

CHAPTER 31
FOOD ESTABLISHMENT AND FOOD
PROCESSING PLANT INSPECTIONS

[Prior to 8/26/87, see Inspections and Appeals Department[481]—Chs 21 and 22]

481—31.1(137F) Inspection standards. The department adopts the 2005 Food Code with Supplement of the Food and Drug Administration as the state's "food code" with the following exceptions.

31.1(1) Section 3-201.11 is amended to allow honey which is stored; prepared, including by placement in a container; or labeled on or distributed from the premises of a residence to be sold in a food establishment.

31.1(2) Subparagraph 3-201.17(A)(4) is amended to state that field-dressed wild game shall not be permitted in food establishments.

31.1(3) Paragraph 3-502.12(A) is amended by adding the following: "Packaging of raw meat and poultry using an oxygen packaging method, with a 30-day 'sell by' date from the date it was packaged, shall be exempt from having a HACCP Plan."

31.1(4) Reserved.

31.1(5) Paragraph 4-301.12(C) is amended by adding the following: "Establishments need not have a three-compartment sink when each of the following conditions is met:

"1. Three or fewer utensils are used for food preparation;

"2. Utensils are limited to tongs, spatulas, and scoops; and

"3. The department has approved after verification that the establishment can adequately wash and sanitize these utensils."

31.1(6) Paragraph 5-203.11(C) is deleted.

31.1(7) Section 5-203.14 is amended by adding the following: "Water outlets with hose attachments, except for water heater drains and clothes washer connections, shall be protected by a non-removable hose bibb backflow preventer or by a listed atmospheric vacuum breaker installed at least six inches above the highest point of usage and located on the discharge side of the last valve."

31.1(8) Paragraph 5-402.11(D) is amended by adding the following: "A culinary sink or sink used for food preparation shall not have a direct connection between the sewage system and a drain originating from that sink. Culinary sinks or sinks used in food preparation shall be separated by an air break."

31.1(9) Elder group homes as defined by Iowa Code section 231B.1 shall be inspected by the department, but Chapters 4 and 6 of the Food Code shall not apply. Elder group homes shall pay the lowest license fee in 481—subrule 30.4(2).

31.1(10) Nonprofit organizations that are licensed as temporary food establishments may serve nonpotentially hazardous food from an unapproved source for the duration of the event.

31.1(11) Section 3-301.11(D)(1) is amended by striking the words "regulatory authority" and inserting the word "department."

31.1(12) Section 3-201.16, paragraph (A), is amended by the adding the following:

"A food establishment or farmers market potentially hazardous food licensee may serve or sell morel mushrooms if procured from an individual who has completed a morel mushroom identification expert course. Every morel mushroom shall be identified and found to be safe by a certified morel mushroom identification expert whose competence has been verified and approved by the department through the expert's successful completion of a morel mushroom identification expert course provided by either an accredited college or university or a mycological society. The certified morel mushroom identification expert shall personally inspect each mushroom and determine it to be a morel mushroom. A morel mushroom identification expert course shall be at least three hours in length. To maintain status as a morel mushroom identification expert, the individual shall have successfully completed a morel mushroom identification expert course described above within the past three years. A person who wishes to offer a morel mushroom identification expert course must submit the course curriculum to the department for review and approval. Food establishments or farmers market potentially hazardous food licensees offering morel mushrooms shall maintain the following information for a period of 90 days from the date the morel mushrooms were obtained:

- “1. The name, address, and telephone number of the morel mushroom identification expert;
 - “2. A copy of the morel mushroom identification expert’s certificate of successful completion of the course, containing the date of completion; and
 - “3. The quantity of morel mushrooms purchased and the date(s) purchased.
- “Furthermore, a consumer advisory shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means that wild mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.”
[ARC 8696B, IAB 4/21/10, effective 4/1/10; ARC 8856B, IAB 6/16/10, effective 7/21/10]

481—31.2(137F) Food processing plant standards.

1. Standards used to inspect establishments where wholesale food is manufactured, processed, packaged or stored are found in the Code of Federal Regulations in 21 CFR, Part 110, April 1, 2007, publication, “Current Good Manufacturing Practices in Manufacturing, Processing, Packing or Holding Human Food.”

2. Standards used to inspect establishments where bakery products, flour, cereals, food dressings and flavorings are manufactured on a wholesale basis are found in the Code of Federal Regulations in 21 CFR, Parts 136, 137 and 169, April 1, 2007, publication.

3. Standards used to inspect establishments which process low-acid food in hermetically sealed containers are found in 21 CFR, Part 113, April 1, 2007, “Thermally Processed Low-Acid Food Packaged in Hermetically Sealed Containers.”

4. Standards used to inspect establishments which process acidified foods are found in 21 CFR, Part 114, April 1, 2007, “Acidified Foods.”

5. Standards used to inspect establishments which process bottled drinking water are found in the Code of Federal Regulations in 21 CFR, Parts 129 and 165, April 1, 2007, publications, “Processing and Bottling of Bottled Drinking Water” and “Beverages.”

6. In addition to compliance with rule 481—31.2(137F)“1,” manufacturers of packaged ice must comply with the following:

- Equipment must be cleaned on a schedule of frequency that prevents the accumulation of mold, fungus and bacteria. A formal cleaning program and schedule which include the use of sanitizers to eliminate microorganisms must be developed and used.
- Packaged ice must be tested every 120 days for the presence of bacteria.
- Plants that use a nonpublic water system must sample the water supply monthly for the presence of bacteria and annually for chemical and pesticide contamination.

Copies of these regulations are available from the Department of Inspections and Appeals, Bureau of Food and Consumer Safety, Lucas State Office Building, Des Moines, Iowa 50319-0083.

481—31.3(137F) Trichinae control for pork products prepared at retail. Pork products prepared at retail shall comply with the Code of Federal Regulations found in 9 CFR, Section 318.10, January 1, 2007, publication, regarding the destruction of possible live trichinae in pork and pork products. Examples of pork products that require trichinae control include raw sausages containing pork and other meat products, raw breaded pork products, bacon used to wrap around steaks and patties, and uncooked mixtures of pork and other meat products contained in meat loaves and similar types of products. The use of “certified pork” as authorized by the department of agriculture and land stewardship or the United States Department of Agriculture Food Safety and Inspection Service shall meet the requirements of this rule.

481—31.4(137F) Certified food protection programs. For purposes of Section 2-102.11, a program approved by the Conference on Food Protection shall meet the criteria for a certified food protection manager.

481—31.5(137F) Labeling. The following labeling standards are required in addition to those in the Food Code. Labels on or with packaged foods shall be in legible English and state:

1. The true name, brand or trademark of the article;

2. The names of all ingredients in the food, beginning with the one present in the largest proportion and in descending order of predominance;
3. The quantity of the contents in terms of weight, measure or numerical count;
4. The name and address of the manufacturer, packer, importer, distributor or dealer.

Foods and food products labeled in conformance with the labeling requirements of the government of the United States as listed in the Code of Federal Regulations in 21 CFR, April 1, 1998, publication, Parts 101 and 102, are considered in compliance with the Iowa labeling law.

481—31.6(137F) Adulterated food and disposal. No one may produce, distribute, offer for sale or sell adulterated food. “Adulterated” is defined in the federal Food, Drug and Cosmetic Act, Section 402.

Adulterated food shall be disposed of in a reasonable manner as determined by the department. The destruction of adulterated food shall be watched by a person approved by the department.

481—31.7(137F) Mobile food units/pushcarts. Rescinded IAB 8/13/08, effective 7/24/08.

481—31.8(137F) Enforcement. A person who violates Iowa Code chapter 137F or these rules shall be subject to a civil penalty of \$100 for each violation. Prior to the assessment of any civil penalties, a hearing conducted by the appeals division in the department of inspections and appeals must be provided as required in rule 481—30.13(10A). Additionally, the department may employ various other remedies if violations are discovered:

1. A license may be revoked or suspended.
2. An injunction may be sought.
3. A case may be referred to a county or city attorney for criminal prosecution.

481—31.9(137F) Toilets and lavatories. Separate toilet facilities for men and women shall be provided in places which seat 50 or more people or in places which serve beer or alcoholic beverages.

481—31.10(137F) Warewashing sinks in establishments serving alcoholic beverages. When alcoholic beverages are served in a food service establishment, a sink with not fewer than three compartments shall be used in the bar area for manual washing, rinsing and sanitizing of bar utensils and glasses. When food is served in a bar, a separate three-compartment sink for washing, rinsing and sanitizing food-related dishes shall be used in the kitchen area, unless a dishwasher is used to wash utensils.

481—31.11(137F) Criminal offense—conviction of license holder.

31.11(1) The department may revoke the license of a license holder who:

- a. Conducts an activity constituting a criminal offense in the licensed food establishment; and
- b. Is convicted of a felony as a result.

31.11(2) The department may suspend or revoke the license of a license holder who:

- a. Conducts an activity constituting a criminal offense in the licensed food establishment; and
- b. Is convicted of a serious misdemeanor or aggravated misdemeanor as a result.

31.11(3) A certified copy of the final order or judgment of conviction or plea of guilty shall be conclusive evidence of the conviction of the license holder.

31.11(4) The department’s decision to revoke or suspend a license may be contested by the adversely affected party pursuant to the provisions of 481—30.13(10A).

481—31.12(137F) Temporary food establishments and farmers market potentially hazardous food licensees.

31.12(1) Personnel.

- a. Employees shall keep their hands and exposed portions of their arms clean.
- b. Employees shall have clean garments, aprons and effective hair restraints. Smoking, eating or drinking in food booths is not allowed. All nonworking, unauthorized persons are to be kept out of the food booth.

c. All employees, including volunteers, shall be under the direction of the person in charge. The person in charge shall ensure that the workers are effectively cleaning their hands, that potentially hazardous food is adequately cooked, held or cooled, and that all multiuse equipment or utensils are adequately washed, rinsed and sanitized.

d. Employees and volunteers shall not work at a temporary food establishment or farmers market potentially hazardous food establishment licensees if the employees and volunteers have open cuts, sores or communicable diseases. The person in charge shall take appropriate action to ensure that employees and volunteers who have a disease or medical condition transmissible by food are excluded from the food operation.

e. Every employee and volunteer must sign a logbook with the employee's or volunteer's name, address, telephone number and the date and hours worked. The logbook must be maintained for 30 days by the person in charge and be made available to the department upon request.

31.12(2) Food handling and service.

a. *Dry storage.* All food, equipment, utensils and single-service items shall be stored off the ground and above the floor on pallets, tables or shelving.

b. *Cold storage.* Refrigeration units shall be provided to keep potentially hazardous foods at 41°F or below. The inspector may approve an effectively insulated, hard-sided container with sufficient coolant for storage of less hazardous food or the use of such a container at events of short duration if the container maintains the temperature at 41°F or below.

c. *Hot storage.* Hot food storage units shall be used to keep potentially hazardous food at 135°F or above. Electrical equipment is required for hot holding, unless the use of propane stoves and grills capable of holding the temperature at 135°F or above is approved by the department. Sterno cans are allowed for hot holding if adequate temperatures can be maintained. Steam tables or other hot holding devices are not allowed to heat foods and are to be used only for hot holding after foods have been adequately cooked.

d. *Cooking temperatures.* As specified in the following chart, the minimum cooking temperatures for food products are:

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|-------|--|
| 165°F | <ul style="list-style-type: none"> ● Poultry and game animals that are not commercially raised ● Products stuffed or in a stuffing that contains fish, meat, pasta, poultry or ratite ● All products cooked in a microwave oven |
| 155°F | <ul style="list-style-type: none"> ● Rabbits, ratite and game meats that are commercially raised ● Ground or comminuted (such as hamburgers) meat/fish products ● Raw shell eggs not prepared for immediate consumption |
| 145°F | <ul style="list-style-type: none"> ● Pork and raw shell eggs prepared for immediate consumption ● Fish and other meat products not requiring a 155°F or 165°F cooking temperature as listed above |

e. *Consumer advisory requirement.* If raw or undercooked animal food such as beef, eggs, fish, lamb, poultry or shellfish is offered in ready-to-eat form, the license holder (person in charge) shall post the consumer advisory as required by the food code.

f. *Thermometers.* Each refrigeration unit shall have a numerically scaled thermometer to measure the air temperature of the unit accurately. A metal stem thermometer shall be provided where necessary to check the internal temperature of both hot and cold food. Thermometers must be accurate and have a range from 0°F to 220°F.

g. *Food display.* Foods on display must be covered. The public is not allowed to serve itself from opened containers of food or uncovered food items. Condiments such as ketchup, mustard, coffee creamer and sugar shall be served in individual packets or from squeeze containers or pump bottles. Milk shall be dispensed from the original container or from an approved dispenser. All fruits and vegetables must be washed before being used or sold. Food must be stored at least six inches off the ground. All cooking and serving areas shall be adequately protected from contamination. Barbeque areas shall be roped off or otherwise protected from the public. All food shall be protected from customer handling, coughing or sneezing by wrapping, sneeze guards or other effective means.

h. Food preparation. Unless otherwise approved by a variance from the department, no bare-hand contact of ready-to-eat food shall occur.

i. Approved food source. All food supplies shall come from a commercial manufacturer or an approved source. The use of food in hermetically sealed containers that is not prepared in an approved food processing plant is prohibited. Transport vehicles used to supply food products are subject to inspection and shall protect food from physical, chemical and microbial contamination.

j. Leftovers. Hot-held foods that are not used by the end of the day must be discarded.

31.12(3) Utensil storage and warewashing.

a. Single-service utensils. The use of single-service plates, cups and tableware is required.

b. Dishwashing. If approved, an adequate means to heat the water and a minimum of three basins large enough for complete immersion of the utensils are required to wash, rinse and sanitize utensils or food-contact equipment.

c. Sanitizers. Chlorine bleach or another approved sanitizer shall be provided for warewashing sanitization and wiping cloths. An appropriate test kit shall be provided to check the concentration of the sanitizer used. The person in charge shall demonstrate knowledge in the determination of the correct concentration of sanitizer to be used.

d. Wiping cloths. Wiping cloths shall be stored in a clean, 100 ppm chlorine sanitizer solution or equivalent. Sanitizing solution shall be changed as needed to maintain the solution in a clean condition.

31.12(4) Water.

a. Water supply. An adequate supply of clean water shall be provided from an approved source. Water storage units and hoses shall be food grade and approved for use in storage of water. If not permanently attached, hoses used to convey drinking water shall be clearly and indelibly identified as to their use. Water supply systems shall be protected against backflow or contamination of the water supply. Backflow prevention devices, if required, shall be maintained and adequate for their intended purpose.

b. Wastewater disposal. Wastewater shall be disposed of in an approved wastewater disposal system sized, constructed, maintained and operated according to law.

31.12(5) Premises.

a. Hand-washing container. An insulated container with at least a two-gallon capacity with a spigot, basin, soap and dispensed paper towels shall be provided for hand washing. The container shall be filled with hot water.

b. Floors, walls and ceilings. If required, walls and ceilings shall be of tight design and weather-resistant materials to protect against the elements and flying insects. If required, floors shall be constructed of tight wood, asphalt, rubber or plastic matting or other cleanable material to control dust or mud.

c. Lighting. Adequate lighting shall be provided. Lights above exposed food preparation areas shall be shielded.

d. Food preparation surfaces. All food preparation or food contact surfaces shall be of a safe design, smooth, easily cleanable and durable.

e. Garbage containers. An adequate number of cleanable containers with tight-fitting covers shall be provided both inside and outside the establishment.

f. Toilet rooms. An adequate number of approved toilet and hand-washing facilities shall be provided at each event.

g. Clothing. Personal clothing and belongings shall be stored at a designated place in the establishment, adequately separated from food preparation, food service and dishwashing areas.

These rules are intended to implement Iowa Code section 137E.7.

[Filed 10/13/78, Notice 8/23/78—published 11/1/78, effective 12/7/78]

[Filed 4/23/82, Notice 3/17/82—published 5/12/82, effective 6/16/82]

[Filed 12/3/82, Notice 10/27/82—published 12/22/82, effective 1/26/83]

[Filed 9/21/84, Notice 8/15/84—published 10/10/84, effective 11/14/84]

[Filed 8/23/85, Notice 7/17/85—published 9/11/85, effective 10/16/85]

[Filed 1/25/85, Notice 12/19/84—published 2/13/85, effective 3/20/85]

[Filed 2/20/87, Notice 1/14/87—published 3/11/87, effective 4/15/87]
[Filed 8/6/87, Notice 7/1/87—published 8/26/87, effective 9/30/87]
[Filed 1/8/88, Notice 12/2/87—published 1/27/88, effective 3/2/88]¹
[Filed 1/22/88, Notice 12/16/87—published 2/10/88, effective 3/16/88]
[Filed 3/17/88, Notice 2/10/88—published 4/6/88, effective 5/11/88]
[Filed emergency 6/9/88—published 6/29/88, effective 7/1/88]
[Filed 8/5/88, Notice 6/29/88—published 8/24/88, effective 9/28/88]
[Filed 2/17/89, Notice 1/11/89—published 3/8/89, effective 4/12/89]
[Filed 10/27/89, Notice 8/23/89—published 11/15/89, effective 12/20/89]
[Filed 12/20/90, Notice 10/31/90—published 1/9/91, effective 2/13/91]
[Filed 4/12/91, Notice 3/6/91—published 5/1/91, effective 6/5/91]
[Filed 9/23/91, Notice 8/7/91—published 10/16/91, effective 11/20/91]
[Filed 4/22/92, Notice 3/18/92—published 5/13/92, effective 7/1/92]
[Filed 9/10/92, Notice 7/22/92—published 9/30/92, effective 11/4/92]
[Filed 11/3/94, Notice 9/14/94—published 11/23/94, effective 12/28/94]
[Filed 10/16/97, Notice 8/27/97—published 11/5/97, effective 12/10/97]
[Filed 1/21/99, Notice 12/16/98—published 2/10/99, effective 3/17/99]
[Filed 9/1/99, Notice 7/28/99—published 9/22/99, effective 10/27/99]
[Filed 7/5/00, Notice 5/31/00—published 7/26/00, effective 8/30/00]
[Filed 9/26/01, Notice 8/8/01—published 10/17/01, effective 11/21/01]
[Filed emergency 6/7/02—published 6/26/02, effective 6/7/02]
[Filed 3/21/08, Notice 12/5/07—published 4/9/08, effective 7/1/08]
[Filed emergency 7/24/08 after Notice 6/18/08—published 8/13/08, effective 7/24/08]
[Filed Emergency ARC 8696B, IAB 4/21/10, effective 4/1/10]
[Filed ARC 8856B (Notice ARC 8697B, IAB 4/21/10), IAB 6/16/10, effective 7/21/10]

¹ NOTE: Rules 30—33.1(159) to 30—33.4(159) and 30—34.1(159) to 30—34.4(159) transferred to Inspections and Appeals Department[481] and rescinded.