

**290-5-14-.01 Definitions. Amended.**

The following definitions shall apply in the interpretation and enforcement of this Chapter.

(a) "**Accredited program**" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration.

(b) "**Adulterated**" means contaminated with extraneous ingredients not usually meant for the food product and is further defined as stated in the Federal Food, Drug, and Cosmetic Act, § 402.

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

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

(e) "**a<sub>w</sub>**" means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a<sub>w</sub>.

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

(g) "**Base of Operation**" means a food service establishment, or any other place in which food, containers or supplies are kept, handled, prepared, packaged or stored for subsequent transport, sale or service elsewhere.

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

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

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

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

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

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

(n) "**CFR**" means Code of Federal Regulations. Citations in this Chapter to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010. This section of the CFR contains all general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

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

(p) "**Color additive**" means a dye, pigment, or other substance that is capable of imparting color and is further defined as stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.

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

(r) "**Comminuted**" means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

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

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

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

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

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

(x) "**County board of health**" means the Board of Health as established by O.C.G.A. § 31-3-1.

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

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

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

(bb) "**Department**" means the Department of Human Resources, State of Georgia.

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

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

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

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(ff) "**Easily cleanable**" means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. It includes a tiered application of the criteria that qualify the surface as easily cleanable to different situations in which varying degrees of cleanability are required such as: the appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or the need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

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

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

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

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

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

(ll) "**Enterohemorrhagic Escherichia coli**" (EHEC) means E. coli which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with E. coli that have the capacity to produce Shiga toxins and to cause attaching and effacing lesions in the intestine.

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

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

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

(pp) "**Extended food service unit**" means a stationary trailer, kiosk or similar unit operating as an extension of a commissary or a permitted food service establishment on the same property.

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

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

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

(tt) "**Food additive**" means any substance that may become a component of food as defined in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.3(e)(1).

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

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

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

(xx) "**Food processing plant**" means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments.

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(yy) "**Food service establishment**" means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; institutions both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include a "food sales establishment," as defined in the Code Section 26-2-21, except as stated in this definition. *The food service component of any food sales establishment defined in Code Section 26-2-21 shall not be included in this definition. This term shall not include any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor public school function or any outdoor private school function. This term also shall not mean establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of a fair or festival which:*

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

*2. Lasts 120 hours or less; and*

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

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

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

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

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

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

(eee) "**Handwashing sink**" means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and it includes an automatic handwashing facility.

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

(ggg) "**Health authority**" means the Department, or the County Board of Health acting as its agent.

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

(iii) "**Hermetically sealed container**" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

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

(kkk) "**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.

(lll) "**Injected**" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping."

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

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(nnn) "**Kitchenware**" means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

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

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

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

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

(sss) "**Meat**" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except fish, poultry, and wild game animals.*

(ttt) "**Mobile food service unit**" means a trailer, pushcart, vehicle vendor or any other conveyance operating as an extension of a base of operation or a permitted food service establishment.

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

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

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

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

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

(zzz) "**Person in charge**" means the individual present at a food service establishment who is responsible for the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present is the person in charge.

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

(bbbb) "**pH**" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

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

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

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

(ffff) "**Poisonous or toxic materials**" means substances that are not intended for ingestion and are included in four (4) categories:

1. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals;
2. Pesticides, *except sanitizers*, which include substances such as insecticides and rodenticides;
3. Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
4. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale such as petroleum products and paints.

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(gggg) **“Potentially Hazardous Food. (Time/Temperature Control For Safety Food)”**.

1. **“Potentially hazardous food (time/temperature control for safety food)”** means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

2. **“Potentially hazardous food (time/temperature control for safety food)”** includes an animal food that is raw or heat- treated; a plant food that is heat-treated or consists of raw seed sprouts; cut melons; cut tomatoes; or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth or toxin formation; and except as specified in 3.(iv) of this definition, a food that because of the interaction of its  $a_w$  and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

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

\* PHF means Potentially Hazardous Food  
 \*\* TCS food means Time/Temperature Control for Safety food  
 \*\*\* PA means Product Assessment required

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

3. **“Potentially hazardous food (time/temperature control for safety food)”** does not include:

(i) *An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been treated to destroy all viable Salmonellae;*

(ii) *A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;*

(iii) *A food that because of its pH or a<sub>w</sub> value, or interaction of a<sub>w</sub> and pH values, is designated as a non-PHF/non-TCS food in Table A or B of this definition; or*

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

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

*(II) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or*

*(III) A combination of intrinsic and extrinsic factors; or*

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

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

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

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

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

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

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

(nnnn) **Ready-to-Eat Food.**

1. "**Ready-to-eat food**" means food that is in a form that is edible without additional preparation to achieve food safety, or is a raw or partially cooked animal food and the consumer is advised, or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

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2. **“Ready-to-eat food”** includes:

- (i) Raw animal food that is cooked or frozen;
- (ii) Raw fruits and vegetables that are washed;
- (iii) Fruits and vegetables that are cooked for hot holding;
- (iv) All potentially hazardous food (time/temperature control for safety food) that is cooked to the temperature and time required for the specific food and cooled;
- (v) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- (vi) Substances derived from plants such as spices, seasonings, and sugar;
- (vii) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;
- (viii) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and
- (ix) Foods manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(0000) **Reduced Oxygen Packaging.**

1. **"Reduced oxygen packaging"** means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

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

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

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

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

(v) Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotropic pathogens.

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

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

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

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

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

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

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

**290-5-14-.01 Definitions. Amended.** (cont.)

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

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

2. An additive that is used as specified in Sections 409 or 706 of the Federal Food, Drug, and Cosmetic Act; or

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

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

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

(zzzz) "**Service animal**" means an animal such as a guide dog, signal dog, ~~or~~ capuchin monkey, or other animal that is individually trained to provide assistance to an individual with a disability.

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

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

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

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

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

(ffff) "**Shiga toxin - producing Escherichia coli**" (STEC) means any E. coli capable of producing Shiga toxins ( also called verocytotoxins or "Shiga-like" toxins ). Examples of serotypes of STEC include both O157 and non - O157 E. coli. Also see Enterohemorrhagic Escherichia coli.

**290-5-14-.01 Definitions. Amended.** (cont.)

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

(hhhhh) "**Single-service articles**" means tableware, carry-out utensils and other items such as cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.

(iiii) "**Single-use articles**" means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten (10) cans which are not considered durable and cannot be cleaned and sanitized by an approved method.

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

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

(llll) "**Special food service operation**" means a mobile food service unit, extended food service unit, or temporary food service operation.

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

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

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

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

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

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

**290-5-14-.01 Definitions. Amended. (cont.)**

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

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

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

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

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

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