

R392. Health and Human Services, Population Health, Environmental Health.

R392-102. Mobile Food Business Sanitation.

R392-102-1. Authority and Purpose.

(1) This rule is authorized under Sections 26B-1-202, 26B-7-113, and 26B-7-402, and Subsections 26B-1-202(25) and 26B-1-202(26).

(2) This rule requires a mobile food business operator to adhere to uniform statewide standards for constructing, operating, and maintaining a mobile food business in a manner that safeguards public health - including risk factors contributing to injury, sickness, death, and disability - and ensures that food is safe, unadulterated, and honestly presented when offered to the consumer.

(3) This rule establishes uniform standards for the regulation of a mobile food business, including the permitting process, plan reviews, inspections, construction, sanitary operations, and equipment requirements, which provide for the prevention and control of health hazards associated with mobile food businesses that are likely to affect public health.

R392-102-2. Definitions.

(1) "Catering operation" means a mobile food business that contracts with a client for food service to be provided to the client or the client's guests or customers at a private event on private property. A catering operation does not include services routinely provided at the same location, or meals that are purchased individually by guests or customers.

(2) "Commissary" means a food service establishment permitted by a local health department according to Rule R392-100 to which a mobile food business operator may return regularly to perform functions necessary for sanitary operations including:

- (a) food preparation and boarding onto the mobile food business;
- (b) hot and cold holding of TCS foods;
- (c) storing and stocking of food, utensils, and equipment;
- (d) disposal of solid and liquid wastes;
- (e) equipment and utensil cleaning and sanitizing;
- (f) vehicle cleaning;
- (g) refilling of water tanks with potable water; and
- (h) utilizing electrical power sources.

(3) "Drinking Water" means water that is fit for human consumption and meets the primary drinking water standards of Rule R309-200. Common usage of terms such as culinary water, potable water or finished water are synonymous with drinking water.

(4) "FDA Food Code" or "Food Code" means the FDA Model Food Code as incorporated by reference in Section R392-100-4. When FDA Food Code is referenced in this rule, the term 'establishment' or 'food establishment' used in the FDA Food Code shall be synonymous with 'food truck' or 'food cart' as defined in this rule.

(5) "Food cart" has the same meaning as provided in Section 11-56-102.

(6) "Food processing plant" means a commercial operation inspected by a regulatory authority, such as the United States Department of Agriculture (USDA), U.S. Food and Drug Administration (FDA), or the Utah Department of Agriculture and Food, 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 establishments. A food processing plant does not include a food establishment.

(7) "Food service establishment" means an operation that:

(a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant, satellite or catered feeding location; and

(b) relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(8) "Food truck" has the same meaning as provided in Section 11-56-102.

(9) "HACCP Plan" means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(10) "Ice cream truck" has the same meaning as provided in Section 11-56-102.

(11) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

(12) "Local health department" has the same meaning as provided in Subsection 26A-1-102(5).

(13) "Local health officer" means the director of the jurisdictional local health department or a designated representative.

(14)(a) "Mobile food business" means a food truck or food cart as defined in this rule.

(b) A mobile food business does not include an ice cream truck or a shaved ice establishment.

(15) "Mobile food business operator" or "operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a mobile food business.

(16) "Mobile food business employee" means a person working with unpackaged food, food equipment or utensils, or food-contact surfaces in a mobile food business.

(17) "Permit" means a document that a local health department issues to authorize a person to operate a food truck or food cart within the jurisdiction of the local health department.

(18) "Person in charge" means the individual present at a mobile food business who is responsible for its operation at the time of the inspection.

(19) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(20) "Potentially hazardous food" has the same meaning as "Time/temperature control for safety food (TCS)."

(21) "Sanitized" means the application of cumulative heat or chemicals on cleaned food, ice, or potable water 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.

(22) "Shaved ice establishment" means a facility that would normally be classified as a mobile food business as defined in this rule that serves only shaved ice with flavored syrups and other toppings approved by the local health officer, and is operating from a fixed, single location without moving offsite throughout the entire operating season.

(23) "Small producer" has the same meaning as provided in Subsection 4-4-103(10).

(24) "Time/temperature control for safety food" or "TCS" has the same meaning as "Time or temperature control food" provided in Section 26B-7-401, which also has the same meaning as "potentially hazardous food".

R392-102-3. Commissary Requirements.

(1) No food or equipment may be stored at a home residence, storage unit, garage, or other unapproved structure.

(2) Except for Subsection R392-102-3(3), a mobile food business operator shall use a commissary unless exempted by the local health officer having jurisdiction where the mobile food business operates.

(3) A local health officer may not require a mobile food business operator to use a commissary if the mobile food business:

(a) is designated as a tier one mobile food business by the permitting local health department;

(b) does not use temperature controlled products;

(c) does not store prepared food products from one operating day to the next;

(d) conducts all food service operations on the food truck or food cart, including cleaning and sanitizing;

(e) can refill its potable water tanks at a location and in a manner approved by the local health officer; and

(f) can dispose of all wastewater, used cooking oil, and other refuse at a location and in a manner approved by the local health officer.

(4) If a mobile food business commissary is required by the local health officer having jurisdiction:

(a) the mobile food business operator shall use a commissary located within a local health jurisdiction approved by the local health officer;

(b) the mobile food business operator shall obtain a written, signed commissary agreement from the commissary operator, which shall be renewed annually, and any changes to the agreement shall be submitted to the local health officer before the changes being implemented;

(c) the mobile food business operator shall return the mobile food business to the commissary at a regular frequency, as determined and approved by the local health officer;

(d) the mobile food business operator shall park the mobile food business at a location approved by the local health officer at the end of daily operations;

(e) the mobile food business operator shall document presence at the commissary on a log according to the frequency determined and approved by the local health officer, and as follows:

(i) the mobile food business operator shall record the date, time in, time out, and initials; and

(ii) the mobile food business operator shall retain commissary records for one year, and shall make the records available for inspection by a local health officer upon request;

(f) the mobile food business operator shall have access to, and the ability to utilize:

(i) a 3-compartment sink provided with hot and cold water under pressure, or other warewashing equipment approved by the local health officer;

(ii) adequate hot and cold holding equipment as necessary for proper food storage;

(iii) a service sink with hot and cold water under pressure;

(iv) at least one handsink with pressurized hot and cold water that is conveniently located and used exclusively for hand washing;

(v) a conveniently located toilet room; and

(vi) approved methods and equipment to clean and sanitize food and nonfood-contact surfaces within the mobile food business;

(g) the mobile food business operator shall use a commissary that provides adequate space for the sanitary storage of food, equipment, utensils, linens, and single-service, or single-use articles;

(h) the mobile food business operator shall use a commissary that has an electrical outlet available for mobile food business use, if needed, when parked at the commissary;

(i) an electrical installation intended for mobile food business use at a commissary shall comply with applicable codes and ordinances including the state electrical code; and

(j) not more than one mobile food business shall be served by one electrical outlet at a time.

(5) If a local health officer revokes or suspends a commissary's operating permit as authorized in Subsection R392-102-4(10), each associated mobile food business permit shall be invalidated until a local health officer reinstates the operating permit or the mobile food business operator obtains a new commissary agreement at an approved location, at which point the mobile food business permit shall be reinstated with the original expiration date.

R392-102-4. Mobile Food Business Permit Requirements.

(1) A person shall not operate a mobile food business without a valid permit to operate issued by a local health department.

(2) A mobile food business operator shall only operate a mobile food business after:

(a) obtaining a temporary food establishment permit from a local health department when only operating at a fixed location for no more than 14 consecutive days; or

(b) obtaining an annual permit from the local health department wherein the majority of the mobile food business's operations will take place.

(3) To obtain a permit, a mobile food business operator shall:

(a) provide the following information to the local health department issuing the permit:

(i) name, title, contact information, and signature;

(ii) evidence of food safety manager certification as required in Subsection R392-102-4(13);

(iii) ownership status of the mobile food business such as individual, partnership, or corporation;

(iv) name of the mobile food business or "dba";

(v) food truck license plate number;

(vi) a complete list of menu items if there has been a menu change or if it was not previously submitted with plans as required in Section R392-102-5;

(vii) a means whereby the local health department can determine the mobile food business's vending location or route as well as days and hours of mobile food business operation;

(viii) a copy of the written commissary agreement as described in Subsection R392-102-3(4)(b), unless exempted by the local health officer; and

(ix) documentation of an approved servicing area if the commissary is not properly equipped to provide potable water or electricity to, or to receive wastewater from a mobile food business; and shall

(b) pay a permit fee;

(c) submit plans for review as described in Section R392-102-5;

(d) complete necessary changes resulting from the review of plans, as required; and

(e) complete a pre-operational inspection, as described in Subsection R392-102-18(9).

(4) An issued permit shall include the following information:

(a) name of the issuing local health department;

(b) name of the permitted mobile food business, as provided on the application;

(c) license plate of the associated food truck;

(d) expiration date; and

(e) permit tier designation as described in Subsection R392-102-4(5)(b).

(5)(a) Permit fees shall be uniform statewide and may only be in an amount that reimburses the local health department for the cost of administering the mobile food business sanitation program.

(b) The local health department shall use a two-tier risk-based assessment to determine an appropriate permit fee as follows:

(i) a permit shall be designated as "tier one" when the mobile food business operator's menu includes fewer than three TCS foods, and when raw animal products are not included as a menu ingredient;

(ii) a permit shall be designated as "tier two" when the mobile food business operator's menu includes three or more TCS foods, or when raw animal products are included as a menu ingredient; and

(iii) the amount of a tier one permit fee shall be reduced, as compared to a tier two permit fee, to account for the lower regulatory burden.

(6) If an application for a permit is denied, the mobile food business operator may request information from a local health officer that includes:

(a) the specific reasons and rule citations for permit denial; and

(b) any actions the applicant must take to qualify for a permit.

(7) A local health department shall recognize as valid a mobile food business permit that has been issued by another local health department within the state.

(8)(a) A mobile food business operator shall comply with permitting requirements as stated in Subsection R392-102-4(3) when renewing a permit.

(b) If a mobile food business operator elects to renew a permit, it shall be the duty of the operator to renew within 30 calendar days before the expiration date of the current permit.

(9)(a) A permit applied for or issued pursuant to this rule may be denied, suspended, or revoked by the local health officer for any of the following reasons:

(i) failure of the application or plans to show that the mobile food business will be operated or maintained in accordance with the requirements of this rule;

- (ii) submission of incorrect or false information in the application or plans;
 - (iii) failure to operate or maintain the mobile food business in accordance with the application, plans, and specifications approved by the local health department;
 - (iv) failure of the mobile food business operator to allow the local health officer to conduct inspections as necessary to determine compliance with this rule;
 - (v) failure of the mobile food business operator to make the mobile food business available for inspection or to obtain an inspection according the frequency requirements detailed in Subsection R392-102-18(10);
 - (vi) operation of the mobile food business in a way that causes or creates an imminent health hazard;
 - (vii) violation of any condition upon which the permit was issued; or
 - (viii) failure to pay a permit fee or inspection fee.
- (b) If a local health officer suspends a permit, the local health officer shall notify other applicable local health departments regarding the enforcement actions taken.
- (c) In the event of an imminent health hazard, a local health officer may suspend a permit issued by another local health jurisdiction. Except as coordinated and approved by the impacted local health officers, the local health jurisdiction that suspends a permit shall be the same organization that reinstates a suspended permit when the issues of noncompliance have been adequately addressed.
- (10) To reinstate a suspended permit, a mobile food business operator shall:
- (a) complete a pre-operational inspection with the local health department that suspended the permit, as described in Subsection R392-102-18(9), which shows that the mobile food business is back in compliance with this rule; and
 - (b) pay an inspection fee.
- (11)(a) A food truck operator shall post:
- (i) the issued permit in a conspicuous location inside the food truck; and
 - (ii) the included permit decal (sticker) on the outside rear of the food truck.
- (b) A food cart operator shall post the issued permit and the included permit decal (sticker) in a conspicuous location on the food cart.
- (12) A mobile food business permit may not be transferred from one mobile food business operator to another, from one mobile food business to another, or from one type of operation to another if the change affects the tier designation as specified in Subsection R392-102-4(5)(b) and the local health department that issued the permit has not approved the change.
- (13) At least one mobile food business employee shall:
- (a) be certified in food safety management according to the requirements of Rule R392-101, unless exempted by a local health officer according to the criteria listed in Section R392-101-8 and Section 26B-7-411; and
 - (b) maintain proof of certification available for review by the local health officer upon request.
- (14)(a) Each mobile food business employee shall be trained in food safety as required by Rule R392-103, and shall hold a valid food handler's permit issued by a local health department.
- (b) The mobile food business operator shall maintain proof of food handler permit certification of employees and shall provide it to the local health officer upon request.

R392-102-5. Plan Review Requirements.

- (1) A mobile food business operator shall submit to the local health department properly prepared plans and specifications for review and approval before:
- (a) the construction of a mobile food business;
 - (b) the conversion of an existing vehicle or trailer to a mobile food business; or
 - (c) the remodeling of a mobile food business or a change of mobile food business type or change in foods served or food service operations that would require a change in risk assessment as described in Subsection R392-102-4(5)(b).
- (2) When applying for a permit for the first time, the operator of a newly constructed mobile food business, or mobile food business in pre-construction shall submit plans to the local health department, which include at least the following:
- (a) a complete list of intended menu items;
 - (b) anticipated volume of food to be stored, prepared, and sold or served;
 - (c) equipment cut sheets;
 - (d) plumbing schedule;
 - (e) mechanical schedule;
 - (f) dimensional floor plan;
 - (g) finish schedule for floors, walls, and ceilings, if applicable;
 - (h) an equipment layout; and
 - (i) any additional information required by the local health officer.
- (3) When applying for a permit for the first time, the operator of a retrofitted or existing mobile food business shall submit plans to the local health department, which may include the following:
- (a) dimensional floor plan;
 - (b) an equipment layout, including the location of hand wash and food preparation sinks; and
 - (c) any additional information required by the local health officer.
- (4)(a) Except when the mobile food business has undergone renovation or a change in ownership since the time of permit issuance, an additional plan review is not required before renewing a permit.

(b) When the mobile food business has undergone renovation or a change in ownership since the time of permit issuance, the mobile food business operator shall comply with Subsection R392-102-5(3).

R392-102-6. Construction and Maintenance Requirements.

- (1) Materials for indoor floor, wall, and ceiling surfaces of a food truck shall be:
 - (a) smooth, durable, and easily cleanable for areas where food is stored, prepared, held under temperature control, or served; and
 - (b) nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, servicing areas, and areas subject to flushing or spray cleaning methods.
- (2) Nonfood-contact surfaces of a mobile food business shall be free of unnecessary ledges, projections, and crevices, and be designed and constructed to allow easy cleaning and to facilitate maintenance.
- (3) Exterior walls and roofs of a food truck shall be constructed of weather-resistant materials, and shall effectively protect the food truck interior from the entry of dust, debris, stormwater, insects, rodents, and other animals.
- (4)(a) A food truck operator shall permanently display the business name on the exterior of the food truck in printed letters of at least four inches in height.
 - (b) The business name printed on the exterior of the food truck shall be the same as the business name or "dba" provided on the application required by Subsection R392-102-4(3)(a)(iv).
- (5) Mats and duckboards used inside a food truck shall be designed to be removable and easily cleanable.
- (6) Physical facilities shall be maintained in good repair.
- (7)(a) Physical facilities shall be cleaned as often as necessary to keep them clean.
 - (b) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed such as after closing.
- (8) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under Section R392-102-8.
- (9) Except as specified in Subsection R392-102-6(10), a food truck operator shall protect outer openings of a food truck against the entry of insects and rodents by:
 - (a) tight-fitting windows; and
 - (b) closed, solid, tight-fitting doors.
- (10) If the windows or doors of a food truck are kept open for ventilation or food service, the openings shall be protected against the entry of insects and rodents by:
 - (a) 16 mesh to one inch screens; or
 - (b) other effective means approved by the local health officer.
- (11)(a) Light intensity within the interior of the food truck shall be:
 - (i) at least 540 lux (50 foot candles) at any surface where a food truck employee works with food or utensils;
 - (ii) at least 215 lux (20 foot candles):
 - (A) in a toilet room; and
 - (B) inside equipment such as reach-in and under-counter refrigerators; and
 - (iii) at least 108 lux (10 foot candles) at a distance of 30 inches (75 cm) above the floor in walk-in refrigeration units and dry food storage areas.
- (b) Light bulbs located in the food truck shall be shielded, coated, or otherwise shatter-resistant.
- (12) Living quarters and shower or bathing facilities are prohibited on a mobile food business.
- (13)(a) A mobile food business shall have at least one handwashing sink provided with hot and cold running water.
 - (b) A local health department issuing a permit may require the installation of one or more handwashing sinks as necessary for their convenient use by employees in the following areas:
 - (i) food preparation, food dispensing, and warewashing areas; and
 - (ii) in a toilet room, if applicable.
- (14)(a) A food truck shall have a 3-compartment sink installed with hot and cold water under pressure for manually washing, rinsing, and sanitizing equipment and utensils unless exempted by the local health department issuing a permit.
 - (b) Unless exempted, a 3-compartment sink shall meet the following requirements:
 - (i) the food truck shall have sufficient onboard water storage capacity to fill all sink compartments without depleting water storage needed for food truck operations such as handwashing; and
 - (ii) sink compartments shall be large enough to accommodate immersion of in-use utensils.
 - (c) A food cart operator is exempted from the requirements of Subsection R392-102-6(14)(a) unless specifically required by the local health officer.

R392-102-7. Water and Wastewater Requirements.

- (1)(a) A food truck operator shall ensure that potable water is available to a food truck during all hours of operation through:
 - (i) an onboard potable water storage tank that shall hold a minimum of 30 gallons as measured down from the inlet; or
 - (ii) piping, tubing, or hoses connected to an adjacent potable water source under pressure as approved by the local health officer. The water supply type described in Subsection (1)(a)(ii) is allowed only when the food truck is concurrently connected to a public sanitary sewer system in a manner approved by the local health officer.

(b) A food cart operator shall ensure that potable water is available to a food cart during all hours of operation through:
(i) an onboard potable water storage tank that shall hold a minimum of 10 gallons as measured down from the inlet; or
(ii) piping, tubing, or hoses connected to an adjacent potable water source under pressure as approved by the local health officer. The water supply type described in Subsection (1)(b)(i) is allowed only when the food cart is concurrently connected to a public sanitary sewer system in a manner approved by the local health officer.

(2)(a) The water source and system shall be of sufficient capacity to meet the peak water demands of the mobile food business.

(b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the mobile food business.

(3) Materials that are used in the construction of a mobile water tank, mobile food business onboard water tank, and appurtenances shall be:

- (a) safe;
- (b) durable, corrosion-resistant, and nonabsorbent;
- (c) finished to have a smooth, easily cleanable surface; and
- (d) designed and intended only for use with potable water.

(4) An onboard water tank shall be:

- (a) enclosed from the filling inlet to the discharge outlet;
- (b) sloped to an outlet that allows complete drainage of the tank; and
- (c) used for conveying potable water and for no other purpose.

(5) If an onboard water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and be:

- (a) flanged upward at least one-half inch; and
- (b) equipped with a port cover assembly that is:
 - (i) provided with a gasket and a device for securing the cover in place; and
 - (ii) flanged to overlap the opening and sloped to drain.

(6) A fitting with "V" type threads on an onboard water tank inlet or outlet shall be allowed only when a hose is permanently attached.

(7) If provided, an onboard water tank vent shall terminate in a downward direction and shall be covered with:

- (a) 16 mesh to 25.4 mm (16 mesh to one inch) screen or equivalent when the vent is in a protected area; or
- (b) a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(8)(a) A water tank and its inlet and outlet shall be sloped to drain.

(b) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

(9)(a) A hose, pipe, or tube used for conveying potable water from a water tank shall be:

- (i) safe;
- (ii) durable, corrosion-resistant, and nonabsorbent;
- (iii) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (iv) finished with a smooth interior surface;
- (v) clearly and durably identified as to its use if not permanently attached; and
- (vi) prohibited from use in any other service such as conveying wastewater or toxic chemicals.

(b) A mobile food business operator shall only use a hose designed and intended to convey potable water when filling an onboard water tank as described in Subsection (1).

(10) A mobile food business operator shall install and maintain a filter that does not pass oil or oil vapors in the air supply line between the compressor and potable water supply system when compressed air is used to pressurize the water tank system.

(11)(a) A cap and keeper chain, closed cabinet, closed storage tube, or other protective cover or device approved by the local health officer shall be provided for a water inlet, outlet, and hose.

(b) The protective cover or device shall be used when the water tank or hose inlet and outlet fitting is not in use.

(12) A mobile food business's onboard water tank inlet shall be:

- (a) three-fourths inch in inner diameter or less; and
- (b) provided with a hose connection of a size or type that will prevent its use for any other service.

(13) The mobile food business operator shall flush and sanitize any water tank, pump, and hoses before placing into service after initial purchase, construction, repair, modification, and periods of nonuse of 30 days or more, and as often as necessary to maintain the equipment in clean and sanitary condition.

(14) A mobile food business operator shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

(15)(a) A wastewater holding tank in a mobile food business shall be:

- (i) sized 15% larger in capacity than the water supply tank; and
- (ii) sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve.

(b) Subsection (15)(a)(i) does not apply to a potable water tank that is used only for beverage service on a mobile food business and is not connected to a wastewater holding tank.

(16) Wastewater shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of wastewater transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to:

- (a) Plumbing Code;
- (b) the Utah Department of Environmental Quality under Title R317, Water Quality;
- (c) local health department and municipal regulations; and
- (d) the local sewer district having jurisdiction.

(17)(a) Wastewater and other liquid wastes shall be removed from a mobile food business at an approved commissary or a waste servicing area approved by the local health officer or by a wastewater transport vehicle in such a way that a public health hazard or nuisance is not created.

(b) A mobile food business operator shall thoroughly flush and drain a tank for liquid waste retention in a sanitary manner during the servicing operation.

(18) Wastewater or liquid waste conveyance lines that are not shielded to intercept drips shall be installed or located under food and food-contact surfaces.

(19) The mobile food business operator shall store potable water pipes, hoses, and tubes separately from wastewater pipes, hoses, and tubes in a manner that prevents cross contamination.

R392-102-8. Equipment Requirements.

(1) Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

- (a) safe;
- (b) durable, corrosion-resistant, and nonabsorbent;
- (c) sufficient in weight and thickness to withstand repeated washing;
- (d) finished to have a smooth, easily cleanable surface; and
- (e) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

(2)(a) Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

(b) Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(3) Copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(4) Hot oil filtering equipment shall be readily accessible for filter replacement and cleaning of the filter and meet the requirements of Subsection R392-102-8(1).

(5) Galvanized metal may not be used for utensils and food-contact surfaces of equipment that are used in contact with acidic food.

(6) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(7)(a) Except as specified in Subsections (b), (c), and (d) of this section, wood and wood wicker may not be used as a food-contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for:

(i) cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

(ii) wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110 degrees C (230 degrees F) or above.

(c) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(i) untreated wood containers; or

(ii) treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.

(8) Multiuse food-contact surfaces shall be:

- (a) smooth;
- (b) free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
- (c) free of sharp internal angles, corners, and crevices;
- (d) finished to have smooth welds and joints; and
- (e) accessible for cleaning and inspection.

(9)(a) Equipment that is fixed in place because it is not easily movable shall be installed so that it is:

(i) spaced to allow access for cleaning along the sides, behind, and above the equipment;

(ii) spaced from adjoining equipment, walls, and ceilings a distance of not more than one millimeter or one thirty-second inch; or

(iii) sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

(b) Counter-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

- (i) sealed; or
- (ii) elevated on legs to provide not less than four inches of clearance.

(10) Floor-mounted equipment that is not easily movable, if used in a food truck, shall be sealed to the floor or elevated on legs that provide at least a six inch (15 centimeter) clearance between the floor and the equipment.

(11) Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

(12) Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(13)(a) Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided in a food truck for necessary utensil holding before cleaning and after sanitizing.

(b) Sufficient space shall be provided for storage of soiled and cleaned items that may accumulate during hours of operation, such as on drainboards, utensil racks, or tables.

(c) Soiled and clean items shall be stored separately and in a manner that protects clean items from contamination.

(14) A plumbing fixture such as a handwashing sink or toilet shall be easily cleanable.

(15)(a) Equipment for cooling and heating food, and holding cold and hot food, shall be:

- (i) sufficient in number and capacity; and
- (ii) capable of consistently maintaining food temperatures as specified under Section R392-102-12.

(b) The mobile food business operator shall maintain an accurate and operational food temperature measuring device in each mechanically refrigerated unit.

(c) In a mechanically refrigerated or hot food storage unit, the sensor or thermometer shall be located to measure the ambient temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(16) A mobile food business operator with a menu offering any TCS foods shall equip the mobile food business with at least one readily accessible and properly calibrated food temperature measuring device that is easily readable and may not have a sensor or stem constructed of glass unless the thermometer with a glass sensor or stem is encased in a shatterproof coating such as a candy thermometer.

(17)(a) When manual warewashing of utensils or food-contact equipment is done on a food truck or food cart, the mobile food business operator shall provide a test kit or other device that accurately measures the concentration in mg/L of chemical sanitizing solutions.

(b) If hot water is used for sanitization in manual warewashing operations in a mobile food business, the sanitizing compartment of the sink shall be:

- (i) designed with an integral heating device that is capable of maintaining water at a temperature not less than 171 degrees F; and
- (ii) provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(18)(a) Receptacles and waste handling units for refuse and recyclables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

(b) Receptacles and waste handling units for refuse and recyclables used with materials containing food residue and used outside the mobile food business shall be:

- (i) designed and constructed to have tight-fitting lids, doors, or covers; and
- (ii) maintained in good repair.

(c) Refuse and recyclables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(d) Receptacles and waste handling units for refuse and recyclables shall be kept covered inside a food truck:

- (i) if the receptacles and units contain food residue and are not in continuous use; or
- (ii) after they are filled.

(19) Refuse and recyclables shall be removed from the mobile food business premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(20) Except when exempted by a local health officer, a mobile food business operator shall furnish or equip a mobile food business with adequate electrical power to ensure uninterrupted service.

R392-102-9. Requirements for Cleaning Equipment and Utensils.

(1) Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(2) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(3) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

(4)(a) Equipment food-contact surfaces and utensils shall be cleaned and sanitized:

- (i) before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
- (ii) each time there is a change from working with raw foods to working with ready-to-eat foods;

- (iii) between uses with raw fruits and vegetables and with TCS food;
- (iv) before using or storing a food temperature measuring device; and
- (v) at any time during the operation when contamination may have occurred.
- (b) Equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four hours if used with TCS food.
 - (c) Utensils and equipment contacting food that is not TCS shall be cleaned:
 - (i) at any time when contamination may have occurred;
 - (ii) at least every 24 hours;
 - (iii) before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
 - (iv) in equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
 - (A) at a frequency specified by the manufacturer; or
 - (B) at a frequency necessary to preclude accumulation of soil or mold.
 - (5) Except for hot oil cooking and filtering equipment, the food-contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours.
 - (6) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.
 - (7) Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.
 - (8) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.
 - (9) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.
 - (10) Washed utensils and equipment shall be rinsed, after cleaning and before sanitizing, so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using a distinct, separate water rinse after washing and before sanitizing if using:
 - (a) a 3-compartment sink; or
 - (b) alternative manual warewashing equipment equivalent to a 3-compartment sink as approved by the local health department issuing the permit.
 - (11) Equipment food-contact surfaces and utensils shall be sanitized before use after cleaning. Sanitizers and sanitizing operations shall meet the requirements in Section R392-102-10.
 - (12) After cleaning and sanitizing, equipment and utensils shall be air-dried or used after adequate draining.
 - (13) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.
 - (14)(a) Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:
 - (i) maintained dry; and
 - (ii) used for no other purpose.
 - (b) Cloths in-use for wiping counters and other equipment surfaces shall be:
 - (i) held between uses in a container of chemical sanitizer solution at a concentration specified under Subpart 4-501.114 of the FDA Food Code; and
 - (ii) laundered daily.
 - (c) Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
 - (d) Dry wiping cloths and the chemical sanitizing solutions specified in Subsection (14) in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
 - (e) Containers of chemical sanitizing solutions specified in Subsection (14)(b)(i) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.
 - (f) Single-use disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions.
 - (15) Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.
 - (16) Cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:
 - (a) in a clean, dry location;
 - (b) where they are not exposed to splash, dust, or other contamination; and
 - (c) at least six inches above the floor.

(17) Clean and sanitized equipment and utensils shall be stored as specified under Subsection R392-102-8(13) and shall be stored:

- (a) in a self-draining position that allows air drying; and
- (b) covered or inverted.

(18) The wash, rinse, and sanitize solutions shall be maintained clean.

(19) Single-service and single-use articles may not be reused.

(20) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.

R392-102-10. Requirements for Sanitizing Equipment and Utensils.

(1) Chemical sanitizers, including chemical sanitizing solutions generated onsite, and other chemical antimicrobials applied to food-contact surfaces shall:

- (a) meet requirements specified in 40 CFR 180.940 and 40 CFR 180.2020; and
- (b) be used in accordance with the EPA-registered label use instructions.

(2) Chlorine sanitizer solutions shall have a minimum concentration and temperature of:

(a) 25 to 49 mg/L at 120 degrees F, with an associated contact time of 10 seconds;

(b) 50 to 99 mg/L at 100 degrees F, pH of 10 or less, or 75 degrees F, pH or 8 or less, with an associated contact time of 7 seconds; or

(c) 100 mg/L at 55 degrees F, with an associated contact time of 10 seconds.

(3) Iodine sanitizing solutions shall have a:

(a) minimum temperature of 68 degrees F;

(b) pH of 5.0 or less of a pH no higher than the level for which the manufacturer specifies the solution is effective;

(c) concentration between 12.5 mg/L and 25 mg/L; and

(d) contact time of at least 30 seconds.

(4) Quaternary ammonium compound solutions shall:

(a) have a minimum temperature of 75 degrees F;

(b) have a concentration as stated by the manufacturer's use directions included in the labeling;

(c) be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions; and

(d) have a contact time of at least 30 seconds.

(5) Hot water sanitization, without the use of chemicals, shall be accomplished by:

(a) manual immersion for at least 30 seconds in water held at a minimum temperature of 171 degrees F or higher; or

(b) being cycled through equipment which:

(i) the temperature of the sanitizing rinse as it enters the manifold may not be more than 194 degrees F or less than 165 degrees F for stationary racks or 180 degrees F for all other machines; and

(ii) achieves a utensil surface temperature of 160 degrees F as measured by an irreversible registering temperature indicator.

R392-102-11. Food Safety Requirements.

(1)(a) Food shall be safe, unadulterated, and honestly presented.

(b) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(c) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

(2) Food shall be obtained from sources that comply with Rule R392-100.

(3) Food prepared in a private home or any structure or dwelling designed, constructed, or intended for human occupancy shall not be used in a mobile food business or offered from a mobile food business for human consumption.

(4) Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(5) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(6)(a) Shell eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in 21 CFR 101.17(h).

(b)(i) Shell eggs shall be received in a clean and sound condition.

(ii) Except for shell eggs that are purchased from a small producer, shell eggs may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified Rule R70-410, Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes.

(iii) Shell eggs may not be addled or moldy, and may not contain:

(A) black spot;

(B) black rot;

(C) white rot;

(D) blood ring;

(E) adherent yolk; or

- (F) a bloody or green albumen.
- (c) Egg products shall be obtained pasteurized.
- (d) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not cooked.
- (i) Raw, unpasteurized shell eggs may be used in recipes that will not be cooked if the mobile food business has obtained a variance from the permit issuer, which variance is based on a commissary HACCP plan; and
- (ii) The local health officer may revoke or suspend a permit and variance if the commissary HACCP plan is not being followed.
- (7) Fluid milk and milk products shall be obtained from sources that comply with grade A standards as specified in Rule R70-310.
- (8)(a) Fish and molluscan shellfish that are received for sale or service shall be commercially and legally caught or harvested.
- (b) Molluscan shellfish that are recreationally caught may not be received for sale or service.
- (c) Molluscan shellfish, shucked shellfish and shellstock shall comply with Subparts 3-202.17, 3-202.18, 3-203.11, and 3-203.12 of the FDA Food Code.
- (d) When received by a mobile food business, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock, or those with badly broken shells, shall be discarded.
- (9) Mushroom species picked in the wild shall not be offered for sale or service by a mobile food business.
- (10) If game animals are received for sale or service they shall meet the requirements of Subpart 3-201.17 of the FDA Food Code.
- (11) Ice for use as a food or a cooling medium shall be made from drinking water.
- (12) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.
- (13) Ice may not be used as food after use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment.
- (14)(a) Food shall only contact surfaces of equipment and utensils that are cleaned and sanitized as specified in Sections R392-102-9 and R392-102-10 or single-service and single-use articles.
- (b) Linens, such as cloth napkins, shall not be used in contact with food.
- (15)(a) Except as specified in Subsections (b) and (c) of this subsection, food shall be protected from contamination by storing the food:
 - (i) in a clean, dry location;
 - (ii) where it is not exposed to splash, dust, or other contamination; and
 - (iii) at least six inches (15 cm) above the floor.
- (b) Pressurized beverage containers and cased food in waterproof containers such as bottles or cans may be stored on a floor that is clean and not exposed to floor moisture.
- (c) Food in packages and working containers may be stored less than six inches above the floor on case lot handling equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods.
- (16) Food may not be stored:
 - (a) in toilet rooms;
 - (b) under sewer lines;
 - (c) under open stairwell;
 - (d) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed; or
 - (e) under other sources of contamination.
- (17) Food shall be protected from cross contamination by:
 - (a) separating raw animal foods during storage, preparation, holding, and display from:
 - (i) raw ready-to-eat food; and
 - (ii) cooked ready-to-eat food;
 - (b) except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
 - (i) using separate equipment for each type; or
 - (ii) arranging each type of food in equipment so that cross contamination of one type with another is prevented; and
 - (iii) preparing each type of food at different times or in separate areas;
 - (c) cleaning hermetically sealed containers of food of visible soil before opening;
 - (d) protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
 - (e) storing and segregating damaged, spoiled, or recalled food in designated areas within the mobile food business that are separated from food, equipment, utensils, linens, and single-service and single-use articles; and
 - (f) separating fruits and vegetables before they are washed from ready-to-eat food.
- (18) Food shall be protected from contamination that may result from a factor or source not specified in this section.

(19) Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the mobile food business, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food.

(20) Food shall be protected from contamination that may result from the addition of:

- (a) unsafe or unapproved food or color additives; and
- (b) unsafe or unapproved levels of approved food and color additives.

(21) A mobile food business operator shall not:

- (a) apply sulfating agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
- (b) except for grapes, serve or sell food specified under Subsection (21)(a) that is treated with sulfating agents before receipt by the mobile food business.

(22)(a) A mobile food business operator may not prepare food on a mobile food business using "specialized processing methods" as described in the FDA Food Code. A mobile food business operator may not obtain a variance from the Department of Health and Human Services or an exemption from a local health officer to use specialized processing methods on a mobile food business.

(b) A mobile food business operator shall remove TCS food from reduced oxygen packaging before holding or storing the food in a temperature controlled environment on a mobile food business.

(23) Food shall be protected from contamination that may result from a factor or source not specified elsewhere in this rule.

R392-102-12. Food Temperature Requirements.

(1)(a) Refrigerated, TCS food shall be at a temperature of 5 degrees C (41 degrees F) or below when received at the mobile food business from a commissary or other approved source.

(b) Raw eggs shall be received at the mobile food business from a commissary or other approved source in refrigerated equipment that maintains an ambient air temperature of 7 degrees C (45 degrees F) or less.

(c) TCS food that is cooked to a temperature and for a time specified under Subparts 3-401.11 to 3-401.13 of the FDA Food Code and received hot at the mobile food business from a commissary or other approved source shall be at a temperature of 57 degrees C (135 degrees F) or above.

(d) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen at the mobile food business from a commissary or other approved source.

(e) Upon receipt at the mobile food business from a commissary or other approved source, TCS food shall be free of evidence of previous temperature abuse.

(2) Any food requiring cooking, freezing, or reheating before service shall be cooked, frozen, or reheated as required in Part 3-4 of the FDA Food Code.

(3)(a) Stored frozen foods shall be maintained frozen.

(b) Commercially processed foods that are labeled to be kept frozen shall be kept frozen until cooked or served.

(c) Commercially processed foods labeled to be kept frozen may be thawed under refrigeration at 41 degrees F or below in accordance with Subsection (4) if:

- (i) records are kept or date marking used indicating when the food entered refrigeration; and
- (ii) discarded seven days after entering the refrigerator.

(4) Any food requiring thawing shall be thawed as required in Subpart 3-501.13 of the FDA Food Code.

(5) Any food requiring cooling shall be cooled in the commissary as required in Subparts 3-501.14 and 3-501.15 of the FDA Food Code. The mobile food business operator shall not cool cooked TCS food on the food truck or food cart unless exempted by the local health officer issuing the permit.

(6) Except during preparation, cooking, or cooling, TCS foods shall be maintained:

- (a) at 57 degrees C (135 degrees F) or above; or
- (b) at 5 degrees C (41 degrees F) or less.

(7)(a) Ready-to-eat, TCS food prepared and held for more than 24 hours at a temperature of 5 degrees C (41 degrees F) or less in a mobile food business shall be clearly marked to show the date or day by which the food shall be consumed, sold, or discarded, which date shall be a maximum of seven days from the date of preparation, with the day of preparation being counted as day 1.

(b) Ready-to-eat, TCS food prepared and packaged by a food processing plant and opened and held for more than 24 hours at a temperature of 5 degrees C (41 degrees F) or less in a mobile food business, shall be clearly marked when the original container is opened in a mobile food business to show the date or day by which the food shall be consumed, sold, or discarded, with the day the original container is opened being counted as day 1, and the day or date marked by the mobile food business operator may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

(8) A refrigerated, ready-to-eat TCS food ingredient or a portion of a refrigerated, ready-to-eat, TCS food that is subsequently combined with additional ingredients or portions of food shall keep the date marking of the earliest-prepared or first-prepared ingredient.

(9) A food specified in Subsection (7) shall be discarded if it:

- (a) exceeds the temperature and time combination specified in Subsection (7), except time that the product is frozen;
- (b) is in a container or package that does not bear a date or day; or

(c) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Subsection (7).

R392-102-13. Poisonous or Toxic Materials.

- (1) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.
- (2) Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.
- (3) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:
 - (a) separating the poisonous or toxic materials by spacing or partitioning; and
 - (b) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.
- (4) Only those poisonous or toxic materials that are required for the operation and maintenance of a mobile food business, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a mobile food business.
- (5) Poisonous or toxic materials shall be:
 - (a) used according to:
 - (i) Rule R392-100 and local health department regulations;
 - (ii) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment;
 - (iii) the conditions of certification for use of the pest control materials; and
 - (iv) additional conditions that may be established by the local health officer; and
 - (b) applied so that:
 - (i) a hazard to employees or other persons is not constituted; and
 - (ii) contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented by:
 - (A) removing the items;
 - (B) covering the items with impermeable covers; or
 - (C) taking other appropriate preventive actions; and
 - (D) cleaning and sanitizing equipment and utensils after the application.
- (6) A mobile food business shall be maintained free of rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence inside a food truck by:
 - (a) routinely inspecting incoming shipments of food and supplies;
 - (b) routinely inspecting the food truck for evidence of pests; and
 - (c) using pest management methods, if pests are found, such as trapping devices, eliminating harborage, or other means of pest control.
- (7) Restricted use pesticides shall not be used in a mobile food business.
- (8) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.
- (9) Rodent bait shall be contained in a covered, tamper-resistant bait station.
- (10) Tracking powder may not be used inside a food truck unless the powder is non-toxic, such as flour or talcum powder, and is used in such a manner that it cannot contaminate food, equipment, utensils, linens, and single-service or single-use articles.

R392-102-14. Personal Cleanliness and Protection from Contamination.

- (1) Mobile food business employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (2) Mobile food business employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (3) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- (4) Mobile food business employees shall keep their hands and exposed portions of their arms clean using the cleaning procedure specified in Subpart 2-301.12 of the FDA Food Code immediately before engaging in handling of food or clean equipment and utensils and:
 - (a) after touching bare human body parts other than clean hands and clean, exposed portions of arms;
 - (b) after using the toilet room;
 - (c) after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
 - (d) after handling soiled equipment or utensils;
 - (e) during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
 - (f) when switching between working with raw food and working with ready-to-eat food;
 - (g) before donning gloves to initiate a task that involves working with food; and

- (h) after engaging in other activities that contaminate the hands.
- (5) The mobile food business operator shall supply each handwashing sink with:
 - (a) a supply of hand cleaning liquid, powder, or bar soap; and
 - (b) individual, disposable towels and an associated waste receptacle;
 - (c) a continuous towel system that supplies the user with a clean towel;
 - (d) a heated air hand drying device; or
 - (e) a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperature.
- (6) Near each handwashing sink in a conspicuous location, the mobile food business operator shall place a sign or poster that notifies mobile food business employees to wash their hands.
- (7) Mobile food business employees shall clean their hands in a handwashing sink and may not clean their hands in a sink used for food preparation or warewashing.
- (8)(a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
 - (i) be applied only to hands that are cleaned as specified in Subsection (4); and
 - (ii) comply with the requirements of Subpart 2-301.16 of the FDA Food Code.
- (b) Except as temporarily allowed by the local health officer, the use of a hand antiseptic shall not replace the requirement for hand washing in Subsection (4).
- (9) Mobile food business employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (10) Unless wearing intact gloves in good repair, a mobile food business employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- (11) Except for a plain ring such as a wedding band, mobile food business employees may not wear jewelry including medical information jewelry on their arms and hands.
- (12) Mobile food business employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.
- (13) Mobile food business employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.
- (14) Mobile food business employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (15) A mobile food business employee may not use a utensil more than once to taste food that is to be sold or served.
- (16)(a) A toilet room that is installed on a food truck, shall:
 - (i) include a toilet that is discharged to a dedicated wastewater holding tank that is separate from the holding tank described in Subsection R392-102-7(15)(a), with a capacity as specified by the local health officer before permit issuance;
 - (ii) have a supply of toilet tissue available at each toilet;
 - (iii) be conveniently located and accessible to food truck employees during all hours of operation;
 - (iv) be provided with a covered waste receptacle; and
 - (v) be completely enclosed and provided with a tight-fitting door.
- (b) Except during cleaning and maintenance operations, toilet room doors shall be kept closed.

R392-102-15. Supervision, Employee Health, and Contamination Events.

- (1) The mobile food business operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the mobile food business during all hours of operation.
- (2) Based on the risks inherent to the mobile food business operation, during inspections and upon request, the person in charge shall demonstrate to the local health officer knowledge of foodborne disease prevention and the requirements of this rule. The person in charge shall demonstrate this knowledge by:
 - (a) complying with the requirements of this rule;
 - (b) being certified in food safety management according to the requirements of Rule R392-101; or
 - (c) responding correctly to the inspector's questions as they relate to the specific mobile food business operations.
- (3) The person in charge shall ensure that:
 - (a) mobile food business operations are not conducted in a private home or in a room used as living or sleeping quarters;
 - (b) persons unnecessary to a food truck operation are not allowed in the food truck;
 - (c) employees and other persons entering a food truck comply with this rule;
 - (d) employees are effectively cleaning their hands;
 - (e) employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the proper temperatures, protected from contamination, unadulterated, and accurately presented, and are placing foods into appropriate storage locations;
 - (f) employees are properly cooking TCS food;
 - (g) employees are using proper methods to rapidly cool TCS food;

(h) consumers who order raw or partially cooked TCS food of animal origin are informed that the food is not cooked sufficiently to ensure its safety;

(i) employees are properly sanitizing cleaned equipment and utensils;

(j) employees are preventing cross contamination of ready-to-eat food with bare hands by properly using suitable utensils;

(k) employees are properly trained in food safety, including food allergy awareness;

(l) employees are informed in a verifiable manner of their responsibility to report, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under Subsection (4); and

(m) written procedures and plans, where required in this rule or by the local health officer, are maintained and implemented as required.

(4) The mobile food business operator, person in charge, and employees shall abide by Subpart 2-201 of the FDA Food Code in reporting of diseases, symptoms, and the exclusion or restriction of those working in the mobile food business.

(5) A mobile food business shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food truck or on the food cart. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

R392-102-16. Inspections, Corrective Actions, and Prevention of Foodborne Disease.

(1) Each mobile food business shall meet the requirements of this rule. Food trucks and food carts are exempt from the requirements of Rule R392-100, Food Service Sanitation, unless otherwise stated in this rule.

(2) Upon presenting proper identification and providing notice of the intent to conduct an inspection, the mobile food business operator shall allow the local health officer to determine if the mobile food business is in compliance with this rule by allowing access to the mobile food business, allowing inspection, and providing information and records specified in this rule during the mobile food business's hours of operation and other reasonable times.

(3) If a mobile food business operator denies access to the local health officer, the local health officer shall:

(a) inform the mobile food business operator that:

(i) the operator shall allow access to the local health officer as specified under Subsection (2);

(ii) access is a condition of the acceptance and retention of a permit to operate as specified under Section R392-102-4; and

(iii) if access is denied, an order issued by an appropriate authority allowing access may be obtained;

(b) make a final request for access; and

(c) if access continues to be refused, the local health officer shall provide details of the denial of access on an inspection report form.

(4) The local health officer shall document on an inspection report form:

(a) administrative information about the mobile food business's legal identity, street and mailing addresses, permit tier designation as specified under Section R392-102-4, inspection date, and other information including the type of water supply, sewage disposal, status of the permit, and personnel certificates of food safety management and training; and

(b) specific factual observations of noncompliant conditions or other deviations from this rule that require correction by the mobile food business operator including:

(i) failure of the operator to demonstrate the knowledge of foodborne illness prevention; and

(ii) failure of employees and the operator to report a disease or medical condition; and

(c) time frame for correction of violations.

(5) At the conclusion of the inspection the local health officer shall:

(a) provide a copy of the completed inspection report and the notice to correct violations to the mobile food business operator or to the person in charge;

(b) request a signed acknowledgment of receipt; and

(c) inform a person who declines to sign an acknowledgment of receipt of inspectional findings that:

(i) an acknowledgment of receipt is not an agreement with findings;

(ii) refusal to sign an acknowledgment of receipt will not affect the mobile food business operator's obligation to correct the violations noted in the inspection report within the time frames listed; and

(iii) a refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the historical record for the mobile food business; and

(d) make a final request that the person in charge sign an acknowledgment of receipt of inspectional findings.

(6) The local health officer shall treat the inspection report as a public document and shall make it available for disclosure.

(7)(a) A mobile food business operator shall immediately discontinue operations and notify the local health department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstances that may endanger public health.

(b) If operations are discontinued as required by the local health officer or in response to an imminent health hazard as specified in Subsection (7)(a), the mobile food business operator shall obtain approval from the local health officer before resuming operations.

(8) For each mobile food business that fails a health inspection, a local health department may charge and collect a fee from the associated mobile food business for that health inspection.

(9) A local health department issuing the permit, or reinstating a suspended permit, may conduct one or more pre-operational inspections to verify that the mobile food business is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and is in compliance with this rule.

(10)(a) A local health officer may periodically conduct operational onsite inspections of a mobile food business to determine continued compliance with this rule.

(b) For each year that a permit is issued to a mobile food business operator, the local health department that issued the permit shall conduct a minimum of one inspection of a mobile food business with a permit, regardless of tier designation as described in Subsection R392-102-4(5)(b).

(c) The local health department shall periodically inspect throughout its permit period a mobile food business operating only with a temporary food establishment permit that prepares, sells, or serves unpackaged TCS food and that has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, potable water supply, waste retention and disposal, and insect and rodent control.

(11) A local health officer may conduct follow-up inspections, as needed, to ensure the timely resolution of inspection findings.

(12) The local health officer shall make the mobile food business operator aware of inspectional findings both during, and at the conclusion of, the inspection as well as strategies for achieving compliance. Repeat violations may prompt further compliance and enforcement actions.

R392-102-17. Severability.

If a provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this rule shall be given effect without the invalidated provision or application.

KEY: food trucks, mobile foods, sanitation, food carts

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