructions), revised as of January 1, 2006;

(7) 9 C.F.R. 424.21 (Use of Food Ingredients and Sources of Radiation), revised as of January 1, 2006;

(8) 9 C.F.R. Part 590 (Inspection of Eggs and Egg Products), revised as of January 1, 2006;

(9) 21 C.F.R. Part 101 (Food Labeling), revised as of April 1, 2006;

(10) 21 C.F.R. Part 113 (Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers), revised as of April 1, 2006;

(11) 21 C.F.R. Part 114 (Acidified Foods), revised as of April 1, 2006;

(12) 21 C.F.R. Parts 130 – 186, revised as of April 1, 2006;

(13) 40 C.F.R. Part 180 (Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food), revised as of July 1, 2006.

(b) The following publications are adopted by reference:

(1) *Sanitarian & Health Official Guide, Portable Restroom Requirements at Special Events & Crowd Gatherings, Determination of Portable Sanitation Requirements at Large Public Events*, revised as of May 25, 1984, Center for Business and Industrial Studies, University of Missouri-St. Louis;

(2) *Hazard Analysis and Critical Control Point Principles and Application Guidelines*, revised as of August 14, 1997, National Advisory Committee on Microbiological Criteria for Foods;

(3) *Fish and Fisheries Products Hazards and Controls Guidance*, Third Edition, revised as of June 2001, Table #3-1 (Potential Vertebrate Species Related Hazards) and Table #3-2 (Potential Invertebrate Species Related Hazards), United States Food and Drug Administration;

(4) *International Mechanical Code (I.M.C.)*, 2006 Edition, Chapter 5, Sections 506-509, International Code Council, Inc.;

(5) *NSF/ANSI International Standard 25 – 2002, Vending Machines for Food and Beverages*, revised as of December 26, 2002, National Sanitation Foundation (NSF);

(6) *Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines*, revised as of October 2003, National Automatic Merchandising Association (NAMA);

(7) *The Seafood List, FDA's Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce 1993*, United States Food and Drug Administration;

(8) *Standard Methods for the Examination of Water and Wastewater*, 20th Edition, January 1, 1999, American Public Health Association, American Water Works Association, & Water Environment Federation. (Eff. 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.040	AS 17.20.290
	AS 17.20.010	AS 17.20.072	AS 44.46.020
	AS 17.20.020	AS 17.20.180	

**Editor's note:** The documents adopted by reference in 18 AAC 31.011 may be reviewed at the department's Anchorage, Fairbanks, and Juneau offices. *The Hazard Analysis and Critical Control Point Principles and Application Guidelines* are available from the National Advisory Committee on Microbiological Criteria for Foods at that organization's website:

<http://www.cfsan.fda.gov/~comm/nacmcfp.html>. *Vending Machines for Food and Beverages (NSF/ANSI 25)* may be obtained from NSF International, 789 North Dixboro Road, Ann Arbor, MI 48105, telephone (800) 673-8010 or at that organization's website: [www.nsf.org](http://www.nsf.org). *The Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines* may be obtained from the National Automatic Merchandising Association, 20 N. Wacker Drive, Suite 3500, Chicago, IL 60606-3102, telephone (312) 346-0370 or at that organization's website: [www.vending.org](http://www.vending.org). *The Sanitarian & Health Official Guide, Portable Restroom Requirements at Special Events & Crowd Gatherings, Determination of Portable Sanitation Requirements at Large Public Events* may be obtained from The Center for Business and Industrial Studies, University of Missouri, One University Boulevard, St. Louis, Missouri 63121-4400, telephone: (314) 516-6108. *The Seafood List, FDA's Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce 1993* is available from the department. *Standard Methods for the Examination of Water and Wastewater* may be ordered from the American Public Health Association, Publication Sales, Department 5037, 800 I Street N.W., Washington, DC 20001-3710, telephone (202) 777-2462. *The International Mechanical Code* may be ordered from the International Conference of Building Officials (ICBO), 5360 Workman Mill Road, Whittier, CA 90601-2298, telephone (800) 786-4452 or (562) 699-0541. *Fish and Fisheries Products Hazards and Controls Guidance* may be obtained from the Center for Food Safety and Applied Nutrition, Office of Seafood; United States Food and Drug Administration, Office of Seafood, 5100 Paint Branch Parkway, College Park, Maryland, 20740, telephone (301) 436-2300, facsimile (301) 436-2601, or at that organization's website: <http://www.cfsan.fda.gov/~comm/haccp4.html>.

**18 AAC 31.012. Exempt activities and facilities.** (a) Except for meat, poultry, or a food product containing meat or poultry, the processing, preparation, packaging, and sale of food that is designated a nonpotentially hazardous food under 18 AAC 31.985(c) is not subject to this chapter if the individual who is processing, preparing, packaging, and selling the food product

(1) has, and can provide to the department and consumers, detailed knowledge about the ingredients of the food product, and about how the food product was processed, prepared, and packaged;

(2) has, and can provide to the department, for each food product being processed, prepared, and packaged under this subsection, documentation of the food product's

(A) formulation or recipe;

(B) pH value; and

(C) water activity value;

(3) processes, prepares, and packages the food product in this state;

(4) labels a food product that is packaged with the individual's

(A) Alaska business license number issued under 12 AAC 12; or

(B) name, physical address, and telephone number;

(5) restricts the total gross receipts of sales of all food products sold under this subsection to less than \$25,000 within a calendar year;

(6) sells the food product in this state, directly to consumers; a food product sold under this subsection may not be distributed wholesale or by mail order or consignment; and

(7) displays conspicuously to consumers the statement "THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION," if the food is not processed, prepared, or packaged in a permitted, approved, or inspected facility; to comply with this paragraph, the statement must be

(A) set out on a card, placard, or sign that is conspicuously posted at the point of sale; or

(B) conspicuously displayed on the label of each food product that is packaged.

(b) Except as otherwise provided in this subsection, the following activities and facilities are not subject to this chapter:

(1) the sale, extraction, or packaging of raw honey;



(2) custom processing of an individual's sport-caught seafood or game meat, except as provided under 18 AAC 34 for smoking or thermal processing of seafood;

(3) the packaging and sale of raw, whole vegetables, herbs, microgreens, and fruit if the vegetables, herbs, microgreens, and fruit are offered

(A) in their natural state; or

(B) after rinsing, trimming of unnecessary parts, or separating greens from roots;

(4) the harvesting and evaporation of tree sap; however, further processing for wholesale distribution of tree sap, including packaging, is subject to this chapter;

(5) the harvesting or cleaving of glacier ice if the glacier ice is exported from the state without further processing;

(6) the preparation and serving of

(A) food at a foster home or foster group home, if the facility is required to have a license from the Department of Health and Social Services under AS 47.32 and 7 AAC 50;

(B) food at a child care home or child care group home, if the facility is required to have a license from the Department of Health and Social Services under AS 47.32 and 7 AAC 57;

(C) food at an assisted living home, if the assisted living home

(i) has five or fewer residents; and

(ii) is required to have a license from the Department of Health and Social Services under AS 47.32, AS 47.33 and 7 AAC 75;

(D) snacks at a child care facility if the child care facility is required to have a license from the Department of Health and Social Services under AS 47.32 and 7 AAC 57: and

(E) food at a camp that is set up for no more than 14 days at a single location to support a group of 24 individuals or less.

(c) Except as otherwise provided in this subsection, the following facilities and events are not subject to this chapter;

(1) a business, including a gas station, gift shop, video store, student store, or packaged liquor store, that sells only one or more of the following types of food:

(A) prepackaged, nonpotentially hazardous food;

(B) fresh, uncut and unpeeled fruit or vegetables;

- (C) popcorn, including seasoned or caramel popcorn;
  - (D) cotton candy;
  - (E) prepackaged ice cream novelties;
  - (F) nonpotentially hazardous beverages that are prepackaged and dispensed directly from commercial containers or into single-service containers;
  - (G) coffee and tea with creamers and single-service items;
- (2) a restricted food service transient occupancy establishment;
  - (3) a vending machine dispensing only nonpotentially hazardous food;
  - (4) a family-operated business, if the business employs only family members, prepares and serves food only to those family members, and does not serve food to the public;
  - (5) any of the following social events, if the food is prepared or provided by or for members of one of the following groups and that group's invited guests:
    - (A) a meeting or an event of an organization, association, or club;
    - (B) an activity of a church or other religious congregation;
    - (C) a gathering, such as a party, picnic, or potluck held by a neighborhood, community, family or office;
    - (D) a traditional Native potlatch;
  - (6) an event advertised to the general public, if the primary purpose is to raise money in support of a political campaign or one individual's medical or other personal needs, and if
    - (A) the food is cooked and immediately served;
    - (B) the event does not exceed one day in length; and
    - (C) the number of events does not exceed three during a 90-day period;
  - (7) a public open house where ready-to-eat, commercially processed appetizers are offered to the attendees of the open house for self-service if
    - (A) a handwashing facility is provided for use by employees as described in 18 AAC 31.600(f)(6); and
    - (B) an appetizer that contains a potentially hazardous food is held at an internal temperature of

(i) 41° F or below for cold-holding, except that eggs that have not been treated to destroy all viable *Salmonellae* must be stored in refrigerated equipment that maintains an ambient temperature of 45° F or below; and

(ii) 135° F or above for hot-holding, except rare beef, which must be kept at an internal temperature of 130° F or above;

(8) a temporary food service lasting one day or less if

(A) foods are served that

(i) are pre-cooked, packaged, ready-to-eat, or commercially processed; and

(ii) require no more than limited preparation, such as reheating, and minimal handling, such as assembly;

(B) a handwashing facility is provided for use by employees as described in 18 AAC 31.600(f)(6); and

(C) potentially hazardous food is held at an internal temperature of

(i) 41° F or below for cold-holding, except that eggs that have not been treated to destroy all viable *Salmonellae* must be stored in refrigerated equipment that maintains an ambient temperature of 45° F or below; and

(ii) 135° F or above for hot-holding, except rare beef, which must be kept at an internal temperature of 130° F or above;

(9) a bake sale; for purposes of this paragraph, “bake sale” means the occasional sale to the public, by an organization at a fundraising event or a seasonal event including a fair or bazaar, of bakery-type items including fruit or berry pies and cobblers, cakes, cookies, pastries, and breads; an individual who sells at a bake sale bakery-type items including pies, cakes, and pastries, that contain potentially hazardous fillings or toppings including custard, whipped cream, or meringue, must keep those foods refrigerated at 41° F or below after preparation and during the bake sale; potentially hazardous foods including sandwiches, stuffed breads, meat pies, and pizza may not be sold at a bake sale;

(10) a food establishment located within a national park, federal military installation, public health service hospital, or other federal facility where inspections and regulatory oversight are provided by the federal government.

(d) A food service that has a maximum capacity of 12 and that serves 12 individuals or less per day is subject to 18 AAC 31.900, 18 AAC 31.905, and 18 AAC 31.915, but is not subject to the remaining provisions of this chapter if

(1) food is from an approved source;

(2) food will be served immediately after preparation;

(3) equipment supports the type of food and method of transportation, preparation, display, and service;

(4) fixtures or other approved means are provided for handwashing, cleaning, and sanitizing food-contact surfaces, and cleaning the establishment;

(5) water is potable, or from an approved public water system; and

(6) wastewater is disposed of in an approved manner under 18 AAC 72.

(e) A food service that serves at a camp 24 individuals or less each day is subject to 18 AAC 31.050, 18 AAC 31.320 – 18 AAC 31.330, 18 AAC 31.900, 18 AAC 31.905, and 18 AAC 31.915, but is not subject to the remaining provisions of this chapter if

(1) food is from an approved source;

(2) food will be served immediately after preparation;

(3) equipment supports the type of food and method of transportation, preparation, display, and service;

(4) fixtures or other approved means are provided for handwashing, cleaning, and sanitizing food-contact surfaces, and cleaning the establishment;

(5) water is potable, or from an approved public water system; and

(6) wastewater is disposed of in an approved manner under 18 AAC 72.

(f) A business that manufactures ice for onsite retail sale and that is not a food establishment is subject to 18 AAC 31.900, 18 AAC 31.905, 18 AAC 31.915, but is not subject to the remaining provisions of this chapter if

(1) ice manufacturing is separated by partition, location, time, or another effective means from types of operations that might be a source of contamination or cross-contamination;

(2) ice is protected from contamination by employees handling the ice by the proper use of utensils, as specified in 18 AAC 31.220;

(3) employees handling ice wash their hands and exposed portions of their arms, as specified in 18 AAC 31.310;

(4) food-contact surfaces are washed, rinsed, and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424, in a sink with at least three compartments at least once each day;

(5) ice bins are plumbed as specified in 18 AAC 31.515(d);

(6) at least one toilet facility, as specified in 18 AAC 31.520, and one handwashing facility, as specified in 18 AAC 31.525(a), is provided;

- (7) water is potable or from an approved public water system;
- (8) wastewater is disposed of in a manner approved under 18 AAC 72; and
- (9) each single-service ice bag is labeled with the name and address of the facility and the net weight of the ice.

(g) An exemption under this section does not relieve the operator from complying with other applicable statutes and regulations, including AS 17.20 (Food, Drug, and Cosmetic Act), AS 18.60.705 (State Plumbing Code), 18 AAC 30, 18 AAC 32, 18 AAC 34, 18 AAC 50, 18 AAC 60, 18 AAC 72, and 18 AAC 80. (Eff. 12/19/99, Register 152; am 6/28/2001, Register 158; am 6/23/2006, Register 178; am 12/28/2006, Register 180; am 06/24/2012, Register 202)

<b>Authority:</b>	AS 17.20.005	AS 17.20.020	AS 17.20.290
	AS 17.20.010	AS 17.20.180	AS 44.46.020

**Editor's note:** Before 12/19/99, Register 152, the substance of 18 AAC 31.012 was located in 18 AAC 31.010. The history note for 18 AAC 31.012 does not reflect the history of that section's provisions before 12/19/99.

**18 AAC 31.014. Exemption by application.** Repealed. (Eff. 12/19/99, Register 152; am 6/28/2001, Register 158; repealed 12/28/2006, Register 180)

**18 AAC 31.015. Confidentiality of trade secrets.** (a) If it determines that disclosure is in the interests of public health and consumer protection, the department will require a person subject to this chapter to disclose a trade secret to the department to assist the department in evaluating a permit application or in determining compliance with this chapter. If the person disclosing the required information certifies in writing that public disclosure of the information, including information contained in a photograph taken by a department employee, would reveal a trade secret as defined in AS 45.50.940, the department will keep the information confidential while it determines if the public interest that would be served by disclosure is outweighed by the person's privacy interest. The department will continue to keep the information confidential if it finds the information is entitled to protection. If the department finds that the information is not entitled to protection, the department will notify the person disclosing the information in writing that the information will be subject to disclosure after 10 days. Unless ordered by a court to disclose the information, the department will keep the information confidential through the 10-day period, any administrative appeal of the department's finding initiated during the 10-day period, and any judicial appeal of the final agency decision.

(b) If it determines that disclosure is in the interests of public health and consumer protection, the department will disclose information that is confidential under this section under a continuing restriction of confidentiality to other departments of the state or United States or to a court

- (1) to protect against an imminent threat to public health or safety;

(2) in a proceeding to deny, modify, or suspend a permit required under this chapter; or

(3) in pursuit of an enforcement activity.

(c) This section does not limit the department's authority to release confidential information during an emergency. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158)

<b>Authority:</b>	AS 17.20.005	AS 17.20.070	AS 17.20.200
	AS 17.20.010	AS 17.20.072	AS 17.20.220
	AS 17.20.020	AS 17.20.180	AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.015, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.020. Permit requirements.** (a) Except as provided in 18 AAC 31.070, a person may not operate a food establishment subject to this chapter, unless

(1) the department has approved plans submitted under 18 AAC 31.040;

(2) the person has paid each applicable fee required by 18 AAC 31.050; and

(3) the department has issued a permit under this section for each separate operation, as required by (e) of this section.

(b) A permit issued under this section

(1) is valid for the calendar year in which the permit is issued;

(2) may not be transferred; and

(3) must be posted conspicuously in public view in the food establishment.

(c) The operator of a bar or tavern shall obtain a food service permit under this chapter for service of beverages even if other food is not served.

(d) The department will not issue a permit to an operation in an occupied residential dwelling, except for an operation in

(1) a restricted food service transient occupancy establishment;

(2) a residential child care facility, if the facility is required to have a license from the Department of Health and Social Services under AS 47.32 and 7 AAC 50;

(3) a child care facility, if the child care facility is required to have a license from the Department of Health and Social Services under AS 47.32 and 7 AAC 57; or

(4) an assisted living home, if that facility is required to have a license from the Department of Health and Social Services under AS 47.32, AS 47.33, and 7 AAC 75.

(e) Except as otherwise provided in this section, each separate operation within a food establishment must have a separate permit. Operations that require a separate permit include

(1) a commissary, if not already permitted under this chapter as a food establishment; and

(2) each operation if two or more operations share some facilities, such as warewashing, refrigerator, freezer, or storage areas, but the preparation or processing area and the display or service area of each operation are segregated by distance or time; segregation by time occurs if different operations use the same areas at different times of the day.

(f) A separate

(1) food service permit is not required for

(A) a food establishment permitted under this chapter if

(i) customers serve themselves with individual prepackaged foods that may be heated; and

(ii) the establishment provides single-service tableware and condiments;

(B) service of food at an auxiliary site, such as a banquet room, snack room at a labor camp, additional service area, or pushcart, if

(i) the auxiliary site is located on the same premises as the permitted food service and has the same operator as the permitted food service; and

(ii) food preparation occurs at the permitted food service;

(C) a food demonstration station at a market permitted under this chapter if

(i) the market has a permitted food service within the market; and

(ii) all preparation occurs at the permitted food service, except for final cooking or portioning at the station;

(D) a mobile food unit permitted under this chapter that is operating as a temporary food service;

(E) a food service permitted under this chapter that is also operating as a caterer outside the permitted establishment if all preparation, except final cooking, reheating, or portioning at the site, occurs at the permitted establishment;

(F) a beverage-dispensing portion of a bar or tavern with

- (i) a limited food service at the bar or tavern; or
  - (ii) an additional food service at the bar or tavern;
- (2) food processing permit is not required for
- (A) a food service permitted under this chapter that is also
    - (i) manufacturing ice for use within the establishment or for onsite retail sale;
    - (ii) roasting coffee for use within the establishment or for onsite retail sale; or
    - (iii) processing food for wholesale distribution;
  - (B) a seafood processor permitted under 18 AAC 34; this exception also applies to a seafood processor permitted under 18 AAC 34 that, in addition to processing seafood, processes non-seafood products at the permitted facility using the same types of processes for the non-seafood products as are permitted under 18 AAC 34 for the seafood products; however, the seafood processor must comply with other applicable provisions of this chapter for the non-seafood products; or
  - (C) a food service or market permitted under this chapter that also
    - (i) acidifies, cures, dehydrates, or thermal processes low-acid food;
    - (ii) reduced oxygen packages under 18 AAC 31.760(c);
    - (iii) conducts a limited amount of processing, such as the trimming or cutting of produce, or the slicing of processed meat and cheese; or
    - (iv) provides retail customer self-service to change the form of a food, such as for juice squeezing or the grinding of nuts or coffee; and
- (3) market permit is not required for a sales counter or other display area
- (A) that is used primarily for the retail sale of products processed within that facility; and
  - (B) that is located within
    - (i) a meat processing facility under mandatory or voluntary USDA inspection;
    - (ii) a seafood processing facility permitted under 18 AAC 34; or
    - (iii) a processing facility permitted under this chapter.
- (g) A permit for a temporary food service, limited food service, kiosk, or mobile food



unit issued under this section is valid

(1) only for service of the food approved for that operation at the time of application; and

(2) for a temporary food service, for no more than 21 consecutive days in conjunction with a single event, or, if operating at the same location, no more than two days in any one week, for no more than 120 days total. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 12/23/99, Register 152; am 12/31/2000, Register 156; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.180	AS 44.46.020
	AS 17.20.070	AS 17.20.200	AS 44.46.025
	AS 17.20.072		

**Editor’s note:** Operators who process food products that contain meat as an ingredient or that are multi-ingredient meat products that will be sold for resale by another retailer may be subject to the regulations of the United States Department of Agriculture (USDA).

**18 AAC 31.021. Permit: conditional.** (a) The department will issue a conditional permit if the department determines that a conditional permit serves the interests of public health and consumer protection, and if

(1) for a new or extensively remodeled food establishment, the initial evaluation or plan review indicates

(A) the establishment is not in compliance with this chapter;

(B) a risk factor or intervention violation or imminent health hazard does not exist; and

(C) the operator agrees to correct violations within a specified period of time in accordance with 18 AAC 31.900;

(2) for an existing facility, a letter of agreement, negotiated order, compliance order, uniform summons and complaint, or other enforcement and compliance action has been issued by the department and signed by the operator of the food establishment for one or more violations of 18 AAC 30, this chapter, 18 AAC 32, 18 AAC 34, 18 AAC 72, or 18 AAC 80;

(3) public water system plans have been submitted for department review as required by 18 AAC 31.030, but have not been reviewed by the department; or

(4) the operator of an existing food establishment makes a written request to the department to establish a fee payment schedule, not to exceed six months, for fees incurred under 18 AAC 31.050; a request submitted under this paragraph must include

(A) the reason for the request; and

(B) the proposed fee payment schedule.

(b) In a conditional permit issued under (a) of this section, the department will specify

(1) each violation and the date set under 18 AAC 31.900 by which the violations must be corrected; or

(2) the fee payment schedule agreed upon under (a)(4) of this section.  
(Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.180                      AS 44.46.020  
AS 17.20.070                      AS 17.20.200                      AS 44.46.025  
AS 17.20.072

**18 AAC 31.030. Permit application and renewal.** (a) At least 30 days before construction, commencing operation, or a change in the operator of a food establishment, an applicant shall apply for a permit for each type of operation at a food establishment subject to the permit requirements of 18 AAC 31.020, using a form provided by the department. A separate form is not required for each type of operation.

(b) Except for a temporary food service subject to (d) of this section, an application submitted under this section

(1) must identify each type of operation within the food establishment;

(2) must be accompanied by the permit fee required by 18 AAC 31.050 for each type of operation; and

(3) for a new or extensively remodeled food establishment or a change of operator, or significant change in types of food, methods of preparation, or style of service, must also include the information required by 18 AAC 31.040.

(c) In addition to the requirements of (b) of this section, an application submitted under this section

(1) if required by 18 AAC 31.710, must include a hazard analysis critical control point (HACCP) plan;

(2) as required by 18 AAC 31.720, for thermally processed low-acid food, must include a copy of the canning form submitted to FDA and the scheduled process from a recognized processing authority, such as the Food Products Association, or from a food science department of an accredited university;

(3) for a limited food service, mobile food unit, or kiosk, must also

(A) describe food items to be prepared and methods of preparation at the limited food service, mobile food unit, or kiosk;

(B) if a commissary is used,

(i) describe food items to be prepared and methods of preparation

at the commissary;

(ii) describe support services to be provided at the commissary;  
and

(iii) include a letter from the commissary operator that confirms the information provided under (i) and (ii) of this subparagraph; and

(C) if the application is for a kiosk located outside of a building, include a copy of a contract or agreement with a potable water hauler and wastewater hauler that indicates the operator will comply with 18 AAC 31.615;

(4) for a caterer, must also describe the equipment used to protect food from contamination and to maintain product temperature during holding, transportation, and service;

(5) for an operation that will use vending machines that dispense potentially hazardous foods, must also include

(A) the information on the label required under 18 AAC 31.630(b)(9);  
and

(B) for each machine,

(i) the exact location address of the machine; and

(ii) identification of the commissary or other permitted facility from which the machine will be serviced;

(6) for a mobile retail vendor selling seafood, must also identify the source of seafood, including the source's name and address and, if applicable, the source's seafood processing permit number issued by the department under 18 AAC 34.035;

(7) if a product requires a label, must also include a food label or representative copy of the label, as specified in 18 AAC 31.060; and

(8) if applicable, must also include a statement that required plans have been submitted for department review and approval for the public water system under 18 AAC 80.

(d) An application for a temporary food service permit must include

(1) the permit fee required by 18 AAC 31.050;

(2) the proposed dates of the event;

(3) a sketch of the booth or other enclosure, indicating the

(A) floor, wall, and ceiling finishes; and

(B) location and type of equipment and furnishings;

(4) a list of menu items; and

(5) proposed methods of preparation and service.

(e) To continue operating, an operator must renew a permit each year on or before December 31 by paying the fee required by 18 AAC 31.050. If the operator operates only during the summer season, the operator must renew a permit each year on or before May 1 by paying the fee required by 18 AAC 31.050. The department may require an operator who seeks to renew a permit issued under 18 AAC 31.020 to submit information to confirm compliance with this chapter, including copies of

(1) certified food protection manager certification, as specified in 18 AAC 31.325; and

(2) food worker cards, as specified in 18 AAC 31.330.  
(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 6/23/2006, Register 178; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.180            AS 44.46.020  
AS 17.20.072

**Editor's note:** The Food Products Association may be reached at 1350 I (Eye) Street, NW, Suite 300, Washington, DC 20005, telephone 202-639-5900, or at that organization's website: <http://www.fpa-food.org>.

**18 AAC 31.040. Pre-construction and operation plan review and pre-operation inspection.** (a) The operator of a food establishment shall submit to the department, on a form provided by the department, plans that comply with (c) of this section, at least 30 days before construction, or if construction is not necessary, at least 30 days before commencing operation if

(1) a food establishment is to be constructed;

(2) an existing structure not currently used as a food establishment is to be converted for use as a food establishment;

(3) an existing food establishment is proposed to be extensively remodeled;

(4) a new type of operation is to be added to an existing food establishment; or

(5) the food establishment has not previously been issued a permit under this chapter.

(b) The operator of a food establishment shall obtain approval before any proposed significant change to the food establishment's types of food, methods of processing or preparation, style of service, or seating capacity.

(c) Except if plans are for a temporary food service subject to 18 AAC 31.600, plans submitted under this section must include

(1) a plot plan of the entire premises showing the location of buildings, the refuse

storage site, the potable water supply, the wastewater disposal system, and access for deliveries;

- (2) a detailed to-scale drawing of the food establishment showing the type, model, and location of equipment, and plumbing fixtures such as sinks and toilets;
- (3) a plumbing schematic that depicts hot and cold water lines, wastewater lines, floor drains, and grease traps;
- (4) the construction and design specifications for equipment;
- (5) the finish materials specifications for floors, walls, and ceilings;
- (6) types and location specifications for lighting and ventilation;
- (7) a description of
  - (A) food items to be served or sold;
  - (B) projected volumes;
  - (C) methods of preparation and processing, including whether foods will be ready-to-eat, cook-and-serve, complex, or a combination; and
  - (D) styles of service; in this subparagraph, “complex” means cooked, cooled, and reheated;
- (8) the seating capacity;
- (9) a description of equipment used to maintain temperatures during transportation, display, and service; and
- (10) the plan review fee required by 18 AAC 31.050.

(d) A food service that has a seating capacity of at least 50 individuals and all markets maintained primarily for the retail sale of food must indicate compliance with AS 18.35.300 relating to the regulation of smoking.

(e) The department will approve plans submitted under this section if the plans demonstrate compliance with this chapter.

(f) The department may conduct an inspection of a facility under 18 AAC 31.900 or require a self-inspection to confirm compliance with this chapter and the plans approved under this section. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 12/23/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.200  
AS 17.20.070                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.050. Fees.** (a) Except as otherwise provided in this section, at the time of application for a new permit under 18 AAC 31.030 or within 30 days after receiving the first notice that a fee is due for a permit renewal, the operator of a food establishment subject to the permit requirements of 18 AAC 31.020 shall pay to the department an annual permit fee for each separate type of operation at the food establishment as follows:

(1) for a food service that

has (A) except for a food service listed in (B) – (F) and (J) of this paragraph,

(i) 0 - 25 seats: \$325;

(ii) 26 – 100 seats: \$400; or

(iii) more than 100 seats: \$475;

(B) is a limited food service: \$150;

(C) is a mobile food unit, other than a self-contained mobile food unit:  
\$175;

(D) is a self-contained mobile food unit: \$175;

(E) is a caterer: \$350;

(F) is a beverage-dispensing portion of a bar or tavern

(i) without an additional food service or limited food service at the bar or tavern: \$225;

(ii) with a limited food service at the bar or tavern: \$350; or

(iii) with an additional food service at the bar or tavern: \$350;

(G) also acidifies, cures, dehydrates, or thermal processes low acid food, or that reduced oxygen packages under 18 AAC 31.760(c): \$100 in addition to the applicable fee required under (A) of this paragraph;

(H) operates as a caterer outside the establishment and is permitted under this chapter for a different operation: \$200 in addition to the applicable fee required under (A) of this paragraph;

(I) also processes food for wholesale distribution: \$100 in addition to the applicable fee required under this paragraph;

(J) is a camp: \$200;

(2) for a food processing establishment that

(A) is a bakery: \$250;

- (B) bottles drinking water or other beverages: \$250;
- (C) manufactures ice: \$250;
- (D) processes jam, jelly, syrup, or confections: \$200;
- (E) smokes, cures, acidifies, dehydrates, or reduced oxygen packages food: \$325;
- (F) is a thermal processor of low-acid food: \$325;
- (G) processes other food: \$200;

(3) for a market that

- (A) is a convenience store: \$100;
- (B) is a grocery: \$250;
- (C) is a grocery portion of a supermarket: \$250;
- (D) is a retail bakery: \$250;
- (E) is a retail meat market: \$250;
- (F) is a retail seafood market: \$250;
- (G) is a warehouse: \$200;
- (H) is a food bank or food salvager: \$200;
- (I) is a mobile retail vendor: \$150;
- (J) also acidifies, cures, dehydrates, or thermal processes low acid food, or that reduced oxygen packages under 18 AAC 31.760(c): \$100 in addition to the applicable fee required under (A) - (I) of this paragraph;

(4) other food establishments: \$325.

(b) Except as otherwise provided in this section, an applicant for a permit for a temporary food service shall pay to the department the following permit fee at the time of application for

(1) a one day event: \$35; if the application is submitted fewer than seven days before the event is to begin, the applicant shall pay an additional fee of \$35;

(2) an event lasting two to three days: \$65; if the application is submitted fewer than seven days before the event is to begin, the applicant shall pay an additionally fee of \$65;

(3) an event lasting four to seven days: \$90; if the application is submitted fewer than seven days before the event is to begin, the applicant shall pay an additional fee of \$90; or

(4) an event lasting eight to 28 days: \$120; if the application is submitted fewer than 15 days before the event is to begin, the applicant shall pay an additional fee of \$120.

(c) In addition to the fees set out in (a) of this section, the operator of a food establishment who is required to submit plans to the department for review and approval under 18 AAC 31.040 shall pay to the department at the time of submission a plan review fee for each separate type of operation at the food establishment as follows:

(1) for a food service that

(A) except for a food service listed in (B) – (F) of this paragraph, has

(i) 0 – 25 seats: \$175;

(ii) 26 – 100 seats: \$200;

(iii) more than 100 seats: \$275;

(B) is a limited food service: \$125;

(C) is a mobile food unit, other than a self-contained mobile food unit:  
\$200;

(D) is a self-contained mobile food unit: \$200;

(E) is a caterer: \$275;

(F) is a beverage-dispensing portion of a bar or tavern:

(i) without an additional food service or limited food service at the bar or tavern: \$125;

(ii) with a limited food service at the bar or tavern: \$275;

(iii) with an additional food service at the bar or tavern: \$300;

(2) for a food processing establishment that

(A) is a bakery: \$200;

(B) bottles drinking water or other beverages: \$200;

(C) manufacturers ice: \$175;

(D) processes jam, jelly, syrup, or confections: \$175;

(E) smokes, cures, acidifies, dehydrates, or reduced-oxygen packages  
food: \$275;

(F) is a thermal processor of low-acid food: \$275;



(G) processes other food: \$200;

(3) for a market that is a

(A) convenience store: \$125;

(B) grocery: \$200;

(C) grocery portion of a supermarket: \$200;

(D) retail bakery: \$200;

(E) retail meat market: \$200;

(F) retail seafood market: \$200;

(G) warehouse: \$125;

(H) food bank or food salvager: \$200;

(I) mobile retail vendor: \$125;

(4) other food establishments: \$200.

(d) The department will reduce total plan review fees required under (c) of this section by 20 percent if an operator submits plans for three or more types of operations within a single food establishment.

(e) For a food service that serves food and include a beverage-dispensing portion of a bar or tavern that are located within the same establishment and have the same operator, the department will reduce the total annual permit fees required under (a) of this section for both operations by 20 percent.

(f) For a limited food service, kiosk, mobile food unit, or other similar operation that sells directly to the consumer only beverages such as hot chocolate, any coffee or tea beverages, or nonpotentially hazardous beverages and prepackaged, nonpotentially hazardous food, the department will reduce the total annual permit fees required under (a) of this section by 50 percent.

(g) Repealed 12/1/2004.

(h) Repealed 12/28/2006.

(i) Within 30 days after a change in the operator of a food establishment with a permit issued under this chapter, the new operator shall apply to the department for a reissuance of the permit in the new operator's name. If the previous operator

(1) paid the current annual permit fee, the new operator shall pay a reissuance fee of \$125, or one-half the cost of the annual permit fee, whichever is less, for each permit reissued; or

(2) did not pay the current annual permit fee required under (a) of this section, the new operator shall pay that fee.

(j) Repealed 12/1/2004.

(k) A fee submitted under this section is nonrefundable, except that the department will refund an annual permit fee under (a) of this section if a food establishment pays an annual permit fee but does not operate within the calendar year and the operator provides documentation on a form provided by the department and demonstrates to the department's satisfaction that, within the calendar year, the food establishment was not in operation.

(l) Unless a fee schedule is agreed upon under 18 AAC 31.021, or unless stated otherwise, a fee required under this section is due within 30 days after receiving notice that the fee is due.

(m) An operator of an establishment who stops operating that establishment remains responsible for past due fees required under this section and incurred by that operator before operations were stopped.

(n) A person who disputes an invoice issued under this section may request a fee review under 18 AAC 15.190 within 30 days after receipt of the first invoice from the department.

(o) Repealed 7/11/2002.

(p) Except for an additional fee under (b) of this section, the following organizations and types of operations permitted under this chapter are exempt from the fee requirements of this section:

(1) an organization that is exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code);

(2) a food service provided by a public or private elementary or secondary school or head start center described in AS 44.46.025(d).

(q) This section does not prohibit the imposition of a higher or a lower fee by a municipality with a delegation of authority under 18 AAC 31.945.

(r) If an organization is exempt from taxation under 26 U.S.C. 501(c)(4), (c)(10), or (c)(19), the department will reduce the annual permit fee required in (a) of this section by 50 percent.

(s) Repealed 12/1/2004.

(t) A fundraiser, promotional event, or other gathering that is open or advertised to the public, sponsored by a school class, school club, or school and exempted under 18 AAC 31.070(b) is exempt from the fee requirements of this section.

(u) If a new food establishment commences operation between October 1 and December 30, that establishment shall pay one-half of the annual permit fee required under (a) of this section for that year.

(v) An applicant for a food worker card described in 18 AAC 31.330 must pay to the department \$10. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/23/99, Register 152; am 12/31/2000, Register 156; am 6/28/2001, Register 158; am 7/11/2002, Register 163; am 12/1/2004, Register 172; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 44.46.020                      AS 44.46.025  
AS 17.20.180

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.050, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.050(d). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.055. Laboratory fees.** The department will, if requested by an owner or operator and subject to the availability of appropriations from the legislature and the staffing needs of other projects, conduct tests of food products upon payment of the following fees:

(1) for a test dealing with microbiology:

- (A) aerobic plate count (APC): \$30 for each sample;
- (B) presumptive coliform: \$17 for each sample;
- (C) confirmed coliform, total or fecal: \$17 for each sample;
- (D) *Escherichia coli*, non-1057: H7: \$17 for each sample;
- (E) *Escherichia coli* 0157: H7, rapid method: \$25 for each sample;
- (F) *Staphylococcus aureus*: \$50 for each sample;
- (G) *Salmonella* spp., Association of Official Analytical Chemists method: \$70 for each sample with a minimum of four samples, or \$80 for each sample with no minimum;
- (H) *Salmonella* spp., rapid method: \$25 for each sample;
- (I) *Listeria* spp., Association of Official Analytical Chemists method:
  - (i) \$35 for a negative or presumptive-positive sample; or
  - (ii) \$50 for a positive sample, including confirmation of positive

identification;

(J) *Listeria* spp., rapid method: \$25 for each sample;

(K) *Streptococcus* spp.: \$25 for each sample;

(L) other requested tests: \$50 per hour with a one-hour minimum;

(2) for a test dealing with chemistry:

(A) water activity: \$10 for each sample;

(B) water phase salt: \$30 for each sample;

(C) total salt: \$20 for each sample;

(D) total water: \$10 for each sample

(E) nitrate: \$120 for each sample;

(F) nitrite: \$30 for each sample;

(G) sulfite: \$120 for each sample;

(H) heavy metals and elements: \$50, plus \$10 for each sample of each metal or element;

(I) pH: \$20 for each sample;

(J) other requested tests: \$50 per hour with a one-hour minimum;

(3) for a test dealing with organoleptics, adulteration, crude fiber, protein, or fat content: \$50 per hour, billed in 15 minute increments. (Eff. 6/28/2001, Register 158)

**Authority:** AS 17.20.005                      AS 44.46.020                      AS 44.46.025  
AS 17.20.180

**18 AAC 31.060. Labeling, placarding, and consumer advisory.** (a) The operator of a food establishment shall ensure that food packaged in the establishment is labeled as specified in (b) of this section, except

(1) bulk, unpackaged food, such as a bakery product or unpackaged food that is portioned to consumer specification, if

(A) a health, nutrient content, or other claim is not made; and

(B) the food is manufactured or prepared on the premises of the food establishment or at another food establishment or food processing establishment that is

owned by the same person and is regulated by the regulatory agency that has jurisdiction;  
or

(2) distilled spirits, wine, or malt beverages.

(b) Food packaged in a food establishment must be labeled

(1) except if exempted in 21 C.F.R. 101.9(j) and 9 C.F.R. 317.400, in accordance with 21 C.F.R. Part 101 or 9 C.F.R. Part 317, adopted by reference in 18 AAC 31.011;

(2) in accordance with general and standard-of-identity requirements specified in 21 C.F.R. Parts 130 - 169 and 9 C.F.R. Part 319, adopted by reference in 18 AAC 31.011;

(3) with the name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient; for purposes of this paragraph, "major food allergen"

(A) means milk, egg, fish, tree nuts, wheat, peanuts, or soybeans, or a food ingredient that contains protein derived from milk, egg, fish, tree nuts, wheat, peanuts, or soybeans; and

(B) does not include

(i) a highly refined oil derived from a food specified in (A) of this paragraph and any ingredient derived from that highly refined oil; or

(ii) an ingredient that is exempt under the petition or notification process specified in 21 U.S.C. 343(w);

(4) with one of the following product holding statements, as necessary:

(A) "KEEP FROZEN", if keeping the product frozen is required to prevent growth of infectious or toxigenic microorganisms or deterioration of the product;

(B) "KEEP REFRIGERATED", if keeping the product refrigerated is required to prevent growth of infectious or toxigenic microorganisms or deterioration of the product;

(5) with the statement "PREVIOUSLY FROZEN" for meat, seafood, or poultry that has been previously frozen and thawed; and

(6) with information required in 18 AAC 31.700 – 18 AAC 31.770.

(c) The operator of a market shall prominently label bulk food that is displayed for self-service with one or more of the following forms of information, presented in plain view of the consumer:

(1) the manufacturer's or processor's label that was provided with the food;

(2) a card, sign, or other method of notification that includes, except if the food is exempted in 21 C.F.R. 101.9(j) or 9 C.F.R. 317.400, the information required in

21 C.F.R. Part 101 and 9 C.F.R. Part 317, adopted by reference in 18 AAC 31.011.

(d) The operator of a food establishment that sells, uses, or serves mushrooms picked in the wild shall ensure the mushrooms are conspicuously identified by a label, placard, or menu notation that states

- (1) the common and usual name of the mushroom; and
- (2) the statement “Wild mushrooms; not an inspected product”.

(e) The operator of a food establishment that sells, uses, or serves salmonid fish containing canthaxanthin or astaxanthin shall display the labeling from the bulk fish container, including a list of ingredients, on the retail container or by other written means that discloses the use of canthaxanthin or astaxanthin. For purposes of this subsection, “salmonid fish” includes pink salmon, coho salmon, sockeye salmon, Chinook salmon, Atlantic salmon, chum salmon, rainbow trout, cutthroat trout, and brown trout.

(f) If a food establishment sells, uses, or serves beef, eggs, seafood, lamb, milk, pork, poultry, molluscan shellfish, or another animal food, either ready-to-eat or as an ingredient in another ready-to-eat food, and sells, uses, or serves that animal food raw, not cooked to the temperature specified in 18 AAC 31.232, or without otherwise being processed to eliminate pathogens, the operator of the food establishment shall inform consumers of the significantly increased risk of consuming those foods by the use of a brochure, deli case or menu advisory, label statement, table tent, placard, or other effective written means that contains

- (1) disclosure by either

(A) a description of the animal-derived food, such as “oysters on the half shell (raw oysters)”, “raw-egg Caesar salad”, and “hamburgers (can be cooked to order)”; or

(B) identification of the animal-derived food by an asterisk by the name of the food to a footnote that states that the items are served raw or undercooked, or contain or may contain raw or undercooked ingredients; and

(2) a reminder that includes an asterisk by the description or identification of the animal-derived food requiring disclosure to a footnote that states

(A) “Regarding the safety of these foods, written information is available upon request.”;

(B) “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.”; or

(C) “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.”.

(g) The operator of a food establishment shall submit to the department an example of a label or notice intended for use under this section for department review before use. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.049	AS 17.20.290
	AS 17.20.010	AS 17.20.072	AS 17.20.300
	AS 17.20.040	AS 17.20.180	AS 44.46.020
	AS 17.20.044		

**Editor's note:** Labeling requirements for distilled spirits, wine, or malt beverages are in 27 C.F.R. and regulated by the United States Bureau of Alcohol, Tobacco, and Firearms. Additional labeling requirements, including labeling for wild and farmed finfish, are in AS 17.20 (Alaska Food, Drug, and Cosmetic Act). Information about how to review or obtain a copy of a requirement referred to in 18 AAC 31.060 and adopted by reference in 18 AAC 31.011 is set out in the editor's note to 18 AAC 31.011.

**18 AAC 31.070. School food establishments.** (a) The department will exempt a fundraiser, promotional event, or other gathering that is open or advertised to the public and sponsored by a school class, school club, or other school organization from the permit requirements under 18 AAC 31.020 and the fee requirements under 18 AAC 31.050 upon receiving an application as described in (b) of this section, if the department determines that the exemption serves the interests of public health and consumer protection, and if the information submitted under (b) of this section indicates that the food is

- (1) prepared in a permitted food establishment located on the school premises;
- (2) served on the school premises; and
- (3) served immediately after preparation.

(b) A school class, school club, or other school organization that seeks an exemption as described in (a) of this section must apply to the department, using a form provided by the department. The application must identify the

- (1) name of the school class, school club, or other school organization;
- (2) proposed dates of food service operation;
- (3) proposed permitted school food establishment where food will be prepared;
- (4) proposed types of meals, the proposed holding, serving, and preparation methods, and the proposed source of food; and
- (5) location where the food will be served or sold.

(c) The following school class, school club, or other school organization events are exempt from the requirements of this chapter, if the food is prepared by and for members of the school class, club, or organization, and their invited guests:

- (1) a gathering, including a party, picnic, or potluck;
- (2) preparation and service of snacks routinely served during school hours in classrooms;
- (3) cooking in classrooms as a class or as a club activity.

(d) Except as provided in (a) of this section, an event listed in (c) of this section must comply with this chapter if the event is advertised or open to the public, with or without charge. (Eff. 6/28/2001, Register 158; am 12/28/2006, Register 180; am 6/24/2012, Register 202)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 44.46.020
	AS 17.20.010	AS 17.20.180	AS 44.46.025
	AS 17.20.020	AS 17.20.290	



**Article 2. Food Care.****Section**

- 200. Food condition and source
- 205. Traditional wild game meat, seafood, plants, and other food donated to an institution or a nonprofit program
- 210. Prohibited food
- 215. Highly susceptible populations
- 220. Food protection: hands
- 222. Food protection: food and ingredients
- 224. Food protection: equipment, utensils, linens
- 226. Food protection: consumers
- 228. Food protection: disposition of unsafe, adulterated, contaminated food
- 230. Temperature and time control: receiving and thawing
- 232. Temperature and time control: cooking
- 234. Time and temperature control: hot- and cold-holding, cooling, and reheating for hot-holding
- 236. Time as public health control
- 240. Repealed
- 250. Seafood parasite destruction

**18 AAC 31.200. Food condition and source.** (a) The operator of a food establishment shall ensure that food used in the food establishment is wholesome, not adulterated, and safe for human consumption.

(b) In addition, food must be obtained from an approved source, except

(1) sport-caught seafood that is obtained by a food service

(A) from the individual who caught the seafood;

(B) for preparation and service only to that individual; and

(C) if seafood processing in the food service is separated from other preparation or processing by location or time;

(2) salmon from a hatchery permitted by the Department of Fish and Game that is donated to a food bank;

(3) no more than 500 pounds of seafood in one week that is obtained by a food service or market from a commercial fisherman if

(A) the operator of a food service or market obtains a written variance from the department under 18 AAC 31.930;

(B) seafood processing activities are limited to butchering, freezing, and cooking; and

(C) seafood processing in the food service or market is separated from other preparation or processing by location or time;

(4) traditional wild game meat, seafood, plants and other food donated to an institution or a nonprofit program, as specified in 18 AAC 31.205;

(5) reindeer for retail sale to or at a market, as specified in 18 AAC 31.820;

(6) meat imported from a foreign country with a program for the inspection of game meat approved by the USDA or the FDA;

(7) reindeer slaughtered or processed in accordance with 18 AAC 32.600 – 18 AAC 32.699; and

(8) mushrooms picked in the wild if the requirements specified in 18 AAC 31.060 are met.

(c) In addition to meeting the requirements of (a) and (b) of this section, the operator of a food establishment shall obtain

(1) packaged food that is

(A) in good condition;

(B) in a package that protects the integrity of the contents so that food is not exposed to adulteration or potential contaminants; and

(C) labeled in accordance with the requirements specified in 18 AAC 31.060, including safe handling instructions for

(i) meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption; and

(ii) eggs that have not been specifically treated to destroy all viable *Salmonellae*;

(2) raw, raw-marinated, partially cooked, or marinated-partially cooked seafood that is intended for consumption in the raw form from a supplier that freezes the seafood, as specified in 18 AAC 31.250, unless the operator freezes the seafood on the premises, as specified in 18 AAC 31.250;

(3) fluid milk and milk products that are pasteurized and that meet the Grade A quality standards specified in 18 AAC 32; the operator of a food service may reconstitute powdered milk with potable water or Grade A milk if the reconstituted powdered milk is used within 24 hours after reconstitution;

(4) shell eggs that are clean and sound and that do not exceed the restricted egg tolerances for United States consumer Grade B as specified in 7 C.F.R. Part 56 and 9 C.F.R. Part 590, adopted by reference in 18 AAC 31.011;

(5) egg products, including liquid, frozen, or dry eggs, that are pasteurized;

(6) molluscan shellfish that are reasonably free of mud, dead molluscan shellfish, and molluscan shellfish with broken shells and, that are packaged and identified as follows:

(A) fresh or frozen shucked molluscan shellfish packaged in a single-use container with a label that identifies the name, address, and permit number of the shucker-packer or repacker of the molluscan shellfish, and either the sell-by date or the date shucked;

(B) fresh or frozen molluscan shellfish packaged in a container that bears legible source identification tags or labels affixed by the harvester and each dealer that list

(i) the harvester's permit number, the date of harvest, the most precise identification of the harvest location, and the type and quantity of molluscan shellfish;

(ii) each dealer's name, address, and permit number;

(iii) the original shipper's permit number; and

(iv) the statement, "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days."

(d) The operator of a food establishment shall ensure that molluscan shellfish are not removed from the container in which they are received other than immediately before sale or preparation for service. However, if molluscan shellfish from one tagged or labeled container are not commingled with molluscan shellfish from another tagged or labeled container with different identification numbers, harvest dates, or growing areas as identified on the tag or label,

(1) the molluscan shellfish may be either displayed on drained ice or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer, if the source of the molluscan shellfish on display is identified, as specified in (c)(6) of this section;

(2) shucked molluscan shellfish may be held in a display container from which individual servings are dispensed upon a consumer's request, if the labeling information for the molluscan shellfish on display as specified in (c)(6) of this section is

(A) retained as specified in 18 AAC 31.335; and

(B) correlated to the date when the molluscan shellfish are sold or served;

and

(3) shucked molluscan shellfish may be repacked in consumer self-service containers if

(A) the labeling information for the molluscan shellfish is on each consumer self-service container, as specified in (c)(6) of this section and 18 AAC 31.060;

and

(B) the labeling information specified in (c)(6) of this section is

(i) retained as specified in 18 AAC 31.335; and

(ii) correlated with the date when the molluscan shellfish is sold.

(Eff. 5/18/97, Register 142; am 5/23/98, Register 146; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 9/6/2003, Register 167; am 12/28/2006, Register 180; am 12/3/2010, Register 196)

<b>Authority:</b>	AS 17.20.005	AS 17.20.040	AS 17.20.346
	AS 17.20.010	AS 17.20.072	AS 17.20.347
	AS 17.20.020	AS 17.20.180	AS 44.46.020
	AS 17.20.030	AS 17.20.345	

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.200, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

Copies of the federal regulations adopted by reference in 18 AAC 31.011 may be obtained from the department's Anchorage, Fairbanks, or Juneau office.

**18 AAC 31.205. Traditional wild game meat, seafood, plants, and other food donated to an institution or a nonprofit program.** Except for food prohibited under 18 AAC 31.210, traditional wild game meat, seafood, plants, and other food may be donated to a food service of an institution or a nonprofit program, including a residential child care facility with a license from the Department of Health and Social Services as required by AS 47.32 and 7 AAC 50, a school lunch program, or a senior meal program, if the operator of the food service

(1) ensures that the food is received whole, gutted, gilled, as quarters, or as roasts, without further processing;

(2) makes a reasonable determination that

(A) the animal was not diseased;

(B) the food was butchered, dressed, transported, and stored to prevent contamination, undesirable microbial growth, or deterioration; and

(C) the food will not cause a significant health hazard or potential for human illness;

(3) conducts any further preparation or processing of the food at a different time or in a different space at the food service from the preparation or processing of other food to prevent cross-contamination;

(4) cleans and sanitizes food-contact surfaces of equipment and utensils after

processing the food;

(5) labels donated seafood and game meat with the name of the food and stores it separately from other food through storage in a separate freezer or refrigerator or a separate compartment or shelf in the freezer or refrigerator; and

(6) meets all other applicable requirements of this chapter.  
(Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 6/23/2006, Register 178)

<b>Authority:</b>	AS 17.20.005	AS 17.20.030	AS 17.20.180
	AS 17.20.010	AS 17.20.040	AS 17.20.290
	AS 17.20.020	AS 17.20.072	AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.205, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.205. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.210. Prohibited food.** Because of significant health hazards and the potential for human illness, the operator of a food establishment may not allow the following food in the food establishment under any circumstance:

(1) molluscan shellfish, unless the operator complies with 18 AAC 31.200(c)(6) and (d) and 18 AAC 31.335;

(2) the following game meats and oils:

- (A) fox meat;
- (B) polar bear meat;
- (C) bear meat;
- (D) walrus meat;
- (E) seal oil, with or without meat;
- (F) whale oil, with or without meat;

(3) fermented game meat, such as beaver tail, whale flipper, seal flipper, and fermented muktuk;

(4) fermented seafood products, such as salmon eggs or fish;

(5) hermetically sealed low-acid food, unless the food is obtained from a food processing establishment that is permitted or certified by the local, state, or federal agency with jurisdiction;

(6) reduced-oxygen packaged food, unless the food is obtained from a food processing establishment permitted under this chapter and is packaged as required by 18 AAC 31.760 or from a source approved by the USDA or FDA;

(7) smoked or dried seafood products, unless those products are prepared in a seafood processing facility permitted under 18 AAC 34 or are from another approved source. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.010	AS 17.20.180	AS 44.46.020
	AS 17.20.020		

**18 AAC 31.215. Highly susceptible populations.** (a) In a food establishment that serves a highly susceptible population in a facility that provides health care, assisted living services, or custodial care, the operator may not serve or offer the following foods in a ready-to-eat form unless the foods are prepared in response to a specific adult consumer's request:

(1) raw animal foods, including raw seafood, raw marinated seafood, raw molluscan shellfish, and steak tartare;

(2) animal food that is not cooked to the minimum temperatures provided in 18 AAC 31.232, such as lightly-cooked seafood, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue;

(3) raw seed sprouts;

(4) unpasteurized juices.

(b) In a food establishment that serves a highly susceptible population in a facility that provides health care, assisted living services, or custodial care, the operator shall ensure that pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products are substituted for raw shell eggs in the preparation of

(1) foods that typically have raw shell eggs as an ingredient; and

(2) recipes in which more than one egg is broken and the eggs are combined, except

(A) if the foods are prepared in response to a specific adult consumer's request; or

(B) the raw eggs are combined as an ingredient and are thoroughly cooked, as specified in 18 AAC 31.232, to a ready-to-eat form. (Eff. 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.010	AS 17.20.180	AS 44.46.020

## AS 17.20.020

**18 AAC 31.220. Food protection: hands.** The operator of a food establishment shall ensure that contamination of food by employees is minimized by ensuring that food that is exposed and

(1) not in a ready-to-eat form is prepared with the least possible bare hand contact; and

(2) in a ready-to-eat form is prepared with no bare hand contact by the proper use of utensils, except when washing fruits and vegetables. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020  
AS 17.20.040

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.220, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.222. Food protection: food and ingredients.** (a) The operator of a food establishment shall take measures to prevent contamination of food by other food and food ingredients during receiving, storage, preparation, holding, and display and shall

(1) protect food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

(2) protect food from cross-contamination by separating

(A) raw animal food during storage, preparation, holding, and display from raw, ready-to-eat food and cooked, ready-to-eat food;

(B) except when combined as ingredients, types of raw animal foods from each other during storage, preparation, holding, and display by

(i) using separate equipment for each type or arranging each type of food in equipment so that cross-contamination of one type with another is prevented; and

(ii) preparing each type of food at different times or in separate areas;

(C) stored products held by the operator for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products from food, food-contact surfaces, linens, or single-service or single-use articles; and

(D) vegetables or fruit before it is washed as specified in (7) of this subsection from ready-to-eat food;

(3) cover food during storage using packages, containers, or wrappings, except

(A) quarters, sides, or large cuts of raw meat or slab bacon that are hung on clean, sanitized hooks or racks if no part of the meat touches walls, floors, boxes, or shelving, and food is not stored under the meat;

(B) whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;

(C) whole, uncut, processed meats, including country hams and smoked or cured sausages, that are placed on clean, sanitized racks;

(D) molluscan shellfish; or

(E) food being cooled, as specified under 18 AAC 31.234;

(4) store and display food and containers of food

(A) at least six inches above the floor on storage or display shelving or equipment in a clean, dry location where the food is not exposed to splash, dust, or other contamination, except that

(i) food in cases, or large containers of packaged food, such as flour and sugar, may be stored on dollies, skids, or open-ended pallets if that equipment is easily movable by hand or with the use of pallet-moving equipment that is available on the premises at all times; and

(ii) large, impervious, covered containers or cases of food, metal beverage containers, and food packaged in cans, glass, or other sealed, waterproof containers need not be elevated if the container is not exposed to floor moisture and the floor is clean; and

(B) in a location that will not cause contamination; a location that may cause contamination includes a locker room, toilet room, dressing room, garbage room, mechanical room, or under an exposed sewer line, an open stairwell, a leaking refrigeration condenser, or a leaking or dripping waterline, including a leaking automatic fire sprinkler head or under a line on which water has condensed;

(5) label containers holding food or food ingredients that are removed from the original package for use in the food establishment with the common name of the food, except molluscan shellfish subject to 18 AAC 31.200 and containers holding food that can be readily and unmistakably recognized;

(6) prevent contamination from ice by ensuring

(A) packaged food is not stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or



container or its positioning in the ice or water;

(B) except for whole, raw fruits and vegetables, and cut, raw vegetables and tofu, unpackaged food is not stored in direct contact with undrained ice; raw poultry or raw seafood that is received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale;

(C) ice used to cool the exterior surfaces of food, packaged food, food containers, or food-contact surfaces is not served to consumers or otherwise used as food; and

(D) ice for use as food or as a cooling medium is made from potable water;

(7) except for whole, raw fruits and vegetables that are intended for washing by the consumer before consumption, wash raw fruits and vegetables thoroughly with potable water to remove soil and other contamination before those fruits and vegetables are cut, combined with other ingredients, cooked, served, or offered for human consumption in a ready-to-eat form;

(8) prevent contamination from whole eggs that have not been pasteurized; and

(9) clean hermetically sealed containers of food or visible soil before opening.

(b) The operator of a food establishment shall ensure that food is protected from contamination that may result from adulteration due to the addition of an unsafe or unapproved food additive or an unsafe or unapproved level of an approved food additive.

(c) The operator of a food establishment, except a food processing establishment subject to 18 AAC 31.700 – 18 AAC 31.770, shall ensure that

(1) a sulfiting agent is not applied to fresh fruits and vegetables intended for raw consumption; and

(2) fresh fruits and vegetables intended for raw consumption that have been treated with a sulfiting agent before receipt by the food establishment are not served or sold in the establishment, except that grapes that have been treated with a sulfiting agent before receipt may be served or sold. (Eff. 12/28/2006, Register180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.020	AS 17.20.180	AS 44.46.020
	AS 17.20.040		

**18 AAC 31.224. Food protection: equipment, utensils, and linens.** The operator of a food establishment shall prevent contamination of food from equipment, utensils, and linens by ensuring that

(1) utensils that are gloves are used as follows:

- (A) single-use gloves, if used, are
  - (i) used for only one task;
  - (ii) used for no other purpose; and
  - (iii) discarded when damaged or soiled or if an interruption occurs during the task;
- (B) slash-resistant gloves are not used in direct contact with food, except if the
  - (i) food will be subsequently cooked, as specified in 18 AAC 31.232 or
  - (ii) slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or
  - (iii) slash-resistant gloves are covered with a smooth, durable nonabsorbent glove or a single-use glove;
- (C) cloth gloves are not used in direct contact with food unless the food is subsequently cooked, as specified in 18 AAC 31.232;
- (2) food only contacts food-contact surfaces that are washed, rinsed, and sanitized, as specified at 18 AAC 31.422 – 18 AAC 31.424, or that are single-service or single-use articles;
- (3) during pauses in food preparation or dispensing, food preparation and dispensing utensils are stored
  - (A) in the food with the handle extended out of the food;
  - (B) on a food-contact surface if the surface and the in-use utensil are cleaned and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424;
  - (C) in running, potable water of sufficient velocity to flush particulates to the drain, if the utensils are used with moist food;
  - (D) in a clean, protected location if the utensil, such as an ice scoop, is used only with a food that is not potentially hazardous;
  - (E) in a container of potable water maintained at a temperature of 135° F or above if
    - (i) each utensil is washed, rinsed, and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424, or replaced every four hours, or more frequently if necessary to preclude accumulation of residues; and
    - (ii) each container is washed, rinsed, and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424, or replaced every 24 hours, or when emptied;

or

(F) in a container of potable water maintained at a temperature of 41° F or less if

(i) each utensil is washed, rinsed, and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424, or replaced every four hours, or more frequently if necessary to preclude accumulation of residues, whichever is earlier; and

(ii) each container is washed, rinsed, and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424, or replaced every 24 hours, or when emptied;

(4) moist cloths in use for wiping counters and other equipment surfaces are

(A) held between uses in a chemical sanitizer solution; the chemical sanitizer solution must be

(i) at least 100 ppm hypochlorite solution or another equivalent sanitizer solution in a concentration as specified by manufacturer's instructions as measured using a test kit or other device;

(ii) free of food debris and visible soil; and

(iii) in a container that is used in a manner that prevents contamination of food, food-contact surfaces, or single-service or single-use articles;

(B) not used for another purpose;

(C) laundered daily and protected from contamination, as specified in 18 AAC 31.425; and

(D) if in contact with raw animal foods, kept separate from cloths used for other purposes, and kept in a separate sanitizing solution;

(5) cloths in use for wiping, from tableware and carry-out containers, food spills that occur as food is being served are maintained dry, used for no other purpose, and laundered daily;

(6) dry wiping cloths are free of food debris and visible soil; and

(7) linens and napkins are not used in contact with food, except

(A) if linens or napkins are used to line a container for the service of food; and

(B) the linens or napkins are replaced each time the container is refilled for a new consumer. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020  
AS 17.20.040

**18 AAC 31.226. Food protection: consumers.** The operator of a food establishment shall prevent contamination of food from consumers by ensuring that

(1) except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food is protected from consumer contamination during display by the use of

- (A) packaging;
- (B) counter, service line, or salad bar food guards;
- (C) display cases; or
- (D) other effective means;

(2) condiments are protected from contamination by being kept in

- (A) dispensers that are designed to provide protection;
- (B) protected food displays that are provided with the proper utensils;
- (C) original containers designed for dispensing; or
- (D) individual packages or portions;

(3) raw, unpackaged meat, poultry, or seafood is not offered for consumer self-service, except for

- (A) consumer self-service of ready-to-eat foods at a buffet or salad bar that serves food such as sushi or raw molluscan shellfish;
- (B) ready-to-cook individual portions for immediate cooking and consumption on the premises; or
- (C) raw, frozen, shell-on shrimp or lobster;

(4) consumer self-service operations for ready-to-eat food are provided with suitable utensils or effective dispensing methods that protect the food from contamination and that dispensing utensils for self-service of nonpotentially hazardous food are stored between uses in the food, with the handle extended out of the food, or on a clean surface;

(5) soiled tableware is not

- (A) re-used by a self-service consumer who returns to the service area for

more food or beverage, except that a cup or container may be reused if refilling is by an automatic dispensing device designed to prevent contact between the device and the lip-contact surface of the cup or glass;

(B) used by an employee to provide second portions or refills, except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the cup or container; and

(6) after food has been served or sold to and is in the possession of a consumer, food that is unused or returned by the consumer is not offered as food for human consumption, except if

(A) the food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or

(B) the food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020  
AS 17.20.040

**18 AAC 31.228. Food protection: disposition of unsafe, adulterated, contaminated food.** The operator of a food establishment shall discard or recondition unsafe, adulterated, or contaminated food as follows:

(1) food that is unsafe, adulterated, or not honestly presented, as specified at 18 AAC 31.200, must be discarded or may be reconditioned according to the establishment's procedure;

(2) food that is not from an approved source, as specified in 18 AAC 31.200, must be discarded;

(3) ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded, as specified in 18 AAC 31.300, must be discarded;

(4) food that is contaminated by an employee, consumer, or other individual through contact with hands, bodily discharges, or other means must be discarded. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020  
AS 17.20.040

**18 AAC 31.230. Temperature and time control: receiving and thawing.** The operator of a food establishment shall ensure that potentially hazardous food is

(1) upon receipt, free of evidence of previous temperature abuse when received at the food establishment and

(A) for food that is refrigerated, received at 41° F or below, except as specified in 18 AAC 31.810(c)(1)(C) or otherwise specified in this chapter;

(B) for food that has been cooked to a temperature and for a time specified in 18 AAC 31.232 and that is received hot, received at 135° F or above;

(C) for raw eggs, received in refrigerated equipment that maintains an ambient air temperature of 45° F or below; or

(D) for food that is labeled frozen and shipped frozen by a food processing establishment, received frozen; and

(2) thawed

(A) in a refrigeration unit;

(B) while completely submerged under running potable water at 70° F or below with sufficient water velocity to agitate and float off loose particles in an overflow until thawed and then is immediately cooked or refrigerated and for a period of time that does not allow thawed portions of

(i) ready-to-eat food to rise above 41° F; or

(ii) raw animal food requiring cooking, as specified in 18 AAC 31.232, to be above 41° F for more than four hours including the time the food is exposed to the running water and the time needed for preparation for cooking;

(C) in a microwave oven and immediately transferred to conventional cooking equipment with no interruption in the process; or

(D) as part of a cooking process if the food that is frozen is cooked, as specified in 18 AAC 31.232. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.230, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also made amendments to 18 AAC 31.230. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.232. Temperature and time control: cooking.** (a) The operator of a food establishment shall ensure that if potentially hazardous food requires cooking, all parts are cooked with no interruption in the cooking process to the minimum internal temperature, and held at that temperature for the time shown in Table B of this section except as specified in (b) of this section and Table D of this section.

<b>TABLE B MINIMUM INTERNAL TEMPERATURES AND TIME</b>		
<b>ITEM</b>	<b>TEMPERATURE</b>	<b>TIME</b>
Poultry; stuffed meat, seafood, pasta, game meat, or poultry; stuffing containing meat, seafood, ratites, or poultry; traditional wild game meat	165° F	15 seconds
Ground or restructured meat, game meat, seafood; ratites; and injected meat	158° F	one second
	155° F	15 seconds
	150° F	one minute
	145° F	three minutes
Meat; seafood; game meat; other potentially hazardous food requiring cooking, including seafood and eggs; eggs may be cooked to a temperature below 145° F if ordered by an adult consumer and prepared for immediate service	145° F	15 seconds

(b) The operator of a food establishment shall ensure that whole meat roast, including a beef, corned beef, lamb, pork, and cured pork roast, is cooked

(1) in an oven that is preheated to the temperature specified for the roast's weight in Table C of this section and that is held at that temperature; and

<b>TABLE C WHOLE MEAT ROAST OVEN TYPE AND TEMPERATURE</b>		
<b>Oven Type</b>	<b>Oven Temperature Based on Roast Weight</b>	
	Less than 10 pounds	10 pounds or more
Still Dry	350° F or above	250° F or above
Convection	325° F or above	250° F or above
High Humidity*	250° F or below	250° F or below
* Relative humidity greater than 90 percent for at least one hour as measured in the cooking chamber or exit of the oven, or in a moisture-impermeable bag that provides 100 percent humidity.		

(2) as specified in Table D of this section, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature;



<b>TABLE D WHOLE MEAT ROAST MINIMUM INTERNAL TEMPERATURES AND TIME</b>	
<b>Temperature (° F)</b>	<b>Time*</b>
130	112 minutes
131	89 minutes
133	56 minutes
135	36 minutes
136	28 minutes
138	18 minutes
140	12 minutes
142	8 minutes
144	5 minutes
145	4 minutes
147	134 seconds
149	85 seconds
151	54 seconds
155	22 seconds
157	14 seconds
158	0 seconds
* Holding time may include post-oven heat rise.	

(c) The operator of a food establishment shall ensure that raw animal food that is cooked in a microwave oven is

(1) rotated throughout or stirred midway during the cooking process to compensate for uneven heat distribution;

- (2) covered to retain surface moisture;
- (3) heated to a temperature of at least 165° F in all parts of the food; and
- (4) allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

(d) In this section, “restructured meat” means meat that is potentially hazardous food, and that is processed and formed in a manner that might cause surface contaminants to become incorporated inside the final product. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**18 AAC 31.234. Time and temperature control: hot- and cold-holding, cooling, and reheating for hot-holding.** The operator of a food establishment shall ensure that potentially hazardous food

- (1) is held at an internal temperature of
  - (A) 135° F or above for hot-holding, except rare beef, which must be kept at an internal temperature of 130° F or above; and
  - (B) 41° F or below for cold-holding, except that eggs that have not been treated to destroy all viable *Salmonellae* must be stored in refrigerated equipment that maintains an ambient air temperature of 45° F or below;
- (2) if the food requires cooling or cold-holding after preparation or processing,
  - (A) is cooled from a temperature of 135° F or below to 70° F or below within two hours, and from a temperature of 70° F or below to 41° F or below within four additional hours using one of the following methods:
    - (i) placing the uncovered container in an ice water bath or cold running potable water and stirring frequently;
    - (ii) separating the food into smaller or thinner portions and refrigerating;
    - (iii) placing the food in a shallow pan, and refrigerating, stirring occasionally if needed;
    - (iv) using rapid chilling equipment;
    - (v) modifying the recipe by adding ice or cold potable water in the final stages of preparation;
    - (vi) using a container that facilitates heat transfer;
    - (vii) using another approved method that will result in compliance

with this subparagraph;

(B) when placed in cooling or cold-holding equipment, is

(i) placed in a food container that is clearly marked with the date and time the cooling process began;

(ii) arranged in the equipment to provide maximum heat transfer through the container walls; and

(iii) loosely covered, or uncovered if protected from overhead contamination, as specified in 18 AAC 31.222, during the cooling period to facilitate heat transfer from the surface of the food; and

(C) if prepared from ingredients at ambient room temperature, such as reconstituted foods and canned tuna, is cooled to 41° F or below within four hours;

(3) if cooked, cooled, refrigerated, and then reheated for hot-holding, is reheated

(A) with no interruption in the reheating process, except as specified in (D) of this paragraph;

(B) within two hours or less;

(C) so that all parts of the food reach the following temperatures, except as specified in (D) of this paragraph and (4) of this subsection:

(i) for rare beef, 130° F or above;

(ii) for food prepared in a food service, 165° F or above for at least 15 seconds; and

(D) in accordance with each of the following steps if a microwave oven is used:

(i) the food must be rotated or stirred at least once midway through the reheating process to compensate for uneven heat distribution;

(ii) the food must be covered to retain surface moisture;

(iii) the food must be heated to a temperature of at least 165° F in all parts of the food and allowed to stand covered for two minutes after reheating to obtain temperature equilibrium; and

(4) if the food is ready-to-eat, commercially processed food taken from a hermetically sealed container, or from an intact package from an approved food processing establishment, is reheated to a temperature of at least 135° F within two hours or less.

(Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**18 AAC 31.236. Time as a public health control.** (a) Except for a food establishment that serves a highly susceptible population, the operator of a food establishment may use time only, rather than time in conjunction with temperature as described in 18 AAC 31.234, as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption if

(1) the food

(A) has an initial temperature of

(i) 41° F or below, if removed from cold-holding temperature control; or

(ii) 135° F or above, if removed from hot-holding temperature control;

(B) is marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;

(C) within four hours after the point in time when the food is removed from temperature control, is

(i) cooked and served;

(ii) served if ready-to-eat; or

(iii) discarded;

(D) marked with a time that exceeds the four-hour limit, is discarded; and

(E) if in an unmarked container or package, is discarded; and

(2) the operator develops, maintains, and makes available to the department on request, written standard operating procedures, as specified in 18 AAC 31.902, in the food establishment that explain how the operator will comply with requirements set out in this section. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.020 AS 17.20.180 AS 44.46.020

**18 AAC 31.240. Display and service.** Repealed. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; repealed 12/28/2006, Register 180)

**18 AAC 31.250. Seafood parasite destruction.** (a) The operator of a food establishment may serve or sell raw, raw-marinated, partially cooked, or marinated-partially cooked seafood in ready-to-eat form if

(1) the seafood, except as specified in (b) of this section, is

(A) frozen and stored at a temperature of -4° F or below for at least 168 hours;

(B) frozen at -31° F or below until solid and stored at -31° F for at least 15 hours; or

(C) frozen at -31° F or below until solid and stored at -4° F or below for at least 24 hours; and

(2) the operator creates and retains records, as specified in 18 AAC 31.335, for seafood subject to this section.

(b) The following species of seafood may be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified under (a) of this section:

(1) molluscan shellfish;

(2) albacore tuna (*Thunnus alalunga*);

(3) yellowfin tuna (*Thunnus albacares*);

(4) blackfin tuna (*Thunnus atlanticus*);

(5) southern bluefin tuna (*Thunnus maccoyii*);

(6) bigeye tuna (*Thunnus obesus*);

(7) bluefin tuna (*Thunnus thynnus*);

(8) sea urchin roe (*Echinus esculentus*, *Evechinus chloroticus*, *Heliocidaris spp.*, *Loxechimus spp.*, *Paracentrotus spp.*, *Pseudocentrotus spp.*, *Strongylocentrotus spp.*);

(9) shrimp (*Crangon spp.*, *Exopalaemon styliferus*, *Macrobrachium spp.*, *Metapenaeus spp.*, *Palaemon serratus*, *Palaemonetes vulgaris*, *Pandalopsis dispar*, *Pandalus spp.*, *Penaeus spp.*, *Plesionika martia*, *Sicyonia brevirostris*, *Pleoticus robustus*, *Pandalus borealis*, *Pandalus jordani*, *Hymenopenaeus sibogae*);

(10) other species of seafood if parasites are not listed as a potential hazard in Table 3-1 (Potential Vertebrate Species Related Hazards) or Table 3-2 (Potential Invertebrate Species Related Hazards) of *Fish and Fisheries Products Hazards and Controls Guidance*, adopted by reference in 18 AAC 31.011. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**Editor's note:** Information about how to review or obtain a copy of a requirement referred to in 18 AAC 31.250 and adopted by reference in 18 AAC 31.011 is set out in the editor's note to 18 AAC 31.011.

**Article 3. Management and Personnel.**

## Section

- 300. Employee health
- 310. Handwashing
- 315. Employee practices
- 320. Supervision and management: responsibilities
- 325. Supervision and management: certified food protection manager
- 330. Food worker cards
- 335. Records

**18 AAC 31.300. Employee health.** (a) The operator of a food establishment shall take all reasonable precautions to ensure that each employee with an infected wound or a disease communicable by food is not working in a food establishment in any capacity that might contaminate food or a food-contact surface.

(b) The operator of a food establishment shall ensure that

(1) each applicant to whom a conditional offer of employment is made and each employee reports each of the following conditions to the operator, including the date of onset, as it relates to diseases that are transmissible through food, if the employee or applicant has, or is diagnosed with, that condition:

- (A) vomiting;
- (B) diarrhea;
- (C) jaundice;
- (D) sore throat with fever;
- (E) a lesion containing pus, such as a boil or infected wound, that is opening and draining and is
  - (i) on the hands or wrists, unless an impermeable cover such as a finger cot or stall, protects the lesion and a single-use glove is worn over the impermeable cover;
  - (ii) on exposed portions of the arms, unless the lesion is protected by an impermeable cover; or
  - (iii) on other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
- (F) *Salmonella Typhi*, within the previous three months, without the individual having received antibiotic therapy;
- (G) *Shigella* spp.;

(H) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*;

(I) hepatitis A virus;

(J) Norovirus;

(2) an employee or applicant who is experiencing a symptom of a disease transmissible by food as described in (1)(A) – (E) of this subsection is either excluded or restricted as listed in Table E of this section; and

**TABLE E**  
**EXCLUSION OR RESTRICTION REQUIREMENTS FOR SYMPTOMATIC**  
**EMPLOYEES OR APPLICANTS**

Symptom	Exclusion or Restriction		Removing Exclusion or Restriction*	Department of Environmental Conservation Approval Needed to Work?
	Establishments Serving Highly Susceptible Population	All Other Establishments		
Vomiting	Exclude	Exclude	When the excluded employee has been asymptomatic for at least 24 hours.	No
Diarrhea	Exclude	Exclude	When the excluded employee has been asymptomatic for at least 24 hours.	No
Jaundice	Exclude if the onset occurred within the last seven days	Exclude if the onset occurred within the last seven days	When approval is obtained from the Department of Health and Social Services.	Yes, unless medical documentation is provided to the operator.
Sore Throat with Fever	Exclude	Restrict	When the employee provides written medical documentation to the operator.	No
Lesion Containing Pus	Restrict	Restrict	When the infected wound or boil is properly covered.	No

\* An exclusion or restriction may be removed for any symptom if the excluded or restricted employee provides medical documentation to the operator that the condition is from a non-infectious condition and that the risk of transmitting a pathogenic microorganism is minimal.

(3) in addition to the requirements of (a) of this section, the operator contacts the department, verbally or electronically, within 24 hours after being notified that an employee or applicant has been diagnosed by a health practitioner as having a disease as described in (1)(F) – (J) of this subsection or is jaundiced; each notification must provide the date, name of the diagnosed disease, and the name and contact information of the food establishment reporting the



diagnosed disease.

(c) In this section, “restrict” or “restriction” means to limit the activities of an employee so that there is no risk of transmitting a disease that is transmissible through food and the employee does not work with exposed food, clean food-contact surfaces, linens, or unwrapped single-service or single-use articles. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
                  AS 17.20.020            AS 17.20.180            AS 44.46.020  
                  AS 17.20.070            AS 17.20.200

**Editor’s note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.300, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

Operators may contact the department by calling any department office location or by calling (907) 269-7501 or, outside the Municipality of Anchorage, 87-SAFEFOOD ((877) 233-3663), or by facsimile: (907) 269-7510.

**18 AAC 31.310. Handwashing.** (a) The operator of a food establishment shall ensure that employees thoroughly wash their hands and the exposed portions of their arms with soap and warm water

(1) in a handwash sink located and installed as specified at 18 AAC 31.416, and equipped as specified at 18 AAC 31.525; and

(2) using the following cleaning procedure:

(A) vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands, and arms for at least 10 to 15 seconds; employees shall pay particular attention to the areas underneath the fingernails;

(B) thorough rinsing under clean, running water that is at least 100° F;

(C) turning the faucet off in a manner that will not contaminate cleaned hands or arms;

(D) thorough drying of cleaned hands and arms using

(i) individual, disposable towels;

(ii) a continuous disposable towel system that supplies the user with a clean, disposable towel; or

(iii) a heated-air hand drying device.

(b) The operator of a food establishment shall ensure that each employee washes their

hands and exposed portions of their arms as described in (a) of this section immediately before engaging in food preparation or processing, including working with exposed food, clean food-contact surfaces, or unwrapped single-service or single-use articles, and

- (1) after touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (2) after using the toilet;
- (3) after caring for or handling service animals or aquatic animals allowed under 18 AAC 31.575;
- (4) after using tobacco, eating, drinking, coughing, sneezing, or using a handkerchief or disposable tissue;
- (5) after handling soiled equipment or utensils;
- (6) during food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
- (7) before preparing ready-to-eat food and when switching between working with raw and ready-to-eat food;
- (8) before donning gloves for working with food; and
- (9) after engaging in other activities that may contaminate the hands or arms.

(c) If a hand antiseptic or solution used as a hand dip is used, the operator of a food establishment shall ensure that

(1) the hand antiseptic or solution used as a hand dip is safe, complies with provisions specified at 18 AAC 31.570, except that a hand antiseptic or solution used as a hand dip that is not safe or in compliance with 18 AAC 31.570 may be used if the use is

(A) followed by

(i) thorough hand rinsing in clean water before hand contact with food; or

(ii) by the use of gloves; or

(B) limited to situations that do not involve direct contact with food by the bare hands;

(2) the antiseptic or solution is located only adjacent to a handwash sink;

(3) the antiseptic or solution is used in addition to handwashing but not as a substitute for handwashing; and

(4) a solution used as a hand dip is kept clean and maintained at a strength equivalent to at least 100 ppm hypochlorite solution. (Eff. 5/18/97, Register 142;

readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.020 AS 17.20.180 AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.310, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.315. Employee practices.** (a) The operator of a food establishment shall ensure that employees do not eat, drink, or use any form of tobacco in preparation, processing, service, or warewashing areas. However, an employee may

- (1) taste food for culinary purposes, using a single-use utensil; or
- (2) drink from a closed beverage container if the container is handled to prevent contamination of

- (A) the employee's hands and arms;

- (B) the container; and

- (C) exposed food, clean food-contact surfaces, linens, and unwrapped single-service or single-use articles.

(b) The operator of a food establishment shall ensure that each area designated for employees to eat, drink, or use tobacco is located so that exposed food, clean food-contact surfaces, linens, unwrapped single-service or single-use articles, and other items needing protection are protected from contamination.

(c) The operator of a food establishment shall ensure that

- (1) employees keep their fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough;

- (2) unless wearing intact single-use gloves in good repair, employees do not wear fingernail polish or artificial fingernails when working with exposed food;

- (3) while preparing food, employees do not wear jewelry on their exposed arms and hands, except that a smooth band ring may be worn;

- (4) employees wear clean outer clothing to prevent contamination of food, food-contact surfaces, linens, or single-service or single-use articles; and

- (5) employees who prepare or serve unwrapped, unpackaged food, or that present a risk of contaminating food or food-contact surfaces, wear hair restraints and clothing that cover body hair and that are designed and worn effectively to keep their hair from contacting food or food-contact surfaces. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152;

am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.020 AS 17.20.180 AS 44.46.020

**18 AAC 31.320. Supervision and management: responsibilities.** (a) The operator of a food establishment shall ensure that either a person in charge or a certified food protection manager, as specified in 18 AAC 31.325, is employed and present at all times during hours of operation and is responsible for

- (1) identifying hazards in the daily operation of the food establishment;
- (2) developing and implementing policies and procedures to prevent foodborne illness;
- (3) training employees about the requirements of this chapter;
- (4) directing food preparation activities and corrective actions, as needed, to protect the health of the consumer; and
- (5) monitoring daily operations on a periodic basis to ensure that food safety policies and procedures are followed.

(b) For purposes of this section, person in charge is an individual who

- (1) carries out the responsibilities specified in this section; and
- (2) demonstrates knowledge of foodborne illness prevention and the requirements of this chapter in one of the following ways:

(A) complying with the provisions of this chapter by having no violations of risk factors or interventions during an inspection conducted under 18 AAC 31.900;

(B) responding correctly to the department's questions, as they relate to public health practices and principles applicable to the operation, during an inspection conducted under 18 AAC 31.900. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.020 AS 17.20.180 AS 44.46.020

**18 AAC 31.325. Supervision and management: certified food protection manager.**

(a) Except as described in (b) or (c) of this section, the operator of a food establishment that serves or prepares unwrapped, unpackaged food shall employ at least one full-time certified food protection manager who is involved in the daily operations of the establishment to carry out the responsibilities described in 18 AAC 31.320.

(b) The operator of a satellite or catered feeding location that is in a separate location but under the direct management authority of the operator of a food establishment in (a) of this section may have a certified food protection manager who is employed by the same operator at a

food establishment located elsewhere if the certified food protection manager has

(1) direct management authority over the satellite or catered feeding location, including responsibility for ensuring food safety through routine, onsite review; and

(2) responsibility for no more than five food establishments, including satellite or catered feeding locations.

(c) The following food establishments are not required to have a certified food protection manager:

(1) a limited food service;

(2) a food establishment where food preparation is solely limited to one or more of the following activities:

(A) grinding coffee beans;

(B) packaging foods that are not potentially hazardous;

(C) serving bulk food that is displayed for self-service by consumers;

(D) the following food processing operations:

(i) jams, jellies, and confectionary;

(ii) ice manufacturing;

(iii) bottled beverages;

(iv) raw meat, poultry, seafood, or game intended for cooking by the consumer after sale;

(v) other food processing operations required under 18 AAC 31.710 to develop and follow a HACCP plan;

(E) heating as the only preparation step for a bakery product;

(F) providing prepackaged, commercially processed food in its original package;

(G) cleaning or sanitizing utensils, if the only food served is prepared off site;

(H) a food establishment that provides meals no more than one day in a seven-day period and that is owned and operated by a business or a nonprofit organization whose primary activity is not food service;

(3) a convenience store.

(d) The operator of a food establishment in (a) of this section shall maintain records

showing compliance with this section, as described in 18 AAC 31.335.

(e) A new food establishment or a food establishment in (a) of this section that ceases to employ a certified food protection manager shall, within 45 days,

(1) hire a certified food protection manager; or

(2) designate an existing employee who is enrolled in a certified food protection manager training course and will obtain certification within 90 days after the date the food establishment began operation or ceased to employ its certified food protection manager; if the designated employee fails to obtain certification, the operator shall employ a certified food protection manager within 30 days after determining that the employee in training will not be certified. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.330. Food worker cards.** (a) The operator of a food establishment shall ensure that each food worker employed in the establishment, within 30 days after the date of hire, holds a valid food worker card issued by the department under this section.

(b) The department will issue an applicant for a food worker card a card after the applicant

(1) satisfactorily completes an examination conducted by the department; and

(2) pays the fee required in 18 AAC 31.050.

(c) In the examination described in (b) of this section, the department will include questions covering

(1) food receipt from an approved source, as specified in 18 AAC 31.200;

(2) food protection, including protection from hands, as specified in 18 AAC 31.220 – 18 AAC 31.228;

(3) potentially hazardous food temperature and time requirements, including maintenance, including during freezing, cold-holding, cooking, hot-holding, cooling, reheating, and serving, as specified in 18 AAC 31.230 – 18 AAC 31.234;

(4) transmission of foodborne disease, as specified in 18 AAC 31.300 and 18 AAC 31.315;

(5) handwashing procedures, as specified in 18 AAC 31.310; and

(6) effective warewashing, including chemical solutions and exposure times necessary for washing, rinsing, and sanitizing food-contact surfaces, as specified in 18 AAC 31.422 – 18 AAC 31.424.

(d) A food worker card issued by the department is valid for three years after the date of issue.

(e) An operator of a food establishment shall maintain records showing compliance with this section, as specified in 18 AAC 31.335.

(f) As necessary for compliance with 42 U.S.C. 12101 – 12213 (Americans with Disabilities Act), the department will waive the examination requirement in (c) of this section if the food worker demonstrates an understanding of the food safety requirements in (c)(1) – (6) of this section that is sufficient to ensure that public health is protected for the activities that the food worker performs or is expected to perform. If a food worker makes a demonstration under this subsection for a limited number of activities, the department will list on the food worker card each approved activity that the food worker may perform.

(g) In this section, a “food worker”

(1) means an individual working with unpackaged food, potentially hazardous food, or food-contact surfaces; and

(2) does not include the individuals, or an individual whose activities are limited to one or more of the following:

(A) an individual responsible for greeting, seating, or transacting the exchange of money or credit with customers;

(B) a grocery checker or an individual responsible for bagging groceries;

(C) a delivery driver;

(D) a patient or resident in an institution;

(E) an individual who assists patients or residents in an institution with meals;

(F) a volunteer;

(G) an individual responsible for stocking shelves or display areas;

(H) an individual responsible for receiving, stocking, shipping, delivering, or picking product in a warehouse;

(I) an individual under the age of 18 who is assisting in a school kitchen with school meal service. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.335. Records.** (a) The operator of a food establishment subject to this chapter shall keep records as follows:

(1) for molluscan shellfish, the identity of the source of the molluscan shellfish that has been sold or served, as described in 18 AAC 31.200, must be recorded by retaining the molluscan shellfish tags or labels for 90 days after the dates of harvest;

(2) if raw, raw-marinated, partially cooked, or marinated-partially cooked seafood that is required to have been frozen, as specified in 18 AAC 31.250, is served or sold in ready-to-eat form, records must be kept as follows:

(A) if the operator freezes the seafood, the operator must record the freezing temperature and time to which the seafood is frozen and must retain the records for 90 days after the date of service or sale of the seafood;

(B) if a supplier freezes the seafood, the operator must retain a written agreement or statement from the supplier stipulating that the seafood supplied is frozen to the appropriate temperature and for the appropriate time specified in 18 AAC 31.250;

(3) a copy of the certificate for each certified food protection manager employed as required under 18 AAC 31.320, 18 AAC 31.325, or 18 AAC 31.902 must be kept for the duration of each certified food protection manager's employment and for one year after the certified food protection manager terminates employment;

(4) a copy of each food worker card issued under 18 AAC 31.330 to food workers employed by the establishment must be kept for the duration of each food worker's employment and for one year after the food worker terminates employment;

(5) self-assessments, if required under 18 AAC 31.902, must be kept for at least one year after the date the self-assessment was conducted.

(b) If, during the required record retention time, a food establishment is closed for a prolonged period, or if record storage capacity is limited, the records specified in (a) of this section may be transferred to some other reasonably accessible location. If requested by the department, the operator shall return the records to the establishment or another agreed-upon location for department review within 24 hours after receiving the request unless the department agrees to a longer period. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020



**Article 4. Equipment and Utensils.****Section**

- 400. Materials
- 408. Design and construction: cleanability
- 409. Design and construction: functionality
- 410. Repealed
- 411. Design and construction: temperature measuring devices
- 412. Design and construction: warewashing machines
- 413. Design and construction: molluscan shellfish tanks
- 414. Maintenance, proper adjustment, and calibration
- 415. Equipment installation and location
- 416. Equipment installation and location: sinks
- 420. Cleaning and sanitizing: frequency
- 421. Dry cleaning and clean-in-place methods
- 422. Precleaning
- 423. Washing and rinsing
- 424. Sanitizing
- 425. Protection of clean items

**18 AAC 31.400. Materials.** (a) The operator of a food establishment shall ensure that

(1) materials used in the construction of food-contact surfaces and do not allow the migration of deleterious substances or impart colors, odors, or tastes to food and are

- (A) safe, durable, corrosion resistant, and nonabsorbent;
- (B) sufficient in weight and thickness to withstand repeated washing;
- (C) finished to have a smooth and easily cleanable surface; and
- (D) resistant to pitting, chipping, scratching, scoring, distortion, and decomposition;

(2) solder is safe and made of corrosion resistant material; solder and flux containing lead in excess of 0.2 percent may not be used as a food-contact surface;

- (3) only a safe lubricant is used on equipment or food-contact surfaces;
- (4) plastic liners or containers used for food storage are made of safe materials;
- (5) cast iron is used only

(A) as a cooking surface; or

(B) in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service;

(6) ceramic, china, crystal, and decorative utensils, including hand-painted ceramic and china that contact food, are lead-free or contain levels of lead that do not exceed the limits set in Table C of this subsection; the operator shall purchase utensils specified as lead-free, or use a commercial lead test kit to test the food-contact surfaces of utensils;

<b>TABLE F MAXIMUM LEAD CONTENT</b>	
<b>UTENSIL CATEGORY</b>	<b>MAXIMUM LEAD (milligrams per liter - mg/l)</b>
Coffee or other hot beverage mugs	0.5
Bowls larger than 1.1 liter (1.16 quart)	1.0
Bowls smaller than 1.1 liter	2.0
Plates, saucers, and other flat utensils	3.0

(7) copper and copper alloys, such as brass,

(A) do not contact food with a pH below six, such as vinegar, fruit juice, or wine, except that copper or copper alloys may, in the pre-fermentation or fermentation stage of beer brewing, contact beer brewing ingredients that have a pH below six; and

(B) are not used for fittings or tubing between a backflow prevention device, such as a double check valve, and a carbonator; and

(8) repealed 12/28/2006;

(9) food-contact surfaces that have a perfluorocarbon resin coating are used only with non-scoring or non-scratching utensils and cleaning aids;

(10) galvanized metal is not used for food-contact surfaces that are in contact with food having a pH below six, such as vinegar, fruit juice, or wine;

(11) materials used to make single-service or single-use articles

(A) do not allow the migration of deleterious substances, or impart colors, odors, or tastes to food; and

(B) are safe and clean;

(12) sponges are not used in contact with food-contact surfaces that are

(A) cleaned and sanitized; or

(B) in use;

(13) nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling, or that require frequent cleaning are constructed of a corrosion-resistant, nonabsorbent, and smooth material, except that unfinished wood may be used for nonfood-contact surfaces in a dry food storage room, walk-in freezer, or utility room; the use of unfinished wood shelving may not be used in a reach-in refrigeration or freezer unit, except that unfinished wood may be used as shelving in a walk-in freezer;

(14) containers and covers are nonabsorbent, except that a container may be lined with a linen or napkin, as specified in 18 AAC 31.224; and

(15) seafood shells are not used more than once as serving or display containers.

(b) Unfinished wood or wicker may not be used to hold food, except that

(1) unfinished wood or wicker may be used if it is clean and lined with an impervious single-service liner;

(2) dry bread products or chips may be served in unfinished wood or wicker if the container is lined with a single-service liner or a clean, dry napkin or linen;

(3) hard maple or an equally nonabsorbent material may be used for cutting blocks, cutting boards, salad bowls, and baker's tables; and

(4) wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons.

(c) Repeated use of safe plastic, rubber, or rubberlike materials is allowed if the materials are resistant under normal use to pitting, chipping, scratching, scoring, distortion, and decomposition, and are of a weight and thickness that allows repeated washing, rinsing, and sanitizing by normal warewashing methods.

(d) Utensil or equipment handles made of wrapped, absorbent, or hard-to-clean materials are prohibited. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.400, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.400(a)(7). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.408. Design and construction: cleanability.** The operator of a food establishment shall ensure that

- (1) food-contact surfaces that are multi-use are
  - (A) smooth and easily cleanable;
  - (B) free of breaks, open seams, and hard-to-clean internal corners and crevices;
  - (C) finished to have smooth welds and joints; and
  - (D) easily accessible or removable for cleaning and maintenance;
- (2) nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling, or that require frequent cleaning are
  - (A) free of unnecessary ledges, projections, or crevices; and
  - (B) easily accessible for cleaning and maintenance; hood filters must be readily removable for cleaning and maintenance; and
- (3) equipment intended for in-place cleaning is designed and constructed so that
  - (A) cleaning and sanitizing solutions circulate throughout the closed system and contact all interior food-contact surfaces; and
  - (B) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
                  AS 17.20.020            AS 17.20.180            AS 44.46.020

**18 AAC 31.409. Design and construction: functionality.** (a) The operator of a food establishment shall ensure that

- (1) equipment that is designed for use with a cover or lid has
  - (A) an opening located within the top of the unit that is flanged upward at least two-tenths of an inch; and
  - (B) has a cover or lid that overlaps the opening and is sloped to drain;
- (2) equipment is designed so that fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment are provided with a watertight joint at the point where the item enters the equipment; however, if a watertight joint cannot be provided, the operator shall ensure that the equipment

(A) is designed so that the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings are equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and

(B) has an opening located within the top of the unit that is flanged upward at least two-tenths of an inch; and

(3) within equipment, compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice are sloped to an outlet that allows complete draining.

(b) The operator of a food establishment shall ensure that tubing carrying beverage ingredients to dispensing heads does not contact ice that is to be consumed unless the tubing is grommeted at entry and exit points of the ice bin to prevent condensation from entering the ice bin.

(c) The operator of a food establishment shall ensure that

(1) refrigeration equipment is capable of maintaining potentially hazardous food at 41° F or less; and

(2) shelving used in a refrigeration or freezer unit is slotted or perforated to enhance air circulation. (Eff. 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.020	AS 17.20.180	AS 44.46.020

**18 AAC 31.410. Design and construction.** Repealed. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; repealed 12/28/2006, Register 180)

**18 AAC 31.411. Design and construction: temperature measuring devices.** (a) The operator of a food establishment shall ensure that temperature measuring devices used in the establishment

(1) are designed to be easily readable;

(2) if used for measuring food temperature, do not have sensors or stems constructed of glass, except if the glass sensor or stem is encased in a shatterproof coating;

(3) if used for measuring food temperature or water temperature on a warewashing machine, are equipped with a numerical scale, printed record, or digital readout in increments no greater than 2° F in the intended range of use; and

(4) if used for measuring ambient air or water temperature, are scaled only in Fahrenheit.

(b) The operator of a food establishment shall ensure that, in a mechanically-refrigerated

or hot food storage unit, the sensor of a temperature measuring device is located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically-refrigerated unit and in the coolest part of a hot food storage unit.

(c) Except for equipment for which placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food, cold- or hot-holding equipment used for potentially hazardous food must be designed to include and must be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

(d) For manual warewashing that uses hot water for sanitizing, the operator of a food establishment shall ensure that the sanitizing compartment of the three-compartment warewashing sink is equipped with a temperature measuring device.

(e) The operator of a food establishment shall ensure that each warewashing machine is equipped with machine-mounted or waterline-mounted temperature measuring devices that

(1) continuously measure the water temperature in each wash and rinse tank; and

(2) are installed in each wash and rinse tank and

(A) at the point where the water enters the hot water sanitizing final rinse manifold, if the machine uses hot water for sanitizing; or

(B) in the chemical sanitizing solution tank, if the machine uses chemicals for sanitizing. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.412. Design and construction: warewashing machines.** (a) If a warewashing machine uses fresh hot water at line-pressure as a final sanitizing rinse, the operator of a food establishment shall ensure that the warewashing machine is equipped with a pressure gauge or similar device that measures and displays the water pressure in the supply line immediately before entering the warewashing machine. If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the pressure gauge or similar device must be mounted in a one-fourth inch iron pipe size valve.

(b) The operator of a food establishment shall ensure that each warewashing machine is equipped with self-draining drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation for necessary holding before cleaning and after sanitizing.

(c) If a warewashing machine is installed after December 28, 2006, the operator of a food establishment shall ensure that

(1) an easily accessible and readable data plate is affixed to the machine by the

manufacturer; the data plate must indicate the machine's design and operating instructions, including the

(A) temperatures required for washing, rinsing, and sanitizing as specified in 18 AAC 31.422 – 18 AAC 31.424;

(B) pressure required for the fresh hot water sanitizing rinse unless the machine is designed to use only a pumped or recirculated sanitizing rinse; and

(C) conveyor speed for conveyor machines or cycle time for stationary rack machines; and

(2) the machine is equipped with a visual means to verify that detergents and sanitizers are delivered, or with a visual or audible alarm to signal if the detergents and sanitizers are not delivered, to the respective washing and sanitizing cycles.

(Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.413. Design and construction: molluscan shellfish tanks.** The operator of a food establishment that has a molluscan shellfish life support system display tank shall ensure that

(1) the safety and quality of the molluscan shellfish as they were received is not compromised by use of the tank; and

(2) each system is equipped with

(A) tanks that

(i) have smooth, cleanable surfaces;

(ii) are durable and accessible for washing, rinsing, and sanitizing, as described in 18 AAC 31.422 – 18 AAC 31.424;

(iii) have plumbing and spray nozzles that are cleanable and made from safe materials; and

(iv) hold at least 100 gallons of water per 75 pounds of molluscan shellfish;

(B) plumbing that

(i) will not be a source of contamination;

(ii) does not have pipes or hoses that can fill with stagnant water; and

(iii) has a device backflow to prevent backflow and back-

siphonage to protect the potable water supply; and

(C) a recirculation system that includes

(i) filtration to remove particulate matter and ammonia;

(ii) a disinfection system to remove coliform bacteria from the water; if an ultraviolet (UV) light system is used, the ultraviolet lights must be cleaned at least every six weeks and the bulbs must be replaced at least once every 365 days; and

(iii) a refrigeration unit to maintain water at 40 - 60° F;

(3) water used with seafood other than molluscan shellfish does not flow into the molluscan tank;

(4) different lots of molluscan shellfish in the tank are not comingled; in this paragraph, “comingled” means combining molluscan shellfish harvested on different days or from different growing areas as identified on the tag or label;

(5) vertical dividers or mesh bags for separating lots are used;

(6) molluscan shellfish are washed free of mud or other debris;

(7) dead, broken, or weak molluscan shellfish are discarded

(A) before placing molluscan shellfish in the tank; and

(B) at least every 24 hours;

(8) the tank and recirculation system are washed, rinsed, and sanitized, as specified at 18 AAC 31.422 – 18 AAC 31.424, at least once every seven days;

(9) if a tank and recirculation system is used for a species other than molluscan shellfish, the tank and recirculation system are washed, rinsed, and sanitized, as specified at 18 AAC 31.422 – 18 AAC 31.424, before use for a molluscan shellfish;

(10) defoamers, if used, are of food-grade quality and do not cause the molluscan shellfish to become adulterated; and

(11) the manufacturer’s guidelines for maintaining the water’s salinity in the tanks are followed. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.414. Maintenance, proper adjustment, and calibration.** The operator of a food establishment shall ensure that



(1) food-contact surfaces are maintained in a state of repair and condition that meets the requirements of this chapter;

(2) each temperature measuring device is maintained in good repair and is calibrated in accordance with manufacturer's specifications, as necessary to ensure accuracy

(A) for a □product thermometer, to  $\pm 2^{\circ}$  F;

(B) for a temperature measuring device on a warewashing machine, to  $\pm 2^{\circ}$  F; and

(C) for an ambient air and water temperature measuring device, to  $\pm 3^{\circ}$  F;

(3) the conveyor speed or automatic cycle times for each warewashing machine are maintained accurately timed in accordance with manufacturer's specifications;

(4) each warewashing machine and its auxiliary components is operated in accordance with the machine's data plate, if present, and other manufacturer's instructions; and

(5) water pressure measuring devices are maintained in good repair and are accurate. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.415. Equipment installation and location.** (a) The operator of a food establishment shall ensure that

(1) equipment, including ice makers and ice storage equipment, is not located under exposed sewer lines, nonpotable waterlines, stairwells, or another potential source of contamination;

(2) equipment placed on tables or counters is installed for easy cleaning of the equipment and adjacent table or counter surfaces, walls, and equipment and, unless portable, is

(A) flush with and sealed to the table or counter; or

(B) mounted on legs at least four inches high;

(3) aisles and working spaces between equipment and walls are unobstructed and adequate for employees to perform their duties without contaminating food or food-contact surfaces;

(4) floor-mounted equipment, unless readily movable, is

(A) flush with and sealed to the floor;

(B) installed on a raised platform of concrete or other smooth masonry in a way that prevents liquids or debris from seeping or settling under, around, between, or behind the equipment or the raised platform in spaces that are not fully open for easy

cleaning and inspection; or

(C) elevated on legs at least six inches high, except that vertically mounted floor mixers may be no less than four inches off the floor if no part of the floor under the mixer is more than six inches from cleaning access; and

(5) the space between floor-mounted equipment, adjoining equipment, and adjacent walls is closed; if exposed to seepage, floor-mounted equipment must be flush with and sealed to the adjoining equipment or adjacent walls; the requirements of this paragraph do not apply if at least six inches is provided for cleaning between and behind each unit of floor-mounted equipment.

(b) The operator of a bar or tavern who serves food as described in 18 AAC 31.020(f)(1)(F) shall ensure that the areas and equipment used to prepare and serve food and beverages and used for warewashing are adequate to support the types and volume of food and beverages and methods of preparation and service.

(c) A semi-automated espresso machine using liquid milk must be located on the same premises as, and operated in conjunction with, a permitted food establishment.

(d) In this section, "portable" means that the equipment

(1) is small and light enough to be moved easily by an average person; and

(2) has

(A) no utility connection;

(B) a utility connection that disconnects quickly; or

(C) a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/31/2000, Register 156; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.415, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.416. Equipment installation and location: sinks.** (a) The operator of a food establishment shall ensure that self-draining sinks are provided as follows:

(1) for a food establishment that is extensively remodeled or began operation

after May 1983, at least one utility sink, or curbed cleaning unit with a floor drain; the utility sink or curbed cleaning unit

(A) must be conveniently located for cleaning mops, filling mop buckets, disposing of mop water and similar liquid waste, and similar activities; and

(B) may not be located in a preparation, processing, or warewashing area, or in any other location that could cause the sink or unit to be a source of contamination to food, food-contact surfaces, linens, or single-service or single-service items;

(2) except for a specific food service operation listed in 18 AAC 31.525(b), or a market or food processing establishment as provided in (b) of this section, at least one handwash sink

(A) equipped as specified in 18 AAC 31.525;

(B) installed, as specified at 18 AAC 31.515, and located

(i) in the preparation area, except as provided in (ii) of this subparagraph;

(ii) in the warewashing area if the same employee who handles soiled utensils also handles cleaned utensils; the department will allow the installation of a single handwash sink if the operator demonstrates to the department's satisfaction that the single sink is convenient to the food preparation and the warewashing area and public health is protected; and

(iii) in or next to the exit of each toilet room described in 18 AAC 31.520; and

(C) that can be tempered to a temperature between 100 - 120° F by a mixing valve or combination faucet;

(3) except for a market or food processing establishment as provided in (b) of this section, at least one three-compartment warewashing sink unit; in addition,

(A) each warewashing sink compartment must be

(i) adequate for the complete immersion of most items; and

(ii) supplied with hot and cold potable running water under pressure;

(B) for manual warewashing that uses hot water for sanitizing, the sanitizing compartment of the three-compartment sink must be equipped with

(i) an integral heating device that will maintain the water at a temperature of 170° F or above; and

(ii) dish baskets that allow complete immersion of most items in

the hot water; and

(C) self-draining drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation must be provided for necessary holding before cleaning and after sanitizing;

(4) for a bar or tavern, a fourth sink compartment for emptying drinks and handwashing in addition to compartments used for washing, rinsing, and sanitizing;

(5) a separate preparation sink

(A) if an establishment is extensively remodeled, has a significant change in its method of preparation or processing, or began operation after May 18, 1997; and

(B) if the menu or method of preparation or processing requires frequent soaking, rinsing, culling, or cleaning of raw ingredients or produce.

(b) The operator of a market or food processing establishment shall provide

(1) if the market or food processing establishment is constructed or extensively remodeled after May 18, 1997, at least one handwash sink equipped as specified at 18 AAC 31.525, and that can be tempered to a temperature between 100 - 120° F by a mixing valve or combination faucet; a handwash sink must be provided

(A) in the processing area; and

(B) in, or next to the exit of, each toilet room described in 18 AAC 31.520; and

(2) at least one three-compartment warewashing sink, equipped as specified at (a)(3) of this section, if

(A) equipment or utensils that must be disassembled for cleaning, as specified in 18 AAC 31.422, are used; and

(B) the market or food processing establishment is extensively remodeled or began operation after May 18, 1997. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**18 AAC 31.420. Cleaning and sanitizing: frequency.** (a) The operator of a food establishment shall ensure that food-contact surfaces are clean to sight and touch, and are kept free of encrusted grease deposits and other soil accumulations.

(b) Except as provided in this section, the operator of a food establishment shall ensure that, at each of the following points in time, food-contact surfaces are precleaned, washed, rinsed, and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424, or replaced with clean and sanitized equipment and utensils:

(1) before each use with a different type of raw animal food, unless the food-contact surface is in contact with a succession of different raw animal foods, each requiring a higher cooking temperature, as specified in 18 AAC 31.232, than the previous food;

(2) each time a change occurs from working with raw foods to working with ready-to-eat foods;

(3) between uses with raw fruits and vegetables and with potentially hazardous food;

(4) at any time during the operation when contamination may have occurred.

(c) If the food-contact surface is a product thermometer that is maintained in contact with food held at the temperatures specified in 18 AAC 31.234, the operator of a food establishment shall ensure that the product thermometer is washed, rinsed, and sanitized

(1) before the internal food temperature is taken;

(2) after use and before storage; and

(3) between use with raw and with ready-to-eat foods, and different raw animal species.

(d) The operator of a food establishment shall ensure that food-contact surfaces used to prepare or serve potentially hazardous food on a continuous or production-line basis are washed, rinsed, and sanitized at least every four hours during use or replaced with clean and sanitized equipment and utensils, except that

(1) the establishment is not required to wash, rinse, or sanitize containers holding potentially hazardous food until those containers are empty, if those containers and their contents are in storage and maintained at temperatures specified in 18 AAC 31.234;

(2) serving containers that hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified in 18 AAC 31.234, in a salad bar, delicatessen, cafeteria, or similar serving situation, are intermittently combined with additional supplies of the same food that is at the temperatures specified in 18 AAC 31.234, and the containers are washed, rinsed, and sanitized at least once every 24 hours;

(3) in a room or area maintained at an ambient temperature of 55° F or less, the food-contact surfaces are washed, rinsed, and sanitized at the frequency required in Table G of this section.

**TABLE G  
CLEANING AND SANITIZING FREQUENCY  
FOR FOOD-CONTACT SURFACES  
USED IN A ROOM OR AREA  
KEPT AT AN AMBIENT TEMPERATURE OF 55° F OR BELOW**

TEMPERATURE	FREQUENCY
41° F or below	24 hours
42° F - 45° F	20 hours
46° F – 50° F	16 hours
51° F – 55° F	10 hours

(e) Except if dry cleaning methods are used as specified in 18 AAC 31.421, the operator of a food establishment shall ensure that food-contact surfaces contacting nonpotentially hazardous foods are washed, rinsed, and sanitized

(1) at any time after contamination may have occurred;

(2) at least once every 24 hours for iced tea dispensers and consumer self-service utensils, including tongs, scoops, and ladles;

(3) before restocking consumer self-service equipment and utensils, including condiment dispensers and display containers; and

(4) in equipment, including ice bins and beverage dispensing nozzles and enclosed components of equipment, at a frequency specified by the manufacturer or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

(f) The operator of a food establishment shall ensure that food-contact surfaces of grills and griddles are cleaned at least once every 24 hours.

(g) The operator of a food establishment shall ensure that the cavities and door seals of microwave ovens are cleaned at least once every 24 hours by using the manufacturer's recommended cleaning procedure.

(h) The operator of a food establishment shall ensure that each warewashing machine, drainboard, utensil rack, and table, and each compartment of each sink, basin, or other receptacle used for washing and rinsing food-contact surfaces or raw foods, or laundering wiping cloths is washed, rinsed, and sanitized

(1) before use;

(2) throughout the day at a frequency necessary to prevent recontamination of food-contact surfaces and to ensure that the equipment performs its intended function;

(3) if used, at least once every 24 hours; and

(4) if a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink is washed, rinsed, and sanitized before and after each of these uses.

(i) The operator of a food establishment shall ensure that nonfood-contact surfaces of equipment are

(1) kept free of dust, dirt, food particles, grease, and other debris; and

(2) are cleaned at a frequency necessary to preclude accumulation of residues;

(j) If a reservoir is used to supply water to a produce fogger or similar device, the operator of a food establishment shall ensure that the device is

(1) maintained in accordance with manufacturer's instructions; and

(2) cleaned at least once each week in accordance with manufacturer's instructions, or by

(A) draining and completely disassembling the water and aerosol contact parts;

(B) brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;

(C) flushing the complete system with water to remove the detergent solution and particulate accumulation; and

(D) rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 ppm hypochlorite solution or another equivalent sanitizer solution.

(k) The operator of a food establishment shall ensure that the wash, rinse, and sanitize solutions are changed frequently to maintain cleanliness and temperatures specified in 18 AAC 31.422 – 18 AAC 31.424 or by the manufacturer. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.420, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.420(a). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.421. Dry cleaning and clean-in-place methods.** (a) The operator of a food establishment shall ensure that, if dry cleaning methods, including brushing, scraping, and vacuuming are used,

(1) the dry cleaning method is only used on surfaces that are soiled with dry food residues that are not potentially hazardous; and

(2) cleaning equipment used in dry cleaning food-contact surfaces is not used for any other purpose.

(b) The operator shall ensure that fixed equipment or equipment too large to be cleaned in a sink compartment or warewashing machine is washed, rinsed, and sanitized by

(1) using alternative manual warewashing equipment such as a high-pressure detergent sprayer, low- or line-pressure spray detergent foamer, a brush or other similar implement, a receptacle that substitutes for the compartments of a three-compartment warewashing sink, or other task-specific cleaning equipment;

(2) disassembling the equipment as necessary to allow access of the detergent solution to all parts of the equipment to be washed, rinsed, and sanitized;

(3) precleaning as specified in 18 AAC 31.422, the equipment components and utensils;

(4) washing, rinsing, and sanitizing as specified in 18 AAC 31.423 – 18 AAC 31.424;

(5) air-drying as specified in 18 AAC 31.425; and

(6) reassembling as specified in 18 AAC 31.425. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.422. Precleaning.** The operator of a food establishment shall ensure that food-contact surfaces are precleaned by

(1) scraping food debris over a waste disposal unit or garbage receptacle or removing in a warewashing machine with a prewash cycle; and

(2) preflushing, presoaking, or scrubbing with abrasives, if necessary for effective cleaning. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.423. Washing and rinsing.** (a) The operator of a food establishment shall



ensure that food-contact surfaces are effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, including the use, in accordance with the cleaning agent manufacturer's label instructions, of

- (1) detergents containing wetting agents and emulsifiers;
- (2) acid, alkaline, or abrasive cleaners;
- (3) hot water;
- (4) brushes or scouring pads;
- (5) high-pressure sprays; or
- (6) ultrasonic devices.

(b) The operator of a food establishment shall select washing procedures based on the type and purpose of the equipment or utensil, and the type of soil to be removed. In addition,

(1) for mechanical warewashing, soiled items to be cleaned must be placed in racks, trays, or baskets, or onto conveyors in a manner that exposes the items to the unobstructed spray from all cycles and allows the items to drain; and

(2) the temperature of the wash solution must be maintained

(A) for manual warewashing, at not less than 110° F, or the temperature specified on the cleaning agent manufacturer's label instructions;

(B) for mechanical warewashing, in a spray-type warewasher that uses chemicals to sanitize, at not less than 120° F;

(C) for mechanical warewashing, in a spray-type warewasher that uses hot water to sanitize, as specified in Table H of this section.

<b>TABLE H WASH AND RINSE TEMPERATURE REQUIREMENTS FOR MACHINES USING HOT WATER FOR SANITIZING</b>	
<b>Single-tank, stationary rack, dual temperature machine:</b> Wash temperature Final rinse temperature	150° F 180° F
<b>Single-tank, stationary rack, single-temperature machine:</b> Wash temperature Final rinse temperature	165° F 165° F
<b>Single-tank, conveyor, dual temperature machine:</b> Wash temperature Final rinse temperature	160° F 180° F
<b>Multi-tank, conveyor, multi-temperature machine:</b> Wash temperature Pumped rinse temperature Final rinse temperature	150° F 160° F 180° F
<b>Single-tank, pot, pan, and utensil washer:</b> Wash temperature Final rinse temperature	140° F 180° F

(c) The operator of a food establishment shall ensure that washed food-contact surfaces are rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water by using one of the following procedures:

(1) use of a distinct, separate water rinse after washing and before sanitizing if using

(A) a three-compartment warewashing sink;

(B) alternative manual warewashing equipment described in 18 AAC 31.421; or

(C) a three-step washing, rinsing, and sanitizing procedure in a warewashing system for equipment that is cleaned in place;

(2) use of a detergent-sanitizer if a distinct water rinse does not occur between the washing and sanitizing steps and the agent applied in the sanitizing step is the same detergent-sanitizer that is used in the washing step, if using

(A) alternative warewashing equipment described in 18 AAC 31.421 that is approved for use with a detergent-sanitizer; or

(B) a warewashing system for equipment that is cleaned in place;

(3) if using a warewashing machine that does not recycle the sanitizing solution as described in (4) of this subsection, or alternative warewashing equipment described in 18 AAC 31.421, such as a sprayer, use of a nondistinct water rinse that is

(A) integrated in the application of the sanitizing solution; and

(B) wasted immediately after each application;

(4) if using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**18 AAC 31.424. Sanitizing.** (a) The operator of a food establishment shall ensure that food-contact surfaces are sanitized before use after washing and rinsing as follows:

(1) for manual warewashing that uses hot water to sanitize, immersion for at least 30 seconds in clean water at a temperature of 170° F or above;

(2) for mechanical warewashing that uses hot water to sanitize,

(A) by being cycled through equipment that is designed, constructed, installed, and maintained as specified in 18 AAC 31.412;

(B) by achieving a utensil surface temperature of 160° F or above at the end of the sanitizing cycle as measured by an irreversible registering temperature indicator; and

(C) by maintaining the final rinse temperature of the fresh hot water sanitizing rinse as it enters the manifold at

(i) not more than 194° F, except high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment; and

(ii) not less than the temperature specified in Table H in 18 AAC 31.423;

(3) for manual or mechanical warewashing that uses chemicals to sanitize,

including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods using one of the sanitizing solutions specified in Table I of this section, or another approved exposure time used in relationship with a combination of temperature, concentration, and pH that yields sanitization.

<b>TABLE I MANUAL AND MECHANICAL WAREWASHING CHEMICAL SANITIZER, EXPOSURE TIME, TEMPERATURE, pH, CONCENTRATION, HARDNESS</b>					
<b>Chemical</b>	<b>Minimum Concentration (in ppm)</b>	<b>Minimum Temperature (in °F)</b>	<b>Exposure Time (in seconds)</b>	<b>pH</b>	<b>Maximum Hardness (in mg/l)</b>
Chlorine	25	120	10	10 or less	n/a
Chlorine	50	100	7	10 or less	n/a
Chlorine	50	75	7	8 or less	n/a
Chlorine	100	55	10	n/a	n/a
Iodine	12.5 – 25	75	30	5.0, or less, or no higher than level specified by manufacturer	n/a
Quaternary Ammonium Compound	As specified in 40 C.F.R .180.940, adopted by reference in 18 AAC 31.011	75	30	n/a	500, or no greater than specified by manufacturer

Note: “n/a” means not applicable; “mg/l” means milligrams per liter

(b) If chemicals are used to sanitize, a test kit, test strips, or another device, such as a temperature measuring device, must be provided and used often to ensure compliance with the concentration and temperature specified in Table I of this section.

(Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005      AS 17.20.072      AS 17.20.290  
AS 17.20.020      AS 17.20.180      AS 44.46.020

**Editor’s note:** Information about how to review or obtain a copy of a requirement referred to in 18 AAC 31.424 and adopted by reference in 18 AAC 31.011 is set out in the editor’s note to 18 AAC 31.011.

**18 AAC 31.425. Protection of clean items.** The operator of a food establishment shall ensure that clean items are dried, reassembled, stored, displayed, and handled in a manner that prevents contamination of the clean items by ensuring that

(1) after washing, rinsing, and sanitizing, as specified in 18 AAC 31.422 – 18 AAC 31.424, equipment and utensils are

(A) before use, adequately drained, as specified in 40 C.F.R. 180.940, adopted by reference in 18 AAC 31.011; or

(B) air-dried before contact with food, except that utensils that have been air-dried may be polished with a cloth that is kept clean and dry;

(2) if wiping cloths are air-dried after laundering, the cloths are air-dried in a location and in a manner that prevents contamination of food, food-contact surfaces, linens, or single-service or single-use articles or the cloths;

(3) equipment is reassembled so that food-contact surfaces are not contaminated;

(4) equipment lubricants are applied so that food-contact surfaces are not contaminated;

(5) clean equipment and utensils, laundered linens, and single-service and single-use articles are stored in a clean, dry location

(A) at least six inches above the floor on storage shelving, except that items kept in closed packages may be stored on dollies, skids, or open-ended pallets if that equipment is easily movable by hand or with the use of pallet-moving equipment that is available on the premises at all times;

(B) where the items are not exposed to splash, dust, or other contamination, except that laundered linens and single-service or single-use articles that are packaged or in a cabinet may be stored in a locker room; a location that may cause contamination includes a locker room, toilet room, dressing room, garbage room, or mechanical room, or under an exposed sewer line, an open stairwell, a leaking refrigeration condenser, or a leaking or dripping waterline, including a leaking automatic fire sprinkler head or under a line on which water has condensed;

(C) for clean equipment and utensils, covered or inverted in a self-draining position that allows air drying; and

(D) for single-service and single-use articles, in the original protective package or stored by using other means that afford protection from contamination until used;

(6) single-service and single-use articles and cleaned and sanitized utensils are handled, displayed, and dispensed so that contamination of food- or lip-contact surfaces is prevented, including ensuring that

(A) knives, forks, or spoons that are not pre-wrapped, either multi-use or single-service, are presented so that only the handles are touched by employees or by consumers if consumer self-service is provided; and

(B) except as specified in (A) of this paragraph, single-service articles that are intended for food-or lip-contact are furnished for consumer self-service with the original individual wrapper intact or from a dispenser;

(7) soiled tableware is removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated; and

(8) if tableware is pre-set,

(A) each exposed, unused setting is

(i) removed when a consumer is seated; or

(ii) washed, rinsed, and sanitized, as specified in 18 AAC 31.422 – 18 AAC 31.424, before further use if the settings are not removed when a consumer is seated; or

(B) tableware is protected from contamination by wrapping, covering, or inverting the tableware. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.425, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**Article 5. Sanitation and Physical Facilities.****Section**

- 500. Water supply
- 510. Wastewater
- 515. Plumbing
- 520. Toilet facilities
- 525. Handwash facilities
- 530. Garbage and refuse
- 535. Insect and rodent control
- 540. Floors
- 545. Walls and ceilings
- 550. Cleaning
- 555. Lighting
- 560. Ventilation
- 565. Dressing rooms and locker areas
- 570. Poisonous or toxic materials
- 575. Premises

**18 AAC 31.500. Water supply.** (a) Except for a food establishment described in (e) of this section, the operator of a food establishment shall

(1) provide an adequate supply of potable water from an approved public water system source; if the establishment's source of potable water is not from a source regulated under 18 AAC 80, the operator shall inform the consumer by statements contained in placards conspicuously posted at the primary sales, service, or registration area or another approved notification that is most effective to communicate with the consumer that the water supply is not from a department-regulated source;

(2) ensure that potable water that is not piped to the food establishment is transported, delivered, and stored as required by 18 AAC 80; and

(3) ensure that steam used in contact with food or food-contact surfaces is free from harmful substances and is from a potable water source.

(b) The operator of a mobile food unit or kiosk shall ensure that potable water tanks, plumbing, and hoses that come in contact with potable water on the unit or kiosk

(1) consist of materials approved for that use by the National Sanitation Foundation, FDA, or an organization recognized as equivalent by the department;

(2) are used for no purpose except to hold, carry, or dispense potable water; and

(3) are protected from contamination during storage.

(c) The operator of a mobile food unit or kiosk shall ensure that

- (1) the potable water inlet of the mobile food unit or kiosk is
    - (A) capped and cannot be contaminated by waste discharge, road dust, oil, or grease; and
    - (B) three-fourths inch in inner diameter or less; and
  - (2) potable water tanks supply a sufficient amount of water between refilling and hold at least one day's supply.
- (d) The operator of a mobile food unit or kiosk, except a pushcart, shall
- (1) take the following actions at least annually and before seasonal startup:
    - (A) superchlorinate each potable water tank for at least two hours with 50 ppm chlorine solution;
    - (B) drain, thoroughly rinse, and refill the tank; and
    - (C) submit water samples to a certified laboratory for coliform analysis
      - (i) before initial startup and before seasonal startup; and
      - (ii) every three months during operation; and
  - (2) take the following actions if notified that a water sample exceeds the maximum contaminant level for coliform bacteria as set out in 18 AAC 80.300(b)(5):
    - (A) immediately superchlorinate the tank as described in (1)(A) and (B) of this subsection; and
    - (B) submit another water sample to a certified laboratory for coliform analysis within 24 hours after superchlorination.
- (e) The operator of a food establishment placed under a boil water notice under 18 AAC 80 shall take the applicable actions listed in Table J of this subsection as directed by the department.



**TABLE J  
REQUIREMENTS FOR OPERATING UNDER A BOIL WATER NOTICE**

	<b>Total Coliform Exceedance</b>	<b>Fecal Coliform Exceedance</b>
Water supply	Use boiled water or an alternate potable water supply	Use boiled water or an alternate potable water supply
Food, drink, ice	Use food, drink, and ice prepared prior to notice	Destroy food, drink, and ice prepared prior to notice. Limit menu and type of food preparation depending on volume available from alternate potable water supply
Water use equipment	Disconnect equipment. Clean and sanitize before reuse	Disconnect equipment. Clean and sanitize before reuse
Wiping cloths	Rinse in 100 ppm chlorine solution	Rinse in 100 ppm chlorine solution
Tableware	Continue to use	Use single-service
Other utensil washing	Use automatic warewasher or add sanitizer to all sinks	Use automatic warewasher or add sanitizer to all sinks
Handwashing stations	Use existing handwash sinks	Set up temporary handwash sinks using alternate water source

(f) The requirements of this section do not apply to a

- (1) temporary food service subject to 18 AAC 31.600;
- (2) limited food service that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.610(c);
- (3) mobile food unit that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.620(g);
- (4) mobile retail food vendor that sells only prepackaged food and that meets the

requirements of 18 AAC 31.625(1); or

(5) kiosk that sells only prepackaged food and that meets the requirements of 18 AAC 31.615(c).

(g) An exemption in (f) of this section does not relieve an operator from complying with requirements of the Department of Labor and Workforce Development. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.020 AS 17.20.180 AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.500, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.500(b)-(f) and added a new subsection (g). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.510. Wastewater.** (a) Except for a food establishment described in (c) of this section, the operator of a food establishment shall ensure that wastewater from the establishment is discharged into a public sewer or a wastewater disposal system built and operated as required by 18 AAC 72.

(b) In addition to the requirements of (a) of this section, the operator of a mobile food unit shall ensure that

(1) wastewater is stored in a permanently installed tank with a volume at least 15 percent larger than that of the water supply tank;

(2) wastewater is not discharged from the retention tank when the mobile food unit is in motion; and

(3) the wastewater discharge connection is lower than the potable water inlet connection.

(c) The requirements of this section do not apply to a

(1) temporary food service subject to 18 AAC 31.600;

(2) limited food service that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.610(c);

(3) mobile food unit that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.620(g);

(4) mobile retail food vendor that sells only prepackaged food and that meets the requirements of 18 AAC 31.625(1); or

(5) kiosk that sells only prepackaged food and that meets the requirements of

18 AAC 31.615(c). (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152)

**Authority:** AS 17.20.005            AS 17.20.180            AS 44.46.020  
AS 17.20.072

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.510, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.510(c) by adding a new paragraph. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.515. Plumbing.** (a) Except for a food establishment described in (e) of this section, the operator of a food establishment shall ensure that plumbing is sized, installed, and maintained as required by applicable state and local plumbing codes and is consistent with good public health practices.

(b) Cross-connections between potable and nonpotable water supplies, chemical feed lines, or similar devices are prohibited.

(c) The operator of a food establishment shall ensure that

(1) any nonpotable water system is used only for fire protection, air conditioning, heating, or flushing toilets;

(2) each outlet on a nonpotable water line is posted: "DANGER-UNSAFE WATER";

(3) hot and cold running water under pressure is provided to all plumbing fixtures with faucets, including handwash, warewashing, preparation, processing, and janitorial sinks;

(4) a potable water system is equipped with devices to prevent backflow and back-siphonage at fixtures and equipment unless a permanent air gap at least twice the diameter of the water supply inlet separates the water supply inlet and the equipment or fixture's flood level rim;

(5) a hose is not attached to a faucet unless a backflow prevention device is installed on the faucet or a permanent air gap at least twice the diameter of the water supply inlet is maintained;

(6) grease traps, if used, are accessible for cleaning and kept clean;

(7) a warewashing machine, warewashing sink, or other similar fixture that uses gravity only to discharge waste is connected directly to the drainage system; in addition, a floor sink that is installed flush with or below the finished floor or a floor drain must be provided adjacent to the fixture; the fixture and floor drain must be trapped and vented as required by AS 18.60.705 (State Plumbing Code) and municipal plumbing codes and must be consistent with good public health practices;

(8) drain lines from equipment do not discharge wastewater directly on a floor;  
and

(9) a minimum of a double check valve or an approved reduced-pressure backflow assembly is installed between copper pipe or copper tubing and a carbonated beverage dispensing machine.

(d) The operator of a food establishment shall ensure that fixtures or equipment in which food or drink is stored, prepared, or served, such as refrigerators, steam kettles, potato peelers, ice storage bins, and preparation sinks, are not directly connected to a drainage system. The operator shall ensure that this equipment is drained by means of indirect waste pipes and that the drained wastes discharge through an air break into an open floor sink or another approved receptor that is properly connected to the drainage system. The requirements of this subsection do not apply to

(1) a warewashing sink in a preparation area unless the sink is used to soak, wash, or prepare ready-to-eat food; or

(2) a walk-in refrigerator or combination walk-in, reach-in refrigerator used for storage and sales of products in bottles, cartons, or containers.

(e) The requirements of this section do not apply to a

(1) temporary food service subject to 18 AAC 31.600;

(2) limited food service that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.610(c);

(3) mobile food unit that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.620(g);

(4) mobile retail food vendor that sells only prepackaged food and that meets the requirements of 18 AAC 31.625(1); or

(5) kiosk that sells only prepackaged food and that meets the requirements of 18 AAC 31.615(c). (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.180            AS 44.46.020  
AS 17.20.072            AS 17.20.290

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.515, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.515(e) by adding a new paragraph. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.520. Toilet facilities.** (a) Except for a food establishment described in (f) of this section, the operator of a food establishment that provides seating for its patrons must provide at least one toilet facility and one lavatory for use by the establishment's consumers. In addition, the operator shall ensure that toilet facilities and lavatories are installed and maintained as required in 18 AAC 30.610, 18 AAC 30.630, 18 AAC 30.640, and 18 AAC 30.650, and that

the number of toilet fixtures, urinals, and lavatories in the establishment conforms to the State Plumbing Code, at AS 18.60.705.

(b) If a food establishment does not seat consumers on the premises, the operator of the establishment shall provide toilet facilities and lavatories for employees on the premises or as provided in (d) of this section.

(c) Employees and consumers may use the same toilet facilities if consumers can do so without entering a food preparation, food storage, warewashing, or utensil storage area.

(d) Consumers and employees may use the same public toilets in a multiple activity area, such as a shopping mall or sports center, if those facilities

- (1) meet the requirements of (a) of this section;
- (2) are available when the food establishment is operating;
- (3) are located within 200 feet of the food establishment; and
- (4) are in the same building on the same floor.

(e) The operator of a food establishment shall ensure that

- (1) toilet fixtures are kept clean and in good repair;
- (2) toilet rooms are completely enclosed and have tight-fitting, self-closing doors that remain closed except during cleaning or maintenance;

and

- (3) toilet tissue in a wall-hung or protected container is provided at each toilet;
- (4) easily cleanable waste containers are provided and emptied at least once each day.

(f) The requirements of this section do not apply to a

- (1) temporary food service subject to 18 AAC 31.600;
- (2) limited food service that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.610(c);
- (3) mobile food unit that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.620(g);
- (4) mobile retail food vendor that sells only prepackaged food and that meets the requirements of 18 AAC 31.625(1); or
- (5) kiosk that sells only prepackaged food and that meets the requirements of 18 AAC 31.615(c).

(g) An exemption in (f) of this section does not relieve an operator from complying with

requirements of the Department of Labor and Workforce Development. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152)

**Authority:** AS 17.20.005            AS 17.20.180            AS 18.35.120  
AS 17.20.072            AS 18.35.100            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.520, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.520(a) and (f), and added new subsection (g). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.525. Handwash facilities.** (a) Except for a food establishment described in (b) of this section, the operator of a food establishment shall ensure that

(1) handwash sinks are provided as required by 18 AAC 31.416 and are

(A) used exclusively for handwashing;

(B) supplied with soap and sanitary towels in a dispenser or a hand-drying device that provides heated air; common towels are prohibited;

(C) accessible at all times; and

(D) kept clean and in good repair;

(2) a sign or poster that is clearly visible to employees is posted at each handwash sink used by employees directing employees to wash their hands; and

(3) employees and consumers do not wash their hands at sinks used for preparation or warewashing.

(b) The requirements of this section do not apply to a

(1) temporary food service subject to 18 AAC 31.600;

(2) limited food service that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.610(c);

(3) mobile food unit that dispenses only prepackaged food and that meets the requirements of 18 AAC 31.620(g);

(4) mobile retail food vendor that sells only prepackaged food and that meets the requirements of 18 AAC 31.625(1); or

(5) kiosk that sells only prepackaged food and that meets the requirements of 18 AAC 31.615(c).

(c) An exemption in (b) of this section does not relieve an operator from complying with requirements of the Department of Labor and Workforce Development. (Eff. 5/18/97,

Register 142; am/readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.180 AS 18.35.120  
AS 17.20.072 AS 18.35.100 AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.525, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.525(b) by adding a new paragraph, and added new subsection (c). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.530. Garbage and refuse.** (a) Except for a mobile food unit, the operator of a food establishment shall provide sufficient containers and large enough areas inside and outside the facility to hold garbage and refuse. The operator of a mobile food unit shall provide sufficient containers inside or next to the mobile unit while the unit is operating.

(b) Garbage and other refuse must be disposed of often enough to prevent odor or the attraction of insects, rodents, or other pests.

(c) When storing garbage,

(1) except as described in (d) of this section, the operator shall ensure that garbage that is stored inside the food establishment is stored in durable, easily cleanable, insect-proof, and rodent-proof containers that do not leak or absorb liquid and that are kept clean; plastic bags and wet-strength paper bags may be used to line these containers or for short-term storage inside the establishment, not to exceed one day;

(2) containers used to store garbage outside the food establishment, including dumpsters, compactors, and compactor systems, must be easily cleanable, have tight-fitting lids, doors, or covers, and must be kept covered and reasonably clean; drain plugs must be in place except during cleaning; and

(3) rooms used to store garbage must be

(A) made of easily cleanable, nonabsorbent, washable, insect-proof, and rodent-proof materials;

(B) large enough to store all garbage and refuse containers;

(C) kept clean; and

(D) used for no other purpose.

(d) Cardboard boxes or other packaging material that does not contain food waste may be stored in a protected enclosure before removal.

(e) The operator of a food establishment shall ensure that

(1) burning of garbage and refuse on the premises is in compliance with the air quality requirements of 18 AAC 50; and

(2) disposal of garbage and refuse is in compliance with 18 AAC 60.

(Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152)

**Authority:** AS 17.20.005                      AS 17.20.180                      AS 44.46.020  
AS 17.20.072

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.530, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.535. Insect and rodent control.** (a) The operator of a food establishment shall ensure that the presence on the premises of insects, rodents, and other pests is minimized

(1) routinely inspecting incoming shipments of food and supplies;

(2) routinely inspecting the premises for evidence of pests;

(3) using, if pests are found, trapping devices or other means of pest control allowed under this chapter and in accordance with 18 AAC 90; and

(4) eliminating conditions that contribute to the harboring of pests.

(b) The department may require the operator to hire a commercial pest control applicator certified under 18 AAC 90 to handle an insect, rodent, or other pest problem if the operator does not demonstrate to the department's satisfaction that the operator has adequately controlled the problem with pesticides and traps, or if an imminent health hazard exists. If the department requires a certified commercial pest control applicator under this section, the operator shall provide documentation to the department detailing the actions taken by the applicator.

(c) The operator of a food establishment shall ensure that insect light traps and flypaper, if used in the establishment, are

(1) located so that dead insects cannot fall on food, food-contact surfaces, or food storage areas; and

(2) changed often enough to prevent a heavy accumulation of insects in the traps or on the flypaper.

(d) The operator of a food establishment shall ensure that

(1) pesticides and pesticide use comply with 18 AAC 90 and 18 AAC 31.570;  
and

(2) dead or trapped birds, insects, rodents, and other pests are removed from control devices and the premises at a frequency that prevents their accumulation, their



decomposition, or the attraction of other pests.

(e) The operator of a food establishment shall ensure that openings to the outside and perimeter walls and roofs are effectively protected against the entrance of rodents, insects, and other pests by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screening material must be tight-fitting, free from breaks, and not less than 16 mesh to the inch. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.010            AS 17.20.180            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.535, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.535(a). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.540. Floors.** Except for a temporary food service subject to 18 AAC 31.600, the operator of a food establishment shall ensure that

(1) floors and floor coverings of preparation, processing, display, storage, and warewashing areas, walk-in refrigeration units, dressing rooms, locker rooms, and toilet rooms are

(A) made of smooth, durable, nonabsorbent material; and

(B) kept clean and in good repair;

(2) floors in warehouses and storage rooms used to store case lots, large containers of food, packaging materials, and excess equipment or utensils are made of a material that is cleanable; the floors may be of unsealed wood if cleaning methods do not require the use of water or other liquid and if other activities are not likely to cause discharges of water or other liquid onto the floor;

(3) floors that are water flushed for cleaning, that receive discharges of water or other liquid waste from equipment, or that are in an area where equipment is cleaned using a pressure spray method, slope uniformly at a minimum of one-quarter inch per foot to a properly trapped drain;

(4) carpeting is not used in preparation, processing, produce display, warewashing, and food storage areas, or in toilet rooms; carpeting, if used in other areas, must be durable and tightly woven, with appropriate cleaning equipment provided and regularly used;

(5) sawdust, wood shavings, peanut shells, or similar material are not used on floors in preparation, processing, display, storage, or warewashing areas, or toilet rooms;

(6) mats, duckboards, and non-slip floor coverings are made of nonabsorbent and grease-resistant materials and are designed to be removable and easily cleanable;

(7) the floor and wall junction in preparation, processing, display, storage, and warewashing areas, walk-in refrigerators, locker rooms, and toilet rooms is sealed and is covered or has concave molding installed; and

(8) exposed utility service lines and pipes do not obstruct floor cleaning.  
(Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.540, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.545. Walls and ceilings.** The operator of a food establishment shall ensure that

(1) walls, ceilings, partitions, wall coverings, doors, and windows, including light fixtures, vent covers, decorative material, and wall-mounted fans or other equipment attached to walls and ceilings, are kept clean and in good repair and do not contaminate food or food containers;

(2) walls and ceilings in walk-in refrigerators, freezers, preparation, processing, and warewashing areas, toilet rooms, and janitorial rooms are light-colored, smooth, easily cleanable, and nonabsorbent;

(3) walls and ceilings in other areas are cleanable, in good repair, and do not contaminate food, containers, equipment, or utensils;

(4) studs, joists, and rafters are not exposed in preparation or processing areas; if studs, joists, or rafters are exposed in other areas, they must be clean and in good repair;

(5) exposed utility service lines and pipes do not obstruct the cleaning of walls and ceilings; and

(6) each servicing area is provided with overhead protection, except for areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses; in this paragraph, "servicing area" means an operating base location to which a mobile food unit or transportation vehicle returns regularly for vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, or boarding food. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.545, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.550. Cleaning.** The operator of a food establishment shall ensure that

(1) cleaning required by 18 AAC 31.540 - 18 AAC 31.545 is conducted when the least amount of food is exposed, except for emergency cleaning of floors;

(2) cleaning is performed by a dustless method; and

(3) wastewater from cleaning required by 18 AAC 31.540 - 18 AAC 31.545 is not disposed of in a preparation sink, a handwash sink, or a sink used to wash food-contact surfaces. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 44.46.020  
AS 17.20.020            AS 17.20.180

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.550, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.555. Lighting.** The operator of a food establishment shall ensure that

(1) permanently installed artificial light sources provide

(A) at least 50 foot candles of light, evenly distributed, measured 30 inches from the floor, on preparation, processing, and warewashing surfaces and equipment; and

(B) at least 20 foot candles of light, evenly distributed, measured 30 inches from the floor, in other areas; dining areas must meet this standard only during cleaning activities; and

(2) protective shielding is provided for breakable artificial lighting fixtures located

(A) over equipment used to hold or display food;

(B) in walk-in refrigerators or freezers;

(C) over any area where food or food-contact surfaces are exposed such as preparation, service, and display areas; and

(D) over equipment and areas where utensils and equipment are cleaned or stored. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152)

**Authority:** AS 17.20.005            AS 17.20.180            AS 44.46.020  
AS 17.20.072

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.555, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.560. Ventilation.** The operator of a food establishment shall ensure

(1) that equipment that produces excessive heat, steam, condensation, vapors, noxious odor, smoke, or fumes is adequately vented to outside air through a hood and filter system that prevents grease, condensation, or other filth from collecting on walls and ceilings or from draining or dripping onto food, food-contact surfaces, linens, or single-service or single-use articles;

(2) if an automated deep frying system with a ventless, hoodless design is used, that the system is approved by the Underwriters Laboratories (UL) and the National Sanitation Foundation (NSF);

(3) that commercial cooking equipment that produces grease-laden vapors is vented through a hood and grease collection system designed and installed in accordance with the *International Mechanical Code*, 2006 Edition, Chapter 5, Sections 506 - 509, adopted by reference in 18 AAC 31.011;

(4) that fire prevention or extinguishing equipment installed in a hood does not obstruct cleaning or cause grease to collect; and

(5) that a system vented to the outside does not create a discharge that violates 18 AAC 50. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.180            AS 44.46.020  
AS 17.20.072

**Editor's note:** Information about how to review or obtain a copy of a requirement referred to in 18 AAC 31.560, and adopted by reference in 18 AAC 31.011, is set out in the editor's note to 18 AAC 31.011.

**18 AAC 31.565. Dressing rooms and locker areas.** (a) The operator of a food establishment shall ensure that dressing rooms, lockers, or other suitable facilities are

(1) provided for the orderly storage of employee clothing, outer garments, and other belongings; and

(2) not located in a preparation, processing, food storage, or warewashing area.

(b) Employees may hang outer garments on a coat rack in a storage room containing food, utensils, or other food supplies if the food, utensils, and supplies are completely packaged.

(Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152)

**Authority:** AS 17.20.005 AS 17.20.180 AS 44.46.020  
AS 17.20.072

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.565, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.570. Poisonous or toxic materials.** (a) Poisonous or toxic materials are prohibited on the premises of a food establishment except as specified in (b) of this section and

(1) those materials necessary to operate and maintain the establishment, including those needed to clean and sanitize food-contact surfaces, as specified in 18 AAC 31.422 – 18 AAC 31.424, or to control insects and rodents, as specified in 18 AAC 31.535; or

(2) personal care items that are stored in a facility, as specified in 18 AAC 31.565.

(b) To ensure that poisonous or toxic materials are stored so they cannot contaminate food, clean food-contact surfaces, laundered linens, or single-service or single-use articles, the operator of a food establishment shall ensure that

(1) poisonous or toxic materials are separated by spacing or partitioning;

(2) poisonous or toxic materials are located in an area that is not over food, clean food-contact surfaces, laundered linens, or single-service or single-use articles;

(3) medications in a food establishment necessary for the health of employees

(A) are stored in containers that bear a legible manufacturer's or prescription label;

(B) are located to prevent the contamination of food, clean food-contact surfaces, laundered linens, or single-service or single-use articles;

(C) stored in a refrigerator, are stored in or containers that are kept in a covered, leak-proof container identified as a container for the storage of medication; and

(4) first aid supplies are stored in a container that is located to prevent contamination of food, clean food-contact surfaces, laundered linens, or single-service or single-use articles.

(c) The operator of a food establishment shall ensure that

(1) each container of poisonous or toxic materials bears a legible manufacturer label, except that a small container filled or taken from a properly-labeled master container may be used if

(A) each smaller container is clearly and individually labeled with the common name of the material;

(B) the directions for use are reviewed with employees; and

(C) the master container is retained on site;

(2) pesticides are

(A) segregated from other chemicals;

(B) used according to 18 AAC 90; and

(C) applied in a manner that

(i) does not constitute a hazard to employees or other persons; and

(ii) prevents contamination, including toxic residues due to drip, drain, fog, splash, or spray on food, clean food-contact surfaces, laundered linens, or single-service or single-use articles;

(3) cleaning agents and sanitizing compounds do not leave a toxic residue on or contaminate food or food-contact surfaces; in addition to meeting the requirements of 18 AAC 90, chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces must meet the requirements specified in 40 C.F.R. 180.940, adopted by reference in 18 AAC 31.011;

(4) chemicals used to wash or peel raw, whole fruits and vegetables meet the requirements specified in 21 C.F.R. 173.315, adopted by reference in 18 AAC 31.011;

(5) chemicals used as boiler water additives meet the requirements specified in 21 C.F.R. 173.310, adopted by reference in 18 AAC 31.011;

(6) drying agents used in conjunction with sanitizing contain only components that are listed as one of the following:

(A) generally recognized as safe for use in food, as specified in 21 C.F.R. Part 182 or 21 C.F.R. Part 184, adopted by reference in 18 AAC 31.011;

(B) generally recognized as safe for the intended use, as specified in 21 C.F.R. Part 186, adopted by reference in 18 AAC 31.011;

(C) approved for use as a drying agent under a prior sanction, as specified in 21 C.F.R. Part 181, adopted by reference in 18 AAC 31.011; if sanitizing is with chemicals, the approval must be specifically for use with chemical sanitizing solutions;

(D) specifically regulated as an indirect food additive for use as a drying agent, as specified in 21 C.F.R. Parts 175 – 178, adopted by reference in 18 AAC 31.011; if sanitizing is with chemicals, the regulation as an indirect food additive must be specifically for use with chemical sanitizing solutions;

(E) approved for use as a drying agent under the threshold of regulation process established by 21 C.F.R. 170.39, adopted by reference in 18 AAC 31.011; if sanitizing is with chemicals, the approval must be specifically for use with chemical sanitizing solutions;

(7) lubricants used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces, meet the requirements specified in 21 C.F.R. 178.3570, adopted by reference in 18 AAC 31.011;

(8) automatic dispensing aerosol units, if used, are

(A) not located in areas where food is prepared or served;

(B) located at least 20 feet from

(i) a processing area;

(ii) a preparation area;

(iii) food;

(iv) food-contact surfaces;

(v) linen;

(vi) a single-service or single-use article storage area; or

(vii) a warewashing area; and

(C) installed and used only in areas beyond the influence of a ventilation system that may result in contamination of the items or areas in (A) and (B) of this paragraph;

(9) rodent bait is contained in a covered, tamper-resistant bait station;

(10) a tracking powder pesticide is not used in a food establishment; a nontoxic tracking powder such as talcum or flour may not contaminate food, food-contact surfaces, linens, or single-service or single-use articles; and

(11) a container used to store poisonous or toxic materials is not used to store, transport, or dispense food. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005      AS 17.20.072      AS 17.20.290  
AS 17.20.020      AS 17.20.180      AS 44.46.020

**18 AAC 31.575. Premises.** The operator of a food establishment shall ensure that

(1) the grounds in the immediate vicinity of the establishment are well drained and free of conditions, such as uncut weeds or grass or materials, equipment, or refuse stored in a manner that might attract or harbor insects, rodents, or other pests;

(2) access to preparation, processing, and warewashing areas is restricted to employees or to persons who own, manage, service, repair, maintain, or regulate the establishment;

(3) the establishment is separated from any living or sleeping quarters by complete partitioning or solid, self-closing doors, and that no part of any operation is conducted in living or sleeping quarters;

(4) laundry activities are restricted to washing and drying linens, cloths, uniforms, and aprons and take place only in dressing or locker rooms, in storage rooms where food, equipment, and utensils are packaged or covered, or in a separate laundry room;

(5) clean clothing and linens are stored in a clean place and protected from contamination;

(6) soiled clothing, linens, and wiping cloths are stored in nonabsorbent containers or washable laundry bags;

(7) maintenance tools, including brooms, mops, vacuum cleaners, and similar items, are

(A) stored so the tools do not contaminate food, food-contact surfaces, linens, or single-service or single-use articles;

(B) stored in an orderly manner that facilitates cleaning the area used for storing tools; and

(C) placed in a position that allows tools, if wet, to air-dry without soiling walls, equipment, or supplies;

(8) live animals are not in the establishment, except for edible fish, crustacea or molluscan shellfish, fish in aquariums, patrol dogs accompanying police officers, or service animals accompanying persons with disabilities; and

(9) service animals are controlled by the disabled person, kept off seats, and prevented from contaminating food, food-contact surfaces, or utensils. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005      AS 17.20.072      AS 44.46.020



AS 17.20.020

AS 17.20.180

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.575, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**Article 6. Temporary Food Service, Limited Food Service, Kiosks, Mobile Food Units, and Vending Machines.**

**Section**

- 600. Temporary food service
- 610. Limited food service
- 615. Kiosks
- 620. Mobile food units
- 625. Mobile retail vendors
- 630. Machines vending potentially hazardous food

**18 AAC 31.600. Temporary food service.** (a) In addition to the other applicable requirements of this chapter, the operator of a temporary food service shall comply with this section.

(b) Food must be prepared at the temporary food service unless the department approves prior preparation at a permitted food establishment or another facility under (c)(5) of this section.

(c) For a temporary food service, depending on the adequacy of facilities, equipment, and utensils for the types and volume of food and methods of preparation and service, and based on information provided by the operator on an application form provided by the department, the department will, as the department determines necessary to serve the interests of public health and consumer protection,

- (1) limit the food items to be prepared and sold;
- (2) limit preparation steps;
- (3) prohibit the sale of potentially hazardous food;

(4) except for the fee required by 18 AAC 31.050, grant a variance from a requirement of this chapter under 18 AAC 31.930 if the variance will not threaten public health or consumer protection and the purpose of the requirement is otherwise satisfied;

(5) authorize prior preparation of food at a permitted food establishment or another approved facility if

(A) that establishment or facility has adequate equipment for the type and volume of food and methods of preparation;

(B) a letter of agreement signed by the operator of the establishment or facility

(i) is attached to the temporary food service application;

(ii) specifies the food, and the dates and times the food will be prepared; and

(iii) confirms that the establishment or facility has adequate equipment and utensils for the type and volume of food and methods of preparation; and

(C) food is maintained at temperatures required by 18 AAC 31.230 – 18 AAC 31.236 and protected from contamination during transportation to the temporary food service; and

(6) deny a temporary permit required under 18 AAC 31.020 if the applicant, within the two years before the application date, received

(A) two or more temporary food service inspections noting risk factor or intervention violations that the department determines, based on the nature or number of violations, threaten public health; or

(B) a temporary food service permit suspension or establishment closure.

(d) The operator of a temporary food service at an event that lasts four or more days shall,

(1) within three calendar years before the event, have attended a training course that provides information about food condition and source, food protection, temperature control, display and service, handwashing, employee practices, and food-contact surfaces cleaning and sanitizing; the course may be presented as a class with an instructor, a video training course, a home study training course, or a class provided by the department;

(2) be a certified food protection manager, as described in 18 AAC 31.325; or

(3) hold a food worker card issued by the department under 18 AAC 31.330.

(e) If the department issues an operator the temporary food service permit under 18 AAC 31.020 – 18 AAC 31.030 for an event that lasts four or more days, and that permit is the first that the operator has received for an event of that length, the operator's failure to obtain training timely as required under (d) of this section does not affect the validity of that permit. However, the operator of a temporary food service at an event that lasts four or more days who does not attend the training required under (d) of this section may not obtain an extension of that permit under 18 AAC 31.020(g), and may not obtain a subsequent temporary food service permit for an event of any length, until the operator obtains the training required under (d) of this section and presents a certificate of successful completion to the department.

(f) In addition to meeting the other requirements of this chapter, including the temperature and time requirements in 18 AAC 31.230 – 18 AAC 31.236, the operator of a temporary food service shall ensure that

(1) potentially hazardous food is not reused after being cooked or hot-held;

(2) mechanical refrigeration units are provided to keep potentially hazardous food at 41° F or below, except that

(A) ice cream may be stored on dry ice; and

(B) if approved by the department, at events of one to three days' duration, hamburger patties, precooked meat, raw seafood, and ready-to-eat packaged, potentially hazardous food, such as milk and sandwiches, may be stored in an insulated container using a coolant, such as blue ice or drained ice, to keep the temperature at 41° F or below;

(3) cured food products, such as hot dogs, sausage, or pepperoni, that will not support the rapid or progressive growth of infectious or toxigenic microorganisms or slower growth of *Clostridium botulinum* may be stored in properly insulated containers using a coolant, such as blue ice or drained ice, to keep the temperature at 41° F or below;

(4) packaged food is not stored in undrained ice or iced water except for pressurized containers of nonpotentially hazardous beverages if the water or ice

(A) contains at least 10 ppm of available chlorine; and

(B) is changed frequently to keep the water and container clean;

(5) only single-service articles are provided for use by consumers;

(6) a handwashing facility is provided for employees, including

(A) a container with a minimum capacity of two gallons, equipped with a faucet-type spigot, and filled with warm water; if a container is uninsulated, a means to heat water must also be provided;

(B) a container to catch wastewater from handwashing; and

(C) soap and single-service towels;

(7) at least three basins, deep enough for immersion of utensils and equipment, and a means to heat water are provided to wash, rinse, and sanitize utensils and equipment that will be reused or used on a production-line basis; the requirements of this paragraph do not apply

(A) for an event of one-day duration if adequate extra utensils are provided; or

(B) if the operator washes, rinses, and sanitizes food-contact surfaces at another approved establishment;

(8) a water supply is provided that is

(A) potable;

(B) approved under 18 AAC 80, if the water supply is from a public water system for which approval is required under that chapter; and

(C) adequate to meet preparation, handwashing, and cleaning needs;

(9) if water is from an approved public water system, coliform samples are in compliance with 18 AAC 80; and

(10) a container used to haul potable water is made of materials approved for that use by the National Sanitation Foundation (NSF), the FDA, or an organization recognized as equivalent by the department, is used for no other purpose, and is protected from contamination during storage.

(g) The operator of a temporary food service shall ensure that wastewater is disposed of into a wastewater disposal system approved under 18 AAC 72, and that holding tanks and direct connections to disposal systems are constructed, maintained, and operated as required in 18 AAC 72. The department will approve a manual hauling system if limited amounts of wastewater are generated and an approved wastewater disposal system is in the vicinity and used by the operator. The operator shall keep wastewater containers covered and label them "For Wastewater Only."

(h) For an event of

(1) one to three days' duration, a temporary food service may have a floor consisting of grass, gravel graded to drain, sawdust, or a similar material if dust and mud are controlled; and

(2) four to 21 consecutive days' duration, or for a temporary food service operating at the same location for no more than two days in any one week for a time period and for no more than 120 days total, a temporary food service must have a floor consisting of concrete, asphalt, tight-fitting wood, or another cleanable material.

(i) The operator of a temporary food service shall ensure that walls and ceilings are constructed to protect the interior of the temporary structure from the elements and to restrict access, are cleanable, and are kept clean.

(j) The operator of a temporary food service shall ensure that public toilets and handwashing facilities are provided at events open to the public for two hours or longer and ensure that

(1) the number of toilets furnished is adequate based on the peak crowd anticipated;

(2) if running water is not practically available,

(A) privies or portable toilets are provided instead of flush toilets; to determine the number of portable toilets that are required, the operator shall use the *Sanitarian & Health Official Guide, Portable Restroom Requirements at Special Events & Crowd Gatherings, Determination of Portable Sanitation Requirements at Large Public Events*, published by The Center for Business and Industrial Studies, University of Missouri-St. Louis, adopted by reference in 18 AAC 31.011; and

(B) lavatories are supplied for washing hands from an approved storage

tank, or from an insulated container with a minimum capacity of two gallons each, equipped with a faucet-type spigot and filled with warm water;

(C) bacteriocidal hand rinses are installed

(i) at each privy or portable toilet; or

(ii) in locations that are conveniently accessible to the public after using the privy or portable toilet and the number is adequate based on the peak crowd anticipated;

(3) privies, if used, are designed and constructed as required in 18 AAC 72 and are located so there is no danger in contaminating groundwater; and

(4) privies and portable toilets, if used,

(A) have cleanable interior surfaces, screened openings for ventilation, self-closing doors, and otherwise prohibit the entrance of insects and rodents; and

(B) are serviced as often as necessary to remove accumulated wastes, are kept clean, and are supplied with toilet paper. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.180	AS 18.35.220
	AS 17.20.020	AS 17.20.290	AS 44.46.020
	AS 17.20.072	AS 18.35.200	

**Editor's note:** Information about how to review or obtain a copy of the requirements referred to in 18 AAC 31.600 and adopted by reference in 18 AAC 31.011 is set out in the editor's note to 18 AAC 31.011.

Video training courses are available for review at the department's Anchorage, Fairbanks, and Juneau offices.

**18 AAC 31.610. Limited food service.** (a) In addition to the other applicable requirements of this chapter, the operator of a limited food service shall comply with this section.

(b) At a limited food service, depending on the adequacy of facilities, equipment, and utensils for the types and volume of food and methods of preparation and service, and based on information provided by the operator on the application form by the department, the department may

(1) limit the number and type of food items to be prepared and sold;

(2) require the exclusive use of single-service tableware; and

(3) allow the use of a commissary or other approved facility located in the same structure or within a reasonable distance to resupply food and single-service items;

(4) repealed 12/28/2006.

(c) The operator of a limited food service need not provide sanitary facilities required under 18 AAC 31.500 - 18 AAC 31.525 if

(1) only prepackaged food that meets the requirements of this chapter is served; and

(2) any nonpotentially hazardous beverage is prepared at a commissary and dispensed from equipment that protects the beverage from contamination.

(d) The exemption in (c) of this section does not relieve an operator from complying with requirements of the Department of Labor and Workforce Development. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.020	AS 17.20.180	AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.610, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also added a new subsection to 18 AAC 31.610. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.615. Kiosks.** (a) In addition to the other applicable requirements of this chapter, the operator of a kiosk shall comply with this section.

(b) The operator of a kiosk shall ensure that

(1) the type of food operation at the kiosk is a limited food service or a convenience store;

(2) potable water is delivered as frequently as necessary to prevent the water tanks from being less than one-quarter full at any time;

(3) the wastewater tank is emptied at a frequency that will prevent the tank from being more than three-quarters full at any time;

(4) the kiosk provides take-out or drive-up food service only, and seating is not provided for the patrons;

(5) food is not cooled or reheated within the kiosk; this paragraph does not apply to an iced beverage; and

(6) toilet facilities for use by the employees are within 200 feet of the kiosk while the kiosk is in operation.

(c) The operator of a kiosk need not provide sanitary facilities required under 18 AAC 31.500 – 18 AAC 31.525 if

- (1) only prepackaged foods that meet the requirements of this chapter are served;
- (2) any potentially hazardous beverage is prepared at a commissary and dispensed from equipment that protects the beverage from contamination;
- (3) an approved facility or commissary is located within 200 feet of the kiosk that provides hot and cold running water for cleaning of non-food contact surfaces; and
- (4) toilet facilities and lavatories for employees are available within 200 feet of the kiosk.

(d) The exemption in (c) of this section does not relieve an operator from complying with requirements of the Department of Labor and Workforce Development. (Eff. 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
                  AS 17.20.020            AS 17.20.180            AS 44.46.020

**18 AAC 31.620. Mobile food units.** (a) In addition to the other applicable requirements of this chapter, except as otherwise provided in this section, the operator of a mobile food unit must comply with this section.

(b) At a mobile food unit, depending on the adequacy of facilities, equipment, and utensils for the types and volume of food and methods of preparation and service, and based on information provided by the operator on the application form by the department, the department will, as the department determines necessary to serve the interests of public health and consumer protection,

- (1) limit the number and type of food items to be prepared and sold;
- (2) limit preparation steps; and
- (3) approve the use of a commissary to support the mobile food unit if
  - (A) the necessary support services can be provided to the mobile food unit without compromising the commissary's operation; and
  - (B) the mobile food unit operates within a reasonable distance of the commissary so that it can return daily for servicing as required by (c) of this section.

(c) The operator of a mobile food unit, except a self-contained mobile food unit described in (d) of this section, shall

- (1) ensure that the unit is taken at least once each day to the commissary for support services such as cleaning the unit or food-contact surfaces, servicing potable water and wastewater tanks, and restocking food and supplies;



(2) provide to the department a letter of agreement between the operator and the commissary that outlines

(A) the days and hours the commissary will be used; and

(B) the extent of support services to be provided at the commissary;

(3) describe the method used to return the mobile food unit to the commissary each day for support services; and

(4) advise the department within 72 hours if use of the commissary is discontinued.

(d) The operator of a self-contained mobile food unit is not required to work out of an approved commissary as described in (c) of this section if the unit has

(1) installed on the unit water and wastewater holding tanks, handwashing, and warewashing facilities, and utility sink; and

(2) adequate storage facilities on the unit for all food, equipment, utensils, including single-service items, and supplies used in the operation.

(e) The operator of a mobile food unit shall

(1) provide only single-service articles to consumers; and

(2) ensure that toilet facilities for employees are available within 200 feet of the unit while it is operating.

(f) In addition to the requirements of (a), (b), (c), and (e) of this section, the operator of a pushcart shall ensure that

(1) sufficient food, utensils, paper products, cleaning supplies, potable water supply, and wastewater holding capacity necessary for operating daily are contained on or within the cart, except that the operator of the pushcart may provide

(A) one additional ice chest; and

(B) one additional barbecue grill;

(2) water tanks installed for handwashing only are at least a five-gallon capacity;

(3) pre-preparation of food, including washing, slicing, peeling, cutting, and assembly, occurs at the commissary; and

(4) cooling or reheating of leftovers does not occur.

(g) The operator of a mobile food unit need not provide sanitary facilities as required under 18 AAC 31.500 - 18 AAC 31.525 if

(1) the unit serves only prepackaged food that meets the requirements of this

chapter; and

(2) any nonpotentially hazardous beverage is prepared at the commissary and dispensed from equipment that protects the beverage from contamination.

(h) The exemption in (g) of this section does not relieve an operator from complying with requirements of the Department of Labor and Workforce Development. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.020            AS 17.20.180            AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.620, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also added a new subsection to 18 AAC 31.620. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.625. Mobile retail vendors.** (a) In addition to the other applicable requirements of this chapter, a mobile retail vendor selling

(1) only prepackaged food shall

(A) store excess food and supplies at a commissary;

(B) provide hot or cold holding units if needed to maintain potentially hazardous food at the temperatures required by 18 AAC 31.232; and

(C) keep the unit clean;

(2) whole, gutted, or gilled seafood that has not been further processed

(A) shall wash raw seafood at

(i) a seafood processing facility permitted under 18 AAC 34; or

(ii) a commissary;

(B) shall provide adequate refrigerator, freezer, or ice chests of adequate capacity to store all seafood products and maintain refrigeration temperatures of 41° F or below or freezer temperatures of 0° F or below;

(C) shall drain, wash, rinse, and sanitize refrigerators and ice chests after each day's operation;

(D) shall use single-service gloves, tongs, tissues, or other utensils to minimize hand contact with the unpackaged product;

(E) may not process seafood at the mobile unit;

(F) shall keep the unit clean; and

(G) shall store excess seafood at a commissary; and

(3) unpackaged processed seafood shall

(A) operate out of a seafood processing facility permitted under 18 AAC 34 or a commissary;

(B) return to the commissary or seafood processing facility daily for cleaning and sanitizing of food-contact surfaces;

(C) provide approved and adequate handwashing; this may include, at a minimum,

(i) a container with a minimum capacity of two gallons, equipped with a faucet-type spigot, and filled with warm water; if a container is uninsulated, a means to heat water must also be provided;

(ii) a container to catch wastewater from handwashing; and

(iii) soap and single-service towels; and

(D) use single-use gloves or tissues, or other utensils to minimize bare hand contact with the unpackaged product.

(b) A mobile retail vendor need not provide sanitary facilities as required under 18 AAC 31.500 - 18 AAC 31.525 if the unit serves only prepackaged food that meets the requirements of this chapter.

(c) The exemption in (b) of this section does not relieve a mobile retail vendor from complying with requirements of the Department of Labor and Workforce Development. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.020 AS 17.20.180 AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.625, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.625(a)(2), and (a)(3)(A)-(B), and added a new subsection. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.630. Machines vending potentially hazardous food.** (a) In addition to the

other applicable requirements of this chapter, a person who offers potentially hazardous food for sale in a vending machine shall meet the requirements of this section.

(b) The operator of an establishment providing machines vending potentially hazardous foods shall ensure that

(1) each machine vending potentially hazardous food is supported by an approved storage and servicing area or is supplied and serviced from a commissary;

(2) each machine is designed, constructed, and operated in a way that equals or exceeds NSF's ANSI/NSF International Standard 25 - 2000, *Vending Machines for Food and Beverages*, or the National Automatic Merchandising Association's (NAMA) *Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines*, both of which are adopted by reference in 18 AAC 31.011;

(3) water used in each machine is obtained from a source constructed and operated as required by 18 AAC 80;

(4) employees wash their hands immediately before loading the machine or use single-use gloves;

(5) potentially hazardous food is dispensed to the consumer in the individual, original container or package into which it was placed at the commissary;

(6) milk and fluid milk products are dispensed only in individual, original containers;

(7) fluid milk products, and fluid nondairy products such as creaming agents, are not dispensed in a vending machine as an ingredient in hot liquid beverages or other food;

(8) the temperature of potentially hazardous food is kept at 41° F or below for cold-held food or 135° F or above for hot-held food except during the time required to load or service the machine and no more than 30 minutes after loading or servicing; and

(9) a conspicuous label is affixed to the front of each machine with the name, physical address, and phone number of the food establishment permitted under this chapter to operate the vending machine.

(c) A semi-automated espresso machine that uses liquid milk and that, upon activation of a switch or insertion of a coin, dispenses a beverage into a container placed under the dispenser by an employee or a consumer is not considered a vending machine for purposes of this chapter. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.020	AS 17.20.180	AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.630, to affirm the validity of that section following statutory

amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.630(b). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

Information about how to review or obtain a copy of a requirement referred to in 18 AAC 31.630 and adopted by reference in 18 AAC 31.011 is set out in the editor's note to 18 AAC 31.011.

**Article 7. Food Processing.****Section**

- 700. Food processing establishment design and control
- 710. Hazard analysis critical control point (HACCP)
- 720. Thermal processing and acidified food
- 730. Glacier ice and ice manufacturing
- 740. Bottled drinking water
- 750. Repealed
- 760. Reduced oxygen packaging at food services or markets
- 770. Meat, poultry, and game slaughtering and processing

**18 AAC 31.700. Food processing establishment design and control.** (a) In addition to the other applicable requirements of this chapter, the operator of a food processing establishment shall comply with this section.

(b) The operator of a food processing establishment shall ensure that

(1) areas and equipment used to process food for human consumption are not used to process animal feed or inedible products unless the food intended for human consumption is protected from contamination; and

(2) contaminated food and ingredients are rejected or reprocessed to eliminate the contamination.

(c) The operator of a food processing establishment shall ensure that when routine testing is needed to identify sanitation failures or food contamination or to assure product quality, testing facilities and procedures are provided at the facility or at a qualified laboratory.

(d) The operator of a food processing establishment may not use a packaging process or material that

(1) transmits a contaminant or objectionable material to the food;

(2) imparts additives;

(3) fails to prevent food contamination; or

(4) allows the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*.

(e) In addition to the labeling requirements listed under 18 AAC 31.060, the operator of a food processing establishment shall ensure that food products made by the processor after January 1, 2001, unless the date is extended by the department as provided under 18 AAC 31.060, are labeled

(1) with a lot number or other code that will allow production lots to be identified if the food is recalled, contaminated, or otherwise found to be unfit for human consumption; the operator shall keep lot records for a period that exceeds the shelf life of the product by six

months, or for two years, whichever is less; and

(2) so that known allergens, including seafood, tree nuts, mollusks, wheat, milk, crustacea, eggs, and legumes, particularly peanuts and soybeans, used in food product formulations are declared on the label, even if a processing or incidental additive; the name of the ingredient may be accompanied by a parenthetical statement such as “processing aid” for clarity.

(f) The operator of a food processing establishment shall develop and maintain procedures for notifying the department and consumers of a product recall and shall implement those procedures for any product for which the operator or the department knows or has reason to believe might cause illness, injury, or gross consumer deception. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.040	AS 17.20.290
	AS 17.20.010	AS 17.20.072	AS 17.20.300
	AS 17.20.020	AS 17.20.180	AS 44.46.020

**Editor’s note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.700, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.700(e). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.710. Hazard analysis critical control point (HACCP).** (a) Unless otherwise provided in this section, and except as provided in 18 AAC 31.760(b), the operator of a food processing establishment where smoking, curing, acidifying, dehydrating, thermally processing low-acid food, reduced oxygen packaging, or other processes are used that allow the rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of *Clostridium botulinum*, shall develop and follow a HACCP plan that includes

(1) the name and position of each person with primary responsibility for quality assurance and production, including the name and position of each person who decides whether a product or a package can be reworked or must be destroyed;

(2) a process flow diagram that outlines each processing step from the acceptance of raw materials to the production and packaging of the finished product for each product or group of related products;

(3) specific critical control points in the process where monitoring of practices or physical parameters such as temperature, pH, water activity, or packaging defects will occur, including

(A) the schedule for monitoring;

(B) the monitoring procedure; and

(C) corrective action that will be taken if a process deviation occurs;

- (4) a description of analysis methods used to evaluate raw materials, finished products, food ingredients, and packaging materials;
- (5) the frequency of testing, such as for pH, water activity, sodium nitrite and salt concentration;
- (6) the frequency of culturing for infectious or toxigenic bacteria;
- (7) a list of specifications for materials used in processing and packaging ;
- (8) product codes that identify the food processing establishment and production data;
- (9) a manual identifying the procedures and frequencies for sanitary maintenance of facilities and equipment, and hygienic practices of employees;
- (10) a procedure for maintaining monitoring records that allows for review and evaluation, including the HACCP program results;
- (11) procedures for a self-inspection program to be used at a frequency that will give reasonable assurance that the establishment will be maintained in a sanitary condition that meets the requirements of this chapter; and
- (12) a description of the method used to evaluate the condition of product packages and the integrity of seals.

(b) The department will require the operator to submit a copy of the HACCP plan for department review and comment for a new product or a change in processing procedures if the department determines that a review is necessary to determine compliance with this chapter. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158)

**Authority:** AS 17.20.005            AS 17.20.180            AS 44.46.020  
AS 17.20.072

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.710, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.720. Thermal processing and acidified food.** (a) An operator of a food establishment who thermally processes low-acid foods packaged in hermetically-sealed containers shall

- (1) comply with this chapter;
- (2) meet the requirements of 21 C.F.R. 113, adopted by reference in 18 AAC 31.011; and



(3) ensure that water used to cool containers and water in a cooling canal is potable and has a measurable disinfectant residual before entering the retort; water used in a cooling canal or system must have a measurable disinfectant residual at the discharge point.

(b) An operator of a food establishment who processes acidified foods shall

(1) comply with this chapter; and

(2) meet the requirements of 21 C.F.R. 114, adopted by reference in 18 AAC 31.011. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.720, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

Copies of the federal regulations adopted by reference in this section may be obtained from the department's Anchorage, Fairbanks, or Juneau office.

**18 AAC 31.730. Glacier ice and ice manufacturing.** (a) Except for a person who exports glacier ice without further processing and a person that manufactures ice primarily for use by a seafood processor permitted under 18 AAC 34, the operator of a food establishment where glacier ice or ice is manufactured shall comply with the applicable requirements of this chapter, including this section.

(b) The operator of a food establishment where glacier ice or ice is manufactured shall ensure that

(1) food-contact surfaces of equipment are washed, rinsed, and sanitized at least weekly; and

(2) utensils are washed, rinsed, and sanitized at least once each day.

(c) For glacier ice, the operator of a food establishment shall ensure that

(1) contamination of glacier ice is minimized during harvesting, transportation, and storage;

(2) glacier ice is transported in clean containers or vehicles;

(3) floors in receiving and processing rooms are sloped one-quarter inch per foot to floor drains with traps;

(4) in addition to the requirements of 18 AAC 31.545, walls in receiving and processing rooms are impervious to water to a height of at least four feet;

(5) before processing, glacier ice is cleaned with potable water to remove surface debris and contaminants; and

(6) after glacier ice has been cleaned, cleanable equipment, such as a belt or slide, is provided to transport the ice from the receiving room into the processing room.

(d) For manufactured ice, the operator of a food establishment shall ensure that ice manufacturing is separated by space or enclosure from any source of contamination.

(e) Glacier or manufactured ice may not exceed the maximum contaminant levels set for drinking water in 18 AAC 80.300. If the operator finds or suspects that a maximum contaminant level has been exceeded, the operator shall submit samples of the glacier or manufactured ice to a certified laboratory for analysis of the contaminants of concern listed in 18 AAC 80, at a frequency necessary to assure that the water quality meets the requirements of this subsection. Samples submitted must produce a minimum of 100 ml of water when melted. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.010                      AS 17.20.180                      AS 44.46.020  
AS 17.20.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.730, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also amended 18 AAC 31.730(e). Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.740. Bottled drinking water.** (a) In addition to other applicable requirements of this chapter, an operator of a food processing establishment who bottles drinking water in this state shall comply with this section and meet the food standard and labeling requirements of 21 C.F.R. 165.110(a) and (c), adopted by reference in 18 AAC 31.011.

(b) If the food processing establishment is also the operator of the public water system used as the source of the bottled water, a copy of one of the following must be on file at the processing establishment:

- (1) a valid interim approval to operate, issued under 18 AAC 80.210(i);
- (2) a valid final approval to operate, issued under 18 AAC 80.210(k).

(c) In addition to the requirements of this section, an operator of a food processing establishment who bottles drinking water in this state shall ensure that

(1) water to be bottled is obtained only from a source that meets the requirements for a public water system in compliance with 18 AAC 80;

(2) the water before bottling does not exceed the primary maximum contaminant levels in 18 AAC 80.300(b); and

(3) if bottled water exceeds the secondary maximum contaminant levels in 18 AAC 80.300(c), each bottle is labeled on the principal display panel as required by 21 C.F.R. 165.110(c), adopted by reference in 18 AAC 31.011; the label statement required under this paragraph must immediately and conspicuously precede or follow the name of the product.

(d) The operator of the food processing establishment shall ensure that coliform bacteria sampling and analysis from a container of each type of bottled water is conducted weekly by a qualified or certified laboratory that uses the water sampling and analysis procedures in 18 AAC 80. Verification for fecal coliform or *E. coli* is required; if the laboratory does not verify fecal coliforms, total coliforms will be considered fecal coliforms.

(e) If the results of an analysis under (d) of this section indicate the presence of coliform bacteria, the operator shall

(1) immediately notify the department;

(2) submit additional samples for analysis within 24 hours of receiving notice that the initial sample analysis was positive;

(3) detain the product pending the results of the additional samples;

(4) provide the department with the lot numbers of the product being detained;  
and

(5) notify the department of the results of the additional samples.

(f) The additional samples required under (e) of this section must consist of a sealed container of bottled water from the same lot as the initial sample, or if sampling from the same lot as the original sample is not possible, from the next available lot.

(g) A bacteria contamination violation occurs if any two samples, either weekly samples or check samples, contain coliform bacteria. If a bacteria contamination violation occurs, the operator shall

(1) take the steps specified in (e) of this section;

(2) analyze the source water for the bottled water; and

(3) repeat the check sampling required under this subsection within 24 hours after receiving the results of the check samples until no coliform bacteria are present in two consecutive check samples.

(h) If a coliform contamination violation occurs, other containers from the same lot or subsequent lots may not be distributed or sold, and other lots may not be produced until the source of contamination is identified and corrected.

(i) If the presence of fecal coliform or *E. coli* is verified, the operator shall immediately recall the contaminated lot.

(j) At least once every three months, an aerobic plate count analysis shall be done using a bacteriological swab or a rinse from at least four containers and four closures such as bottle tops randomly selected immediately before filling and sealing the bottle. All samples must be free of coliform organisms. The aerobic plate count analysis must be done by a qualified or certified laboratory. No more than one of the four samples may exceed more than

- (1) one bacteria per milliliter of capacity, or
- (2) one colony per square centimeter of surface area.

(k) If test results under (j) of this section indicate the presence of coliform bacteria, the operator shall review the transportation, storage, and bottling procedures to find the source of contamination and immediately correct any deficiencies found. Records of any review conducted under this subsection must be kept as required under (o)(2) of this section.

(l) In addition to meeting the applicable requirements in 21 C.F.R. 165.110(a) and (c), as adopted by reference in 18 AAC 31.011, bottled water that is bottled in this state and that is labeled as

(1) “glacier water,” “pure glacier water,” or words of similar meaning must be

(A) the runoff directly from the natural melting of a glacier;

(B) water obtained from the melting of glacier ice at a food processing establishment permitted under this chapter; or

(C) water from a stream that flows directly from a glacier and that has not been diluted or influenced by a non-glacial stream; and

(2) “glacier-blend,” “glacially-influenced,” or words of similar meaning must be water taken from a

(A) glacial stream that is influenced by a mapped tributary whose headwaters are not from a glacier; or

(B) lake that is fed by a glacial stream;

(m) For purposes of (l) of this section, a mapped tributary is a surface water channel drainage in the state that has been mapped by the United States Department of Interior, United States Geological Survey (USGS) under 43 U.S.C. 31 – 50c.

(n) Bottled water that is bottled in this state and labeled as “glacier water,” “pure glacier water,” “glacier-blend,” “glacially-influenced,” or words of similar meaning may

(1) be collected and transported by pipes, tunnels, trucks, or similar devices;

(2) not be altered at the food processing establishment by the addition or deletion of minerals, or by blending the water with water from another source, except that the water may be filtered or otherwise treated; and

(3) be drawn from a catchment that is connected to the stream or lake that is the source of the water.

(o) The following records must be maintained and available for department review:

(1) records of physical inspections of all equipment used for treatment of the water bottled, including distillation, ion-exchange, filtration, ultra-violet treatment, reverse osmosis, carbonation, and mineral addition; those records must include

(A) the date of the inspection;

(B) the conditions found during the inspection; and

(C) a description of repairs or maintenance done;

(2) results of quarterly samples of containers and closures; those results must include

(A) the date the samples were collected;

(B) the date the samples were analyzed and the name of each individual who analyzed the samples;

(C) the analytical results; and

(D) any actions taken under (k) of this section;

(3) results of weekly analyses of the bottled water; those results must include

(A) the date the samples were collected and the lot numbers;

(B) the date the samples were analyzed, the type of analyses conducted, and the name and address of the laboratory;

(C) the analytical results; and

(D) any actions taken under (e) of this section.

(p) Records that are required under (o) of this section may be kept at

(1) the food processing establishment; or

(2) a location other than the food processing establishment, if the records can be produced for the department within 24 hours after a department request.

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.070	AS 17.20.290
	AS 17.20.010	AS 17.20.072	AS 17.20.300
	AS 17.20.020	AS 17.20.180	AS 44.46.020
	AS 17.20.040	AS 17.20.200	

**Editor's note:** An operator who bottles drinking water for interstate commerce may also be subject to 21 C.F.R. 129 and should contact the FDA.

USGS maps may be obtained from the United States Geological Survey, Earth Sciences Information Center, 4230 University Drive, Room 101, Anchorage, AK 99508; telephone (907) 786-7011.

**18 AAC 31.750. Game birds; poultry exempt from meat and poultry inspection regulations.** Repealed. (Eff. 5/18/97, Register 142; repealed 12/19/99, Register 152)

**18 AAC 31.760. Reduced oxygen packaging at food services or markets.** (a) In addition to the other applicable requirements of this chapter, the operator of a food service or market who uses reduced oxygen packaging shall comply with this section.

(b) The operator of a food service or market may reduce oxygen package the following without developing a HACCP plan under 18 AAC 31.710:

(1) nonpotentially hazardous food;

(2) repealed 12/28/2006;

(3) repealed 12/28/2006;

(4) food that is received frozen and kept frozen until use, subject to (5) of this subsection; and

(5) food that is rapidly frozen prior to or as part of a reduced oxygen packaging process and stored frozen until reheated or thawed for immediate use; food described in this paragraph and (4) of this subsection must meet the following continuous cooling and freezing requirements:

(A) the food must be cooled from 135° F to 70° F or below within two hours;

(B) the food must be cooled from 70° F to 41° F or below within four hours; and

(C) the food must be frozen completely to below 10° F within 24 hours.

(c) Except as provided in (e) and (h) of this section, the operator of a food service or market may reduce oxygen package food in addition to the food described in (b) of this section if the food has characteristics that will present a barrier to the growth of infectious or toxigenic microorganisms, *Listeria monocytogenes*, and *Clostridium botulinum*, and a HACCP plan is developed and followed as required in 18 AAC 31.710. Food subject to this subsection includes

- (1) food with a water activity that measures below 0.91;
  - (2) food with a pH of 4.6 or less;
  - (3) food cured onsite using a standard recipe approved by the department with an initial sodium nitrite concentration of 120 ppm and 3.5 percent water phase salt concentration;
  - (4) a meat or poultry that is product cured at a food processing plant regulated by the USDA using substances specified in 9 C.F.R. 424.21, adopted by reference at 18 AAC 31.011, and that is received in an intact package; and
  - (5) a food with a high level of competing organisms, including raw meat or raw poultry.
- (d) Except for seafood subject to 18 AAC 34 and as specified in (h) of this section, if food is reduced oxygen packaged under (c) of this section, the operator of a food service or market shall
- (1) discard the food if, within 14 days after packaging, it is not served or sold for consumption;
  - (2) limit the refrigerated shelf life of the reduced oxygen packaged food to the earlier of the following:
    - (A) no more than 14 days from packaging to sale, service, or consumption, except the time the product is maintained frozen;
    - (B) the original manufacturer's "sell by" or "use by" date; and
  - (3) attach the following labels:
    - (A) "Keep refrigerated at 41° F or below and use within 7 days of purchase, unless frozen."; and
    - (B) "Sell by month/day/year," with the date specified being no more than 14 days after packaging.
- (e) The following food products may not be reduced oxygen packaged at a food service or market:
- (1) uncured meat and poultry cooked at a food service or market;
  - (2) ricotta cheese, cottage cheese, cheese spread, and combinations of cheese and other ingredients, such as vegetables or meat;
  - (3) seafood products that are acidified, dehydrated, smoked, or thermally processed unless the food service or market also has a current permit issued under 18 AAC 34; and
  - (4) other seafood products unless they meet requirements in (b)(4) or (b)(5) of this section.

(f) In addition to the requirements in (a) - (e) of this section, the operator of a food service or market shall ensure that

(1) conspicuous signs are posted in the packaging area that list products that may be reduced oxygen packaged and warn against packaging any other product;

(2) all aspects of a reduced oxygen packaging process are conducted in an area completely separated by partition or space from areas used for raw or fully-cooked products, except those raw or fully-cooked products being packaged, and that the dedicated packaging area is not used for any other purpose;

(3) only persons who are trained regarding use of the equipment, procedures, and concepts required for safe packaging are allowed to use reduced oxygen packaging equipment;

(4) potentially hazardous food approved for reduced oxygen packaging is refrigerated at a temperature of 41° F or below or frozen at a temperature of 0° F or below, as appropriate, at all times except during short periods of processing not to exceed 30 minutes;

(5) gases, if used in packaging, are of food grade; and

(6) packaging material is appropriate and adequate for the food, associated pathogens, and method of processing, including the type of gas, if any.

(g) In addition to the labeling requirements of this section, the operator of a food service or market shall ensure that reduced oxygen packaging meets the applicable requirements of 18 AAC 31.060.

(h) The operator of a food service or market may package cheeses using a reduced oxygen packaging method if the operator

(1) limits the cheeses packaged to those that

(A) are commercially-processed in a food processing plant with no ingredients added in the food service or market; and

(B) meet the standards of identity as specified in 21 C.F.R. 133.150, 21 C.F.R. 133.169, or 21 C.F.R. 133.187, adopted by reference in 18 AAC 31.011;

(2) has a HACCP plan developed and followed as required in 18 AAC 31.710;

(3) complies with (a), (b), (f), and (g) of this section;

(4) labels the package on the principal display panel with a “use by” date that does not exceed 30 days or the original manufacturer’s “sell by” or “use by” date, whichever occurs first; and

(5) discards the reduced oxygen packaged cheese if it is not sold, served, or consumed within 30 days after its packaging. (Eff. 5/18/97, Register 142; readopt 12/19/99,



Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.010 AS 17.20.180 AS 44.46.020  
AS 17.20.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.760, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 reallocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

Information about how to review or obtain a copy of the requirements referred to in 18 AAC 31.760 and adopted by reference in 18 AAC 31.011 is set out in the editor's note to 18 AAC 31.011.

**18 AAC 31.770. Meat, poultry, and game slaughtering and processing.** (a) Except as provided in 18 AAC 31.205, 18 AAC 31.820, (b) and (c) of this section, and 18 AAC 32, meat, poultry, and game meat slaughtered, processed, distributed, or sold as part of commerce and intended for human consumption must come from a facility under a USDA mandatory or voluntary inspection program.

(b) The requirements of this section do not apply to processes that are usually and traditionally conducted at food service establishments or markets when meat, poultry, or game meat are processed into normal retail quantities for sale at that food service establishment or market. Processes usually and traditionally conducted at a food service establishment or market include

- (1) cutting, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing those cuts;
- (2) grinding and freezing products made from meat, poultry, or game meat;
- (3) curing, cooking, smoking, rendering, or refining meat, poultry, or game meat, or other preparation of products, except slaughtering or thermal processing of canned products; and
- (4) packaging or repackaging products, other than canning or bottling.

(c) A facility where meat, poultry, or game meat is slaughtered or processed for the owner of the meat, poultry, or game meat for consumption by the owner, a member of the owner's household, or a nonpaying guest of the owner, shall ensure that

- (1) meat, poultry, or game meat entering or processed at the facility is
  - (A) conspicuously marked, labeled, or tagged with the common and usual name of the meat, poultry, or game animal; and
  - (B) processed separately from other permitted operations by time or space;

(2) for products that are shipped in containers, each container is labeled with the

(A) name and location address of the processing facility; and

(B) common and usual name of the meat, poultry, or game animal; and

(3) for products that are individually packaged, each package is conspicuously labeled "NOT FOR SALE". (Eff. 6/28/2001, Register 158)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.010	AS 17.20.180	AS 44.46.020
	AS 17.20.020		

**Article 8. Markets.****Section**

800. Bulk food

810. Retail seafood products

820. Reindeer for retail sale to or at a market

**18 AAC 31.800. Bulk food.** In addition to meeting the other applicable requirements of this chapter, the operator of a market who displays bulk food for self service shall ensure that

- (1) display units are properly labeled as required by 18 AAC 31.060;
- (2) labels and marking pens are available to consumers to identify bulk items purchased;
- (3) repealed 12/28/2006;
- (4) bulk food display units are separated from any containers of bulk chemicals and bulk pet food by distance, such as separate aisles, or partitions;
- (5) an employee is assigned to monitor the area to discourage tampering and consumer contamination; to restock; to label; to clean spills; and to wash, rinse, and sanitize containers and utensils;
- (6) scoops, tongs, or other utensils are readily available to minimize hand contact, and are stored in the food with the handle up or in a protective enclosure or holder;
- (7) tongs, scoops, and other utensils used by customers are washed, rinsed, and sanitized at least once each day or more frequently if needed; and
- (8) display units and lids are washed, rinsed, and sanitized before restocking, when soiled, or at more frequent scheduled intervals, depending on the amount and type of food accumulation. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020  
AS 17.20.040

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.800, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.810. Retail seafood products.** (a) In addition to the other applicable

requirements of this chapter, an operator of a market who offers seafood products for retail sale shall comply with this section.

(b) The operator shall ensure that, in addition to the applicable requirements of 18 AAC 31.060, labels on packaged seafood include

(1) the date of packing;

(2) the name of the seafood product for which a definition and standard of identity are included in *The Seafood List, FDA's Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce*, adopted by reference in 18 AAC 31.011, or the usual name of the seafood product for which a definition and standard of identity are not included in that document; and

(3) for an imitation seafood product, the word "imitation", followed by the name of the product, with the labeling in letters as large as the name of the product.

(c) In addition to the requirements of (a) and (b) of this section, the operator of a market

(1) shall ensure that during storage or display

(A) frozen seafood products are kept frozen until sold or thawed for sale or use;

(B) seafood products that are thawed before sale or use are thawed in a preparation sink under running cold water at 70° F or below, or thawed under refrigeration; and

(C) a reduced oxygen packaged seafood product that is not thermally processed to be sterile or frozen is kept at 38° F or below;

(2) may display packaged products directly in clean, drained ice from an approved source; and

(3) may store or display raw products in clean, drained ice from an approved source, except that if ice is the sole method of maintaining product temperature, the product depth may not exceed

(A) the thickness of a whole fish;

(B) a single layer of fillets, roasts, or steaks; and

(C) two inches of molluscan shellfish, crustaceans, or other seafood products.

(d) In addition to the requirements of (a) - (c) of this section, the operator of a market shall ensure that

(1) refrigerated display cases or ice-cooled display cases or bins

(A) are durable and able to withstand the weight of seafood products and display ice;

(B) have a drain system adequate to remove fluids from condensation, melting ice, and the product;

(C) if permanently installed, are indirectly plumbed to the sewer;

(D) with condenser coils or cooling fins located at the top of the case, have catchment covers that remove any possible condensation or drippage above the product; and

(E) are cleaned of ice, and washed, rinsed, and sanitized at least three times each week, or more often if needed to control odor;

(2) storage pans are perforated;

(3) repealed 12/28/2006;

(4) repealed 12/28/2006. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
                  AS 17.20.020            AS 17.20.180            AS 44.46.020  
                  AS 17.20.040

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.810, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

Information about how to review or obtain a copy of a requirement referred to in 18 AAC 31.810 and adopted by reference in 18 AAC 31.011 is set out in the editor's note to 18 AAC 31.011.

**18 AAC 31.820. Reindeer for retail sale to or at a market.** (a) An owner or a herder of reindeer may sell meat from slaughtered and dressed reindeer to a market only if the reindeer comes slaughtered and dressed from an approved source or if

(1) the reindeer are slaughtered and dressed only when the outdoor temperature is 32° F or below and there is adequate snow cover on the ground to protect the carcasses from contamination;

(2) slaughtered carcasses are covered by the person who is slaughtering before moving the carcasses, to protect the meat from contamination;

(3) carcasses are frozen immediately after slaughter and are kept frozen during transportation, storage, and display; and

(4) carcasses are visibly clean.

(b) The operator of a retail meat market permitted under this chapter may process frozen reindeer shoulders, saddles, legs, or whole carcasses into smaller portions or cuts if

(1) the processing is kept separate from other processing by time or space;

(2) equipment used to process reindeer is washed, rinsed, and sanitized before and after processing as required by 18 AAC 31.420 – 18 AAC 31.424;

(3) the meat is kept frozen during processing, storage, and display; and

(4) in addition to the labeling requirements of 18 AAC 31.060, retail packages are conspicuously labeled as follows: "NOT AN INSPECTED PRODUCT. REINDEER MUST BE COOKED TO AN INTERNAL TEMPERATURE OF 165° F. OR ABOVE." (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 9/6/2003, Register 167; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.020	AS 17.20.180	AS 44.46.020
	AS 17.20.040		

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.820, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**Article 9. Compliance Procedures and General Provisions.****Section**

- 900. Inspections and audits
- 902. Food safety management systems
- 905. Permit suspension and establishment closure
- 907. Foodborne illness investigation and control
- 910. Examination, detention, and destruction of food
- 915. Civil fines
- 920. Repealed
- 925. Food service establishment recognition program
- 930. Variance from requirements
- 940. Right to appeal noncompliance decision
- 945. Delegation of authority
- 985. Potentially hazardous food
- 990. Definitions

**18 AAC 31.900. Inspections and audits.** (a) The department may conduct inspections or audits to determine compliance with this chapter and will record the findings on an inspection report.

(b) The operator of a food establishment shall allow an employee or agent of the department, after proper identification, to enter and have free access to the establishment during reasonable hours to

- (1) inspect all or any portion of the establishment, including each type of operation required to have a permit under 18 AAC 31.020;
- (2) inspect all or any portion of any commissary, servicing area, or other facility supporting or operating in conjunction with the food establishment, including areas supporting vending machines;
- (3) examine records relating to the establishment's certified food protection manager, food worker cards, and food and supplies purchased, received, or used;
- (4) examine standard operating procedures and self-assessments conducted by the establishment, if the establishment is required to implement standard operating procedures or conduct self-assessments under 18 AAC 31.902;
- (5) investigate any employee illness or absenteeism to determine compliance with 18 AAC 31.300 or as part of a foodborne illness investigation, as specified in 18 AAC 31.907;
- (6) examine food, observe procedures, obtain samples, or conduct tests to determine compliance with this chapter; and
- (7) interview employees to determine knowledge of and compliance with safe food handling procedures and food safety practices specified in this chapter.

(c) After an inspection, the operator of a food establishment shall correct violations as follows:

(1) a risk factor or intervention violation must be corrected immediately; if the department agrees that immediate correction is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and the protection of public health, the department may designate a correction period of up to 10 days on the form; and

(2) a good retail practice violation must be corrected immediately; if the department agrees that immediate correction is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and the protection of public health, the department may designate a correction period of up to 90 days on the form.

(d) The operator of a food establishment shall notify the department in writing when the operator has corrected a violation. The department may conduct an inspection to confirm correction.

(e) The department will review inspection findings under 18 AAC 31.940 if the operator of a food establishment submits a written review request within 10 days after receiving the finding.

(f) The operator of a food establishment shall

(1) post a copy of the most recent inspection report; and

(2) provide a copy of this chapter for review by employees.

(g) The department will, if it determines that publication serves the interests of public health and consumer protection, publish inspection reports or ratings in a newspaper or on the department's Internet website.

(h) An operator of a food establishment may request that the department conduct a consultative inspection to determine compliance with this chapter. A violation noted during a consultative inspection is not subject to enforcement action under 18 AAC 31.905, including permit suspension, but the department may conduct an inspection to verify correction of the violation. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/1/2004, Register 172; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 03.05.011	AS 17.20.020	AS 17.20.200
	AS 03.05.040	AS 17.20.070	AS 17.20.220
	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.010	AS 17.20.180	AS 44.46.020

**18 AAC 31.902. Food safety management systems.** (a) The department may require an operator of a food establishment to comply with (b) of this section if the department determines a food establishment has

(1) a foodborne outbreak associated with the facility;



(2) more than one risk factor or intervention violation of this chapter; or

(3) one or more good retail practice violations factor that the department determines significantly increase the risk to consumers of a foodborne illness.

(b) If the department makes a determination under (a) of this section, the department may require the operator of a food establishment to

(1) have a certified food protection manager present at all times when food preparation activities are occurring; or

(2) develop and implement a food safety management system that includes

(A) written standard operating procedures, as specified in (c) of this section; and

(B) regularly-conducted self-assessments, as specified in (d) of this section.

(c) If standard operating procedures are required in (b) of this section, the operator of a food establishment shall develop, implement, maintain, and make available to the department written standard operating procedures that describe methods used to ensure that the operator is actively managing risks that contribute to foodborne illness, including procedures that include definitive practices and expectations that ensure that the requirements of this chapter are met.

(d) If regularly-conducted self-assessments are required under (a) of this section, the operator shall conduct a self-assessment using an approved form and on a schedule designated by the department that evaluates compliance with the procedures developed and implemented under (c) of this section. (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.072                      AS 17.20.290  
AS 17.20.020                      AS 17.20.180                      AS 44.46.020

**18 AAC 31.905. Permit suspension and establishment closure.** (a) The department may, without prior warning, notice, or hearing, suspend a permit and require that the food establishment immediately stop operating if

(1) an imminent health hazard exists and no immediate correction or containment that is acceptable to the department is available;

(2) during an inspection conducted under 18 AAC 31.900, the operator receives

(A) five or more risk factor or intervention violations;

(B) four risk factor or intervention violations and five or more good retail practice violations; or

(C) three risk factor or intervention violations and eight or more good retail practice violations;

(3) a food establishment is placed under a boil water notice under 18 AAC 80.635 because of a violation of the maximum contaminant level for coliform bacteria, and the operator fails to take the actions required by 18 AAC 31.500(e);

(4) the department advises the operator under 18 AAC 80 that one or more samples of the food establishment's public water system are positive for fecal coliforms;

(5) the operator fails to comply with the terms of a conditional permit issued under 18 AAC 31.021, including if

(A) each violation specified under 18 AAC 31.021 is not corrected on or before the date indicated on the conditional permit;

(B) the operator does not make fee payments in compliance with a fee schedule established under 18 AAC 31.021; or

(C) drinking water plans or wastewater plans submitted as required by 18 AAC 31.030 are not approved;

(6) multiple or repeated violations of a requirement of this chapter occur;

(7) a risk factor or intervention violation is not corrected within the time frame designated during an inspection conducted under 18 AAC 31.900;

(8) during a reinspection of a food establishment within a 12-month period, the department notes on an inspection form, three or more risk factor or intervention violations;

(9) the operator or an employee interferes with a department employee or agent in the performance of official duties; or

(10) the department believes that a food establishment or an employee might be the source of a foodborne illness.

(b) The department may, without prior warning, notice, or hearing, issue a notice of closure to a food establishment and require that the food establishment immediately stop operating if a person is operating a food establishment without a valid permit issued under 18 AAC 31.020.

(c) If the department requires a food establishment to stop operating under (a) or (b) of this section, the operator may not resume operating until

(1) a reinspection shows that the conditions that caused the stoppage no longer exist; the department may, if public health is protected and the purpose of this chapter is otherwise satisfied, accept a written agreement with the operator that establishes a schedule for correcting deficiencies that cannot reasonably be corrected before the scheduled reinspection; and

(2) the operator has implemented a food safety management system, including appropriate written standard operating procedures and self-assessments, as specified at 18 AAC 31.902.

(d) If the department requires a food establishment to stop operating under (a) or (b) of this section, the department will order affixed a notice at the food establishment in a place conspicuous to the public that indicates the establishment is closed. The notice may only be removed by the department or by the operator with the department's written consent.

(e) After the department suspends a permit or issues a notice of closure, the operator may request an informal review under 18 AAC 15.185 or an adjudicatory hearing under 18 AAC 15.200. This subsection does not affect a person's right to a hearing under AS 44.62 (Administrative Procedure Act). (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 12/30/2000, Register 156; am 6/28/2001, Register 158; am 7/11/2002, Register 163; am 12/1/2004, Register 172; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.020                      AS 17.20.180  
AS 17.20.010                      AS 17.20.072                      AS 44.46.020

**18 AAC 31.907. Foodborne illness investigation and control.** (a) If the department believes a food establishment or an employee might be the source of a foodborne illness, the department may take action necessary to control disease transmission, including suspending the food establishment's permit under 18 AAC 31.905, and actions recommended by the Department of Health and Social Services and

(1) securing an illness history from each employee suspected of transmitting the illness;

(2) restricting a suspect employee's services to an area of the food establishment where there is no danger of transmitting disease or excluding a food employee from the food establishment;

(3) requiring medical or laboratory examination of a suspect employee;

(4) securing records or other information that might assist in the positive identification of persons potentially exposed to the disease; or

(5) obtaining samples of food for laboratory analysis.

(b) If the department restricts or excludes an employee under (a) of this section or in response to a report from an operator, as specified in 18 AAC 31.300(b)(3), the department will release an employee from restriction or exclusion

(1) if the employee provides a statement from a health practitioner that the employee is free of the infection; or

(2) as recommended by the Department of Health and Social Services.

(c) The department may release to the public the name of a food establishment found to be the source of a foodborne illness if the release will assist in the diagnosis, prevention, or treatment of the disease or if otherwise required by law. (Eff. 12/28/2006, Register 180)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.020	AS 17.20.180	AS 44.46.020

**18 AAC 31.910. Examination, detention, and destruction of food.** (a) The department may examine and obtain samples of food offered or displayed for sale to the public.

(b) The department may detain a food product or food ingredient if the department determines, or has cause to believe, that the food product or food ingredient is adulterated, misbranded, or processed or harvested in violation of this chapter. Detention under this subsection is subject to the following procedures:

(1) the department will

(A) order affixed in a conspicuous place to the food product or food ingredient a "detained" tag or other appropriate marking that gives notice that the food product or food ingredient has been detained, and that warns against the removal or disposal of the food product or food ingredient without permission from the department or a court; a person may not move, reprocess, relabel, destroy, or otherwise terminate detention of the food product or food ingredient without the department's written consent;

(B) issue a notice of detention and inform the immediate custodian or operator of conditions under which the detention can be terminated; and

(C) notify the immediate custodian or operator of the results of any laboratory analysis conducted by the department;

(2) the immediate custodian or operator may request a hearing in writing within 30 days after receipt of the notice of detention; the department will hold a hearing within seven days after receipt of a request and will issue its final decision within seven days after the hearing, or within 35 days after the date of the notice of detention, whichever is later;

(3) if, after issuing a notice of detention, the department determines that the food product or food ingredient is not adulterated, misbranded, or processed or harvested in violation of this chapter, the department will notify the immediate custodian or operator and order the detention terminated; and

(4) if the department determines that the food product or food ingredient is adulterated, misbranded, processed, or harvested in violation of this chapter, the department will notify the immediate custodian or operator by personal service or certified mail of the corrective action necessary, which may include destruction of the food product or food ingredient.

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

<b>Authority:</b>	AS 03.05.011	AS 17.20.070	AS 17.20.240
	AS 17.20.005	AS 17.20.072	AS 17.20.250
	AS 17.20.010	AS 17.20.180	AS 17.20.270
	AS 17.20.020	AS 17.20.200	AS 17.20.290
	AS 17.20.040	AS 17.20.230	AS 44.46.020

**18 AAC 31.915. Civil fines.** (a) The department may, without prior warning, notice, or hearing, assess a civil fine of not more than \$1,000 for each violation for a serious or repeat violation of this chapter as listed in Table K of this subsection.

<b>TABLE K SCHEDULE OF FINES</b>			
<b>VIOLATION</b>	<b>AMOUNT FOR FIRST OFFENSE</b>	<b>AMOUNT FOR SECOND OFFENSE</b>	<b>AMOUNT FOR THIRD AND SUBSEQUENT OFFENSES</b>
Operating without a permit in violation of 18 AAC 31.020	2 times the amount of the annual permit fee specified in 18 AAC 31.050	2 times the amount of the annual permit fee specified in 18 AAC 31.050	2 times the amount of the annual permit fee specified in 18 AAC 31.050
Labeling, placarding, or consumer advisories not provided in violation of 18 AAC 31.060	\$250	\$500	\$1,000
Food is from an unapproved source in violation of 18 AAC 31.200	\$250	\$500	\$1,000
Food sold, served, or used in the establishment is unwholesome, adulterated, or not safe for human consumption in violation of AS 17.20.020 or 17.20.030, or 18 AAC 31.200	\$250	\$500	\$1,000
Food and food preparation for a highly susceptible population not modified where required in violation of 18 AAC 31.215	\$250	\$500	\$1,000
Ready-to-eat food not	\$250	\$500	\$1,000

protected from contamination from raw food in violation of 18 AAC 31.221.			
Handling ready-to-eat food with bare hands in violation of 18 AAC 31.220	\$250	\$500	\$1,000
Potentially hazardous food not cooked, cooled, or held during receiving, storage, preparation, processing, display, service, or transportation at required temperatures and times in violation of 18 AAC 31.230 – 18 AAC 31.234	\$250	\$500	\$1,000
Potentially hazardous food not discarded as required where time is used as a public health control in violation of 18 AAC 31.236	\$250	\$500	\$1,000
Re-service of potentially hazardous food or unwrapped food that has previously been served or sold to a consumer in violation of 18 AAC 31.226	\$250	\$500	\$1,000
An employee who has a condition described in 18 AAC 31.300 handles food	\$250	\$500	\$1,000
A person working in a food establishment is not practicing strict standards of cleanliness or personal hygiene, including handwashing, in violation of 18 AAC 31.310 or	\$250	\$500	\$1,000

18 AAC 31.315, the results of which might be a foodborne illness			
Handwashing facilities not installed, maintained, or accessible in violation of 18 AAC 31.416 or 18 AAC 31.525	\$250	\$500	\$1,000
Food-contact surfaces are not washed, rinsed, or sanitized effectively in violation of any provision of 18 AAC 31.422 – 18 AAC 31.424	\$250	\$500	\$1,000
Water is from an unapproved public water system if the system is required to be approved, or water is not potable in violation of 18 AAC 31.500	\$250	\$500	\$1,000
A water system does not provide hot and cold running water under pressure as required by this chapter, or has a cross-connection with a nonpotable supply or a back siphonage potential	\$250	\$500	\$1,000
Sewage or liquid waste not disposed of in an approved manner in violation of 18 AAC 31.510	\$250	\$500	\$1,000
Insects, rodents, or other prohibited animals are on the premises in violation of 18 AAC 31.535 or 18 AAC 31.575	\$150	\$300	\$600
Poisonous or toxic material improperly labeled, stored, or used	\$250	\$500	\$1,000

in violation of 18 AAC 31.570			
A HACCP plan is not provided as required in violation of 18 AAC 31.710	\$250	\$500	\$1,000
Standard operating procedures or self- assessments are not implemented or conducted where required in violation of 18 AAC 31.902	\$250	\$500	\$1,000
A violation of another requirement of 18 AAC 31 not listed above	\$0	\$200	\$400

(b) For the purpose of determining whether a civil fine is assessed under this section, the department will consider aggravating or mitigating factors, including

- (1) the history of previous violations by the operator or establishment;
- (2) the seriousness of the violation, including actual or potential hazard to the health and safety of the public;
- (3) whether the violation occurred due to negligence or intentional conduct;
- (4) whether the operator has demonstrated good faith efforts to achieve rapid compliance after notification of a violation, including the operator's current status of compliance and the number of continuing violations;
- (5) the actual or potential economic gain to the operator by violating a provision of this chapter;
- (6) enforcement costs incurred by the department relating to the violation; and
- (7) payment of civil fines previously assessed for same violation.

(c) After the department assesses a civil fine under this section, the operator may request an informal review under 18 AAC 15.185 or an adjudicatory hearing under 18 AAC 15.200. This subsection does not affect a person's right to a hearing under AS 44.62 (Administrative Procedure Act). (Eff. 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.20.190                      AS 17.20.365  
AS 17.20.072                      AS 17.20.315                      AS 44.46.020  
AS 17.20.180



**18 AAC 31.920. Food protection managers.** Repealed. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; repealed 12/28/2006, Register 180)

**18 AAC 31.925. Food service establishment recognition program.** (a) Under the department's food service establishment recognition program, an operator with a valid permit under 18 AAC 31.030 may apply for recognition from the department for a food service establishment. The department will issue recognition to a food service establishment if

(1) the operator submits to the department

(A) an application for recognition on a form provided by the department;

(B) a list of individuals working at or employed by the establishment who are certified food protection managers under 18 AAC 31.325; and

(C) a copy of each monthly self-assessment that the operator has completed when performing monthly self-assessments under 18 AAC 31.902 and (3) of this subsection;

(2) during the 12 months before the date that the department receives the operator's submission under (1) of this subsection,

(A) for each inspection performed under 18 AAC 31.900, the operator receives no more than

(i) two risk factor or intervention violations at the establishment with immediate correction of those violations; or

(ii) one risk factor or intervention violation at the establishment with immediate correction of the violation, and no more than two good retail practice violations;

(B) a known foodborne outbreak was not associated with the establishment; and

(C) the department did not pursue or undertake a compliance action against the establishment; for purposes of this subparagraph, a compliance action includes a modification or suspension of the food establishment permit, a notice of violation under 18 AAC 31.900 – 18 AAC 31.905, a negotiated order, a uniform summons and complaint, or a compliance order under AS 46.03;

(3) currently and on a continual basis, the operator has a food safety management system in place that includes

(A) a person who carries out the responsibilities in 18 AAC 31.320 and a certified food protection manager, as specified in 18 AAC 31.325;

(B) a food worker card for each food worker, as specified in 18 AAC 31.330; and

(C) routine self-assessments, as described in 18 AAC 31.902, conducted at least once every 30 days; the completed self-assessments must be available for department review upon request; and

(4) the department determines that recognition serves the interests of public health and consumer protection.

(b) If the department determines that the requirements of (a) of this section are met, the department

(1) will issue recognition to the food service establishment; and

(2) may list the food service establishment

(A) in a monthly department press release of establishments recognized during that month; and

(B) on the Internet website of the department.

(c) If a food service establishment with recognition under this section fails to maintain standards as required in this section, the department will notify the operator in writing of the actions required to maintain recognition, and will provide the establishment with a schedule to meet the standards. If the establishment fails to complete the actions required to maintain recognition within the scheduled time frame, the department may, without prior warning, notice, or hearing, withdraw the establishment's recognition.

(d) Recognition under this section is valid until December 31 of the year issued. An operator whose food service establishment has not been recognized under this section or whose recognition has expired or been withdrawn by the department may not assert or imply that the establishment has recognition under this section. (Eff. 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/1/2004, Register 172; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005                      AS 17.120.220                      AS 44.46.020

**18 AAC 31.930. Variance from requirements.** (a) Except for a fee required by 18 AAC 31.050, the department will grant a variance from a requirement of this chapter if the department finds that public health is protected and the purpose of the requirement is otherwise satisfied.

(b) An application for a variance must be submitted in writing to the department, on a form supplied by the department, and must

(1) specify the requirement for which the variance is sought;

(2) state the reason why the requirement cannot be met; and

(3) describe the alternative method proposed to meet the purpose of the requirement.

(c) The department may grant a variance application with or without conditions.

(d) A variance granted under this section is valid only if the operator complies with the terms agreed upon in the variance. A variance may not be transferred.

(Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.020 AS 17.20.180  
AS 17.20.010 AS 17.20.072 AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.930, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.940. Right to appeal noncompliance decision.** (a) Except for a fee dispute subject to (b) of this section, the operator of a food establishment subject to this chapter may request an informal review under 18 AAC 15.185 of a department decision regarding that operator's noncompliance with this chapter. This subsection does not affect a person's right to a hearing under AS 44.62 (Administrative Procedure Act).

(b) An operator of a food establishment subject to this chapter who disputes an invoice issued under 18 AAC 31.050 may request a fee review under 18 AAC 15.190.

(c) If the department orders the embargo or destruction of food under 18 AAC 31.910 without prior opportunity for a hearing under AS 44.62.330 – 44.62.640, the department may, or upon request of the permittee made within 15 days after the permittee receives the order, schedule a hearing at the earliest possible time. The hearing will be held within five days after the department receives the request. The submission of a request or the scheduling of a hearing does not stay the operation of the department's order. The department will issue a decision within the shortest feasible time. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 7/11/2002, Register 163)

**Authority:** AS 17.20.005 AS 17.20.190 AS 44.46.020  
AS 17.20.180

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.940, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

**18 AAC 31.945. Delegation of authority.** (a) Except as provided in (h) of this section, the department may delegate to a municipality the authority to implement the requirements of this chapter that apply to a food service or to a market, upon approval of an application for delegation.

(b) A municipality seeking delegation must provide documentation to the department that demonstrates that the municipality's proposed program has

(1) funding, staff, and equipment necessary to accomplish compliance with the terms and conditions of the delegation;

(2) an inspection and enforcement program that determines and documents compliance;

(3) insurance to cover any personal injury or property damage and that adequately protects the state;

(4) an ongoing employee training and verification program that ensures uniformity among regulatory staff in the interpretation and application of laws; and

(5) regulatory requirements that include provisions at least as protective of public health as those contained in this chapter.

(c) The department may request information in addition to that provided under (b) of this section that the department considers necessary to determine whether the department will delegate authority to the municipality.

(d) For a delegation that the department has approved under this section to be valid, the department and the individual with administrative management authority for the municipality must sign the delegation. The delegation must include, at a minimum, terms and conditions that set out the following:

(1) the right of the department periodically to audit the municipality to ensure compliance with the terms and conditions of the delegation;

(2) the right of the department to require an annual report summarizing the establishments that the municipality permitted or otherwise approved or inspected, including information on the findings of the inspections, to allow the department to report on food safety statewide;

(3) indemnification of the state against any liability, losses, or damages arising out of or in any manner connected with the department's delegation under this section; and

(4) the right of the department to terminate the delegation if the department determines

(A) a threat to public health or consumer protection exists; or

(B) that the delegation is not in the public interest.

(e) If the department has cause to believe, based on an audit conducted under (d) of this section or other information, that the municipality is not in compliance with the terms and conditions of the delegation or with this chapter, a threat to public health or consumer protection exists, or the delegation is not in the public interest, the department will

(1) notify the municipality in writing of

(A) the areas of concern or in which the department has determined that the municipality is failing to comply; and

(B) the reasons for the department's determination; and

(2) provide the municipality 30 days after receiving the notification under (1) of this subsection to

(A) explain why the municipality disagrees with the department's determination; or

(B) outline the steps that the municipality is taking or proposes to take to correct the areas of concern or noncompliance.

(f) After reviewing the information received under (e) of this section, the department may, as necessary to serve the interests of public health,

(1) revoke the delegation if the department finds that the delegation is no longer in the public interest or that the municipality is not in compliance with the terms and conditions of the delegation, or with this chapter, and that the municipality is not likely to come into compliance;

(2) periodically review the actions of the local government until compliance is achieved if the department finds that the municipality is not in compliance with the terms and conditions of the delegation but that the municipality is taking sufficient steps to come into compliance; or

(3) modify the delegation.

(g) If the department modifies or revokes a delegation under this section, the department will send a notice to the municipality stating that, based on the department's written findings under (f) of this section, that the delegation will be revoked or modified, effective immediately, unless the notice gives a specific date on which the revocation or modification becomes effective.

(h) A delegation under this section does not apply to food that is processed and intended for interstate commerce.

(i) A municipality may not further delegate a delegation under this section. (Eff. 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180)

**Authority:** AS 17.20.005 AS 17.20.072 AS 44.46.020

**18 AAC 31.985. Potentially hazardous food.** (a) For purposes of this chapter, a food is a potentially hazardous food if it requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

## (b) Potentially hazardous food includes

(1) a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation; and

(2) except for a food for which the department has granted a variance under 18 AAC 31.930, a food that, because of the interaction of its water activity and pH values, is designated as PA in Table L or M of this section.

<b>TABLE L INTERACTION OF pH AND WATER ACTIVITY FOR CONTROL OF SPORES IN FOOD HEAT-TREATED TO DESTROY VEGETATIVE CELLS AND SUBSEQUENTLY PACKAGED</b>			
<b>WATER ACTIVITY VALUES</b>	<b>pH VALUES</b>		
	4.6 or less	greater than 4.6 and no greater than 5.6	greater than 5.6
0.92 or less	non-PHF*	non-PHF*	non-PHF*
greater than 0.92 and no greater than 0.95	non-PHF*	non-PHF*	PA**
greater than 0.95	non-PHF*	PA**	PA**
<p>* non-PHF means non-potentially hazardous food  ** PA means a variance granted under 18 AAC 31.930 is required to consider the food non-PHF</p>			

<b>TABLE M</b>				
<b>INTERACTION OF pH AND WATER ACTIVITY FOR CONTROL OF VEGETATIVE CELLS AND SPORES IN FOOD NOT HEAT-TREATED OR HEAT-TREATED BUT NOT PACKAGED</b>				
<b>WATER ACTIVITY VALUES</b>	<b>pH VALUES</b>			
	less than 4.2	no less than 4.2 and no greater than 4.6	greater than 4.6 and no greater than 5.0	greater than 5.0
< 0.88	non-PHF*	non-PHF*	non-PHF*	non-PHF*
0.88 – 0.90	non-PHF*	non-PHF*	non-PHF*	PA**
> 0.90 – 0.92	non-PHF*	non-PHF*	PA**	PA**
> 0.92	non-PHF*	PA**	PA**	PA**
* PHF means potentially hazardous food ** PA means a variance granted under 18 AAC 31.930 is required to consider the food non-PHF*				

## (c) Potentially hazardous food does not include

(1) a hard-boiled egg with shell intact that has been air-cooled, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *Salmonellae*;

(2) food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

(3) food that, because of its pH or water activity value, or interaction of water activity and pH values, is designated as a non-potentially hazardous food in Table L or M of this section; or

(4) food that is designated as PA in Table L or M of this section, if the department has granted a variance under 18 AAC 31.930. (Eff. 12/28/2006, Register 180)

**Authority:** AS 03.05.011                      AS 17.20.010                      AS 17.20.040  
                   AS 17.20.005                      AS 17.20.020                      AS 17.20.180

**18 AAC 31.990. Definitions.** Unless the context indicates otherwise, in this chapter

(1) "acid food" means a food that has a natural pH of 4.6 or below;

(2) "acidified food"

(A) means a low-acid food to which acid or acid food is added; low-acid foods that are frequently acidified include beans, cucumbers, cabbage, artichokes, cauliflower, peppers, tropical fruits, and puddings, singly or in combination; some of these foods may be called "pickles" or "pickled\_\_\_\_ [*insert name of food*]"; and

(B) does not include

(i) carbonated beverages;

(ii) jams, jellies, or preserves;

(iii) acid food such as food dressings and condiment sauces that contain small amounts of a low-acid food and have a resultant finished equilibrium pH that does not differ from the predominant acid or acid food; and

(iv) foods that are stored, distributed, and displayed under refrigeration;

(3) "adequate" means that which is necessary to accomplish the intended purpose, in keeping with good public health practices, while complying with this chapter;

(4) "adulterated" has the meaning given in AS 17.20.020 and AS 17.20.030; in addition, "adulterated" means food that contains

(A) an unapproved food additive or an additive in an amount that exceeds an amount allowed in 21 C.F.R. Parts 170 - 180, adopted by reference in 18 AAC 31.011;

(B) a substance sanctioned by the FDA, or a substance generally recognized as safe by the FDA, in an amount that exceeds an amount allowed in 21 C.F.R. Parts 181 - 186, adopted by reference in 18 AAC 31.011; or

(C) a pesticide residue in an amount that exceeds an amount set out in 40 C.F.R. Part 185, adopted by reference in 18 AAC 31.011;

(5) "approved" means acceptable to the department or its authorized agent, based upon conformance with applicable local, state, and federal standards and good public health practices;

(6) "approved facility" means a place that is acceptable to the department for a specific activity in support of a temporary food service or limited food service;

(7) "approved source" means a food establishment or facility that is permitted or certified by the federal, state, or local government agency with jurisdiction; for purposes of this paragraph, food from an approved source includes



(A) molluscan shellfish from a facility listed in the FDA *Interstate Certified Shellfish Shippers List* or a facility with a current permit issued under 18 AAC 34;

(B) raw seafood from a facility with a current permit issued under 18 AAC 34 or from another approved source;

(C) hermetically sealed food from a food processing establishment that is permitted under this chapter or from another approved source; and

(D) game meat from a facility under a routine inspection program conducted by the federal, state, or local government agency with jurisdiction;

(8) “asymptomatic” means without obvious symptoms, and not showing or producing indications of a disease or other medical condition, including an individual infected with a pathogen but

(A) not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice; or

(B) not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested;

(9) "bottled water" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption;

(10) “bulk food” means processed or unprocessed nonpotentially hazardous food displayed in containers from which consumers withdraw desired amounts;

(11) “caterer” means an individual operating a food establishment that, either as the primary function of the food establishment or as an additional activity of another food establishment, under an agreement or contract,

(A) prepares food in a permitted food establishment;

(B) provides transportation for that food to another premises for consumption; and

(C) serves that food, sets up a buffet for self-service, or prepares food for immediate service;

(12) “certified food protection manager” means an individual who has passed a food safety certification examination and received a certificate or other documentation from a certification program accredited by the Conference for Food Protection;

(13) "certified laboratory" means a laboratory certified under 18 AAC 80.1100-18 AAC 80.1110;

(14) “cold-hold” and “cold-holding” means to maintain the temperature of a potentially hazardous food at 41°F or below while that food is being held whether during transportation, storage, preparation, processing, display, or service;

(15) “commercially processed” means prepared at an approved food processing establishment;

(16) "commissary" means a permitted food establishment where support services are provided to one or more vending machines, mobile food units, limited food services, or temporary food services; a “commissary” may provide support services that include

- (A) food preparation, handling, packaging, or storage;
- (B) storage of utensils, including single-service items, or supplies;
- (C) washing, rinsing, and sanitizing of food-contact surfaces;
- (D) storage of a mobile food unit when the unit is not in use; and
- (E) cleaning of a mobile food unit;

(17) “contaminate” or “contamination” means exposure to or contact with a contaminant; actions that may cause contamination include unsanitary food-contact surfaces, coughing, sneezing, spitting, unnecessary handling, flooding, draining, leakage from overhead, and condensation;

(18) "contaminant" means any substance, organism, or entity that might cause disease or threaten public health; “contaminant” includes dust, insects, rodents, other pests, and poisonous or toxic materials;

(19) “continental breakfast” means a morning meal consisting of ready-to-eat packaged products from an approved source such as pastries, cold cereals, dairy products, juices, coffees and teas, and cut fruit;

(20) "convenience store” means a small market selling predominantly any of the following:

- (A) prepackaged ready-to-eat food in individual portions;
- (B) beverages from self-service dispensers such as coffee, hot chocolate, or carbonated beverages; or
- (C) fresh, uncut, and unpeeled fruit and vegetables;

(21) "corrosion resistant" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment;

(22) "critical control point" means a point, step, or procedure in a specific food safety management system where loss of control may result in an unacceptable health risk;

(23) "cross-contamination" means the process by which a contaminant is transferred from raw or other food to a food-contact surface or a ready-to-eat food;

(24) "cure" or "cured" means to preserve by means of salting, smoking, or aging;

(25) "custom processing" means the processing of a customer's sport-caught seafood or game meat for the consumption of that customer, and which will not be subsequently sold or distributed in commerce for human consumption;

(26) "department" means the Department of Environmental Conservation;

(27) "disclosure" means a written statement that clearly identifies the

(A) animal-derived foods that are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens; or

(B) items that contain an ingredient that is raw, undercooked, or not otherwise being processed to eliminate pathogens;

(28) "disease communicable by food" means a physical condition that can be transmitted from one individual to another; "disease communicable by food" includes amebiasis, cholera, colds, diarrhea, hepatitis A, hepatitis type unspecified, influenza, salmonellosis, shigellosis, Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, staphylococcal skin infections, streptococcal infections, and vomiting;

(29) "distressed food commodities" means food that has been subjected to possible damage from an accident, a fire, a flood, adverse weather, or a similar cause;

(30) "dormitory" means a room with more than two beds;

(31) "durable" means capable of withstanding expected use and remaining easily cleanable;

(32) "dwelling" means a building or portion of a building that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation;

(33) "easily cleanable" means designed, constructed, and installed to allow, and made of a material that allows effective removal of soil by normal cleaning methods considering the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food, and based on the surface's approved placement, purpose, and use;

(34) "embargo" means an order issued by the department that restricts service, use, or movement of food until laboratory tests or further examination confirms the food is free from spoilage, filth, or other contamination;

(35) "employee" means a person working in a food establishment; "employee" includes the operator, a manager, an owner, a person in charge under 18 AAC 31.320, a person on the payroll, a family member, a person working under a contractual agreement, a volunteer, and a student;

(36) "equipment" means an article used in the operation of a food establishment; "equipment" includes a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, and warewashing machine; "equipment" does not include utensils or apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as a hand truck, forklift, dolly, pallet, rack, or skid;

(37) "event" means an organized occurrence that is promoted for a special purpose, has a definite time limit, and generally includes activities other than food sales;

(38) "exclude" or "exclusion" means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee;

(39) "extensively remodeled" means a major equipment change or installation or a structural modification or improvement that revises the product flow or that adds a new preparation, service, or processing area to an existing establishment;

(40) "F" means Fahrenheit;

(41) "FDA" means the United States Food and Drug Administration;

(42) "farmers' market" means a seasonal market

(A) operated under the sponsorship of a community organization; and

(B) the main purpose of which is to provide an opportunity for producers to sell agricultural products directly to consumers;

(43) "fixture" means a plumbing receptacle or device that

(A) is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

(B) discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises;

(44) "food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale, in whole or in part, for human consumption;

(45) "food bank" has the meaning given in AS 17.20.347;

(46) "foodborne illness" means an illness associated with consuming food;

(47) “foodborne outbreak” means an incident in which

(A) two or more individuals experience a similar illness after consuming a common food or food served at a common food establishment or event;

(B) one or more individuals experience illness from botulism or chemical poisoning; or

(C) an epidemiological analysis indicates that a food or an employee is the source of an illness;

(48) "food-contact surface" means a surface of equipment or a utensil

(A) with which food normally comes in contact; or

(B) from which food may drain, drip, or splash into a food or onto a surface normally in contact with food;

(49) “food demonstration station” means a site within a market at which samples of food are served without charge to publicize, advertise, or promote the sale of that food or associated food preparation equipment;

(50) "food establishment" means the premises where any activity occurs that is related to the display, packaging, preparation, processing, sale, salvaging, service, storage, transportation, or vending of food for human consumption; “food establishment” includes various types of operations, singly or in combination, within the categories of food service, food processing establishment, and market; “food establishment” does not include a kitchen in a private dwelling, including a vessel used solely as a private dwelling, where food is prepared for consumption by family members or nonpaying guests;

(51) “food processing establishment” means a food establishment

(A) where food intended for human consumption is processed for distribution to a food service, market, or another consumer outlet; “food processing establishment” includes the following types of operations:

(i) acidifying, curing, dehydrating, or smoking of food, thermal processing of low-acid food, and reduced oxygen packaging;

(ii) bakeries, except retail bakeries;

(iii) bottling water or other beverages;

(iv) ice manufacturing;

(v) jam, jelly, syrup, or confection manufacturing; and

(vi) other food processing; and

(B) where acidifying, curing, dehydrating, smoking, or reduced oxygen packaging of food, or thermal processing of low-acid food occurs for sale or use in that establishment;

(52) “food safety management system” means a system that is

(A) developed and implemented by operators to ensure that food handling practices known to contribute to foodborne illness are in control; and

(B) is comprised of

(i) knowledgeable food employees;

(ii) written standard operating procedures; and

(iii) regularly conducted self-assessments;

(53) “food salvager” means a type of market where distressed food commodities are reconditioned so they comply with this chapter; “food salvager” includes a market that does one or more of the following, if food contents have not been altered or adulterated:

(A) repackaging;

(B) re-labeling;

(C) inspecting food and packaging for wholesomeness;

(D) cleaning;

(E) restoring the integrity of the packaging;

(54) “food service” means a food establishment where food intended for service to individuals for consumption is prepared and provided, or simply provided ready-to-eat, whether consumption is on or off the premises, with or without charge, as specified in 18 AAC 31.010;

(55) “game meat” means the flesh and organs of animals that are not classified as “meat” in 9 C.F.R. 301.2, as adopted by reference in 18 AAC 31.011, or “poultry” in 9 C.F.R. 381.1(b), as adopted by reference in 18 AAC 31.011; “game meat” includes

(A) warm-blooded animals, including seals, whales, caribou, moose, bears, squirrels, musk oxen, and rabbits;

(B) cold-blooded animals, including snakes, lizards, turtles, crocodiles, and alligators;

(C) exotic animals, including reindeer, elk, deer, antelope, water buffalo, and bison; and

(D) game birds, including pheasant, grouse, quail, squab, migratory water fowl, emu, rhea, and ostrich;

(56) "glacier" means a large body of ice moving slowly down a slope or valley or spreading outward on a land surface; "glacier" does not include a snow field or a frozen or ice-covered stream, river, lake, spring, or other water body;

(57) "good retail practices" means preventive measures to control hazards; "good retail practices" include

- (A) properly labeled food;
- (B) prevention of contamination during food preparation, storage and display;
- (C) clean nonfood-contact surfaces;
- (D) clean physical facilities; and
- (E) adequate ventilation and lighting;

(58) "good retail practices violation" means a violation of this chapter other than a risk factor or intervention violation;

(59) "grocery" means a type of market where

(A) a variety of food commodities, including dry, refrigerated, and frozen items, are offered for retail sale to consumers and intended for off-premises consumption; and

(B) a limited amount of processing may occur, including

- (i) trimming or cutting of produce;
- (ii) providing retail customer self-service of bulk items;
- (iii) processed meat slicing and cheese slicing; and
- (iv) providing retail customer self-service to change the form of a food, such as juice squeezing or the grinding of nuts or coffee;

(60) "guestroom" means a room used or intended to be used by a guest for sleeping purposes; every 100 square feet of floor area in a dormitory is considered a "guestroom";

(61) "HACCP plan" means a written document that delineates the formal procedures for following the *Hazard Analysis and Critical Control Point Principles and Application Guidelines*; the *Hazard Analysis and Critical Control Point Principles and Application Guidelines* is adopted by reference in 18 AAC 31.011;

(62) "handwash sink" means a lavatory, a basin or vessel for washing, a wash

basin, or a plumbing fixture especially placed for use in personal hygiene and designed for washing of the hands; "handwash sink" includes an automatic handwashing facility;

(63) "hazard" means a biological, chemical, or physical property that might make food unsafe for human consumption or cause an unacceptable public health risk;

(64) "herb vinegar" means commercial vinegar to which a small amount of one or more herbs has been added, with a resultant pH not significantly different from the vinegar to which the herb was added;

(65) "hermetically sealed" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low-acid canned foods, to maintain the commercial sterility of its contents after thermal processing;

(66) "highly susceptible population" means a group of persons who are more likely than other populations to experience foodborne illness because they are

(A) immuno-compromised, preschool aged children, or older adults; and

(B) obtaining food at a facility that provides services such as custodial care, health care, or assisted living;

(67) "hot-hold" or "hot-holding" means to maintain the temperature of potentially hazardous food at 135°F or above while the food is being held, whether during transportation, storage, preparation, processing, display, or service, except that for rare beef, "hot-hold" or "hot-holding" means to maintain the temperature at 130°F or above;

(68) "ice" means the product that results from freezing water by natural, chemical, or mechanical means;

(69) "imminent health hazard" means a significant threat or danger to health that is considered to exist when the department determines, or has cause to believe, based on the number of potential injuries and the nature, severity, and duration of the anticipated injury, that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury; "imminent health hazard" includes one or more of the following:

(A) the extended loss of a potable water supply;

(B) an extended power outage;

(C) a sewage backup into a food establishment or onto the grounds of a food establishment;

(D) a natural disaster;

(E) a major insect or rodent problem;

(F) one or more employees sick with a foodborne illness;



(G) a foodborne outbreak;

(70) “injected” means to manipulate a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, including by processes referred to as needling, pinning, or stitch pumping;

(71) “institution” means a public or private school for children of school age, or a place of confinement, secure or custodial care, health care, or assisted living; “institution” includes correctional and juvenile facilities, nursing homes, and hospitals;

(72) “intervention” means

(A) a control measure to prevent foodborne illness or injury; and

(B) consists of

(i) the demonstration of knowledge;

(ii) employee health controls;

(iii) controlling hands as a vehicle of contamination;

(iv) time and temperature parameters for controlling pathogens;

and

(v) the consumer advisory;

(73) “juice” means the aqueous liquid expressed or extracted from one or more fruits or vegetables, a puree of the edible portions of one or more fruits or vegetables, or a concentrate of that liquid or puree;

(74) “kiosk” means a semi-permanent structure that is constructed on a nonpermanent foundation;

(75) “limited food service” means a type of food service operation that is restricted to one or more of the following:

(A) pre-cooked, commercially-processed food that is reheated for immediate service and that does not require preparation other than portioning for consumer service;

(B) pre-cooked, commercially-processed hot dogs that are reheated;

(C) soft drinks, coffee, espresso drinks, alcoholic beverages, or other nonpotentially hazardous drinks;

(D) cleaning of utensils, if the only food served is prepared offsite in a permitted facility;

(E) commercially-processed food that does not require preparation other

than portioning for immediate consumer service;

(76) “linens” means fabric items, including cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments, including cloth gloves;

(77) “liquid heat” means a product, either commercial or noncommercial, used to maintain potentially hazardous food at required hot-holding temperatures during display or service;

(78) "lot" means a collection of primary containers of the same size, type, and style produced under conditions as nearly uniform as possible and usually designated by a common code or marking, or a day's production;

(79) "low-acid food" means food, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85;

(80) “market” means a food establishment where food commodities are offered for retail sale to consumers and intended for off-premises consumption, distributed to the needy by nonprofit organizations, or stored before sale or distribution; “market” includes the following types of operations:

- (A) convenience stores;
- (B) grocery stores;
- (C) the grocery portions of supermarkets;
- (D) retail bakeries;
- (E) retail meat markets;
- (F) retail seafood markets;
- (G) mobile retail vendors;
- (H) warehouses;
- (I) food banks;
- (J) food salvagers;
- (K) other markets;

(81) “meat” has the meaning set out in 9 C.F.R. 301.2, as adopted by reference in 18 AAC 31.011;

(82) “misbranded” has the meaning given in AS 17.20.040; in addition, “misbranded” means food that is not labeled as specified in 18 AAC 31.060, 18 AAC 31.700, 18 AAC 31.740, 18 AAC 31.760, 18 AAC 31.770, and 18 AAC 31.800 – 18 AAC 31.820;

(83) “ml” means milliliters;

(84) "mobile food unit" means a type of food service that

(A) is located in a vehicle, trailer, or cart, except for one ice chest and one barbecue grill if placed immediately adjacent to the mobile food unit;

(B) is capable of easily moving daily for servicing of water and wastewater holding tanks;

(C) operates out of a commissary unless it is a self-contained mobile food unit;

(D) has a menu that is usually restricted to service of specific food;

(E) other than a pushcart, is capable of being registered by the state as a motor vehicle;

(F) is capable of moving without special conditions, such as a pilot car, flagging, or restricted hours of movement; and

(G) completely retains its mobility and is not connected to water or sewer;

(85) "mobile retail vendor" means a type of market operated out of a vehicle or trailer, registered by the state as a motor vehicle, from which packaged retail food items or whole or packaged seafood are sold;

(86) "molluscan shellfish" means an edible species of fresh or frozen oysters, clams, mussels, or scallops, or an edible portion of that species; "molluscan shellfish" does not include a scallop product that consists only of the shucked adductor muscle;

(87) "operation" means the premises, practices, and procedures associated with a specific type of activity within a food establishment;

(88) "operator" means an entity that is legally responsible for the operation or a part of the operation of a food establishment; "operator" includes

(A) an owner, manager, or supervisor of one or more types of operation in a food establishment; and

(B) a person performing a duty of an owner, manager, or supervisor who directs, controls, or supervises a food establishment;

(89) "owner" means a person with a proprietary or possessory interest in a food establishment;

(90) "package" or "packaged" means bottled, canned, cartoned, securely bagged, or tightly wrapped; "package" does not include placing food in a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer;

(91) "permit" or "permitted" means an authorization issued by the department;

(92) "pest" means an insect, bird, rodent, or animal that can be detrimental to humans or that can create a nuisance; "pest" includes dogs, cats, and bears;

(93) "plants" means wild, edible, nontoxic berries, roots, or leaves of plants that have cultural significance to people; "plants" includes Eskimo potato, Labrador tea, and low bush cranberry;

(94) "poisonous or toxic material" means a substance not intended for ingestion; "poisonous or toxic material" includes

(A) cleaners and sanitizers, including cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(B) pesticides, except sanitizers, as described in 18 AAC 90;

(C) substances necessary for the operation and maintenance of the establishment, including personal care items used to maintain or enhance an individual's health, hygiene, or appearance and nonfood-grade lubricants that may be poisonous, toxic, or a source of contamination; and

(D) substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, including petroleum products and paints;

(95) "potable water" means water that is free from disease-producing organisms, poisonous substances, and chemical, biological, and radioactive contaminants that would make the water unfit for human consumption and other uses;

(96) "poultry" has the meaning set out in 9 C.F.R. 381.1(b), as adopted by reference in 18 AAC 31.011;

(97) "ppm" means parts per million; "ppm" is equivalent to milligrams per liter (mg/l);

(98) "premises" means the physical facility, its contents, and the contiguous land or property under the control of the permit holder, including all or portions of land, docks, structures, vessels, vehicles, mobile food units, food-contact surfaces, food, supplies, water supply, wastewater system, and plumbing; for purposes of this paragraph, "physical facility" means the structure and interior surfaces of a food establishment, including accessories and attachments;

(99) "prepackaged" means packaged by an approved source that is a food salvager or food processor;

(100) "preparation" or "prepared" means to thaw, marinate, cook, heat, reheat, smoke as part of the cooking process, cool, freeze, construct, assemble, combine, cut, slice, divide, mix, portion, or package food for consumption as ready-to-eat food;

(101) “processing” means to

(A) thaw, butcher, cut, slice, portion, grind, extract, cook, bake, cool, freeze, or package

(i) raw food for retail sale to consumers; or

(ii) raw or ready-to-eat food for distribution to a food service, market, or another consumer outlet; and

(B) acidify, cure, dehydrate, smoke, thermally process low-acid food, or reduce oxygen package;

(102) “product thermometer” means a quick-registering, metal-stem, numerically-scaled thermometer, digital thermometer, thermocouple, thermistor, or other device that, when the sensor is inserted into food or other substances, indicates the temperature;

(103) “public open house” means a business or organization that invites the general public to that business or organization as part of an event at which food is served;

(104) “public water system” has the meaning given in 18 AAC 80.1990;

(105) “pushcart” means a wheeled, nonmotorized mobile food unit, manually movable by one or two persons, and containing on or within the cart sufficient food, utensils, paper products, cleaning supplies, potable water supply, and wastewater holding capacity necessary for operating daily;

(106) “qualified laboratory” means a laboratory that uses the procedures in the *Standard Methods for the Examination of Water and Wastewater* to analyze physical, chemical, or microbial constituents of food; the *Standard Methods for the Examination of Water and Wastewater* is adopted by reference in 18 AAC 31.011;

(107) “ready-to-eat” means food that is in a form that is edible without additional cooking, processing, or preparation to achieve food safety, and that is reasonably expected to be consumed in that form; “ready-to-eat” includes

(A) an animal food that

(i) has been properly cooked or frozen to destroy parasites; or

(ii) is a raw or partially cooked animal food served to a consumer who is advised as specified in 18 AAC 31.060;

(B) raw fruits and vegetables that are washed;

(C) fruits and vegetables that are cooked for hot-holding;

(D) a plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present, are removed;

(E) substances derived from plants such as spices, seasonings, and sugar;

(F) a bakery item such as bread, cake, pie, filling, or icing for which further cooking is not required for food safety;

(G) dry, fermented sausages;

(H) salt-cured meat and poultry products; and

(I) dried meat and poultry products and low acid foods that have been thermally processed and packaged in hermetically sealed containers;

(108) "recognized processing authority" means a qualified person with expert knowledge acquired through appropriate training and experience in the specific process that person is evaluating, including acidification, thermal processing, or atmosphere packaging;

(109) "reconstituted" means dehydrated food combined with potable water or another liquid;

(110) "reduced oxygen packaging" means

(A) means, for a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form, the reduction of the amount of oxygen in a package by removing the oxygen, displacing and replacing the oxygen with another gas or combination of gases, or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21 percent at sea level; and

(B) includes controlled atmosphere packaging, cook chill packaging, modified atmosphere packaging, vacuum packaging, and *sous vide* packaging; for purposes of this subparagraph, "*sous vide* packaging" means a specialized process of reduced oxygen packaging, in which raw or partially-cooked food is placed in a hermetically-sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at a temperature that inhibits the growth of psychotrophic pathogens;

(111) "refrigeration" means a mechanical means to maintain product temperatures at 41° F or below;

(112) "reminder" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens;

(113) "restricted food service transient occupancy establishment" means a business establishment with 12 guestrooms or less that

(A) provides, for compensation, overnight transient occupancy accommodations for no more than 24 individuals; and

(B) serves to the guests only a continental breakfast or a breakfast that is cooked and immediately served, the cost of which is included in the charge for the accommodations;

(114) “retail bakery” means a type of market where baked food items, such as breads, cookies, rolls, muffins, pies, and cakes, are processed for onsite retail sale to consumers;

(115) “retail meat market” means a type of market where limited processing of meat for onsite retail sale to consumers occurs, including

(A) cutting and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts, such as steaks, chops, and roasts;

(B) grinding;

(C) thawing;

(D) freezing;

(E) portioning; and

(F) packaging;

(116) “retail seafood market” means a type of market where raw or ready-to-eat seafood products are displayed for onsite retail sale to consumers; “retail seafood market” includes limited processing, including

(A) cutting whole fish into retail cuts;

(B) preparing retail products from raw or precooked ingredients; and

(C) breaking bulk shipments and repackaging seafood products, except for repackaging molluscan shellfish subject to 18 AAC 34;

(117) “risk factor” means an improper practice or procedure identified as a prevalent contributing factor of foodborne illness or injury; “risk factor” includes unsafe sources, inadequate cooking, improper holding, contaminated food-contact surfaces, and poor personal hygiene;

(118) “risk factor or intervention violation” means

(A) the food establishment is not adequately supervised, as specified in 18 AAC 31.320 or 18 AAC 31.325, or food workers do not have food worker cards, as specified in 18 AAC 31.330;

(B) the food establishment does not have or follow an employee health policy, as specified in 18 AAC 31.300;

(C) an individual working in the food establishment is not practicing strict standards of cleanliness or personal hygiene, as specified in 18 AAC 31.310 or 18 AAC 31.315;

(D) handwash facilities are not installed, located, maintained, supplied, or accessible, as specified in 18 AAC 31.416 or 18 AAC 31.525;

(E) an individual working in a food establishment is not handling ready-to-eat food using suitable utensils to prevent bare hand contact, as specified in 18 AAC 31.220;

(F) food used in the food establishment is not from an approved source, as specified in 18 AAC 31.200 or 18 AAC 31.250;

(G) food used in the food establishment is unwholesome, adulterated, or not safe for human consumption;

(H) potentially hazardous food received, stored, prepared, processed, displayed, served, or transported in a food establishment is not cooked, cooled, reheated for hot-holding, or held at proper temperatures and times, as specified in 18 AAC 31.230 – 18 AAC 31.236;

(I) food is not separated and protected from contamination, as specified in 18 AAC 31.222 – 18 AAC 31.226;

(J) food-contact surfaces are not washed, rinsed, or sanitized, as specified in 18 AAC 31.420 – 18 AAC 31.424;

(K) food is not properly discarded or reconditioned, as specified in 18 AAC 31.228;

(L) labeling, placarding, or consumer advisories are not provided, as specified in 18 AAC 31.060;

(M) food or food preparation is not modified for a highly susceptible population, as specified in 18 AAC 31.215;

(N) poisonous or toxic materials are not labeled, stored, or used, as specified in 18 AAC 31.570; or

(O) a HACCP plan is not provided or followed, as specified in 18 AAC 31.710, or the food establishment is not complying with the terms of a variance granted under 18 AAC 31.930 or another procedure for a specialized process;

(119) “spp.” means species;

(120) "safe" means, with respect to an article, manufactured from or composed of materials that are not reasonably expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food, including the food's flavor, color, and microbial quality;



(121) "sanitization" or "sanitized" means the application of cumulative heat or a chemical on a cleaned food-contact surface that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance;

(122) "scheduled process" means the process selected by the operator of a food processing establishment as adequate under the conditions of manufacture for a given product to achieve commercial sterility, and which is at least equal to the process established by a recognized processing authority to achieve commercial sterility;

(123) "seafood" means any species of aquatic organism, including salt-water fish, freshwater fish, amphibians, crustaceans, mollusks, and aquatic plants; "seafood" includes any part or byproduct of any species of aquatic organism;

(124) "sealed" means free of cracks or other openings that allow entry or passage of moisture, grease, or other liquid;

(125) "service animal" means an animal, including a guide dog, signal dog, or other animal, individually trained to provide assistance to an individual with a disability;

(126) "Shiga toxin-producing *Escherichia coli*" means *E. coli* capable of producing Shiga toxins, also called verocytotoxins or "Shiga-like" toxins; "Shiga toxin-producing *Escherichia coli*" includes serotype O157 and non-O157 *E. coli*;

(127) "shucked molluscan shellfish" means molluscan shellfish that have one or both shells removed;

(128) "single-service" means items that are provided to the consumer and designed to be used by one person and then discarded; "single-service" includes disposable cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, placemats, and toothpicks;

(129) "single-use" means utensils and food containers that are used by employees in a food establishment and that are designed and constructed to be used once and then discarded; "single-use" includes wax paper, aluminum foil, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, milk bottles, juice containers, and other containers that do not meet materials, durability, strength, and cleanability specifications for multi-use utensils under this chapter;

(130) "snack" means food served between meals consisting of

(A) prepackaged nonpotentially hazardous food that requires minimal handling;

(B) cheese or milk, if it is pasteurized and requires only cutting, slicing or portioning; or

(C) fruits and vegetables that require only washing, cutting, or peeling;

(131) “soil” or “soiled” means dust, dirt, food particles, grease, or other debris;

(132) “standard operating procedure” means a written document that specifies practices to address measure to prevent food from becoming contaminated due to various aspects of food environment at an establishment;

(133) "sulfiting agent" means a chemical that contains sulfur and that is used to treat food to increase shelf life and enhance appearance; "sulfiting agent" includes sulfur dioxide, sodium sulfite, sodium bisulfite, potassium bisulfite, sodium metabisulfite, and potassium metabisulfite;

(134) "supermarket" means a food establishment that contains a grocery and that also contains two or more other types of operations that are subject to the permit and fee requirements of this chapter;

(135) “sushi” means an assembled food product, usually containing rice wrapped in seaweed, that may or may not contain raw seafood;

(136) "tableware" means multi-use eating and drinking utensils;

(137) “temperature measuring device” means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water; “temperature measuring device” includes a product thermometer;

(138) "temporary food service" means a type of food service that is kept at one location for no more than 21 consecutive days in conjunction with a single event, or operates at the same location no more than two days in any one week for a time period not more than 120 days;

(139) “thermal process” or “thermal processing” means the application of heat to render food free of microorganisms that are capable of reproducing in the food under normal nonrefrigerated conditions of storage or distribution;

(140) "traditional wild game meat" means game meat that is from wild animals commonly found in and consumed by people in this state; “traditional wild game meat” includes reindeer, caribou, moose, whale, beaver, goat, muskrat, hare, sheep, squirrel, duck, and geese;

(141) “USDA” means the United States Department of Agriculture;

(142) “unpasteurized juice” means juice that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, either through heat pasteurization or in another manner allowed under 21 C.F.R. 101.17(g)(7), adopted by reference in 18 AAC 31.011; “unpasteurized juice” includes a beverage containing juice if the juice ingredient or the beverage has not been processed as specified in this paragraph;

(143) "utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food; “utensil” includes tableware that is multi-use, single-service, or single-use, gloves used in contact with food, spatulas, tissues, tongs, and temperature sensing probes of food temperature measuring devices;

(144) “variance” means a written document issued under 18 AAC 31.930;

(145) "vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses a unit serving of food, whether in a package or into a container, without the necessity of replenishing the device between each vending operation; “vending machine” does not include a semi-automated espresso machine specified in 18 AAC 31.630(c);

(146) “warehouse” means a type of market used exclusively to store food commodities before distribution;

(147) “warewashing” means the washing, rinsing, and sanitizing of food-contact surfaces;

(148) “water activity” means a measure of free moisture in a food and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature;

(149) “wholesale” means a food establishment that manufactures, packages, stores, repackages, or transports food to another entity for resale or redistribution;

(150) “wholesome” means in sound condition and free from spoilage, filth, and contamination.

(151) “microgreens” means edible stems and greens of very young plants. (Eff. 5/18/97, Register 142; am 5/23/98, Register 146; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180; am 6/24/2012, Register 202)

<b>Authority:</b>	AS 03.05.011	AS 17.20.190	AS 17.20.346
	AS 17.20.005	AS 17.20.200	AS 18.35.100
	AS 17.20.010	AS 17.20.220	AS 18.35.120
	AS 17.20.020	AS 17.20.230	AS 18.35.200
	AS 17.20.040	AS 17.20.270	AS 18.35.220
	AS 17.20.070	AS 17.20.290	AS 44.46.020
	AS 17.20.072	AS 17.20.300	AS 44.46.025
	AS 17.20.180	AS 17.20.340	

**Editor’s note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.990, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. The department also made various amendments to 18 AAC 31.990. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

The FDA *Interstate Certified Shellfish Shippers List* may be found at that agency’s website: <https://info1.cfsan.fda.gov/shellfish/sh/shellfis.cfm>.

Information about how to review or obtain a copy of a requirement referred to in 18 AAC 31.990 and adopted by reference in 18 AAC 31.011 is set out in the editor’s note to 18 AAC 31.011.