

290-5-14-.07 Physical Facilities.**(1) Materials for Construction and Repair.**

(a) **Indoor Materials.** Materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

1. Smooth, durable, and easily cleanable for areas where food service establishment operations are conducted;
2. Closely woven and easily cleanable carpet for carpeted areas; and
3. Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food service unit servicing areas, and areas subject to flushing or spray cleaning methods.

(b) Outdoor Surfaces.

1. The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been approved by the Health Authority and have been graded to drain.
2. Exterior surfaces of buildings shall be of weather-resistant materials and shall comply with law.

(2) Design, Construction, and Installation.

(a) **Floors, Walls, and Ceilings, Cleanability.** *Except as specified under subsection (2)(d) of this Rule and except for antislip floor coverings or applications that may be used for safety reasons,* floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable.

(b) Utility Lines.

1. Utility service lines and pipes may not be unnecessarily exposed.
2. Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
3. Exposed horizontal utility service lines and pipes may not be installed on the floor.

(c) Floor and Wall Junctures, Coved, and Enclosed or Sealed.

1. In food service establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second inch (1 mm).
2. The floors in food service establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

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(d) Floor Carpeting, Restrictions and Installation.

1. A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing sinks, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

2. If carpeting is installed as a floor covering in areas other than those specified under 1 of this subsection, it shall be:

(i) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and

(ii) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

(e) Floor Covering, Mats and Duckboards. Mats and duckboards shall be designed to be removable and easily cleanable.

(f) Wall and Ceiling Coverings and Coatings.

1. Wall and ceiling covering materials shall be nonabsorbent, light colored, and attached so that they are easily cleanable.

2. *Except in areas used only for dry storage*, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(g) Walls and Ceiling, Attachments.

1. Except as specified in 2 of this subsection, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

2. *In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.*

(h) Walls and Ceilings, Studs, Joists, and Rafters. *Except for temporary food service establishments*, studs, joists, and rafters may not be exposed in areas subject to moisture.

(i) Light Bulbs, Protective Shielding.

1. Except as specified in 2 of this subsection, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

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2. *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:*

(i) The integrity of the packages can not be affected by broken glass falling onto them; and

(ii) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

3. An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(j) Heating, Ventilating, Air Conditioning, System Vents. Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

(k) Insect Control Devices, Design and Installation.

1. Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

2. Insect control devices shall be installed so that:

(i) The devices are not located over a food preparation area; and

(ii) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

(l) Toilet Rooms, Enclosed. *Except where a toilet room is located outside a food service establishment and does not open directly into the food service establishment such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door.*

(m) Outer Openings, Protected.

1. Except as specified in 2, 3, and 5, and under 4 of this subsection, outer openings of a food service establishment shall be protected against the entry of insects and rodents by:

(i) Filling or closing holes and other gaps along floors, walls, and ceilings;

(ii) Closed, tight-fitting windows; and

(iii) Solid, self-closing, tight-fitting doors.

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2. *The requirements in 1 of this subsection does not apply if a food service establishment opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.*

3. *Exterior doors used as exits need not be self-closing if they are:*

(i) *Solid and tight-fitting;*

(ii) *Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the food establishment; and*

(iii) *Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.*

4. Except as specified in 2 and 5 of this subsection, if the windows or doors of a food service establishment, or of a larger structure within which a food service establishment is located, are kept open for ventilation or other purposes or a temporary food service establishment is not provided with windows and doors as specified under 1 of this subsection, the openings shall be protected against the entry of insects and rodents by:

(i) 16 mesh to 1 inch (16 mesh to 25.4 mm) screens;

(ii) Properly designed and installed air curtains to control flying insects; or

(iii) Other effective means.

5. *The requirement in 4 of this subsection does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.*

(n) **Exterior Walls and Roofs, Protective Barrier.** Perimeter walls and roofs of a food service establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(o) **Outdoor Food Vending Areas, Overhead Protection.** *Except for machines that vend canned beverages,* if located outside, a machine used to vend food shall be provided with overhead protection.

(p) **Outdoor Servicing Areas, Overhead Protection.** *Except for areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses,* servicing areas shall be provided with overhead protection.

(q) **Outdoor Walking and Driving Surfaces, Graded to Drain.** Exterior walking and driving surfaces shall be graded to drain.

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(r) **Outdoor Refuse Areas, Curbed and Graded to Drain.** Outdoor refuse areas shall be constructed in accordance with Law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

(s) **Private Homes and Living or Sleeping Quarters, Use Prohibition.** A private home kitchen, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be used for conducting food service establishment operations.

(t) **Living or Sleeping Quarters, Separation.** Living or sleeping quarters located on the premises of a food service establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food service establishment operations by complete partitioning and solid self-closing doors.

(3) Numbers and Capacities.

(a) **Handwashing Cleanser, Availability.** Each handwashing sink or group of two (2) adjacent handwashing sinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

(b) **Hand Drying Provision.** Each handwashing sink or group of adjacent handwashing sinks shall be provided with:

1. Individual, disposable towels;
2. A continuous towel system that supplies the user with a clean towel; or
3. A heated-air hand drying device.

(c) **Handwashing Aids and Devices, Use Restrictions.** A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing sink.

(d) **Handwashing Signage.** A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing sinks used by food employees and shall be clearly visible to food employees.

(e) **Toilet Tissue, Availability.** A supply of toilet tissue shall be available at each toilet.

(f) **Lighting Intensity.** The light intensity shall be:

1. At least 10 foot candles (108 lux) at a distance of 30 inches (75 cm) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

2. At least 20 foot candles (215 lux):

- (i) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;

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(ii) Inside equipment such as reach-in and under-counter refrigerators;

(iii) At a distance of 30 inches (75 cm) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and

3. At least 50 foot candles (540 lux) at a surface where a food service employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

(g) **Mechanical Ventilation.** If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

(h) **Dressing Areas and Lockers.**

1. Dressing rooms or dressing areas shall be designated and used if employees routinely change their clothes in the establishment.

2. Lockers or other suitable facilities shall be provided and used for the orderly storage of employees' clothing and other possessions.

(4) Location and Placement.

(a) **Toilet Rooms Convenience and Accessibility.** Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(b) **Designated Areas for Employee Activity.**

1. Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.

2. Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens and single-service and single-use articles can not occur.

(c) **Segregation and Location.**

Products that are held by permit holder for credit, redemption, or returned to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

(5) Maintenance and Operation.

(a) **Good Repair.** All physical facilities shall be maintained in good repair.

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1. The physical facilities shall be cleaned as often as necessary to keep them clean and by methods that prevent contamination of food products.

2. *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.*

(c) Dustless Methods of Cleaning Floors.

1. Only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds, except for emergency spills that occur between normal cleaning times.

2. *Spills or drippage on floors that occur between normal floor cleaning times may be cleaned: without the use of dust-arresting compounds; and in the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.*

(d) Cleaning Ventilation Systems, Nuisance and Discharge Prohibition. Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials. If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

(e) Cleaning Maintenance Tools, Preventing Contamination. Food preparation sinks, handwashing sinks, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

(f) Drying Mops. After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(g) Absorbent Materials on Floors, Use Limitation. Except as specified in subsection (5)(c)2 of this Rule, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

(h) Cleaning of Plumbing Fixtures. Plumbing fixtures such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean and maintained.

(i) Closing Toilet Room Doors. *Except during cleaning and maintenance operations, toilet room doors as specified under subsection (2)(1) of this Rule shall be kept closed.*

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(j) Using Dressing Rooms and Lockers.

1. Dressing rooms shall be used by employees if the employees regularly change their clothes in the establishment.

2 Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

(k) Controlling Pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

1. Routinely inspecting incoming shipments of food and supplies;
2. Routinely inspecting the premises for evidence of pests;
3. Using methods, if pests are found, such as trapping devices or other means of pest control as specified under subsections (6)(e), (6)(m), and (6)(n) of this Rule; and
4. Eliminating harborage conditions.

(l) Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests. Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

(m) Maintenance Tools. Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

1. Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and
2. Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.
3. If wet, placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(n) Maintaining Premises. The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used and litter.

(o) Prohibiting Animals.

1. Except as specified in 2 and 3 of this subsection, live animals may not be allowed on the premises of a food service establishment.

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(cont.)

2. *Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result:*

(i) *Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;*

(ii) *Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;*

(iii) *In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee, person or trainer of such animal, if a health or safety hazard will not result from the presence or activities of the service animal;*

(iv) *Pets in the common dining areas of group residences or institutional care facilities at times other than during meals if:*

(I) *Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas; and*

(II) *Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and*

(III) *Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and*

(v) *In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.*

3. *Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.*

(6) Poisonous or Toxic Materials.

(a) **Original Containers, Identifying Information.** Containers of poisonous or toxic materials shall bear a legible manufacturer's label.

(b) **Working Containers, Common Name.** 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.

(c) **Storage, Separation.** Poisonous or toxic materials shall be stored so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

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(cont.)

1. Separating the poisonous or toxic materials by spacing or partitioning; and
2. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. *This requirement does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.*

(d) Restriction.

1. Only those poisonous or toxic materials that are required for the operation and maintenance of the food service establishment, such as for the cleaning and sanitizing of equipment and utensils, and the control of insects and rodents shall be allowed in a food service establishment.
2. *The requirement in 1 of this subsection does not apply to packaged poisonous or toxic materials that are for retail sale.*

(e) Conditions of Use.

1. Poisonous or toxic materials shall be used according to:
 - (i) Law and this Chapter;
 - (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 service establishment,
 - (iii) The conditions of certification, if certification is required, for use of the pest control materials, and
 - (iv) Additional conditions that may be established by the Health Authority; and
2. Be 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, and for a restricted use pesticide, this is achieved by:
 - (I) Removing the items,
 - (II) Covering the items with impermeable covers, or
 - (III) Taking other appropriate preventive actions, and

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(cont.)

(IV) Cleaning and sanitizing equipment and utensils after the application.

3. A restricted use pesticide shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a person under the direct supervision of a certified applicator.

(f) **Poisonous or Toxic Materials Containers, Prohibition.** A container previously used to store poisonous or toxic materials shall not be used to store, transport, or dispense food.

(g) **Chemical Sanitizers, Criteria.** Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions).

(h) **Chemicals for Washing Fruits and Vegetables, Criteria.** Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

(i) **Boiler Water Additives, Criteria.** Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310 Boiler Water Additives.

(j) **Drying Agents, Criteria.** Drying agents used in conjunction with sanitization shall:

1. Contain only components that are listed as one of the following:

(i) Generally recognized as safe for use in food as specified in 21 CFR 182 – Substances Generally Recognized as Safe, or 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe,

(ii) Generally recognized as safe for the intended use as specified in 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe,

(iii) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181 – Prior-Sanctioned Food Ingredients,

(iv) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 175-178, or

(v) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles;

2. When sanitization is with chemicals, the approval required under 1(iii) or 1(v) of this subsection or the regulation as an indirect food additive required under 1(iv) of this subsection, shall be specifically for use with chemical sanitizing solutions.

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(k) **Lubricants, Incidental Food Contact Criteria.** Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.

(l) **Restricted Use Pesticides, Criteria.** Restricted use pesticides specified under subsection (6)(e)3 of this Rule shall meet the requirements specified in 40 CFR 152 Subpart I - Classification of Pesticides.

(m) **Rodent Bait Stations.** Rodent bait shall be contained in a covered, tamper-resistant bait station.

(n) **Tracking Powders, Pest Control and Monitoring.** A tracking powder pesticide may not be used in a food service establishment. If used, a nontoxic tracking powder such as talcum or flour may not contaminate food, equipment, utensils, linens, and single-service and single-use articles.

(o) **Medicines, Restriction and Storage.**

1. *Except for medicines that are stored or displayed for retail sale, only those medicines that are necessary for the health of employees shall be allowed in a food service establishment.*

2. Medicines that are in a food service establishment for the employee's use shall be labeled with a legible manufacturer's label and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles; and located so they are inaccessible to children.

(p) **Refrigerated Medicines, Storage.** Medicines belonging to employees or that require refrigeration and are stored in a food refrigerator shall be stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines.

(q) **First-aid Supplies, Storage.** First-aid supplies that are in a food service establishment for the employee's use shall be:

1. Labeled with the manufacturer's label; and
2. Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.

(r) **Other Personal Care Items, Storage.** Except as specified under subsections (6)(p) and (6)(q) of this Rule, employees shall store their personal care items in lockers or other facilities for orderly storage.

(s) **Stock and Retail Sale.** Poisonous or toxic materials shall be stored and displayed for retail sale so they can not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

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(cont.)

1. Separating the poisonous or toxic materials by spacing or partitioning; and
2. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

Authority O.C.G.A. 26-2-373, 31-2-4. Administrative History. Original Rule entitled "Processing of Application" was filed and effective on July 19, 1965 as 270-5-6-.07. Amended: Rule repealed and a new Rule entitled "Display and Service" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.07 Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Sanitary Facilities and Controls" 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 entitled "Physical Facilities" adopted. Filed Jan. 26, 2006; effective Feb. 15, 2006. Amended: Rule repealed and a new Rule entitled "Physical Facilities and Toxic Materials" 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.