

ALABAMA STATE COMMITTEE OF PUBLIC HEALTH
ALABAMA DEPARTMENT OF PUBLIC HEALTH
BUREAU OF ENVIRONMENTAL AND HEALTH SERVICE STANDARDS DIVISION OF
FOOD AND LODGING PROTECTION FOOD PROCESSING ESTABLISHMENT
SANITATION
ADMINISTRATIVE CODE

CHAPTER 420-3-20
FOOD PROCESSING ESTABLISHMENT SANITATION

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420-3-20-.01 General Provisions.

(1) **Purpose.** The criteria in these rules shall apply in determining whether the facilities, methods, practices, and controls used in the manufacture, processing, packing or holding of food are in conformance with, or are operated or administered in conformity with, good manufacturing practices to assure that food for human consumption is safe and has been prepared, packed, and held under sanitary conditions.

(2) **Statutory Authority.** The State Board of Health is authorized to adopt and promulgate these rules under and by virtue of the authority of Code of Ala. 1975, §§22-2-2(6), 22-2-5, and 22-20-5.

(3) **Definitions.** For the purposes of these rules:

(a) **Adulterated Food** means any food that bears or contains any poisonous or deleterious substance which may render it injurious to health; or if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or if it is otherwise defined as

adulterated under §402(A) of the Food, Drug, and Cosmetic Act (21 USC §342).

(b) **Board** means the Board of Health of the State of Alabama as defined by Code of Ala. 1975, §22-2-1, or the State Health Officer or his or her designee, when acting for the Board, or for the purposes of these rules, the Alabama Department of Public Health's Bureau of Environmental Services.

(c) **CFR** means Code of Federal Regulations. Citations in this rule to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 110.80 refers to Title 21, Part 110, Section 80.

(d) **Department** means the Alabama Department of Public Health.

(e) **Employee** means the permit holder, individuals having supervisory or management duties and any other person working in a food-processing establishment.

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

(g) **Food Processing Establishment** means a commercial food processing establishment, plant, or operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. The term does not include a food service establishment or a retail food store in which such foods are processed if:

1. The food items are sold to, or sold from, no more than two other retail food establishments during the annual period coinciding with the food permit issuance and expiration date, and
2. The total value of food sales to other retail establishments during the annual period coinciding with the food permit issuance and expiration date is less than \$25,000.00. The term includes stand-alone ice manufacturing facilities that require servicing by entering (walking inside) the ice manufacturing facility.

(h) **Health Officer** means the Health Officer, or his or her designee, of the county or district in which the food-processing establishment in question is located as provided in Code of Ala. 1975, §22-3-2.

(i) **Label** means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement of these rules that any word, statement, or other information appear on the label shall not be considered to be

complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article, or is easily legible through the outside container or wrapper.

(j) **Labeling** means all labels and other written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article.

(k) **Law** includes federal, state and local statutes, ordinances and rules.

(l) **Permit** means the document issued by the Health Officer which authorizes a person to operate a food-processing establishment.

(m) **Person** includes any individual, partnership, corporation, association or other legal entity.

(n) **Person in Charge** means the individual present in a food-processing establishment who is the apparent supervisor of the food-processing establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

(o) **Potentially Hazardous Food** means a food that requires temperature control to limit pathogenic microorganism growth or toxin formation and includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, or garlic-in-oil mixtures that are not modified in a way that result in mixtures that do not support pathogenic microorganism growth or toxin formation. The term does not include a food that, due to any combination of intrinsic and extrinsic factors, does not support the growth or toxin formation of pathogenic microorganisms.

(p) **Priority Category 1 Food Processing Establishment** means any food processing establishment producing foods that, in final packaged form, do not require refrigeration to prevent growth of pathogenic microorganisms or do not require a specialized process under 21 CFR 113, 114, 120, or 123 for food manufacturing.

(q) **Priority Category 2 Food Processing Establishment** means an establishment which manufactures a food product that:

1. In final packaged form is a potentially hazardous food requiring refrigeration to prevent growth of pathogenic microorganisms, or

2. Includes a specialized process for food manufacturing or production required in 21 CFR Part 113 (thermally processed low acid foods), 21 CFR Part 114 (acidified

foods), 21 CFR Part 120 (Hazard Analysis Critical Control Point [HACCP] plan required), or 21 CFR Part 123 (seafood HACCP plan required).

(r) **Priority** Item means a provision of these rules that, if in non-compliance, is likely to be a direct cause of food adulteration, contamination, or illness. Priority item provisions are listed in Appendix A.

(s) **Raw Agricultural Commodity** means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing. Fish and fishery products are not to be considered as raw agricultural commodities.

(4) **Exclusions** - Establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities, as defined in Rule 420-3-20-.01(k), which are ordinarily cleaned, prepared, treated, or otherwise processed before being marketed to the public for consumption, are not covered by the provisions of these rules.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed November 19, 2014; effective December 24, 2014.

420-3-20-.02 Adoption By Reference.

(1) **Adoption by reference of 21 CFR parts 1 through 100** - The following listed parts of Title 21 Code of Federal Regulations, Parts 1 through 100, 2013 Revision, promulgated by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, are hereby incorporated by reference and made a part of these rules as if set out in full and all provisions thereof are adopted as rules of the State Board of Health.

(a) Parts 1.20 through 1.24 (accurate labeling).

(b) Parts 7.1 through 7.13 (guaranty).

(c) Parts 7.40 through 7.59 (recalls).

(d) Parts 70.20 through 70.25 (packaging and labeling requirements for colors).

(e) Parts 73.1 through 73.615 (listing of color additives exempt from certification).

(f) Parts 74.101 through 74.706 (listing of color additives subject to certification).

(g) Part 81 (general specifications and restrictions for provisional color additives).

(h) Parts 82.3 through 82.706 (listing of certified provisionally listed colors and specifications).

(i) Part 100.155 (labeling of iodized salt).

(2) **Adoption by reference of 21 CFR Parts 101 through 190** - Except as excluded in Rule 420-3-20.02(3), Title 21, Code of Federal Regulations, Parts 101 to 190, 2013 Revision, promulgated by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, is hereby incorporated by reference and made a part of these rules as if set out in full and all provisions thereof are adopted as rules of the State Board of Health.

(3) **Exclusion** - This adoption by reference of Title 21, Code of Federal Regulations, Chapter 1, Subchapter B, Parts 101 to 190, 2013 Revision, promulgated by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, specifically excludes these parts:

(a) Part 101.69 (refers to application to FDA for nutrient labeling).

(b) Part 101.108 (refers to FDA food labeling experiments).

(c) Part 102.19 (refers to petitions to FDA for food names).

(d) Part 106.120 (refers to infant formula quality procedures).

(e) Part 107.200 (refers to FDA-mandated recall of infant formula).

(f) Part 107.280 (refers to records retention of FDA-mandated recall of infant formula).

(g) Part 108 except Parts 108.25 and 108.35 (refers to FDA emergency permit control).

(h) Part 111 (refers to dietary supplements).

(i) Part 118 (refers to shell egg producers).

(j) Part 130.5-6 (refers to FDA procedure for establishing a food standard).

(k) Part 130.17 (refers to FDA allowance for temporary food standards).

(l) Part 170.6 (refers to FDA opinion letters on food additives).

(m) Parts 170.15 and 170.17 (refers to FDA commissioner).

(4) **Availability** - The above referenced Title 21, Code of Federal Regulations, is available at the office of Director, Division of Food, Milk, and Lodging, RSA Tower, Suite 1250, 201 Monroe Street, Montgomery, Alabama 36104.

(5) **Control** - Where there is inconsistency between Chapter 420-3-20 and parts incorporated by reference of Title 21 Code of Federal Regulations, Parts 1 to 190, 2013 Revision, these rules control. Where these rules are silent, those parts incorporated by reference of Title 21 Code of Federal Regulations, Parts 1 to 190, 2013 Revision, control.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed November 19, 2014; effective December 24, 2014.

420-3-20-.03 Special Provisions.

(1) **Enforcement of certain parts reserved.** Due to special circumstances, enforcement of Title 21, Code of Federal Regulations Parts 123, 131, 133, 135, and 161 is reserved for the State Health Officer.

(2) **Water and plumbing.**

(a) When a sample of a non-public water system shows coliform present as reported by the Alabama Department of Public Health's Bureau of Clinical Laboratories, a resample shall be taken within seven days. Whenever two consecutive samples taken on separate days show coliform present, the permit to operate shall be suspended by the Health Officer in accordance with Rule 420-3-20-.04(3). A sample result of coliform absent with no confluent growth is required prior to reinstatement of the permit.

(b) Plumbing standards, sizes, and numbers, other than when a minimum is specified in these rules, are enforced by local plumbing officials.

(3) **Labels.** Any word, statement, or other information required to appear on the label shall not be considered to be in compliance unless such word, statement, or other information appears on the

outside container or wrapper of the retail package of such article, or is easily legible through the outside container or wrapper. Food labeling required by these rules shall not be false or misleading.

(4) **Multiple food establishments located at a shared physical facility.** Multiple food establishments located at a shared physical facility shall submit as part of the application for a permit a plan of operations specifying how each permitted establishment's food processing operation is separated by time or space from other food processing operations. Failure to operate in accordance with the approved plan of operations shall be cause for permit suspension under Rule 420-3-20-.04.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed November 19, 2014; effective December 24, 2014.

420-3-20-.04 Permits.

(1) **General.** It shall be unlawful for any person to operate a food-processing establishment unless such person possesses a valid permit issued by the Health Officer for the operation of such establishment. Only persons who comply with the provisions of these rules shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to person, food processing establishment or location. The permit shall be kept posted in a conspicuous place within the food-processing establishment, but shall remain the property of the Health Department.

(2) Issuance of permits.

(a) Any person desiring to operate a food-processing establishment shall make written application for a permit on forms provided by the Department. Such application shall include the name and address of each applicant, the location and type of the proposed food processing establishment, and the signature of each applicant. The permits shall be applied for and issued on forms prescribed by the Board. Permits shall automatically expire on the date upon which state, county and municipal annual privilege licenses expire or on a date designated by the Health Officer, and shall be renewable each year upon written application from the permit holder within 90 days prior to the stated date of expiration and upon compliance with these rules.

(b) Prior to approval of an application for a permit, the Health Officer shall inspect the proposed food processing establishment or review the most recent twelve months

inspection history to determine compliance with the requirements of these rules.

(c) The Health Officer may issue a permit to the applicant if his or her inspection or review of the inspection reveals that the proposed food-processing establishment complies with the requirements of these rules.

(d) It shall be unlawful for the operator of a food-processing establishment to distribute products in commerce if the operator does not possess a valid permit.

(e) The Department is hereby authorized to function as a clearinghouse for information concerning compliance of Alabama food processing establishments which distribute products in intercounty or interstate commerce.

(f) The Health Officers of recipient counties are hereby authorized to prohibit the sale and distribution of all products from any food-processing establishment located outside their jurisdiction which does not hold a valid permit.

(3) **Permit denials, suspensions, and revocations** - The Health Officer's denial, suspension and/or revocation of a permit shall be governed by the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et seq., and the State Board of Health's Rules for Hearing of Contested Cases, Chapter 420-1-3, Ala. Admin. Code.

(4) **Hearings** - Contested case hearings shall be provided in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et seq., and the State Board of Health's Rules for Hearing of Contested Cases, Chapter 420-1-3, Ala. Admin. Code. Informal settlement conferences may be conducted as provided in the State Board of Health's Rules for Hearing of Contested Cases, Chapter 420-1-3, Ala. Admin. Code.

(5) **Suspension of permits** - Permits may be temporarily suspended by an emergency order of the Health Officer for a permit holder's failure to comply with one or more requirements of these rules that pose an imminent hazard to the public health.

(6) **Revocation of permits** - The Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the Health Officer in the performance of his or her duties or for failure to comply with the provisions of a notice of permit suspension issued pursuant to Rule 420-3-20-.04(5).

(7) **Application after revocation** - Whenever the revocation of a permit has become final, the holder of the revoked permit may make

written application for a new permit after 90 days from the date of revocation.

(8) **Service of notice.** A notice provided for in these rules is properly served when it is delivered to the permit holder or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of the notice shall be filed in the records of the Health Officer.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Amended:** Filed November 19, 1987.

Repealed and New Rule: Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed November 19, 2014; effective December 24, 2014.

Ed. Note: Rule .14 was renumbered to .04 as per certification filed November 19, 2010; effective December 24, 2010.

420-3-20-.05 Inspections.

(1) **Inspection frequency.** Food processing establishments shall be inspected:

(a) At least two times each year with a maximum lapse of 210 days between inspections for Priority Category 1 food processing establishments.

(b) At least four times each year with a maximum lapse of 120 days between inspections for Priority Category 2 food processing establishments.

(c) Establishments with less than a satisfactory compliance level on the most recent inspection as evidenced by observations of ten or more enumerated violations shall be inspected again within 10 days.

(d) Legal notices shall be issued when priority items including: food source and condition; potentially hazardous food temperatures; facilities to maintain product temperature; failure to follow a HACCP plan when such plan is required by these rules; infected persons; good hygienic practices; sanitization; water supply; sewage; cross connections, back-siphonage and back-flow; toilet and handwashing facilities; vermin control; and toxic items are violated. Necessary reinspections shall be made in accordance with Rule 420-3-20-.05(4).

(e) Additional inspections of food processing establishments shall be performed as often as necessary for the enforcement of these rules.

(2) **Access.** The Health Officer, after proper identification, shall be permitted to enter any food processing establishment at any reasonable time for the purpose of making inspections to determine compliance with these rules. The Health Officer shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed, copy records if necessary as part of an inspection or investigation, and to make photographs for documentation purposes.

(3) **Report of inspections.** Whenever an inspection of a food-processing establishment is made, the findings shall be recorded on the inspection report form prescribed by the Board. Inspection remarks shall be written to reference, by rule number, the rule violated and shall state the corrections to be made. The original of the inspection report form shall be conspicuously displayed for public view within the establishment. A copy of the inspection report shall be filed with the records of the County Health Department. The completed inspection report form is a public document that shall be made available for public disclosure.

(4) **Correction of violations.**

(a) The complete inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

1. If an imminent health hazard exists, such as extended interruption of electrical or water service, complete lack of refrigeration, complete lack of hot water under pressure when required for sanitary operation, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health, the establishment shall immediately cease operations. Operations shall not be resumed until authorized by the Health Officer. A permit holder need not discontinue operations in an area of an establishment if, in the opinion of the Health Officer, the area is unaffected by the imminent health hazard.

2. Violations of priority items shall be corrected as soon as possible, but in any event, within 10 days following the inspection.

3. All other items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(b) The inspection report shall state that failure to comply with any time limits to take corrective actions may result in a proposed suspension or revocation of the permit.

(c) A deviation from a required HACCP plan that has been corrected, with the corrective action documented by the time of the inspection, is not considered a violation. This allowance does not preclude the Health Officer from taking necessary action under 420-3-20-.06 if potentially contaminated food has entered commerce.

(5) **Surveys and training.** The Department shall make Food Processing Establishment Sanitation Surveys and Program Evaluations as deemed necessary by the Board. The survey shall be made in accordance with these rules, and the results shall be incorporated in the Annual Alabama Public Health Report. The Department shall provide education and training in food processing establishment sanitation; in standardized inspection techniques; in enforcement procedures; and issue rule interpretations as needed.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Amended:** Filed November 19, 1987.

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Ed. Note: Rule .15 was renumbered to .05 as per certification filed November 19, 2010; effective December 24, 2010.

420-3-20-.06

Examination And Condemnation Of Food.

(a) Food may be examined or sampled by the Health Officer as often as necessary for enforcement of these rules.

(b) The Health Officer may, upon written notice to the owner or person in charge of the establishment and specifying with particularity the reason therefore, place a hold order on any food which he or she believes to be in violation of these rules. The Health Officer shall tag, label, or otherwise identify any food subject to the hold order.

(c) No food subject to a hold or do not sell order shall be used or moved from the establishment. The Health Officer shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case the food shall be destroyed in accordance with Code of Ala. 1975, §22-10-3.

(d) The hold or do not sell order shall state that a request for hearing may be filed within fifteen days and that if no hearing is

requested, the food shall be destroyed. If a request for hearing is received, the hearing shall be held in accordance with the Board's Rules for Hearing Contested Cases.

(e) Nothing in these rules shall be construed to prevent the Health Officer from imposing additional requirements to protect against a potential health hazard, including removing from sale or distribution in commerce a potentially adulterated food, or misbranded or mislabeled food, when, in his/her opinion, such additional requirements are necessary to protect public health.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed November 19, 2014; effective December 24, 2014.

Ed. Note: Rule .16 was renumbered to .06 as per certification filed November 19, 2010; effective December 24, 2010.

420-3-20-.07 Food Processing Establishments Outside The Jurisdiction Of The Health Officer.

Food from food processing establishments outside the jurisdiction of the State Health Officer may be sold within Alabama if such establishments conform to the provisions of these rules or to substantially equivalent rules or regulations. To determine the extent of compliance with such provisions, the State Health Officer may accept reports from responsible authorities in other jurisdictions where such food processing establishments are located.

Author: Ronald Dawsey

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule .17 was renumbered to .07 as per certification filed November 19, 2010; effective December 24, 2010.

420-3-20-.08 Review Of Plans.

(1) **Submission of plans.** Whenever a food-processing establishment is constructed or remodeled and whenever an existing structure is converted for use as a food-processing establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Officer for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of

proposed fixed equipment and facilities and, upon request of the Health Officer, a description or list of the foods to be processed, packaging labels to be used, and processing steps for the food. The Health Officer shall approve the plans and specifications if they meet the requirements of these rules. No food-processing establishment shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Health Officer. Plans shall be reviewed within 20 working days after receipt, including receipt of any required fees. Confidential material submitted to the Health Officer must be treated in accordance with the provisions of Code of Ala. 1975, §36-12-40.

(2) **Preoperational inspection.** Whenever plans and specifications are required to be submitted to the Health Officer, he or she shall inspect the food processing establishment prior to the start of operations to determine compliance with the approved plans and specifications.

Author: Ronald Dawsey

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule .18 was renumbered to .08 as per certification filed November 19, 2010; effective December 24, 2010.

420-3-20-.09

Procedure When Infection Is Suspected.

When the Health Officer has reasonable cause to suspect possible disease transmission by one or more employees of a food processing establishment, he or she shall secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Health Officer may require any or all of the following measures:

(1) The immediate exclusion of the employee(s) from employment in food processing establishments.

(2) The immediate closure of the food-processing establishment concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists.

(3) Restriction of the employee's or employees' services to some area of the establishment where there would be no danger of transmitting disease.

(4) Adequate medical and laboratory examination of the employee(s) and of his or her body discharges.

Author: Ronald Dawsey

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule .19 was renumbered to .09 as per certification filed November 19, 2010; effective December 24, 2010.

420-3-20-.10 Repealer.

Except for those rules promulgated under the authority of Code of Ala. 1975, §§22-21-20, et seq., all rules promulgated by the Board which are in conflict with these rules or any portion thereof are hereby expressly repealed.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Filed March 23, 1984. **Repealed and New Rule:** Filed November 19, 2010; effective December 24, 2010.

Ed. Note: Rule .20 was renumbered to .10 as per certification filed November 19, 2010; effective December 24, 2010. **Ed. Note:** This chapter was originally a part of Chapter 420-3-14, "Rules for Manufacture, Preparation, Display and Service of Foods, Confections and Beverages": Filed September 1, 1982. **Repealed:** Filed March 23, 1984.

420-3-20-A Appendix A.

A priority item is a provision of these rules pertaining to food operations that, if in non-compliance, is more likely than other items to contribute to food contamination or illness. These are requirements of the rules, including provisions of parts of 21 CFR adopted by reference, on:

Food source, contamination or adulteration, and spoilage,

Time and temperature requirements of potentially hazardous foods,

Adequate facilities to maintain temperatures of potentially hazardous foods,

Prevention of cross contamination,

Damaged or detained food segregated from food intended to be sold or served,

Personnel infected with a communicable disease restricted from food operations,

Hygienic practices of employees including eating, drinking, or using tobacco in a food area in any manner other than expressly allowed in the rules, or improper or inadequate handwashing,

Sanitization of equipment and utensils when necessary to prevent food contamination or adulteration,

Water from an approved source,

Hot and cold water under pressure to all utensil washing sink compartments, when required for sanitary operations.

Sewage and wastewater, including mop water, grease and spillage/runoff from garbage storage, disposed according to law,

Cross-connections, backflow and back siphonage potential,

Number, convenience and accessibility of toilets,

Number, convenience and accessibility of handwashing sinks,

Design of handwashing sink faucets, including mixing valves and timed, self-closing faucets,

Presence of insects, rodents, birds, turtles or other animals unless expressly allowed by the rules,

Failure to comply with the provisions of the establishment's Hazard Analysis Critical Control Point (HACCP) plan when such plan is required by CFR.

Toxic items stored, labeled and used properly so that potential food contamination is avoided.

Author: Ronald Dawsey, Mitzi Waldo

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-20-5.

History: Repealed and New Rule: Filed November 19, 2010; effective December 24, 2010. **Amended:** Filed November 19, 2014; effective December 24, 2014.