

CHAPTER 31
FOOD ESTABLISHMENT AND FOOD
PROCESSING PLANT INSPECTIONS

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

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

481—31.1(137F) Inspection standards for food establishments. The department adopts, with the following exceptions, the 2017 Food Code with Supplement of the Food and Drug Administration as the state's "food code," which is the inspection standard for food establishments other than food processing plants.

31.1(1) Unattended food establishments—assignment of responsibility. For the purposes of section 2-101.11(C) of the 2017 Food Code with Supplement, unattended food establishments are not required to have a designated person in charge present during all hours of operation provided that the permit holder ensures the following requirements are met.

a. Unattended food establishment location. The unattended food establishment shall be located in the interior of a building that is not accessible by the general public. Access to the unattended food establishment shall be limited to a defined population (e.g., employees or occupants of the building where the establishment is located).

b. Nature and source of food and beverages offered for sale.

(1) Only commercially packaged foods properly labeled for individual retail sale, pursuant to Food Code section 3-201.11(C), shall be offered.

(2) No unpackaged food is permitted except as provided by section 3-302.11(B)(1) of the Food Code.

(3) Food preparation by consumers is limited to heating/reheating food in a microwave oven.

(4) No dispensing of bulk food is permitted.

c. Refrigerated display equipment. An unattended food establishment shall be equipped with refrigeration or freezer units that have the following features:

(1) Self-closing doors that allow food to be viewed without opening the door to the refrigerated cooler or freezer; and

(2) An automatic self-locking mechanism that prevents the consumer from accessing the food upon the occurrence of any condition that results in the failure of the refrigeration unit to maintain the internal product temperature specified under section 3-501.16(A)(2) or of the freezer unit to maintain the product as frozen.

d. Food service equipment limitations.

(1) Beverages are dispensed by individual serving only. Beverage dispensers connected to the building water supply must be properly equipped with backflow prevention pursuant to section 5-203.14 of the Food Code.

(2) Food-contact surfaces.

1. Multiuse food-contact surfaces shall be cleaned on a frequency consistent with the service pursuant to section 4-202.11 of the Food Code or can be and are easily removed and replaced with cleaned surfaces.

2. No multiuse food-contact surfaces intended for use with time/temperature control for safety foods are permitted.

e. Security.

(1) An unattended food establishment shall provide continuous video surveillance of areas where consumers view, select, handle and purchase products. The continuous video surveillance shall provide sufficient resolution to identify situations that may compromise food safety or food defense.

1. Video surveillance recordings shall be maintained and, upon request by a representative of a regulatory agency, made available for inspection within 24 hours of the request.

2. Video surveillance recordings shall be held by the establishment for a minimum of 14 days after the date of the surveillance.

(2) The permit holder shall take reasonable steps necessary to discourage individuals from returning food, beverages, or both that have not been selected for purchase.

f. Routine maintenance at an unattended food establishment.

(1) The permit holder shall service the unattended food establishment at least weekly. Service may include, but is not limited to, the following:

1. Checking food supplies and equipment for signs of product damage, tampering, or both.
2. Verifying that refrigeration equipment is operating properly, including the temperature display and self-locking mechanism.
3. Rotating foods to better ensure first in/first out of food items.
4. Cleaning food service equipment and food display areas.
5. Stocking food and disposable single-use and single-service supplies.
6. Checking inventory for recalled foods.

(2) The permit holder shall ensure that:

1. Food is from an approved source.
2. Packaged food is provided in tamper-evident packaging.
3. Food is protected from potential sources of cross contamination.
4. Food is maintained at safe temperatures during transport and display.

g. Unattended food establishment oversight. Each unattended food establishment shall have a sign readily visible at the automated payment station stating:

(1) The name and mailing address of the business entity responsible for the establishment and to whom complaints and comments should be addressed.

(2) The telephone number, email address or web information for the responsible business entity, when applicable.

h. Designation of responsibilities. The permit holder bears all responsibilities for the operation of the food establishment. When the permit holder is not the owner or operator of the building where the food establishment is located, a mutual agreement that outlines the responsibilities for cleaning and maintenance of all surfaces and equipment and for provision of supportive facilities/services, such as janitorial services and restroom facilities, pest control and removal of solid waste, may be approved by the regulatory agency. This agreement should also outline actions that must be taken by both parties to maintain the establishment in compliance with all requirements including responding to imminent health hazards.

i. Inspections—on-site person in charge. When requested by the regulatory authority for the purposes of conducting an inspection, the permit holder shall provide an on-site person in charge within a reasonable time frame not to exceed four hours.

31.1(2) *Certified food protection manager requirements, exceptions, and time frames for compliance.*

a. For the purposes of section 2-102.12(A) of the 2017 Food Code with Supplement, the food establishment may employ a single certified food protection manager who is not present at the food establishment during all hours of operation, as long as the following requirements are met:

(1) The individual who is a certified food protection manager has supervisory and management responsibility and the authority to direct and control food preparation and service at the food establishment;

(2) The person in charge demonstrates knowledge as prescribed in section 2-102.11 of the 2017 Food Code with Supplement; and

(3) The person in charge demonstrates active managerial control of food safety by complying with section 2-103.11 of the 2017 Food Code with Supplement.

b. A food establishment that, upon inspection, is found to be in violation of section 2-102.11 or 2-103.11 of the 2017 Food Code with Supplement will have six months to ensure that any individual designated as the person in charge is a certified food protection manager.

c. For the purposes of section 2-102.12(B), the following food establishments are not required to employ a certified food protection manager:

(1) Food establishments that sell only prepackaged food.

(2) Temporary or farmers market food establishments.

(3) Food establishments at which food is not prepared, where customers may purchase beverages and where the service of food is limited to the service of ice, beverages, prepackaged snack foods, popcorn or peanuts and to the reheating of commercially prepared foods for immediate service that do not require assembly, such as frozen pizza or prepackaged sandwiches.

(4) Food establishments at which food is not prepared, where customers may purchase only commercially prepared non-time/temperature control for safety foods that are dispensed either unpackaged or packaged and that are intended for off-premises consumption.

d. Time frames for compliance with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” are as follows:

(1) Newly licensed facilities must comply with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” within six months of licensure.

(2) If an individual meeting the requirement of paragraph 31.1(2)“a” leaves employment, the establishment shall meet the requirement of section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” within six months of the individual’s departure.

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

31.1(4) *Homemade food items prepared in a licensed home food processing establishment.* Section 3-201.11 is amended to allow homemade food items that are eligible for resale and are prepared, packaged, and labeled pursuant to 481—Chapter 34 to be offered for human consumption in a food establishment.

31.1(5) *Wild-harvested mushrooms.* Section 3-201.16, paragraph (A), is amended by adding the following:

“A food establishment or farmers market time/temperature control for safety food licensee may sell or serve wild-harvested mushrooms provided:

“a. All wild-harvested mushrooms sold or served are varieties classified as one of the following:

| Common name | Scientific name |
|--------------------------------|--|
| Morel | <i>Morchella</i> spp. (<i>M. americana</i> , <i>M. angusticeps</i> , <i>M. punctipes</i>) |
| Oyster | <i>Pleurotus citrinopileatus</i> , <i>Pleurotus ostreatus</i> , <i>Pleurotus populinus</i> , or <i>Pleurotus pulmonarius</i> |
| Chicken of the woods | <i>Laetiporus</i> (<i>L. cincinnatus</i> , <i>L. sulphureus</i>) |
| Hen of the woods | <i>Grifola frondosa</i> |
| Chanterelle | <i>Cantharellus cibarius</i> group |
| Bear’s head tooth, Lion’s mane | <i>Hericium</i> spp. (<i>H. erinaceus</i> , <i>H. americanum</i>) |
| Pheasant back | <i>Polyporus squamosus</i> |
| Black trumpet | <i>Craterellus cornucopoides</i> |

“b. All wild-harvested mushrooms sold or served in a food establishment must be obtained from sources where each mushroom is individually inspected and found to be safe by a certified wild-harvested mushroom identification expert.

“c. All wild-harvested mushroom species sold or served in a food establishment must have a written buyer specification. The buyer shall retain the written buyer specification for 90 days from the date of sale or service. The written buyer specification must include all of the following information:

“1. Identification of each mushroom species by the scientific and common name;

“2. Date of purchase;

“3. Quantity by weight of each species received;

“4. A statement indicating that each mushroom was identified in its fresh state and was not mixed or in contact with other mushroom species;

“5. The name, address, and telephone number of the certified wild-harvested mushroom identification expert; and

“6. A copy of the certified wild-harvested mushroom identification expert’s certificate of successful completion of the program, including the date of completion.

“d. A consumer advisory shall inform consumers by brochures, deli case, menu advisories, label statements, table tents, placards, or other effective written means that ‘wild-harvested mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.’

“e. This section does not apply to cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.”

31.1(6) *Field-dressed wild game prohibition.* Subparagraph 3-201.17(A)(4) is amended to state that field-dressed wild game shall not be permitted in food establishments unless:

a. The food establishment is also licensed and inspected by the Iowa department of agriculture and land stewardship, meat and poultry inspection bureau, pursuant to Iowa Code section 189A.3;

b. All field-dressed wild game is adequately separated from food, equipment, utensils, clean linens, and single-service and single-use articles; and

c. Any equipment used in the processing of field-dressed wild game is adequately cleaned and sanitized before use with other foods.

31.1(7) *Reduced oxygen packaging in meat and poultry processing plants.* Meat and poultry processing plants that are licensed and inspected by the Iowa department of agriculture and land stewardship (IDALS) meat and poultry inspection bureau pursuant to Iowa Code section 189A.3 and that are also licensed as a food establishment are exempt from section 3-502.11, paragraphs (A), (B), (D) and (F), and section 3-502.12 if all of the following criteria are met:

a. Each food product formulation has been approved by the Iowa department of agriculture and land stewardship, meat and poultry inspection bureau;

b. A copy of the approved formulation (T40/45) is maintained on file at the establishment and made available to the regulatory authority upon request;

c. Cooked products that do not include a curing agent or an antimicrobial agent that will control *Clostridium botulinum* and *Listeria monocytogenes* that are in a reduced oxygen package are stored and sold frozen and are labeled “Keep Frozen”; and

d. The food products are properly labeled.

31.1(8) *Reduced oxygen packaging.* Section 3-502.12 is amended to include the following:

“A HACCP PLAN is not required when a FOOD ESTABLISHMENT packages raw meat and poultry using a REDUCED OXYGEN PACKAGING method and includes on the package a 30-day “sell by” date from the date the raw meat or poultry was packaged.”

31.1(9) *Warewashing sinks in establishments serving alcoholic beverages.* Section 4-301.12 is amended by adding the following: “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.”

31.1(10) *Allowance for two-compartment sinks in certain circumstances.* 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(11) *Service sink.* For existing establishments, if waste water is being appropriately disposed of, section 5-203.13 for existing establishments shall go into effect upon the establishment’s renovation or sale.

31.1(12) *Backflow protection.* 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(13) *Backflow prevention.* 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(14) *Prohibiting animals.* Section 6-501.115, paragraph (B), is amended by adding the following:

“(6) Pet dogs may be allowed on exterior premises of a food establishment, including outdoor patio and outdoor dining areas, provided the food establishment meets all of the following requirements:

“a. A separate entrance is present so that pet dogs do not enter the food establishment to access the outdoor area;

“b. No food preparation is allowed in the outdoor area, including mixing or dispensing drinks and ice;

“c. Customer multi-service or reusable utensils such as plates, silverware, glasses, and bowls are not stored, displayed, or pre-set in the outdoor area;

“d. Food or water provided to pet dogs shall only be in single-use disposable containers provided by the food establishment or a container provided by the pet owner that is filled without any contact between the container and any dispensing item of the food establishment;

“e. Employees are prohibited from direct contact with pet dogs while on duty;

“f. The outdoor area is maintained clean;

“g. In cases where excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited, an employee shall immediately ensure the area is cleaned and sanitized;

“h. The outdoor area shall not be fully enclosed (an enclosed area is considered part of the interior of the facility);

“i. Disruptive pet dogs must be controlled or removed from the premises;

“j. Rules governing pet dogs shall be posted at each entrance of the food establishment and shall, at a minimum, contain the following:

“i. Pet dogs shall be leashed at all times;

“ii. Pet dogs shall not enter any interior area of the food establishment at any time;

“iii. Pet dogs must be controlled at all times by the dog’s owner or designee;

“iv. Pet dogs are not permitted on chairs, tables, benches or seats; and

“v. Pet dog owners must immediately notify the food establishment’s staff in the event that excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited.”

31.1(15) *Inspection standards for elder group homes.* 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 set forth in 481—subrule 30.4(2).

31.1(16) *Nonprofit exception for temporary events.* Nonprofit organizations that are licensed as temporary food establishments may serve non-time/temperature control for safety food from an unapproved source for the duration of the event. This does not include home-canned pickles, vegetables, or fruits produced in accordance with Iowa Code section 137F.20 as enacted by 2022 Iowa Acts, House File 2431, section 10.

31.1(17) *Variance approval by department and submission of HACCP plans.* Any variances or HACCP plans that require approval by the “regulatory authority” must be approved by the department. HACCP plans pursuant to paragraphs 3-502.12(B) and 8-201.13(B) shall be filed with the department prior to implementation, regardless of whether or not the plan requires approval.

31.1(18) *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, 2015, 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 Iowa department of agriculture and land stewardship or the United States Department of Agriculture, Food Safety and Inspection Service, shall meet the requirements of this subrule.

This rule is intended to implement Iowa Code section 137F.2.

[ARC 1191C, IAB 11/27/13, effective 1/1/14; ARC 1928C, IAB 4/1/15, effective 5/6/15; ARC 2257C, IAB 11/25/15, effective 12/30/15; ARC 3188C, IAB 7/5/17, effective 8/9/17 (see footnote 2 at end of chapter); ARC 4140C, IAB 11/21/18, effective 1/1/19; ARC 4731C, IAB 10/23/19, effective 11/27/19; ARC 5119C, IAB 7/29/20, effective 9/2/20; ARC 5353C, IAB 12/30/20, effective 2/3/21; ARC 5843C, IAB 8/11/21, effective 9/15/21; ARC 5844C, IAB 8/11/21, effective 9/15/21; ARC 6568C, IAB 10/5/22, effective 11/9/22]

481—31.2(137F) *Inspection standards for food processing plants.* The following are the inspection standards for food processing plants including food storage facilities.

31.2(1) Definitions. For the purposes of this rule, the following definitions shall apply. The definitions of “food,” “label,” “labeling,” and “dietary supplement” are as defined in 21 U.S.C. Section 321.

31.2(2) Prohibited acts. The prohibited acts identified in 21 U.S.C. Section 331(a) to (f), (k), and (v) shall also be prohibited acts in Iowa.

31.2(3) Stop sale. Any article of food that is adulterated or misbranded when introduced into commerce may be embargoed until such a time as the adulteration or misbranding is remedied or the product is destroyed. The action is immediate, but the licensee may appeal the decision following the process outlined in rules 481—30.11(10A,137C,137F) and 481—34.14(137D).

31.2(4) Standards for food. If a standard that has been adopted for a food is adopted pursuant to 21 U.S.C. Section 341 (2012), the standard shall be met.

31.2(5) Adulterated food. See rules 481—31.3(137F) and 481—34.5(137D).

31.2(6) Misbranded food. A food shall be misbranded if it is found in violation of 21 U.S.C. Section 343 (2012).

31.2(7) New dietary ingredients. New dietary ingredients shall comply with the process in 21 U.S.C. Section 350(b) (2012) or shall be deemed adulterated.

31.2(8) Records. Records shall be made available at minimum to the extent required under 21 U.S.C. Section 373 (2012) for all interstate and intrastate food.

31.2(9) Adoption of Code of Federal Regulations. The following parts of the Code of Federal Regulations (April 1, 2021) are adopted:

- a. 21 CFR Part 1, Sections 1.20 to 1.24 and Subpart O, Sections 1.900 to 1.934 (labeling).
- b. 21 CFR Part 7, Sections 7.1 to 7.13 and 7.40 to 7.59 (guaranty and recalls).
- c. 21 CFR Part 70, Sections 70.20 to 70.25 (labeling requirements for colors).
- d. 21 CFR Part 73, Sections 73.1 to 73.615 (color additives exempt from certification).
- e. 21 CFR Part 74.101 to 74.706 (listing of color additives subject to certification).
- f. 21 CFR Part 81, general specifications and general restrictions for provisional color additives for use in foods, drugs, and cosmetics.
- g. 21 CFR Part 82, Sections 82.3 to 82.706 (certified provisionally listed colors and specifications).
- h. 21 CFR Part 100, Section 100.155 (specific provisions for salt and iodized salt).
- i. 21 CFR Part 101, except Sections 101.69 and 101.108 (food labeling).
- j. 21 CFR Part 102, except Section 102.19 (common or usual name for nonstandard food).
- k. 21 CFR Part 104, nutritional quality guidelines for foods.
- l. 21 CFR Part 105, food for special dietary use.
- m. 21 CFR Part 106, except Section 106.120 (infant formula quality control procedures).
- n. 21 CFR Part 107, except Sections 107.200 to 107.280 (infant formula labeling).
- o. 21 CFR Part 108, Sections 108.25 to 108.35 (exceptions for when a permit is not required, acidified and thermal processing of low-acid foods packaged in hermetically sealed containers).
- p. 21 CFR Part 109, unavoidable contaminants in food for human consumption and food-packaging material.
- q. 21 CFR Part 110, current good manufacturing practice in manufacturing, packing or holding human food.
- r. 21 CFR Part 111, current good manufacturing practice in manufacturing, packaging, labeling, or holding operations for dietary supplements.
- s. 21 CFR Part 113, thermally processed low-acid food packaged in hermetically sealed containers.
- t. 21 CFR Part 114, acidified foods.
- u. 21 CFR Part 115, shell eggs.
- v. 21 CFR Part 117, current good manufacturing practice and hazard analysis and risk-based preventive controls for human food shall apply, with the following exceptions:
 - (1) Qualified facilities, as defined in 21 CFR 117, shall not include food processing plants manufacturing foods for interstate commerce or for use as an ingredient to other foods.
 - (2) Warehousing operations located on the premises of residences that store food for sale directly to a consumer customer or at a farmers market shall comply with subparts A, B, and F of 21 CFR 117.
- w. 21 CFR Part 118, production, storage and transportation of shell eggs.

- x. 21 CFR Part 120, hazard analysis and critical control point (HACCP) systems (juice).
- y. 21 CFR Part 123, fish and fisheries products (seafood).
- z. 21 CFR Part 129, processing and bottling of bottled drinking water.
- aa. 21 CFR Part 130, except Sections 130.5, 130.6 and 130.17, food standards: general.
- ab. 21 CFR Part 131, milk and cream.
- ac. 21 CFR Part 133, cheeses and related cheese products.
- ad. 21 CFR Part 135, frozen desserts.
- ae. 21 CFR Part 136, bakery products.
- af. 21 CFR Part 137, cereal flours and related products.
- ag. 21 CFR Part 139, macaroni and noodle products.
- ah. 21 CFR Part 145, canned fruits.
- ai. 21 CFR Part 146, canned fruit juices.
- aj. 21 CFR Part 150, fruit butters, jellies, preserves, and related products.
- ak. 21 CFR Part 152, fruit pies.
- al. 21 CFR Part 155 (canned vegetables).
- am. 21 CFR Part 156, vegetable juices.
- an. 21 CFR Part 158, frozen vegetables.
- ao. 21 CFR Part 160, egg and egg products.
- ap. 21 CFR Part 161, fish and shellfish.
- aq. 21 CFR Part 163, cacao products.
- ar. 21 CFR Part 164, tree nut and peanut products.
- as. 21 CFR Part 165, beverages.
- at. 21 CFR Part 166, margarine.
- au. 21 CFR Part 168, sweeteners and table syrups.
- av. 21 CFR Part 169, food dressings and flavorings.
- aw. 21 CFR Part 170, except Sections 170.6, 170.15, and 170.17, food additives.
- ax. 21 CFR Part 172, food additives permitted for direct addition to food for human consumption.
- ay. 21 CFR Part 173, secondary direct food additives permitted in food for human consumption.
- az. 21 CFR Part 174, indirect food additives: general.
- ba. 21 CFR Part 175, indirect food additives: adhesives and components of coatings.
- bb. 21 CFR Part 176, indirect food additives: paper and paperboard components.
- bc. 21 CFR Part 177, indirect food additives: polymers.
- bd. 21 CFR Part 178, indirect food additives: adjuvants, production aids, and sanitizers.
- be. 21 CFR Part 180, food additives permitted in food or in contact with food on an interim basis pending additional study.
- bf. 21 CFR Part 181, prior-sanctioned food ingredients.
- bg. 21 CFR Part 182, substances generally recognized as safe.
- bh. 21 CFR Part 184, direct food substances affirmed as generally recognized as safe.
- bi. 21 CFR Part 186, indirect food substances affirmed as generally recognized as safe.
- bj. 21 CFR Part 189, substances prohibited from use in human food.
- bk. 21 CFR Part 190, dietary supplements.

31.2(10) *Egg products processing plants.* The department shall generally use the good manufacturing practices adopted in paragraph 31.2(9) “b,” unless such practices are inconsistent with standards set by the United States Department of Agriculture, Food Safety and Inspection Service, in 9 CFR Parts 590-592, January 1, 2018. If the standards are inconsistent, the standards adopted in 9 CFR Parts 590-592, January 1, 2018, apply.

31.2(11) *Specific requirements for the manufacture of packaged ice.* In addition to compliance with subrules 31.2(1) through 31.2(9), manufacturers of packaged ice must comply with the following:

a. 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.

b. Packaged ice must be tested every 120 days for the presence of bacteria.

c. 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 as required by law.

This rule is intended to implement Iowa Code section 137F.2.

[ARC 1191C, IAB 11/27/13, effective 1/1/14; ARC 1928C, IAB 4/1/15, effective 5/6/15; ARC 2257C, IAB 11/25/15, effective 12/30/15; ARC 3188C, IAB 7/5/17, effective 8/9/17; ARC 4140C, IAB 11/21/18, effective 1/1/19; ARC 5119C, IAB 7/29/20, effective 9/2/20; ARC 5845C, IAB 8/11/21, effective 9/15/21; ARC 6568C, IAB 10/5/22, effective 11/9/22]

481—31.3(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.

This rule is intended to implement Iowa Code section 137F.2.

[ARC 1191C, IAB 11/27/13, effective 1/1/14; ARC 6568C, IAB 10/5/22, effective 11/9/22]

481—31.4(137D,137F) False label or defacement. No person shall use any label required by Iowa Code chapter 137D or 137F which is deceptive as to the true nature of the article or place of production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by this chapter.

This rule is intended to implement Iowa Code sections 137D.2 and 137F.2.

[ARC 1191C, IAB 11/27/13, effective 1/1/14; ARC 5353C, IAB 12/30/20, effective 2/3/21]

481—31.5(137F) Temporary food establishments and farmers market time/temperature control for safety food licensees. While the retail food code adopted in rule 481—31.1(137F) applies to temporary food establishments, the following subrules provide a simplified version of requirements for temporary food establishments. If the two rules are inconsistent, the standards in this rule apply.

31.5(1) Personnel. For the purposes of this rule, employees include volunteers.

a. Employees shall keep their hands and exposed portions of their arms clean.

b. Employees shall have clean garments and 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 time/temperature control for safety 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 time/temperature control for safety food establishment 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, and 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.

31.5(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 time/temperature control for safety foods at 41°F or below. The inspector may approve an effectively insulated, hard-sided container with sufficient coolant for storage of time/temperature control for safety food 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 time/temperature control for safety 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. An appropriate 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 or home food processing establishment is prohibited. Transport vehicles used to supply food products are subject to inspection and shall protect food from physical, chemical and microbial contamination. Cottage foods may be offered for sale in a temporary food establishment if the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled pursuant to 481—paragraph 30.13(1) “g.”

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

31.5(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 sanitizing solution or equivalent. Sanitizing solution shall be changed as needed to maintain the solution in a clean condition.

31.5(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.

31.5(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.

This rule is intended to implement Iowa Code sections 137D.2 and 137F.2.

[ARC 1191C, IAB 11/27/13, effective 1/1/14; ARC 4140C, IAB 11/21/18, effective 1/1/19; ARC 6568C, IAB 10/5/22, effective 11/9/22]

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¹ 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.

² Rule 481—31.1(137F) published in the July 5, 2017, IAB as ARC 3188C has a January 1, 2018, effective date. For the rule in effect immediately prior to January 1, 2018, see 481—Chapter 31 as of June 21, 2017.