



Kathleen E. Toomey, M.D., M.P.H., Commissioner

Brian Kemp, Governor

2 Peachtree Street, NW, 15th Floor  
Atlanta, Georgia 30303-3142

[dph.ga.gov](http://dph.ga.gov)

August 14, 2020

## NOTICE OF PROPOSED RULEMAKING

### Revisions to Chapter 511-6-1 “Food Service”

The Department of Public Health proposes the attached amendments to Rule 511-6-1-.01, “Definitions”; and Rule 511-6-1-.08, “Special Food Service Operations,” pursuant to its authority under Georgia Code Sections 31-2A-6 and 26-2-373.

The purpose of the proposed rulemaking is to update definition of food service establishment to exclude nonprofit food sales and food service. This update is required following the enactment of Senate Bill 345 on August 5, 2020.

The proposed amendments have been posted to the Department’s website at <https://dph.georgia.gov/regulationsrule-making>. Interested persons may submit comments on these proposed revisions in writing addressed to:

Megan K. Andrews  
Director of Government Relations  
Georgia Department of Public Health  
2 Peachtree Street, NW, 15<sup>th</sup> Floor  
Atlanta, Georgia 30303  
[megan.andrews@dph.ga.gov](mailto:megan.andrews@dph.ga.gov)

Written comments must be submitted on or before September 15, 2020. Due to the COVID-19 pandemic and public health emergency, there will not be a physical in-person meeting, however, oral comments may be presented via phone at a public meeting scheduled for 11:00 a.m. on September 9, 2020. To join the public meeting:

#### Join Online

Link: <https://gdph.webex.com/gdph/j.php?MTID=mf436e578f67204b069a9169371a812d9>

Meeting number: 129 786 9651

Password: eyURmYZ@362 (39876991 from phones)

#### Join by Phone

+1-408-418-9388 United States Toll

Access code: 129 786 9651

The Commissioner of Public Health will consider the proposed rules for adoption on or about September 16, 2020, to become effective on or about October 19, 2020.



---

Megan K. Andrews  
Director of Government Relations  
Georgia Department of Public Health

**RULES OF THE  
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-6-1  
FOOD SERVICE**

**511-6-1-.01 Definitions**

**511-6-1-.08 Special Food Service Operations**

**511-6-1-.01 Definitions.**

(1) **"Accredited program"** means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration. Accredited programs does not refer to training functions or educational programs.

(2) **"Adulterated"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

(3) **"Approved"** means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(4) **"Asymptomatic"** means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

(5) **" $a_w$ "** means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol  $a_w$ .

(6) **"Balut"** means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

(7) **"Base of Operation"** means a fixed location with a food service permit from which a mobile food service unit, extended food service unit, "pop-up" food service operation, or catering food service establishment operates.

(8) **"Beverage"** means a liquid for drinking, including water.

(9) **"Bottled drinking water"** means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(10) **"Casing"** means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(11) **"Catering operation"** means the provision of a specific menu and quantity of food for service to a consumer, pursuant to a contract, at a site such as a consumer's home, motion picture filming location, or other event site. Food served during a catering operation may be prepared all or in part at the base of operation and transported to the service site, or it may be prepared and served at the service site.

(12) **"Catering food service establishment"** means a permitted food service establishment that has been approved by the Health Authority to perform catering operations. A catering food service establishment shall operate from a base of operation within the State of Georgia, and its permit shall be issued by the Health Authority in the county in which its base of operation is located. A catering food service establishment may include one or more mobile catering units and other components which allow for the preparation and service of food at the service site; however, the term shall not include operations such as temporary food service establishments or extended food service establishments and shall not include delivery of food (for example, pizza) by a food service establishment to a consumer.

(13) **"Certification"** means a document certifying that an individual has completed an approved food safety training program and has passed a professionally validated food safety examination.

(14) **"Certification number"** means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(15) **"Certified food safety manager (CFSM)"** means the owner or manager of a food service establishment who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals.

(16) **"CFR"** means Code of Federal Regulations.

(17) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. It does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(18) **"Color additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3f.

(19) **"Commingle"** means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.

(20) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(21) **"Conditional employee"** means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

(22) **"Confirmed disease outbreak"** means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

(23) **"Consumer"** means a person who is a member of the general public, takes possession of food, is not functioning in the capacity of an operator of a food service establishment or food processing plant and does not offer the food for resale.

(24) **"Core item"** means a provision in this Chapter that is not designated as a priority item or a priority foundation item. It includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

(25) **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

(26) **"Counter-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(27) **"County board of health"** means a Board of Health established pursuant to O.C.G.A. § 31-3-1.

(28) **"Critical control point"** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

(29) **"Critical item"** means a provision of this Chapter, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard and may create an imminent health hazard.

(30) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

(31) **"Cut leafy greens"** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

(32) **"Dealer"** means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

(33) **"Department"** means the Georgia Department of Public Health.

(34) **"Disclosure"** means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

(35) **"District Standard Trainer"** means an Environmental Health Specialist (EHS) appointed by a District Environmental Health Director to train and standardize other EHS in conducting risk-based inspections of food service establishments and to monitor their inspection activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Office.

(36) **"Drinking water"** means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations, is traditionally known as "potable water", and includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(37) **"Dry storage area"** means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service items.

(38) **"Easily cleanable"** means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. The application of this general criterion will depend on the purpose of the surface (e.g., food preparation counter, floor, consumer table, etc.)

(39) **"Easily movable"** means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning. It also means having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(40) **"Egg"** means the shell egg of avian species such as a chicken, duck, goose, guinea, quail, ratites or turkey and does not include a balut, or the egg of reptile species such as alligator, or an egg product.

(41) **"Egg product"** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(42) **"Employee"** means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service establishment.

(43) **"Enough"** means occurring in such quantity and quality or scope as to fully satisfy demand or need.

(44) **"EPA"** means the U.S. Environmental Protection Agency.

(45) **"Equipment"** means an article that is used in the operation of a food service establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, warewashing machine, or other similar devices. It does not include 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 hand trucks, forklifts, dollies, pallets, racks, and skids.

(46) **"Exclude"** means to prevent a person from working as an employee in a food service establishment or entering a food service establishment as an employee.

(47) **"Extended food service unit"** means a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of a permitted food service establishment located on the same property.

(48) **"Extensively remodeled"** means any changes involving structure or location of walls, openings, floors or counters, or modification of plumbing, mechanical or electrical components other than fixtures or in the equipment's layout, arrangement and installation of a food service establishment that the resulting

construction, layout, and equipment and installation significantly differs from what was originally approved by the Health Authority at the time of the Health Authority's issuance of a permit. It does not include

minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the dining area, or repairing damage to walls, floors, and ceilings.

(49) **"Facilitator"** means a third-party entity which manages "pop-up" food service operations through permitted food service establishments at an approved location within a building or enclosed courtyard

(50) **"FDA"** means the U.S. Food and Drug Administration

(51) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. It includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner

(52) **"Fixed food service establishment"** means a permitted food service establishment that is not mobile.

(53) **"Follow-up inspection"** means a complete inspection of a food service establishment by the Health Authority to determine compliance with this Chapter and its enforcement purposes in response to findings of the previous routine inspection

(54) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum

(55) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.3(e)(1)

(56) **"Foodborne disease outbreak"** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food

(57) **"Food-contact surface"** means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food

(58) **"Food employee"** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces

(59) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments. A food processing plant does not include a food service establishment

(60) **"Food service establishment"** means public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. ~~The~~ This term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include the following:

(a) a "food sales establishment" as defined in the O.C.G.A. Section 26-2-21 and subject to regulation by the Georgia Commissioner of Agriculture, except as otherwise stated in this ~~definition~~ paragraph.

~~(b)~~ The food service component of any food sales establishment defined in O.C.G.A. Section 26-2-21 ~~shall not be included in this exception;~~

~~(b)~~ (c) any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;

~~(e)~~ (d) any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is exempt from taxes under O.C.G.A. Section 48-7-25(a)(1) or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;

~~(d)~~ (e) establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:

1. Is sponsored by a political subdivision of this state ~~or by an organization exempt from taxes under of O.C.G.A. Section 48-7-25(a)(1) or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of section 501(e) of the Internal Revenue Code, as that code is defined in O.C.G.A. Section 48-1-2;~~

2. Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event; and

3. Lasts 120 hours or less; ~~and~~ or

~~4. When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.~~

(f) nonprofit food sales and food service provided under a permit issued pursuant to O.C.G.A 26-2-391.

(61) **"Food service manager"** means any person who supervises or trains a food service worker to follow all food safety regulations. The manager shall be an employee of the permitted food service establishment.

(62) **"Food vending location"** means a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. The established boundaries of a City, County, the State of Georgia, or any combination thereof, shall not be used to define a food vending location



(63) "**Game animal**" means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 Definitions, or as Poultry, or fish. It includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes, but does not include ratites

(64) "**General public**" means all individuals who have access to facilities that prepare and serve or sell food, including but not limited to, beneficiaries of governmental or private charitable feeding programs such as soup kitchens; and residents and employees of institutions that provide meals to their residents or employees either with or without direct payment to the institution by the residents or employees such as nursing homes, personal care homes with 25 or more beds, and residential childcare institutions with 13 or more children. It does not include

(a) residents of private homes or home environments where residents take part in preparing and serving their own meals;

(b) guests in private homes; or

(c) participants in a pot-luck dinner, covered dish supper, or similar event in which the food is prepared or contributed by the participants.

(65) "**General use pesticide**" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175, Pesticides classified for restricted use

(66) "**Grade A standards**" means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which governs certain fluid and dry milk and milk product.

(67) "**HACCP plan**" means a written document that specifies the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods

(68) "**Handwashing 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 the washing of the hands and it includes an automatic handwashing facility

(69) "**Hazard**" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(70) "**Health Authority**" means the Department, or a County Board of Health acting as its agent.

(71) "**Health practitioner**" means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

(72) "**Hermetically sealed container**" 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 processing.

(73) "**Highly susceptible population**" means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, preschool age children, or older adults and obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(74) **"Imminent health hazard"** means a product, practice, circumstance, or event that may pose a significant risk of injury or illness to food service employees or to members of the public if not promptly corrected or halted.

(75) **"Incubator food service establishment"** means a food service establishment properly sized, designed, equipped, and managed to foster other food industry entrepreneurs, such as caterers, by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to incubatees/members on a separation of time and space basis. The incubator food service establishment, also known as a kitchen incubator or shared kitchen, enables a food service operation to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities. At the time of adoption of this Chapter, there are two basic types of incubator food service establishments:

(a) **Business Model A.** A single food service establishment operation that has a single permit holder and incubatees/members are considered to be contractual employees of the permit holder that utilize the food

service establishment. In this business model, the layout is an open kitchen in which the incubatees/members operate on a separation of time and space basis.

(b) **Business Model B.** A business relationship in which incubates/members operate within build-out units and are considered to be contractual employees of a permit holder on a separation of time and space basis. In this business model, the incubator food service establishment must qualify for a permit and would be responsible for the overall facility and each incubatee/member must obtain a permit to operate within the build out units on a separation of time and space basis

(76) **"Incubatee/Member"** means a food industry entrepreneur who is operating under the authority and active managerial control of a permit holder of an incubator food service establishment on a separation of time and space basis.

(77) **"Initial inspection"** means an inspection of a food service establishment conducted by the Health Authority to determine the food service establishment's compliance with applicable Law and this Chapter for the purpose of the issuance of a permit.

(78) **"Injected"** means manipulating meat by introducing a solution into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping"

(79) **"Juice"** means the liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. It includes juice as a whole beverage, an ingredient of a beverage and a purée as an ingredient of a beverage, but does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

(80) **"Kitchenware"** means food preparation and storage utensils. It does not include tableware.

(81) **"Key Drop Deliveries"** means a type of delivery in which distributors place products into food service establishments outside of its normal, business hours or when the establishment is closed.

(82) **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

(83) **"Limited food preparation"** means no combining of ingredients except the addition of seasonings, toppings or condiments.

(84) "**Linens**" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves

(85) "**Major food allergen**" means milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or a food ingredient that contains protein derived from a food specified in this definition. It does not include any highly refined oil derived from a major food allergen or any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 ( Public Law 108-282).

(86) "**Meat**" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals. It does not include fish, poultry, or wild game *animals*.

(87) "**Mechanically Tenderized**" means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device. It does not include processes by which solutions are injected into meat.

(88) "**mg/L**" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(89) "**Mobile catering unit**" means a trailer, pushcart, vehicle vendor or any other similar conveyance operating as part of a permitted catering food service establishment. This term shall include any conveyance used in conjunction with a catering operation, whether or not food is prepared or served in the conveyance.

(90) "**Mobile food service establishment**" means one or more mobile food service units operating from a single base of operation and under the managerial authority of one permit holder.

(91) "**Mobile food service unit**" means an independent trailer, motor driven or manually propelled pushcart, food truck, watercraft, movable portable structure, vehicle vendor or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale or service.

(92) "**Molluscan shellfish**" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle

(93) "**Non-continuous cooking**" means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Non-continuous cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

(94) "**Packaged**" means bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food service establishment or a food processing plant. It does not include a wrapper, carry-out box or other nondurable container used to containerize food with for the purpose of protecting food during or delivery to the consumer.

(95) "**Permit**" means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with these rules.

(96) "**Permit holder**" means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner's agent, or other person.

(97) **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(98) **"Person in charge"** means the permit holder, the certified food safety manager (CFSM), or individual present at a food service establishment who is responsible for managing food safety of the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present may be considered the person in charge by the Health Authority.

(99) **"Personal care items"** means items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance. They include items such as medicines; first aid supplies; cosmetics; and toiletries such as toothpaste and mouthwash.

(100) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and fourteen indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

(101) **"Physical facilities"** means the structure, playground areas, and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(102) **"Plumbing fixture"** means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(103) **"Plumbing system"** means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(104) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in any one of these categories:

(a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals; Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;

(b) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; or

(c) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(105) **"Pop-up' food service operation"** means the sale of food to a limited group of customers by a permitted food service establishment, coordinated through a facilitator, at an off-site location within a building or enclosed courtyard that has been approved by the Health Authority.

(106) **"Poultry"** means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1, Poultry Products Inspection Regulations Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1, Voluntary Poultry Inspection Regulations Definitions.

(107) **"Premises"** means and includes all physical buildings, appurtenances, parking lots and all property owned or used by the food service establishment.

(108) **"Preparation of food"** means to put together or make by combining ingredients and processing food for final service.

(109) **"Primal cut"** means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(110) **"Priority item"** means a provision in this Chapter whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. Priority items are identified in this Chapter with a superscript P-<sup>P</sup>.

(111) **"Priority foundation item"** means a provision in this Chapter whose application supports, facilitates or enables one or more priority items. It includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority foundation items are identified in this Chapter with a superscript Pf -<sup>Pf</sup>.

(112) **"Public water system"** has the meaning stated in 40 CFR 141, National Primary Drinking Water Regulations.

(113) **"Pushcart"** means a human propelled, self-contained, enclosed food service cart that operates at predetermined locations as approved by the Health Authority. Its menu is limited to the preparation and serving of hot dogs or fully cooked encased sausages requiring reheating only, condiments such as commercially prepared chili dispensed from approved dispensers, and commercially prepared, prepackaged, time/temperature control for safety foods such as burritos and tamales, served in their original packaging, requiring reheating only or limited to serving non-time/temperature control for safety foods.

(114) **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

(115) **Ready-to-Eat Food** means food that is in a form that is edible without additional preparation to achieve food safety, or is a raw or partially cooked animal food and the consumer is advised, or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. It includes:

(a) Raw animal food that is cooked as specified under DPH Rule 511-6-1-.04(5)(a) or (b) or frozen as specified under DPH Rule 511-6-1-.04(5)(e);

(b) Raw fruits and vegetables that are washed;

(c) Fruits and vegetables that are cooked for hot holding;

(d) All time/temperature control for safety food that is cooked to the temperature and time required for the specific food and cooled;

(e) 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;

(f) Substances derived from plants such as spices, seasonings, and sugar;

(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(i) Foods manufactured as specified in 21CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(116) "**Reduced Oxygen Packaging**" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which

the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form. It includes:

(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

(b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(e) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(117) "**Refuse**" means solid waste that is not carried by water through the sewage system.

(118) "**Reminder**" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

(119) "**Re-service**" means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(120) "**Restrict**" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

(121) "**Restricted egg**" means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(122) "**Restricted use pesticide**" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(123) "**Risk**" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(124) "**Routine inspection**" means the first complete inspection of a food service establishment conducted by the Health Authority after the initial inspection for issuance of a permit. For purposes of routine enforcement of this Chapter, it is also the normal routine monitoring of the food service establishment by the Health Authority to assess satisfactory compliance with the provisions of the Chapter.

(125) "**Safe material**" means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(b) An additive that is used as specified in Sections 409 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(126) "**Sanitization**" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(127) "**Sealed**" means free of cracks or other openings that allow the entry or passage of moisture.

(128) "**Service animal**" means an animal such as a guide dog or signal dog, that has been specifically trained to provide assistance to an individual with a disability as determined by the Americans with Disabilities Act.

(129) "**Servicing area**" means an operating base location to which a mobile food service unit or transportation vehicle returns at least once daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(130) "**Sewage**" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(131) "**Shellfish certification number**" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(132) "**Shellfish control authority**" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

(133) "**Shellstock**" means raw, in-shell molluscan shellfish.

(134) "**Shiga toxin – producing Escherichia coli**" (STEC) means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS - a type of kidney failure). Examples of serotypes of STEC include *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (Enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

(135) "**Shucked shellfish**" means molluscan shellfish that have one or both shells removed.

(136) "**Single-service articles**" means tableware, carry-out utensils, cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are intended to be used once by one person and then discarded.

(137) "**Single-use articles**" means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten cans which are not considered durable and cannot be cleaned and sanitized by an approved method.

(138) "**Slacking**" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

(139) "**Smooth**" means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

(140) "**Special food service operation**" means a mobile food service establishment, an extended food service establishment, a temporary food service establishment, a "pop-up" food service operation, a catering food service establishment, or an incubator food service establishment.

(141) "**State Office Standard-Trainer**" means State Environmental Health Office personnel at the Program Consultant level who have been appointed by the State Food Service Program Director to train and standardize district appointed environmental health specialist to become District Standard Trainers and to monitor district standardization activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section and/or United States Food and Drug Administration (FDA) prior to being assigned duties and responsibilities of a standard-trainer.

(142) "**Table-mounted equipment**" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(143) "**Tableware**" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(144) "**Temperature measuring device**" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.



(145) "Temporary food service establishment" means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(146) "Time/Temperature Control for Safety Food (formerly "potentially hazardous food" or "PHF")

(a) "Time/temperature control for safety food" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(b) "Time/temperature control for safety food" includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that

they are unable to support pathogenic microorganism growth or toxin formation; and except as specified in 3.(iv) of this definition, a food that because of the interaction of its AW and PH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and $a_w$ for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
$a_w$ values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
<0.92	non-TCS food*	non-TCS FOOD	non-TCS FOOD
> 0.92 - .95	non-TCS food	non-TCS FOOD	PA**
> 0.95	non-TCS food	PA	PA
* TCS food means Time/Temperature Control for Safety food			
** PA means Product Assessment required			

Table B. Interaction of pH and $a_w$ for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged				
$a_w$ values	pH values			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 – 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 – 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA
* TCS food means Time/Temperature Control for Safety food				
** PA means Product Assessment required				

(c) "Time/temperature control for safety food" does not include:

1. An air-cooled hard-boiled EGG with shell intact, or an EGG with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;

2. A 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. A food that because of its pH or  $A_w$  value, or interaction of  $A_w$  and pH values, is designated as a non-TCS food in Table A or B of this definition;

4. A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:

(i) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,

(ii) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as Reduced Oxygen Packaging, shelf life and use, or temperature range of storage and use, or

(iii) A combination of intrinsic and extrinsic factors; or

5. A food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(147) "**USDA**" means the U.S. Department of Agriculture.

(148) "**Utensil**" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(149) "**Variance**" means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

(150) "**Vehicle Vender**" means a foodservice unit mounted on a vehicle registered with the Georgia Department of Revenue, Division of Motor Vehicles and approved for street usage, designed to be readily movable, and which serves multiple locations on a daily basis along a route which is approved by the Health Authority. It operates on a grab-and-go basis in which the consumer selects packaged food from holding equipment and pays the driver of the vehicle. The majority of food is processed, packaged in individual portions and labeled at the base of operation for service to the consumer. However, some foods may be purchased for sale from licensed food distributors.

(151) "**Vending machine**" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(152) **"Vending machine location"** means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

(153) **"Warewashing"** means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

(154) **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Authority: O.C.G.A. Sec. 31-2A-6, 26-2-373. Administrative History. Original Rule entitled "Purpose" was filed and effective on July 19, 1965 as 270-5-6-.01. Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.01. Filed June 10, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 26, 2006; effective. Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.01 Definitions revised. Filed July 24, 2018; effective August 13, 2018. Amended: Rule 511-6-1-.01 Definitions revised. Filed October 1, 2018; effective October 21, 2018.

## **511-6-1-.08 Special Food Service Operations.**

### **(1) Mobile Food Service Units and Extended Food Service Units.**

**(a) Compliance Required.** Mobile food service units and extended food service units shall comply with the requirements of this Chapter, except as otherwise provided in this subsection and as specified under subsection (1)(b) of this Rule. <sup>Pf</sup> After review of a proposed menu, plans and specifications, and the proposed method of operation, the Health Authority may:

1. Impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation;
2. Prohibit the sale of some or all time/temperature control for safety food, or
3. When no health hazard will result, modify requirements of this Rule relating to physical facilities, except those requirements specified under subsections (1)(e) and (f) of this Rule.

### **(b) Exceptions to Compliance for Mobile and Extended Food Service Units.**

1. General. Mobile food service units, such as vehicle vendors, and extended food service units may be exempt from the requirements of this Chapter pertaining to the necessity of water and sewage systems and to those requirements pertaining to the cleaning and sanitization, if the following conditions are met:

- (i) The required equipment for cleaning and sanitization exists at their permitted base of operation;<sup>Pf</sup> and
- (ii) Menus shall be limited to food that is prepared, prepackaged and labeled in individual servings, transported and stored; or

(iii) Beverages that are not time/temperature control for safety foods that are dispensed from covered urns or other protected equipment all under conditions meeting the requirements of the Chapter. <sup>P</sup>

2. Pushcarts. Push carts may be exempted from the requirements of subsection (1)(g)1 of this Rule if the following conditions for push carts are met:

(a) The menu shall be limited to only service of commercially prepared and prepackaged time/temperature control for safety foods such as frankfurters, precooked encased sausages, and similar approved foods requiring heating only; <sup>P</sup>

(b) All food shall be protected from customer handling, coughing, sneezing or other contamination by wrapping, using food shields or other effective barriers. Condiments must be dispensed in single service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources of contamination; <sup>P</sup>

(c) No cooking equipment shall be allowed at the food vending location of carts. Heating equipment will be limited to steam or hot water heating equipment that meets the requirements of this Chapter; <sup>Pf</sup>

(d) At a minimum, overhead protection such as an umbrella large enough to fully cover and protect the entirety of the cart, employee and any cart associated equipment such as food storage, handwashing, etc., shall be provided for the cart's onsite operation; <sup>Pf</sup>

(e) Properly installed and equipped handwashing facilities meeting the requirements of this Chapter must be installed on carts. Potable hot and cold running water under pressure with suitable hand cleaner, dispensed paper towels, and a waste receptacle must be provided at or near the handwashing facility; <sup>Pf</sup> However, certified commercially manufactured, portable hand washing stations may be allowed for onsite operational use with the cart upon approval by the Health Authority.

(f) With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use with sufficient ice for cold time/temperature control for safety foods and NSF listed; <sup>Pf</sup>

(g) In use equipment and utensils must be cleaned and sanitized at least every 4 hours; therefore, carts shall be equipped with at least a 3-compartmented sink dedicated for the purpose of cleaning and sanitizing of equipment and utensils. However, in lieu of the 3-compartmented sink being installed on the cart and as deemed acceptable by the Health Authority, the permit holder may provide a an adequate supply of clean and sanitized equipment and utensils stored in such a way on the cart so as to protect them from contamination, if the required equipment for cleaning and sanitization exists at its base of operation; <sup>Pf</sup>

(h) Pushcarts must be designed, constructed and built to at least NSF Standard 59; <sup>Pf</sup> and

(i) Pushcarts must be supplied with one day's operational supply of hot and cold potable water under pressure and waste water storage capacity of 15% larger than that of the potable water tank. The potable water storage tank shall have at least 10 gallons storage capacity and may be required by the Health Authority to have a larger storage volume depending on length of time in which the cart is used away from the base of operation. <sup>P</sup>

(j) Stored food, utensils and equipment, single-service and single-use supplies, and hand washing supplies shall be protected from environmental contamination during transportation of the Push Cart from location to location. <sup>Pf</sup>

**(c) Equipment and Supplies Required for Onboard Preparation of more complex menus.**

1. Units preparing time/temperature control for safety foods on the unit other than the limited menu items stated within subsection (1)(b) of this Rule shall utilize thermostatically controlled heating, cooling, and freezing equipment for those foods stored or displayed on the unit requiring controlled heating or refrigeration. <sup>Pf</sup>

2. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to  $\pm 2$  degrees Fahrenheit. <sup>Pf</sup>

3. Each unit must have two separate types of sinks, one for hand-washing and the other for warewashing. <sup>Pf</sup>

4. Mobile food service units and extended food service units shall provide only individually wrapped single-service articles for use by the consumer. <sup>Pf</sup>

**(d) Water System.**

1. A mobile food service unit and extended food service unit requiring a water system shall have a potable water system as specified under DPH Rule 511-6-1-.06(1), and the water system shall be under pressure. <sup>Pf</sup>

2. Mobile water tanks and mobile food service unit water tanks shall meet all the requirements specified under DPH Rule 511-6-1-.06(3) as it relates to materials, design, construction, installation, numbers and capacities, and operation and maintenance of these tanks. <sup>Pf</sup>

3. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of this regulation. <sup>Pf</sup>

**(e) Liquid Waste.** The sewage holding tanks for all mobile food service units and extended food service units, and all sewage and liquid waste resulting from the operation of a mobile food service unit or extended food service units shall meet the requirements of and be handled as specified under DPH Rule 511-6-1-.06(4)(a), (e), (f), (g), (h) and (i) as it relates to capacity, drainage, design, construction, installation, operation, maintenance and sewage disposal. <sup>Pf</sup>

**(f) Operation.**

1. A mobile food service unit shall operate from its permitted base of operation and report daily to such location for supplies and cleaning and servicing operations. <sup>P</sup>

2. An extended food service unit shall operate as an extension of its permitted base of operation. <sup>P</sup>

3. An extended food service unit shall be serviced daily from the base of operation.

4. The base of operation or fixed food service establishment used as a base of operation for mobile food units and extended food service units shall be constructed and operated in conjunction with the mobile food service unit or extended food service unit under the active managerial control of a single permit holder to be in compliance with the requirements of this Chapter. <sup>P</sup>

5. Toilet facilities must be available for employee's use and, as applicable, consumer use along the route of food vending locations as per requirements found in DPH Rule 511-6-1-.06(2)(h). In addition and to the satisfaction of the Health Authority, the permit holder must maintain and provide a list of toilet facilities available to the unit food vending locations. <sup>Pf</sup>

6. When not in use, mobile food service units shall be properly stored at the base of operation or other location approved by the Health Authority. <sup>Pf</sup>

**(g) Construction Based Upon Menu.**

1. Units preparing and serving time/temperature control for safety foods other than that stated in subsection (1)(b) of this Rule shall be so constructed that the operator must prepare and serve food from within the protective environment of a fully enclosed area of the unit such as that provided for in a fully enclosed trailer. <sup>P</sup> Except that units preparing non-time/temperature control for safety foods such as snow cones and

popcorn shall be constructed so that the food preparation and service areas are protected from potential contamination by means of closable cabinets. <sup>Pf</sup>

2. The service area requirements are as follows:

(i) A mobile food service unit servicing area shall be available at its base of operation; except, a servicing area will not be required where only packaged food is placed on the mobile food service unit or where mobile food units do not contain waste retention tanks as stated in subsection (1)(b)1 of this Rule; <sup>Pf</sup>

(ii) 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, servicing areas shall be provided with overhead protection; <sup>Pf</sup>

(iii) There shall be a location and equipment for the flushing and drainage of liquid wastes separate from the location and equipment provided for water servicing and for the loading and unloading of food and related supplies. <sup>Pf</sup> Requirements for sizing and location of equipment for flushing and drainage of liquid wastes and for equipment to provide potable water servicing of units shall be as specified within the most current editions of the Interpretative Manuals as referenced within DPH Rule 511-6-1-.02(8);

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

(v) The construction of the walls and ceilings of the servicing areas is exempted from the provisions of DPH Rule 511-6-1-.07(2)(a) through (f).

(vi) Toilet and handwashing facilities that meet the requirements of this Chapter shall be available for employees at the servicing area. <sup>Pf</sup>

**(h) Identification.**

1. All mobile food service units and extended food service units shall be identified by a sign or lettering indicating the name and address of the owner, the operator and the permit number. Letters and numbers must be at least two inches high.

2. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

**(i) Food Vending Location.**

1. Food vending location requirements are as follows:

(i) Listings for mobile food service unit and extended food service unit food vending locations shall be maintained by the permit holder and shall be provided to the Health Authority. Permit holders shall notify the Health Authority at least 7 days prior to any changes in food vending locations. <sup>Pf</sup>

(ii) The operator must provide evidence of legal access and use of the premises for food vending; and

(iii) If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements.

2. Those units functioning under permits granted to food service establishments and operating on their premises as an extension thereof may be allowed, at the Health Authority's discretion to meet lesser

restrictions if sanitation, temperature control, and sanitization requirements for operation of the unit are satisfactorily met at the food service establishment.

**(j) Compliance with Other Regulations.** The operation must comply with all applicable regulations and ordinances. <sup>Pf</sup>

**(k) Home Prepared Foods Prohibited.** Home prepared foods or condiments may not be sold, served, or used on mobile food service units. <sup>P</sup>

## **(2) Temporary Food Service Establishments.**

### **(a) Operation, Permit Application, Responsibilities.**

1. A temporary food service establishment means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration. <sup>P</sup>

2. The application for a special food service permit shall indicate the inclusive dates of the proposed operation and must be submitted at least 30 days prior to the event. <sup>Pf</sup>

3. The following applies to a vendor application:

(i) Any person desiring to operate a temporary food service establishment shall make written application for a permit on forms provided by the Health Authority at least 30 days prior to the event and pay applicable fees at the time of application.

(ii) The application shall include the name and address of each applicant, the location and type of the proposed temporary food service establishment, a list of all menu items and the signature of the applicant.

4. The organizer's responsibility is the following:

(i) Ensure that only vendors permitted by the Health Authority are allowed to participate in the event, <sup>P</sup>

(ii) The organizer and property owner must notify the Health Authority 30 days prior to the event taking place and provide a list of food vendors who will be allowed by that organizer to participate in the event. <sup>Pf</sup>

(iii) Ensure that any unauthorized or unpermitted vendor found participating in an event shall immediately leave the event premises and shall be charged with a violation of this Rule. <sup>P</sup>

### **(b) Inspections.**

1. Prior to issuance of a permit, the Health Authority shall inspect the proposed temporary food service establishment. The Health Authority shall only issue a permit to the applicant if the inspection reveals that the proposed temporary food service establishment complies with this Rule.



2. Temporary food service inspections will be conducted as often as necessary to ensure compliance with this Rule.

3. The permit, or copy thereof, and the current inspection report must be displayed for public view and protected from inclement weather.

**(c) Operations.**

1. A temporary food service establishment which does not comply fully with Rules .03 through .07 of this Chapter may be permitted to operate when food preparation, service and the operation meet fully the requirements set forth in DPH Rule 511-6-1-.08(2)(a) through (h).<sup>P</sup>

2. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment.

3. Preparation processes for time/temperature control for safety foods will be approved by the Health Authority based on a plan review that shows adequate holding, preparation and service facilities.<sup>Pf</sup>

4. For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premises of a permitted food service establishment. Prior approval must be obtained from the Health Authority.<sup>P</sup>

**(d) Preparation and Service - Time/Temperature Control for Safety Foods – Prohibited Menu Items.**

1. Fixed Permitted Food Service Establishments. Any time/temperature control for safety food that has been prepared, stored and transported under conditions meeting the requirements of this Chapter, is stored at a temperature of 41°F (5°C) or below or at a temperature of 135°F (57°C) or above in facilities meeting the requirements of this Chapter may be served.<sup>P</sup>

2. Temporary Onsite Preparation and Service. All food prepared and served onsite of a temporary establishment must comply with the following:

(i) Only those time/temperature control for safety foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, may be prepared or served;<sup>P</sup>

(ii) Once cooked, time/temperature control for safety foods shall not be touched by employee bare hands and must be maintained at 135°F or higher until served;<sup>P</sup>

(iii) Prior to service to the consumer, commercially prepared, precooked, and prepackaged time/temperature control for safety foods may be reheated thoroughly to at least 135°F for 15 seconds;<sup>P</sup> and

(iv) Time as a Public Health Control shall not be allowed in a temporary food service establishment.<sup>P</sup>

3. Menu Item Prohibition. The preparation or service of the following menu items are prohibited from service onsite of a temporary establishment:

(i) Except for paragraph 2 of this subsection, other ready-to-eat, time/temperature control for safety foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited.<sup>P</sup> This prohibition does not apply to any

time/temperature control for safety food that has been prepared and packaged under conditions meeting the requirements of this Chapter, is obtained in individual servings at 135°F (57°C) or above, or 41°F (5°C) or below in facilities meeting the requirements of this Chapter, and is served directly to the consumer in the unopened container in which it was packaged. <sup>P</sup>

(ii) Home prepared foods or condiments may not be sold, served, or used in temporary food service unit establishments. <sup>P</sup>

**(e) Equipment and Supplies Required.**

1. Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to  $\pm 2$  degrees Fahrenheit.

2. Enough potable water shall be available at the event for consumption and in the establishment for food preparation, cleaning, and sanitizing utensils and equipment, and for handwashing. <sup>P</sup>

3. Ice shall be handled as follows:

(i) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Chapter, <sup>P</sup>

(ii) The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture, <sup>P</sup>

(iii) The ice shall be held in these bags until it is dispensed in a way that protects it from contamination, <sup>P</sup> and

(iv) Storage of packaged or wrapped food in contact with water or undrained ice is prohibited. <sup>P</sup>

4. Temporary food service operations shall provide only individually wrapped single-service articles for use by the consumer. <sup>Pf</sup>

5. A heating facility capable of producing enough hot water shall be provided on the premises. <sup>Pf</sup>

6. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment. <sup>Pf</sup>

7. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination. <sup>P</sup>

8. Facilities for cleaning and sanitizing utensils and equipment shall be provided at the temporary site or permitted base of operation. Such items shall be cleaned and sanitized at least daily or more often if prescribed by the Health Authority. <sup>Pf</sup>

9. When food is prepared on the site, a system capable of producing enough hot water for cleaning and sanitizing utensils and equipment shall be provided on the premises. Such systems shall consist of:

(i) a water heater properly sized according to the needs of the establishment as established by interpretative and guidance manuals referenced within DPH Rule 511-6-1-.02(8); <sup>Pf</sup> or

(ii) a gas or electric stove or burner with a container of water; <sup>Pf</sup> or

(iii) other means as determined by the Health Authority. <sup>Pf</sup>

10. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, a catch bucket, a pressurized or gravity fed supply of warm water, soap, and individual paper towels at the service site. <sup>Pf</sup>

**(f) Liquid Waste.** All sewage including liquid waste shall be disposed of as specified under DPH Rule 511-6-1-.06(4)(h) and (i). <sup>P</sup>

**(g) Construction.**

1. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material, and shall be kept clean in good repair.

2. Doors to food preparation areas shall be solid or screened and shall be self-closing or as otherwise approved by the Health Authority.

3. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

4. Air curtains shall be properly designed and installed, and approved by the Health Authority.

5. Ceilings shall be made of wood or other material that protects the interior of the establishment from the weather. <sup>Pf</sup>

6. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects.

**(h) Protection from Contamination.**

1. Approved means of excluding insect and vermin from food preparation, service areas and from waste storage areas must be provided commensurate with the type and scope of food service permitted. <sup>Pf</sup>

2. Counter-service openings shall not be larger than necessary for the particular operation conducted.

3. Counter-service openings shall be provided with effective means to restrict the entrance of flying insects.

4. Counter-service openings shall be kept closed when not in actual use, except that these openings may remain open if air curtains are provided as deemed adequate by the Health Authority.

5. All food preparation and food display areas shall be adequately protected from dust, contamination by patrons, and from insects by provision of walls, ceilings, shields, screens or other approved barriers or devices. <sup>Pf</sup>

6. Open, unprotected display or service of food is prohibited. <sup>P</sup>

~~(i) Exceptions to Compliance. This Rule shall not apply to temporary food services which:~~

- ~~1. Are sponsored by a political subdivision of this state or by an organization exempt from taxes under O.C.G.A. Section 48-7-25(a)(1) or under Internal Revenue Code Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code;~~
- ~~2. Last 120 hours or less; and~~
- ~~3. When sponsored by such an organization, is authorized by a permit issued by the municipality or county in which it is conducted.~~

**(3) Incubator Food Service Operations.** A permit holder or a permit applicant may seek a variance from the provisions in DPH Rule 511-6-1-.02(1)(a)4. in order to operate an incubator food service establishment only if, as an alternative to DPH Rule 511-6-1-.02(1)(a)4., the permit holder or permit applicant provides a written management plan along with the necessary supportive documentation that specifies standard operating procedures (SOP) in detail to the satisfaction of the Health Authority as to how active managerial control of risk-factors and public health interventions for foodborne illness along with maintenance of equipment and facilities will be maintained to the requirements of this Chapter. <sup>P</sup> Incubator food service operations shall comply with other requirements of this Chapter in addition to the requirements of one of the following business models: <sup>P</sup>

**(a) Business Model A.** The permit holder must ensure the following:

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Plan (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policy, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum items: <sup>P</sup>

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items: <sup>P</sup>

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers; <sup>P</sup>

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment; <sup>P</sup>

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract. <sup>P</sup>

(ii) Active Managerial Control Plan and SOP. The SOP will contain not less than the following items:

(I) A statement as to the maximum number of incubatees/ members that will use the establishment per day or per shift; <sup>Pf</sup>

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift; <sup>Pf</sup>

(III) A statement as to how incubatees /members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority; <sup>Pf</sup>

(IV) A statement as to how separation in space and time will be maintained so as no other activities, such as bakery or food processing plant activity, will be conducted at the same time food service operations are being conducted. Separation of time and space may be accomplished by equipment and facilities being physically separated into areas or rooms separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority; <sup>Pf</sup>

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter; <sup>Pf</sup>

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date and time and temperature of food as it leaves the establishment to when it is delivered to the consumer will be maintained for review upon the request of the Health Authority. Food temperature charts shall be maintained by management within the establishment for no less than 90 days from the date of any event or service; <sup>Pf</sup>

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority; <sup>Pf</sup>

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule 511-6-14-.02(1)(g). The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule 5115-14-.02(1)(g); <sup>Pf</sup>

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited; <sup>Pf</sup>

(X) A list of incubatees/members scheduled for each day must be maintained at the establishment and made available for review by the Health Authority upon request. Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation; <sup>Pf</sup>

(XI) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder; <sup>P</sup>

(XII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter. <sup>Pf</sup> Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge; <sup>P</sup>

(XIII) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer; <sup>Pf</sup>

(XIV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule 511-6-1-.03(4) and it must include all employees of the establishment including incubatee/members; <sup>Pf</sup>

(XV) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter; <sup>Pf</sup>

(XVI) A written food safety training plan for employees and incubatees/members; <sup>Pf</sup> **and**

(XVII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule 511-6-1-.02(4). <sup>Pf</sup>

**(b) Business Model B.** The permit holder must ensure the following:

1. Submit to the Health Authority for review and approval a written management plan that contains a Standard Operating Procedure (SOP) and supporting documents that adequately provides: managerial oversight of contractual employees activities, control of risk factors for foodborne illness, handwashing policies, employee health policies, the prevention of any potential cross-contamination of equipment and food resulting from multiuse of food service equipment and utensils, and the ability for the Health Authority to conduct trace back in the event of a foodborne illness involving the establishment. The written managerial plan or SOP must include the following minimum items: <sup>P</sup>

(i) Incubatee/member Contract. A written contract between the permit holder and the incubatee/member must be signed by the permit holder and each incubatee/member prior to incubatee/member being allowed access to the establishment. This written contract must include the following items: <sup>P</sup>

(I) The permit holder must acknowledge its responsibility for all food produced within its establishment from the time that it receives the food and supplies up to and including the service of prepared food to its consumers; <sup>P</sup>

(II) The permit holder may not disclaim any liability for food prepared within the food service establishment; <sup>P</sup>

(III) The Active Managerial Control Plan (SOP) along with supporting documents must be made, directly or by reference, part of the written contract. <sup>P</sup>

(ii) Active Managerial Control Plan and SOP. The SOP shall not contain less than the following items:

(I) A statement as to the maximum number of incubatees/ members that will use the individual build out units per day or per shift; <sup>Pf</sup>

(II) A statement as to the ratio of management staff to the number of incubatees/members using the establishment per day or per shift; <sup>Pf</sup>

(III) A statement as to how incubatees /members and their subsidiary employees will be identified. Records listing names and contact information for each incubatee/member and their subsidiary employees must be maintained at the establishment and such records shall be made available for review upon request by the Health Authority; <sup>Pf</sup>

(IV) A statement as to how separation in space or time will be maintained so as to ensure that all food service operations are conducted within each individual incubatee/member's build-out unit. Separation of all activities, such as bakery or food processing plant activity must be accomplished by equipment and facilities being physically separated into areas or rooms separated from each other by walls or partitions as acceptable to the Health Authority. In addition, separation in time and space may be accomplished by scheduling of incubators/members as acceptable to the Health Authority; <sup>Pf</sup>

(V) A statement as to how all employees, including any contractual employees and their subsidiary employees, will be managed so their activities will comply with this Chapter; <sup>Pf</sup>

(VI) A statement as to how the food service management will provide oversight of food processing from receiving to service to the consumer to ensure compliance with this Chapter. As part of this oversight but not limited to the following: food temperature control records must be maintained by the permit holder of the establishment. Food temperature charts for food product temperature control listing the date, time, and temperature of food as it leaves the establishment to when it is delivered to the consumer shall be maintained by management for review upon the request of the Health Authority for no less than 6 months from the date of any event or service; <sup>Pf</sup>

(VII) A statement as to how the food service management will track consumers so they will be easily identifiable in the event of a foodborne illness outbreak investigation. Records of events and service will be maintained within the establishment for a minimum of 90 days from the date of each event or service and will be made available upon request for review by the Health Authority; <sup>Pf</sup>

(VIII) A statement as to how management of the food service establishment will track and manage menus to be in compliance with DPH Rule 511-6-1-.02(1)(g) The most current menu or menus for each incubatee/member will be maintained on record at the establishment and such menu or menus will be made available for review upon request by the Health Authority. Management of the food service establishment will notify the Health Authority of menu changes as specified in DPH Rule 511-6-1-.02(1)(g); <sup>Pf</sup>

(IX) A statement that only those incubatees/members under active contract will be allowed access to the facilities of the establishment. Food preparation for non-commercial use such as home use will not be allowed. Non-contractual, incubatee/member use of the establishment facilities is prohibited; <sup>Pf</sup>

(X) A list of incubatees/members scheduled for each day according to the build-out unit they will use must be maintained at the establishment and made available for review by the Health Authority upon request.

(XI) Only these listed incubatees/members are to be present within the establishment for each scheduled day's operation; <sup>Pf</sup>

(XII) A statement that the permit holder shall directly employ all management of the establishment. The person in charge and the certified food safety manager (CFSM) shall be a direct employee of the permit holder; <sup>P</sup>

(XIII) A statement as to who will monitor activities within the food service establishment must be clearly stated. Enough certified food safety managers must be present whenever the establishment is in operation. There must be shown to be adequate coverage of management or persons in charge to ensure compliance with this Chapter. <sup>Pf</sup> Incubatees/members cannot serve as managers, certified food safety managers (CFSMs) or as the person in charge; <sup>P</sup>

(XIV) A complete written plan detailing how the activities of incubatees/members will be monitored and what corrective actions will be taken should risk factors be found out of control must be included with the SOP. The activities of members must be monitored from the receiving of food and supplies to the service of food to the consumer; <sup>Pf</sup>

(XV) A written employee health policy must be included within the SOP. This written employee health policy must be in compliance with DPH Rule 511-6-1-.03(4) and it must include all employees of the establishment including incubatee/members; <sup>Pf</sup>

(XVI) A cleaning plan for all nonfood-contact surfaces of equipment. In addition, this cleaning plan shall include cleaning and sanitizing procedures and schedules for food-contact surfaces of equipment and utensils to ensure that food-contact surfaces are being cleaned and sanitized between incubatee/members use and as often as needed to be in compliance with the requirements of this Chapter; <sup>Pf</sup>

(XVII) A written food safety training plan for employees and incubatees/members; <sup>Pf</sup> and

(XVIII) A floor plan showing equipment layout and food flow according to proposed menus. All areas, rooms and equipment are to be identified as to use and function. All food service plans and specifications must be reviewed and approved by the local Health Authority prior to any commencement of construction as specified within DPH Rule 511-6-1-.02(4). <sup>Pf</sup>

(XIX) Each incubatee/member shall show the incubator food service establishment permit holder proof of a valid permit issued by the Health Authority to a food service facility unit specified in the permit application prior to being allowed access to the specified food service building unit; <sup>P</sup>

(XX) A permit will be valid for one food service build-out unit per incubatee/member and not multiple food service build-out units; <sup>P</sup> and

(XXI) The Health Authority will be notified of food service facility build-out schedule changes.

#### **(4) Catering Food Service Establishments.**

##### **(a) Operations.**

1. Catering food service establishments shall fully comply with the requirements of DPH Rules 511-6-1-.03 through .07 in addition to the following: <sup>P</sup>



(I) Catering operations shall be permitted and operated separately from “food sales establishments” as defined in O.C.G.A. Section 26-2-21; and <sup>Pf</sup>

(II) For purposes of inspection of the base of operation and upon request by the Health Authority, catering food service establishments shall provide a quarterly schedule of events to be catered. <sup>Pf</sup>

2. When the catering operation involves only the preparation and delivery of food to a private party, special event, or motion picture filming location and does not include the handling of tableware and utensils or any preparation, service or restocking of non-prepackaged foods on location at the service site, no hand washing facility is required at the service site. <sup>Pf</sup>

3. When the catering operation involves the handling of tableware and utensils and/or the preparation, service, or restocking of non-prepackaged foods on location at the service site, adequate handwashing facilities are required and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and waste receptacle(s) that are available and conveniently located for employees’ use in the areas used for food preparation, food service, and warewashing. <sup>Pf</sup>

4. For the duration of the catering operation, all foods, display and service utensils, and other food-contact surfaces shall be adequately protected from dust, weather conditions, insects, and human contamination through the use of walls, ceilings, shields, screens, or other approved barriers or devices. <sup>Pf</sup>

5. Floors within food preparation and display areas shall be constructed of concrete, asphalt, tight wood, or other similar material approved by the Health Authority, and shall be kept clean and in good repair.

6. Catered food shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. Such catered food is to be discarded to waste or may be left in the possession of the consumer for which the catered food was contracted. <sup>P</sup>

7. When outdoor cooking equipment is used to prepare food at the service site, such equipment shall be located adjacent to a fully enclosed food preparation area and shall comply with all applicable provisions of law. Cookers, grills, ovens or any other type of equipment used for outdoor cooking shall have a lid or other design approved by the Health Authority which protects the food from dust, weather conditions, insects, and human contamination during the cooking process. No food preparation other than seasoning shall be allowed at outdoor cooking equipment.

8. Toilet facilities shall be available at the service site for employee use and, if applicable, consumer use, as provided in DPH Rule 511-6-1-.06(2)(h).

9. Except as provided in subparagraph (4)(a)(10), supplies and equipment used at the service site shall be cleaned and serviced daily at the catering food service establishment’s permitted base of operation. The shared use of facilities or equipment by two separate permit holders is prohibited.

10. A catering food service establishment that services a site, such as a filming location, more than 60 miles from its permitted base of operation for an extended period of time during which a daily return to the base of operation for service and restocking is impracticable, shall:

(i) Utilize an on-site warewashing method for washing, rinsing, and sanitizing utensils and equipment in accordance with DPH Rule 511-6-1-.05(2), (3), and (6), which shall consist of either a portable dish washing trailer or a pre-approved, three-compartment basin system that is large enough to accommodate complete submersion of the largest utensil used at the service site; and

(ii) Maintain and provide to the Health Authority, upon request, written procedures which:

(I) Outline the methods of compliance with DPH Rule 511-6-1-.04(2) and (3) for deliveries received in the field;

(II) Outline the methods of compliance with DPH rule 511-6-1-.06(1)(j) with regard to an alternative water supply;

(III) Outline the methods of compliance with DPH Rule 511-6-1-.06(4)(e) and (f) with regard to proper sewage disposal; and

(IV) Describe how solid waste material and refuse from the food service operation will be stored and handled.

(b) When not in use, all mobile catering units, equipment and all other supplies shall be properly stored at the base of operation or other location approved by the Health Authority.

(c) **Design and Construction of Mobile Catering Units.** Mobile catering units must comply with the requirements for mobile food service units set forth in DPH Rule 511-6-1-.08(1)(a) through (e), (g), (h), (j), and (k).

(d) **Identification.** All mobile catering units used in conjunction with catering operations for which food is prepared all or in part at the service site shall:

1. Display an adhesive sticker provided by the Department indicating that the mobile catering unit has been approved by the Health Authority for catering operations within the State of Georgia. The sticker must be located in a readily visible area on the unit and maintained in good condition; or
2. Maintain and provide to the Health Authority, upon request, a copy of the catering food service establishment's permit, which shall list the Vehicle Identification Number for each mobile catering unit used by the permit holder for the catering operation.

(e) **Catering Location.** A catering food service establishment shall maintain a record of each catering operation, including date, location, and menu, for at least six months after the catering operation takes place. Such records shall be provided to the Health Authority upon request.

**(f) Inspections.**

1. The Health Authority in the county that issued a permit to the catering food service establishment shall be responsible for conducting inspections in accordance with DPH Rule 511-6-1-.10(2).
2. The Health Authority in a county where a service site is located shall be authorized to enter any catering operation, at any reasonable time and upon proper identification, for the purpose of conducting a complaint investigation. Any food safety Risk Factor violations shall be immediately corrected on-site; and, if an imminent health hazard is discovered, food service operations may be temporarily suspended by the local Health Authority until the imminent health hazard is corrected. The permit holder shall be entitled to appeal any such suspension to the local District Health Director in accordance with DPH Rule 511-6-1-.10(1)(b).
3. Upon completion of the complaint investigation, the person in charge shall sign the report form provided by the local Health Authority. The signature of the person in charge shall not necessarily indicate agreement with any findings noted during the complaint investigation. A copy of the signed report shall

be given to the person in charge and a copy shall be sent to the health Authority in the county that issued the permit. A score shall not be given for a complaint investigation conducted in a county where a service site, but not the permitted base of operation, is located; however, blatant or repeated food safety compromises found during such complaint investigations may lead to permit suspension or revocation by the Health Authority in the county that issued the permit.

**(4) “Pop-Up” Food Service Operations.**

**(a)** Food service establishments participating in “pop-up” food service operations shall fully comply with the requirements of DPH Rules 511-6-1-.03 through .07 in addition to the following: <sup>P</sup>

1. Unless the food service establishment is already permitted for catering operations, it must obtain a letter of approval from the Health Authority prior to engaging in “pop-up” food service operations.
2. A food service establishment participating in a “pop-up” food service operation shall operate from its permitted base of operation. <sup>P</sup>
3. A food service establishment shall not operate more than 3 hours in one day at any “pop-up” location without first obtaining a mobile food service vending permit, and shall be limited to no more than 2 days per calendar week at any one “pop-up” location.
4. Only ready-to-eat foods that have been prepared, cooked, and properly containerized for transport at the permitted base of operation may be served and sold at the “pop-up” location.
5. Time/Temperature Control for Safety (TCS) foods to be served and sold at the “pop-up” location must be maintained at the following temperatures during transport and kept in approved NSF certified containers:
  - (i) 41°F or less if held cold; <sup>P</sup> or
  - (ii) 135°F or more if held hot. <sup>P</sup>
6. All food shall be protected from coughing, sneezing, customer handling, or other contamination through the use of effective barriers such as wrapping or food shields. Condiments shall be dispensed in single-service type packaging, in pump-style dispensers, or in protected squeeze bottles, shakers, or similar dispensers which prevent contamination of the food items by food employees, consumers, insects, or other sources. <sup>P</sup>
7. “Pop-up” food service operations shall provide only individually wrapped single-service tableware for use by the consumer. <sup>Pf</sup>
8. No cooking equipment shall be allowed at the “pop-up” food service location. Hot-holding and cold holding equipment shall be limited to steam or hot water heating equipment or refrigerated equipment that meets the requirements of this Chapter. With the approval of the Health Authority, accessory components such as hard plastic coolers that are NSF listed or certified for commercial use and contain sufficient ice for cold TCS foods may be used; however, packaged or wrapped food shall not be stored in contact with water or undrained ice, except for commercially packaged beverages such as canned or bottled soda or water. <sup>Pf</sup>

7. A food service establishment participating in a “pop-up” food service operation shall bring an

adequate supply of clean and sanitized food service equipment and utensils and store them at the “pop-up” location in a way that ensures they are protected from contamination. Only food service equipment and utensils that belong to the permitted food service establishment operating at the “pop-up” location shall be used by that food service establishment during the operation. At no time shall food service equipment or utensils be shared between food service establishments. <sup>Pf</sup>

10. Adequate handwashing facilities are required at the “pop-up” location and shall consist of at least a catch bucket, a pressurized or gravity fed supply of warm water at least 100°F, soap, individual paper towels, and a waste receptacle that is conveniently located for use by food employees at the “pop-up” location. Wastewater from the “pop-up” food service operation shall be disposed of according to law. <sup>Pf</sup>

11. Copies of the permit and the current inspection report for the food service establishment’s base of operation must be displayed for public view at the “pop-up” food service location.

12. Inspections of “pop-up” food service operations may be conducted as often as necessary to ensure compliance with this Rule.

13. Except for unopened commercially packaged beverages, food not sold or consumed at the “pop-up” location shall not be used as an ingredient in another food or be offered for re-service or sale to another consumer. All food from a “pop-up” food service operation shall be discarded to waste after service at the “pop-up” location has concluded for that day. <sup>P</sup>

**(b)** The facilitator of a “pop-up” food service operation shall obtain a letter of approval from the local Health Authority for the “pop-up” location by providing the following information at least ten business days prior to the anticipated date of operating at the selected “pop-up” location:

1. The name, title, address, and telephone number of the person directly responsible for the management of the facilitator;

2. The address of the proposed “pop-up” food service operation;

3. The method, such as an electronic ticket or other tracking method, that will be used to identify patrons purchasing food at the “pop-up” location for trace back purposes in the event of a foodborne illness;

4. A statement signed by the facilitator or authorized agent that:

(i) Attests to the accuracy of the information provided in the application; and

(ii) Affirms that the applicant will fulfill the obligations of a facilitator as outlined in this subsection; and

5. If the facilitator is not the owner of the proposed location of the “pop-up” food service operation, a written statement signed by the owner or authorized agent of the proposed location, giving permission for the “pop-up” food service operation to take place;

**(c)** A “pop-up” food service operation shall not take place in a location where the food is subject to overhead or environmental contamination, <sup>Pf</sup> or in a building which serves a highly susceptible

population. A “pop-up” food service operation shall comply with all applicable regulations and ordinances, including access to toilet facilities which meet the requirements of DPH Rule 511-6-1-.06(2)(h).

**(d)** The local Health Authority shall be notified prior to any change in the facilitator of a “pop-up” food service operation.

**(e)** The facilitator shall maintain and make available to the local Health Authority, upon request, a list of the food service establishments participating in the “pop-up” food service operation, which shall include:

(i) the address and food service permit number of each food service establishment;

(ii) the dates and times of operation for each food service establishment at the “pop-up” location; and

(iii) the menu of foods offered by each food service establishment at the “pop-up” location.

**(f)** The local Health Authority may, in its discretion, suspend or revoke a letter of approval for a “pop-up” food service operation if it is determined that the requirements of this Rule have not been met.

Authority O.C.G.A. 26-2-373, 31-2A-6. Administrative History. Original Rule entitled "Inspection of Premises" was filed and effective on July 19, 1965 as 270-5-6-.06. Amended: Rule repealed and a new Rule entitled "Transportation" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.08. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Construction and Maintenance of Physical Facilities" adopted. Filed July 10, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule entitled "Special Food Service Operations" adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new Rule of same title adopted. Filed August 23, 2007; effective Sept. 12, 2007. Amended: Rule repealed and new rule of same title renumbered as 511-6-1 adopted. Effective October 29, 2015. Amended: Rule 511-6-1-.08 Special Food Service Operations revised. Filed July 24, 2018; effective August 13, 2018. Amended: Rule 511-6-1-.08 Special Food Service Operations revised. Filed October 1, 2018; effective October 21, 2018.