

**The Oregon Administrative Rules contain OARs filed through February 15,
2005**

DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH

**DIVISION 162
MOBILE FOOD UNITS OR PUSHCARTS
Definitions, Administration, and
General Requirements
333-162-0000**

As used in OAR 333-162-0000 to and including 333-162-1020

- (1) "Adulterated" means vermin or rodent infested, or containing any toxic chemical or additive, fecal material from animal or human sources, pathogenic organisms, vermin, rodent or insect parts, or other substances that are hazardous or unfit for human consumption.
- (2) "Assistant Director" means the Assistant Director for Health or authorized representative.
- (3) "Approved" shall mean approved by the Oregon Health Division, herein known as the Division, or the Administrator or authorized representative.
- (4) "Assembly" means the act of putting together foods that do not require further preparation. This includes, among other things placing a hot dog in a bun, or placing beans, lettuce, and cheese in a tortilla.
- (5) "Base of operation" means the licensed restaurant, commissary, or warehouse that functions as the area for servicing a mobile food unit or vending operation.
- (6) "Close" is to summarily stop the operation of a mobile food unit pursuant to [ORS 624.370](#).
- (7) "Combination facility" means any establishment located within a single structure or at a single site, but which is engaged in activities which are subject to licensing or inspecting requirements of both the Health Division and the Oregon Department of Agriculture, and which regulated activities are common to the same operator.
- (8) "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored, and from which mobile food units or vending machines are serviced.
- (9) "Complete inspection" means any inspection conducted at the election of licensing agency evaluating for all items on the inspection form.
- (10) "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged contact with food, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use.
- (11) "Critical violations" are those items on the inspection report which, if they remain uncorrected, create an imminent or potential danger to public health.
- (12) "Critical violations creating an imminent danger to public health" means those critical violations in which at least one of the following conditions exist:
 - (a) Food and drink is spoiled, unwholesome, or contaminated with pathogenic or fecal organisms, toxic chemicals, insect or rodent parts or excreta, or other harmful substances or articles;
 - (b) Readily perishable foods have been kept at temperatures above 45 degrees F. and below 140 degrees F. for four (4) hours or more;
 - (c) Food handlers have been diagnosed or are suspected of having any of the following in a communicable stage:
 - (A) Amebiasis;
 - (B) Cholera;
 - (C) Diarrhea (until a non-infectious cause is identified);
 - (D) Hepatitis A and type unspecified;
 - (E) Salmonellosis;
 - (F) Shigellosis;

- (G) Staphylococcal skin infections;
- (H) Streptococcal infections;
- (I) Vomiting (until a non-infectious cause is identified).
- (13) "Critical violations creating a potential danger to public health" means all critical violations other than those which create an imminent danger to public health.
- (14) "Danger to public health" is a condition which is conducive to propagation or transmission of pathogenic organisms or, a chemical or physical hazard which presents a reasonably clear possibility that the public is exposed to physical suffering or illness.
- (15) "Department" means the Oregon Department of Agriculture.
- (16) "Division" means the Oregon Health Division of the Oregon Department of Human Resources.
- (17) "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (18) "Employee" means the permit holder, individuals having supervisory or management duties and any other person working in a mobile food unit.
- (19) "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, steam tables, and similar items other than utensils, used in the operation of a mobile food unit.
- (20) "Extensively remodeled" means a major change in a mobile food unit's mechanical, plumbing, electrical or structural systems.
- (21) "Food" means any raw, cooked or processed edible substance, beverage or ingredient, including ice, used or intended for use in whole, or in part, for human consumption.
- (22) "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.
- (23) "Food handler" means any person involved in the preparation or service of food in a mobile food unit licensed under [ORS 624.320](#).
- (24) "Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- (25) "Inspection form" is the report of inspection results written on a form approved by the Division.
- (26) "Integral" means that all equipment associated with a mobile food unit must be rigidly and physically attached to the unit without restricting the mobility of the unit while in transit. This does not preclude the use of a barbecue unit in conjunction with a Class IV mobile food unit.
- (27) "Kitchenware" means all multi-use utensils other than tableware.
- (28) "Leftovers" are those food items cooked, prepared, or assembled for use that same day, but not served or sold.
- (29) "Law" includes Federal, State, and local statutes, ordinances, and regulations.
- (30) "Mishandled" means contaminated, adulterated, handled by a person known or suspected of having a disease or infection transmissible by food or beverage; or, in the case of readily perishable food or beverage, any product allowed to remain at temperatures between 45 degrees F. and 140 degrees F. for four hours or more.
- (31) "Mobile food unit" means any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer. This does not include structures which require a special permit from the Oregon Department of Transportation to be moved.
- (32) "Non-perishable food" shall mean food which is not readily perishable and includes beverages such as soft drinks and fruit juices served in sealed pre-packaged containers; pasteurized alcoholic beverages served in original containers; and coffee or tea.
- (33) "Operator" means any person, who by contract, agreement or ownership is in responsible charge of the day-to-day operation of a mobile food unit.
- (34) "Packaged" means bottled, canned, cartoned, or securely wrapped.
- (35) "Person" means any individual, partnership, corporation, company, firm, institution, association or any other public or private entity.
- (36) "Person in charge" means the individual present in a mobile food unit who is the supervisor of the mobile food unit at the time of inspection. If no individual is the supervisor, then any employee present is the person in charge.
- (37) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less. "Potentially hazardous food" and "readily perishable food" shall mean the same.

- (38) "Preparation" means the process whereby food is transformed into such a form as to be consumable by the mobile food unit patron. This includes, but is not limited to, slicing or dicing vegetables, grating cheese, portioning foods, slicing sandwiches, blending foods, or cooking and reheating foods.
- (39) "Product contact surface" means any surface of the mobile food unit, appurtenance or container which comes into direct contact with any food, beverage or ingredient.
- (40) "Raw-to-Finish" means cooking foods that are potentially hazardous when in a raw state to a finished, edible state. This practice includes, among other things, cooking raw hamburgers or barbecuing raw meats.
- (41) "Readily perishable food" shall mean the same as "Potentially hazardous food."
- (42) "Recheck inspection" means an inspection to determine whether specified corrections have made for violations identified in previous inspections.
- (43) "Reconstituted" means dehydrated food products recombined with water or other liquids.
- (44) "Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the mobile food unit.
- (45) "Sanitary" shall mean, unless the context requires otherwise, free from pollution, depredation, microorganisms, flies, roaches, rodents, other vermin, dust, soil, filth, leakage, or other contamination.
- (46) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
- (47) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.
- (48) "Semi-annual inspections" are unannounced complete inspections conducted twice during the calendar year; one in each half of the year, but not less than 90 days or more than 270 days apart.
- (49) "Single service" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded.
- (50) "Spoiled" means putrid, decomposed or diseased so as to be unfit for human consumption.
- (51) "Tableware" means multi-use eating and drinking utensils.
- (52) "Transport vehicle" means a vehicle used to transport foods or utensils from the base of operation to a mobile food unit.
- (53) "Utensil" means any implement used in the storage, preparation, transportation, or service of food.
- (54) "Vehicle" means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, and includes vehicles that are propelled or powered by any means. This definition includes watercraft.
- (55) "Violation" means any condition which fails to meet any requirement of ORS Chapter 624 or OAR 333-162-0000 through 333-162-1020 adopted pursuant to [ORS 624.390](#).
- (56) "Warehouse" means any place where food, utensils, single-service articles, and cleaning or servicing supplies for mobile food units are stored.
- Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0010

Administration of these Rules

- (1) If any provision or application of any provision of these rules is held invalid, that invalidity shall not affect other provisions or applications of these rules.
- (2) After the effective date of these rules, mobile food units must be upgraded to meet all aspects of these rules when:
 - (a) The mobile food unit is extensively remodeled; or
 - (b) The mobile food unit has been reopened after a being unlicensed during an entire licensing year.
- (3) Equipment that was installed in a mobile food unit prior to the effective date of these rules and that does not fully meet all of the design and fabrication requirements of these rules, shall be deemed acceptable in the mobile food unit if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of these rules shall meet the requirements in these rules.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 17-1993, f. & cert. ef. 10-14-93; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0020

Mobile Food Units, General Requirements

- (1) Mobile food units shall comply with the requirements of these rules. The Division may impose additional requirements to protect against health hazards related to the conduct of the mobile food unit operation and may prohibit the sale of potentially hazardous food.
- (2) There are four types of mobile food units:
 - (a) Class I. These mobile food units can serve only intact, packaged foods and non-perishable drinks. No preparation or assembly of foods or beverages may take place on the unit. Beverages which are not potentially hazardous may be provided from covered urns or dispenser heads only. No dispensed ice is allowed;
 - (b) Class II. These mobile food units may serve foods allowed under Class I and provide hot and cold holding display areas from which unpackaged foods are displayed. Self-service by customers of unpackaged foods is not allowed. Preparation, assembly or cooking of foods is not allowed on the unit;
 - (c) Class III. These mobile food units may serve any food item allowed under Class I and II mobile food units, and may cook, prepare and assemble food items on the unit. However, cooking of raw animal foods on the unit is not allowed;
 - (d) Class IV. These mobile food units may serve a full menu.
- (3) All operations and/or equipment shall be an integral part of the mobile food unit. This does not preclude the use of a barbecue unit used in conjunction with a Class IV mobile food unit. The barbecue, however, may only be used under the following conditions:
 - (a) It must be used in close proximity to the mobile food unit;
 - (b) Food shall only be cooked on the barbecue. Processing, portioning, preparation, or assembly of food must be conducted from inside the mobile food unit; and
 - (c) A handwashing system shall be provided adjacent to the barbecue as specified in 333-162-0650(2) and (3).
- (4) Mobile food unit operators may provide up to 8 seats for customers if restrooms which meet the requirements of 333-162-0640 are provided, and the restroom is readily accessible. The restroom must have a handwashing facility which provides hot and cold running water and meets the requirements of 333-162-0650(3), (5), and (6). All seating must be able to be quickly removed for transport.
- (5) Auxiliary storage may be provided if it is limited to impervious, nonabsorbent, covered containers stored in such a manner as to preclude contamination or infestation. Auxiliary storage shall be limited to 12 cubic feet. No self-service, assembly or preparation activities may occur from the auxiliary storage container.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 17-1993, f. & cert. ef. 10-14-93; HD 7-1994, f. & cert. ef. 2-24-94; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0030

Mobile Unit Operation, General

Mobile food units shall remain mobile at all times during operation. The wheels of the unit shall not be removed from the unit at the operating location. A removable tongue may be allowed if the tongue can be removed with the use of only simple tools and the tools are available on the unit at all times. Removable skirting, steps, or decorative planters may be used if these items can be transported in the unit and can be removed prior to transit.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0040

Base of Operation

- (1) Mobile food units shall operate from a licensed restaurant, commissary or warehouse.
- (2) If only prepackaged goods are sold, a warehouse may be accepted in lieu of a commissary.
- (3) Notwithstanding section (1) of this rule, self-contained mobile food units may not be required to have a base of operation if the unit contains all the equipment and utensils necessary to assure the following:
 - (a) Maintaining proper hot and cold food temperatures during storage and transit;
 - (b) Providing adequate facilities for cooling and reheating of foods;
 - (c) Providing adequate handwashing facilities;
 - (d) Providing adequate dishwashing facilities and assuring proper cleaning and sanitizing of the unit;
 - (e) Obtaining food and water from approved sources;
 - (f) Sanitary removal of waste water and garbage at approved locations.
- (4) The ability to operate without a base of operation shall be determined by the regulatory authority.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 17-1993, f. & cert. ef. 10-14-93; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0050

Exceptions

Class I mobile food units need not comply with the requirements of the rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0060

Food Supplies, General

All food and drink offered for sale through a mobile food unit shall be clean, wholesome, free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances or articles and so prepared, stored, handled, displayed as to be safe for human consumption and shall be manufactured, processed and prepared in establishments which comply with Oregon Revised Statutes 603, 616, 621, 622, 624, 625, 632, 635, and the administrative rules written thereunder and Title 21 CFR, Chapter 1, Section 1 to 129. The use of food in hermetically sealed containers that was not prepared in a licensed food processing establishment is prohibited.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 17-1993, f. & cert. ef. 10-14-93; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0070

Special Requirements

(1) All milk, fluid milk products, ice cream, and other frozen desserts served shall be from sources which meet the requirements of ORS Chapter 621 and the administrative rules thereunder. Dry milk and dry milk products shall be made from pasteurized milk and milk products.

(2) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an interstate certification number issued by the State or foreign shellfish control agency.

(3) Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

(4) Sulfur dioxide, sodium sulfite, sodium bisulfite, potassium bisulfite, sodium metabisulfite and potassium metabisulfite shall not be used in solution to dip, soak, spray or rinse fresh foods or foods to be consumed without cooking nor may these chemicals be added to or mixed singularly or in combination to any food product in any mobile food unit. Preservative products or additives containing one or more of these compounds may not be kept or stored in any mobile food unit subject to these rules. Fresh vegetables, fresh salad items and fresh fruits to which these chemicals have been added during preparation or handling before delivery to a mobile food unit, shall not be served. This does not prohibit the use or serving of grapes, to which sulfites have been applied in accordance with the provisions of ORS Chapters 616 and 634, in facilities licensed under [ORS 624.310](#) to [624.440](#).

(5) Notwithstanding subsections (1) through (4) above, if an extraordinary situation exists where private persons, businesses or volunteer groups donate food to a benevolent organization, the organization shall inspect all donated food to ensure its fitness for human consumption, and discard all food which is unwholesome. The following donated food items are approved for use by benevolent organizations:

(a) Commercially prepared foods, canned goods, and milk products, marine and freshwater fisheries products or meat animals; i.e., cattle, sheep, goats, equine, swine, poultry or rabbits obtained from facilities licensed by the Department of Agriculture or the Health Division according to Oregon Revised Statutes 603, 616, 621, 622, 624, 625 and 635;

(b) Home baked bread, rolls, pies, cakes, doughnuts or pastries not having perishable fillings, icings, toppings or glazes;

(c) Fresh fruit and produce from private gardens or commercial growers;

(d) Salvageable food which has lost the label or which has been subjected to possible damage due to accident, fire, flood, adverse weather or similar cause. Reconditioning of salvageable food shall be conducted according to the 1984 Model Food Salvage Code recommended by the Association of Food and Drug Officials and U.S. Department of Health and Human Services;

(e) Other food as may be approved by the Assistant Director upon prior notification by the donator or benevolent organization;

(f) A sign with letters at least 2-1/2" in height shall be posted in public view that states, "Food items served at this location may have been obtained from unlicensed, non-inspected sources."

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0080

Food Protection, General

At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be 45 degrees F. or below or 140 degrees F. or above at all times, except as otherwise provided in these rules.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0090

Emergency Occurrences

In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action it deems necessary to protect the public health.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0100

Food Storage, General

(1) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage.

(2) Containers of food shall be stored a minimum of 6 inches above the floor or in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

(a) Metal pressurized beverage containers, and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture; or

(b) Containers may be stored on dollies, racks or a 4-inch platform with a sealed base.

(3) The storage of food in toilet rooms is prohibited.

(4) Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

(5) Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

(6) Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the original product container or package in which it was obtained, shall be stored in a container identifying the food by common name.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0110

Refrigerated Storage

(1) Enough conveniently located refrigeration units or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each refrigeration unit or storage

device storing potentially hazardous food shall be provided with a numerically scaled spirit stem indicating thermometer accurate to ± 3 degrees F., located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to ± 3 degrees F. may be used in lieu of indicating thermometers. Refrigerators equipped with a temperature gauge visible from the exterior are acceptable.

(2) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45 degrees F. or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed 4 hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45 degrees F. or below unless maintained in accordance with OAR 333-162-0120. Leftovers not cooled and transported in compliance with this rule or OAR 333-162-0120 shall be discarded.

(3) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0120

Hot Storage

(1) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to ± 3 degrees F., located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to ± 3 degrees F., may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, hot lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

(2) The internal temperature of potentially hazardous foods requiring hot storage shall be 140 degrees F. or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140 degrees F. or above unless maintained in accordance with OAR 333-162-0110.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0130

Food Preparation, General

(1) Food shall be prepared with a minimum of manual contact. Food shall be prepared on food-contact surfaces and with utensils which are clean and have been sanitized.

(2) Each time there is a change in processing between raw beef, raw pork, raw poultry, or raw seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which are clean and have been sanitized.

(3) Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products should be prepared from chilled products.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0140

Raw Fruits and Raw Vegetables

Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 10-1997, f. & cert. ef. 7-8-97

333-162-0150

Cooking Potentially Hazardous Foods

Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees F. except that:

(1) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees F. with no interruption of the cooking process.

- (2) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees F. When such products are cooked in a microwave oven the internal temperature shall reveal at least 170 degrees F.
- (3) Rare roast beef shall be cooked to an internal temperature of at least 130 degrees F. When beef roasts are cooked in a microwave oven the internal temperature shall read at least 145 degrees F.
- (4) Rare beef steak shall be cooked to an internal temperature of 130 degrees F.
- (5) Ground beef and foods containing ground beef shall be cooked to an internal temperature of 155 degrees F.
- (6) With the exception of sections (1), (2), and (3) of this rule, the immediate consumer may order a potentially hazardous food item uncooked or at any stage of cooking.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0160

Dehydrated Milk, Dehydrated Milk Products and Nondairy Products

(1) Dehydrated milk and milk products may be used under the following circumstance:

- (a) Such products shall be obtained from approved sources licensed by the Department of Agriculture;
 - (b) All dehydrated milk products and ingredients shall be made only from pasteurized milk;
 - (c) Such products shall be stored dry and handled in a manner which precludes contamination.
- (2) Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled to 45 degrees F. or below within 4 hours after preparation.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0170

Liquid, Frozen, Dry Eggs and Egg Products

Unpasteurized liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0180

Reheating

Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165 degrees F. or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0190

Product Thermometers

Metal stem-type numerically scaled indicating thermometers, accurate to ± 2 degrees F., shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0200

Thawing Potentially Hazardous Foods

Potentially hazardous foods shall be thawed:

- (1) In refrigerated units at a temperature not to exceed 45 degrees F.;
- (2) Under potable running water of a temperature of 70 degrees F. or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
- (3) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
- (4) As part of the conventional cooking process.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0210

Holding Temperatures for Potentially Hazardous Foods

Potentially hazardous food shall be kept at an internal temperature of 45 degrees F. or below or at an internal temperature of 140 degrees F. or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130 degrees F.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0220

Milk, Cream and Nondairy Product Dispensing

(1) Pasteurized milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or dispensed from a commercially filled container of not more than one gallon capacity which can be opened without manual contact on the pour spout, or dispensed from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser.

(2) Cream or half-and-half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

(3) When unpasteurized milk is provided in a mobile food unit, the following provisions must be met:

(a) Unpasteurized milk must be obtained from a raw milk dairy licensed by the Oregon State Department of Agriculture;

(b) It may be used only for drinking;

(c) It must be served in the original individual portion container in which it is obtained from the producer or distributor;

(d) Under no circumstances may unpasteurized milk be used as an ingredient in foods or beverages nor may other ingredients be added to unpasteurized milk;

(e) The container in which unpasteurized milk is served must bear the original label required by the Department of Agriculture as specified in OAR 603-024-0543(4);

(f) Mobile food units where unpasteurized milk is served must identify the product as "unpasteurized milk" on the menu.

(4) Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0230

Condiment Dispensing

(1) Self-service condiments shall be provided in individual packages, from dispensers, or from containers protected in accordance with OAR 333-162-0270 of these rules. Ketchup and other sauces may be served in the original container. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers.

(2) Customer self service activities shall be limited to the application of non-potentially hazardous condiments such as relish, mustard, and ketchup, or packaged food items.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0240

Ice Dispensing

(1) All ice offered for sale or used in mobile food units shall be from a source licensed by the Division or the Department.

(2) Ice for consumer use shall be dispensed only by employees using scoops, tongs, or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be protected from contamination. Ice storage bins shall be drained through an air gap.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0250

Dispensing Utensils

To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees. During service dispensing utensils shall be:

- (1) Stored in the food with the dispensing utensil handle extended out of the food.
- (2) Stored clean and dry.
- (3) Stored in an approved running water dipper well.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0260

Re-Service

Once served leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0270

Display Equipment

Food on display shall be protected from contamination by the use of packaging or by the use of easily cleanable counter or serving line protector devices, display cases, or by other effective means. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0280

Food Transportation, General

- (1) During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package is sealed. During transportation food shall meet the requirements of this rule relating to food protection and food storage.
- (2) Food shall be maintained at required temperatures at all times during transport. Mobile food units that do not maintain food at temperatures required in OAR 333-162-0110 and 333-162-0120 may be required to provide an on board power source, such as a battery or generator, to assure maintenance of food at proper temperatures during transit.
- (3) Food and utensil transport vehicles shall not be used in activities incompatible with safe and sanitary food service operations. Transport vehicles shall be made available for inspection.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0290

Employee Health and Hygiene, General

- (1) All mobile food unit personnel shall maintain recommended standards for health and cleanliness and shall observe practices designed to promote sanitary conditions and to prevent contamination of food and food products.
- (2) No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a mobile food unit in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.
- (3) If the person in charge of the mobile food unit has reason to suspect that any employee has a disease listed in section (2) of this rule or OAR 333-162-0000(12)(c), the Director or designee shall be notified immediately.
- (4) Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking,

using the toilet, or after performing a non-food service activity, and as often as necessary. Employees shall keep their fingernails clean and trimmed.

(5) The outer clothing of all employees shall be clean.

(6) Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0300

Employee Practices

(1) Employees shall not consume food in the mobile food unit. Mobile food unit employees may drink beverages while operating the mobile food unit if the following conditions are met:

(a) The beverage container must be covered and have a straw or handle to minimize contact with drinking surfaces;

(b) The container must be stored in a manner which will not expose food, food-contact surfaces, utensils, equipment or single service items to contamination from the drinking vessel; and

(c) The container must be cleaned and sanitized at regular intervals.

(2) Employees shall not use tobacco in any form inside the mobile food unit. Employees shall use tobacco only outside of the mobile food unit.

(3) Employees shall handle soiled equipment or utensils in a way that minimizes contamination of their hands.

(4) All mobile food unit personnel shall wear clean outer garments and shall conform to a high degree of personal cleanliness, grooming, and hygienic practices at all times while engaged in preparing or transporting food or drink or washing and storing utensils and equipment.

(5) Effective March 1, 2003, the use of latex gloves in mobile food units is prohibited.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; OHD 11-2002, f. & cert. ef. 8-7-02; PH 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-162-0310

Materials, General

Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Utensils and product contact surfaces containing or plated with cadmium, lead or other material not approved for product contact surfaces shall not be used. Containers with seams which are not sealed flush with the surface shall not be re-used. Equipment and utensils, shall not impart odors, color, or taste, nor contribute to the contamination of food.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0320

Solder

If solder is used, it shall be composed of safe materials and be corrosion resistant, and contain no more than 0.2% lead.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0330

Wood

Hard maple or an equivalently nonabsorbent wood that meets general requirements set forth in OAR 333-162-0310 may be used as a food contact surface. Wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0340

Plastics

Safe plastic, safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit

cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in OAR 333-162-0310, are permitted for repeated use.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0350

Mollusk and Crustacea Shell

Mollusk and crustacea shells may be used only once as a serving container. Further re-use of such shells for food service is prohibited.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0360

Single-Service Articles, General

(1) Mobile food units shall provide only single-service articles for use by the customer. Providing multi-use tableware and utensils for use by customers is prohibited.

(2) Single service articles shall be made from clean, sanitary, and safe materials and shall not impart odors, color, or taste, nor contribute to the contamination of food.

(3) Re-use of single-service articles is prohibited.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0370

Design, General

(1) All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

(2) Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.

(3) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

(4) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice, provided that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.

(5) Sinks and drainboards shall be self-draining.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0380

Accessibility

Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

(1) Without being disassembled; or

(2) By disassembling without the use of tools; or

(3) By easily disassembling with the use of only simple tools such as a mallet, a screwdriver, or an open-end wrench kept available near the equipment.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0390

In-Place Cleaning

Equipment intended for in-place cleaning shall be designed and fabricated so that:

- (1) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;
- (2) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- (3) The system is self-draining or capable of being completely evacuated.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0400

Pressure Spray Cleaning

Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0410

Thermometers

Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ± 2 degrees F.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0420

Non-Food Contact Surfaces

Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0430

Ventilation Hoods, Design

Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0440

Equipment, Location

All equipment shall be installed in accordance with all applicable state and local codes. Equipment, including ice storage equipment, shall not be located under sources of contamination.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0450

Table Mounted Equipment

- (1) Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a 4-inch clearance between the table or counter or elevated on legs to provide at least a 4-inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.
- (2) Equipment is portable within the meaning of section of these rules if:
 - (a) It is small and light enough to be moved easily by one person; and
 - (b) It has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

(3) Notwithstanding section (1) and (2) of this rule, if the operator can demonstrate the ability to maintain the unit in a sanitary fashion, this shall meet the intent of this rule.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0460

Equipment

(1) Floor-mounted equipment, unless readily movable, shall be:

(a) Sealed to the floor; or

(b) Installed on smooth raised platform at least 4-high; or

(c) Elevated on legs to provide at least a 6-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a 4-inch clearance between the floor and equipment if no part of the floor under the mixer is more than 6 inches from cleaning access.

(2) Equipment is easily movable if:

(a) It is mounted on wheels or casters; and

(b) It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

(3) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceiling.

(4) Notwithstanding section (1) and (2) of this rule, if the operator can demonstrate the ability to maintain the unit in a sanitary fashion, this shall meet the intent of these sections.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0470

Compressed Gas Bottles

Compressed gas bottles shall be fastened securely to a wall or stationary object at all times and in such a manner as to prevent damage to the valve mechanism.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0480

Aisles and Working Spaces

Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as racks and dollies shall be positioned to provide access to working areas.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0490

Cleaning Frequency

(1) All parts of mobile food units which come into contact with foods shall be kept clean and free from dust, dirt, insects, and other contaminating material.

(2) To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

(3) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.

(4) The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

(5) Non-food-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0500

Wiping Cloths

Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in 333-162-0520 of these rules and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0510

Dishwashing

(1) Class I, II and III mobile food units are not required to provide dishwashing facilities on the unit, if adequate facilities exist at the commissary.

(2) Multiple or disposable utensils may be used for food handling on the unit. There shall be at the beginning of each day's business a sufficient supply of clean utensils necessary to properly prepare, assemble, or dispense the food. For mobile food units which do not have a dishwashing facility on the unit, this supply shall consist of at least one of each type of utensil for every two hours of operation. If the unit operates less than four hours in a day, the unit shall provide a minimum of two sets of each type of utensil. Utensils shall not be used or continued in use if they come into contact with other than food or a sanitary surface, object, or substance.

(3) Class IV mobile food units must provide dishwashing facilities on the unit utilizing a method approved in OAR 333-162-0520.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0520

Cleaning and Sanitizing

(1) For washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.

(2) Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

(3) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(4) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence:

(a) Sinks shall be cleaned prior to use.

(b) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(c) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.

(d) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in 333-162-0520(5) to 162-0520(6)(d) of these rules.

(5) The food-contact surfaces of all equipment and utensils shall be sanitized by:

(a) Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 170 degrees F.; or

(b) Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75 degrees F.; or

(c) Immersion for at least one minute in a clean solution containing at least 100 part per million of quaternary ammonium and at a water temperature of at least 75 degrees F.; or

- (d) Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75 degrees F.; or
 - (e) Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees F. for one minute; or
 - (f) Treatment with steam free from materials or additives other than those specified in 21 CFR 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
 - (g) Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under 162-0520(5)(b) through 162-0520(5)(e) of these rules in the case of equipment too large to sanitize by immersion.
- (6) When hot water is used for sanitizing, the following facilities shall be provided and used:
- (a) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees F.; and
 - (b) A numerically scaled indicating thermometer, accurate to ± 3 degrees F., convenient to the sink for frequent checks of water temperature; and
 - (c) Dish baskets of such size and design to permit complete immersion of the kitchenware and equipment in the hot water.
- (7) Chemicals used for sanitization shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010. A test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0530

Drying

After sanitizing, all equipment and utensils shall be air dried. Utensils may not be rinsed after the sanitizing cycle.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0540

Handling

Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

Spoons, knives, and forks shall be touched only by their handles.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0550

Storage

(1) Cleaned and sanitized utensils and equipment shall be stored at least 6 inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination.

(2) Utensils shall be air dried before being stored or shall be stored in a self-draining position.

(3) Utensils shall be stored covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle of the utensil to the employee.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0560

Single-Service Articles, Storage

(1) Single-service articles shall be stored at least 6 inches above the floor in closed cartons or containers which protect them from contamination.

(2) Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.

(3) Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service

knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0570

Prohibited Storage Area

The storage of food equipment, utensils or single-service articles in toilet rooms is prohibited.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0580

Potable Water System

(1) A Class IV mobile food unit shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, and the requirements of these rules. This supply shall consist of a minimum of five gallons of water for handwashing and 30 gallons of water for dishwashing.

(2) Class II and III mobile food units shall have a water supply which provides sufficient water for food preparation, handwashing, cleaning and sanitizing of utensils or any other requirements as set forth in these rules. If dishwashing is conducted on the unit, a minimum of 30 gallons of water shall be dedicated for this purpose. A minimum of five gallons of water shall be provided for handwashing.

(3) The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of these rules.

(4) All water utilized on mobile units shall be obtained from a public water supply system which is in compliance with [ORS 448](#) and OAR 333-061-0005 to 333-061-0098 and shall be in accordance with the standards of quality set forth in these rules.

(5) All hoses used for filling fresh water storage tanks shall be constructed from food grade materials.

(6) Bottled and packaged potable water shall be obtained from a source that complies with all laws and should be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

(7) Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0590

Waste Water System

(1) If liquid grey water waste results from the operation of a mobile food unit, the waste water shall be stored in a retention tank that is 10 percent to 15 percent greater than the volume of the potable water storage tank. However, for a mobile food unit selling only beverages, such as coffee, espresso, or soda, and where most of the potable water supply is used in the product, the waste water retention tank may be at least one half the volume of the potable water storage tank. This determination shall be made by the regulatory authority.

(2) All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. Hoses used for disposal of waste water shall be distinctly different from hoses used for filling fresh water storage tanks or be labeled to indicate its intended use.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0600

Wastewater Disposal

(1) Mobile food units which generate only grey water liquid wastes may hand-carry those wastes to a specific disposal location approved by the regulatory authority.

(2) The waste transport container shall be designed and intended to hold and transport grey water without leaks or spills. The container shall have a capacity no greater than 20 gallons.

(3) All grey water shall be removed from the mobile food unit location as frequently as necessary to prevent spills or discharges of waste water, be transported in a sanitary fashion, and disposed of in a manner approved by the licensing authority and the Department of Environmental Quality.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0610

Plumbing, General

(1) Plumbing in Class IV mobile food units shall be sized, installed, and maintained according to the **Oregon State Plumbing Specialty Code**. The plumbing in Class II and III mobile food units must meet this code as well, when applicable.

(2) All hot water and steam generating pressure vessels shall be equipped with an approved temperature and pressure relief valve constructed and installed in compliance with the **Oregon State Plumbing Specialty Code**.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0620

Backflow

The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment with an air gap of a minimum of 1 inch or twice the diameter of the water supply inlet between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a approved backflow prevention device is properly installed.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0630

Drains

Except for properly trapped open sinks, there shall be no direct connection between the waste water system and any drains originating from equipment in which food, portable equipment, or utensils are placed.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0640

Toilet Facilities

(1) On board toilet facilities are not applicable to most mobile food units. If the unit is not so equipped, then the mobile food unit must operate within one quarter mile or a five minute walk of an accessible restroom facility. Mobile food units that operate on a designated route, and which do not stop at a fixed location for more than two hours during the work day, shall be exempt from this rule.

(2) Mobile food units which do not provide on board restroom facilities under section (1) of this rule shall have be able to demonstrate that restroom facilities will be accessible to employees during all hours of operation. The restroom facilities must have a handwashing system which provides hot and cold running water and meets the requirements of OAR 333-162-0650(3), (5), and (6).

(3) Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0650

Handwashing Facilities

(1) Class II, III and IV mobile food units shall provide hot and cold running water for handwashing tempered by means of a mixing valve.

(2) Notwithstanding section (1) of this rule, Class II and III mobile food units may provide a handwashing system which provides warm flowing water at all times. This system shall provide a food grade, container for water storage.

The container shall have a dispensing valve which provides a constant flow of water when opened. A five gallon catch basin shall be provided to collect waste water from the handwashing system in a sanitary manner. There shall be a minimum initial volume of five gallons of water available for handwashing at the beginning of the work day and the handwashing system shall be accessible to the operator at all times.

(3) Dispensed soap and sanitary paper towels shall be provided at the handwashing station. The use of a common hand towel is prohibited.

(4) Handwashing facilities shall be provided in the food preparation area and be accessible to employees at all times. Lavatories for employees shall also be located in or immediately adjacent to toilet rooms. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

(5) If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities. All lavatories shall be posted with a handwashing sign.

(6) Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0660

Garbage and Refuse

(1) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the mobile food unit.

(2) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

(3) Mobile food units shall provide a garbage container for use by customers outside of the mobile food unit. The garbage container may be an integral part of the mobile food unit if it is effectively sealed from the food storage and preparation area. Containers used outside of the mobile food unit shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use. Containers transported in the unit shall be stored in a manner that will not contaminate food or food contact surfaces.

(4) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

(5) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas.

(6) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents, and in a manner acceptable to the Department of Environmental Quality, and the Oregon Health Division.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0670

Insect and Rodent Control

Effective measures shall be implemented to eliminate the presence of rodents, flies, cockroaches, and other insects in the mobile food unit, if present. Screening material, if necessary, shall not be less than 16 mesh to the inch. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0680

Mobile Food Unit Construction, General

(1) No permanent connection shall be made from the mobile food unit to any utility service line (water, sewer, or electrical).

(2) Fuel tanks, batteries, condensers, and generator units shall be located in an area sealed from food service, storage, and preparation areas.

(3) Openings to compartments where food is stored shall be equipped with closures of approved design which effectively exclude dust, dirt, and other contaminants, and insects and rodents.

(4) The interior of the mobile food unit compartments where food, utensils, or single-service items are stored, or food is prepared or dispensed, shall be constructed of smooth and impervious materials which have and retain their easily cleanable qualities when subject to repeated washing and sanitizing.

(5) Food and utensil storage compartments shall be constructed and utilized so as to prevent contamination of the contents. These compartments shall not be used for the storage of vehicle parts and tools.

(6) Mobile food units shall be designed so that exposed or unprotected sewer or water lines shall not pass over food preparation or food storage areas, dishwashing facilities, or utensil, equipment, and single-service storage areas.

(7) Overhead protection shall be provided for mobile food units that are operated outdoors and where food is not covered at all times. The overhead protection shall consist of, but not be limited to, roofing, ceilings, awnings, or umbrellas. Overhead protection is not required for barbecue units which have a lid or covering that will protect foods from contamination. The overhead protection must be easily cleanable.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0690

Electrical Connections

Mobile food units that require electricity for operation shall have an electrical connection that can be quickly disconnected and which does not impede the mobility of the unit. Electrical connections shall be connected and disconnected in a manner approved by the electrical code agency.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0700

Floor Construction

(1) All floors and floor coverings in the mobile food unit shall be constructed of smooth durable material such as ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons providing the floor surface can be easily cleaned.

(2) The use of carpeting, sawdust, wood shavings, peanut hulls or similar material as a floor covering is prohibited.

(3) Mats and duckboards shall be of nonabsorbent, grease-resistant materials and of such size, design and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.

(4) Mobile food units in which water-flush cleaning methods are used shall have wall and floor junctures that are coved and sealed. A mop or splash barrier of at least 4 inches in height with a 3/8-inch radius coved base shall be installed at the floor/wall juncture. In all other cases, the juncture between walls and floors shall not present an open seam of more than 1/32 inch.

(5) Exposed pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. Installation of exposed horizontal pipes on the floor is prohibited.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0710

Walls and Ceilings, General

(1) Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

(2) The walls, including nonsupporting partitions, wall coverings, and ceilings of food preparation areas, equipment-washing and utensil-washing areas, and toilet rooms shall be light colored, smooth, nonabsorbent, and easily cleanable.

(3) Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

(4) Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

(5) Exposed pipes shall be installed in a way that does not obstruct of the prevent the cleaning of walls and ceilings.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0720

Walls, Floors, and Ceilings, Cleaning

Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as wet cleaning or the use of dust-arresting sweeping compounds with brooms.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0730

Utility Facility

If wet mopping is used as a method for cleaning the floor of the mobile food unit then a separate sink shall be provided for the cleaning of mops and cleaning tools and the disposal of mop water or similar liquid wastes. The use of dishwashing, handwashing, or food preparation sinks for this purpose is prohibited.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0740

Lighting, General

- (1) Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil-washing work levels, if applicable.
- (2) Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches from the floor:
 - (a) At least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and
 - (b) At least 10 foot candles of light in all other areas.
- (3) Lamps located over or within food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored shall be shielded, coated or otherwise shatter resistant.
- (4) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0750

Ventilation, General

- (1) The mobile food unit shall have sufficient ventilation to keep it free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to the building codes agency and, when vented to the outside, shall not create an unsightly, harmful or unlawful discharge.
- (2) Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0760

Employee Storage Facilities

Suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. These facilities shall be separate from food and utensil storage areas.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0770

Materials Permitted

Only those poisonous or toxic materials necessary for maintaining the unit, cleaning and sanitizing equipment and utensils, and controlling insects and rodents are allowed in the unit.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0780

Labeling of Materials

Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0790

Storage of Materials

(1) Poisonous or toxic materials necessary for the maintenance of the mobile food unit consist of the following two categories:

(a) Insecticides and rodenticides; and

(b) Detergents, sanitizers, related cleaning or drying agents and caustics, acids, polishes and other chemicals.

(2) Materials in each of the two categories set forth in section (1) of this rule shall be stored and located to be physically separated from each other; shall be stored in cabinets or in physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, shall not be stored above or intermingled with food, food equipment, utensils, or single service articles, except that this latter requirement does not prohibit the convenient availability of detergents or sanitizers at warewashing facilities.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0800

Use of Materials

(1) Bactericides, cleaning compounds or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

(2) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, not in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0810

Personal Medications

Personal medications shall not be stored in food storage, preparation or service areas.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0820

First-Aid Supplies

First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0830

Premises, General

(1) Mobile food units and all parts of property used in connection with their operations shall be kept free of litter.

(2) The walking and driving surfaces of all exterior areas around mobile food units shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter.

(3) Only articles necessary for the operation and maintenance of the mobile food unit shall be stored in the unit.

(4) Persons not employed by the mobile food unit, except those persons whose services are required for operation of the unit, shall be excluded from the unit.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0840

Living Areas

None of the operations connected with the mobile food units shall be conducted in any room used as a living or sleeping quarters. Mobile food unit operations shall be separated from sleeping or living quarters by complete partitioning and solid, self-closing doors.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0850

Linens and Clothes Storage

- (1) Clean clothes and linens shall be stored in a clean place and protected from contamination until used.
- (2) Soiled clothes and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0860

Cleaning Equipment Storage

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner for the cleaning of that storage location.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0870

Animals

Live animals, including birds and turtles, shall be excluded from within the mobile food unit. This exclusion does not apply to edible fish, crustacea, or shellfish.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0880

Licensing Procedure

- (1) All procedures shall be in accordance with ORS Chapter 624 in the licensure of mobile food units.
- (2) A permanent license number shall be assigned each operator of mobile food units by the regulatory authority.
- (3) Each mobile food unit shall be clearly marked with the licensee's name or a distinctive identifying symbol. The lettering shall be at least 2 inches in height and of a color contrasting with the background color. If a symbol is used, it shall be at least 12 inches in diameter or of an equivalent size. An accurate scale drawing or photograph of the symbol shall be filed with the regulatory authority.
- (4) Each mobile food unit shall be clearly marked with a number for purposes of identifying each unit on inspection reports and other communications.
- (5) Stored units are not subject to licensure.
- (6) All vehicles used as mobile food units shall be kept in good repair and in a sanitary condition while in use.

Stat. Auth.: [ORS 624.320](#)

Stats. Implemented: [ORS 624.320](#) & [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0890

Inspection Form Procedures

- (1) Violations which are observed during any sanitation inspection shall be described in the space provided on a form approved by the Division by citing the OAR/ORS number violated, and by giving a brief statement of the specific problem and required corrections.
- (2) Critical Violations shall result in closure of the mobile food unit if the Assistant Director determines that an imminent danger to public health exists, and that the violation cannot be corrected immediately or an approved alternative procedure has not been implemented. For Critical Violations not resulting in closure, the time limit by which the correction must be made shall be within but not to exceed 14 days.
- (3) Violations other than those specified in section (2) of this rule shall be corrected by the next Semi-annual Inspection.
- (4) If a mobile food unit is ordered Closed, the reason for closure shall be stated on the Inspection Form and signed by the Assistant Director.

Stat. Auth.: [ORS 624.370](#)

Stats. Implemented: [ORS 624.370](#) & [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0900

Posting of Inspection Report

One copy of the most recent inspection report shall be in the mobile unit at all times.

Stat. Auth.: [ORS 624.370](#)

Stats. Implemented: [ORS 624.370](#) & [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0910

Closure of Mobile Food Units

(1) If the Assistant Director closes a mobile food unit, a statement by the Division shall be made on the Inspection Form specifying the reasons for closure. The Inspection Form must be signed and delivered to the operator or person in charge within 24 hours.

(2) When a mobile food unit is Closed, the Assistant Director shall post the inspection report on the unit. No person except the Assistant Director shall remove or alter this inspection report, or operate a mobile food unit which has been Closed.

(3) If a Critical Violation presenting an imminent danger to public health is not corrected immediately, or an approved alternative procedure has not been implemented, the mobile food unit shall be Closed.

(4) If a Critical Violation that does not result in immediate closure at the time of the Semi-annual Inspection has not been corrected within the designated time limit, the mobile food unit shall be Closed.

(5) When a mobile food unit has been Closed because a Critical Violation has not been corrected, it may be reopened if a Recheck Inspection by the Assistant Director confirms that all Critical Violations have been corrected.

(6) The Assistant Director shall, if requested, hold a hearing in accordance with [ORS 183](#).

Stat. Auth.: [ORS 624.370](#)

Stats. Implemented: [ORS 624.370](#) & [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0920

Plan Review

(1) Plans of mobile food units and a completed plan review packet are required before licensure.

(2) Plans shall be submitted to and approved by the regulatory authority for all mobile food units prior to being used operated. Mobile food units having the sanitary approval of a recognized qualified, independent testing laboratory, or approved by the Oregon Health Division will be accepted without the submission of plans.

(3) All plans shall clearly show the following as applicable to the mobile food unit:

(a) The cleanability of the unit, rodent and insect resistance, type of fixtures and appurtenances, and the installation method;

(b) The ventilation and exhaust of all fixtures and appurtenances producing vapor, odor, smoke, or other undesirable suspended matter in the unit;

(c) The source and method for obtaining potable water for use on the unit.

(d) The storage and disposal of sewage or liquid waste shall be indicated as to method, location, and materials used in construction;

(e) Plumbing installation which is in compliance with the Oregon State Plumbing Specialty Code and all sections of these rules, where applicable; and

(f) Proposed menu.

(4) Approval from the Assistant Director to operate after the plan review process does not preclude obtaining required permits or approvals from other agencies or jurisdictions of concern.

(5) Mobile food unit operators must obtain approval from the Assistant Director to add to or change menu items served from the mobile food unit;

(6) Mobile food units that operate on a fixed route must provide an itinerary to the regulatory authority prior to licensure and at the beginning of each licensing period. Mobile food units operating at a specific or multiple locations shall provide a list of all locations to the regulatory authority.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0930

Commissaries

(1) The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of OAR 333-150-0000.

(2) Notwithstanding section (1) of this rule, commissaries which are constructed in or adjacent to a single family residence are not required to provide a separate restroom, if a restroom in the residence is available at all times during operation of the commissary. The restroom facility must meet the requirements of OAR 333-150-0000.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; OHD 11-2002, f. & cert. ef. 8-7-02; PH 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-162-0940

Warehouses

(1) If only prepackaged goods are sold, a warehouse may be accepted in lieu of a commissary.

(2) Warehouses shall be required to meet only those rules necessary to prevent the contamination of stored foods, single-service articles, utensils and equipment. In general, warehouses shall be exempt from the rules relating to finished walls, ceilings or storage bases, light colored surfaces, restrooms, lavatories and utility facilities, provided foods are protected from contamination from dust, insects, rodents, flooding, drainage, or other contaminants.

(3) Cooking, preparation or assembly of foods is not allowed in a warehouse.

(4) The Assistant Director may impose additional requirements as deemed necessary to prevent the contamination of stored foods, single-service articles, utensils, and equipment.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0950

Memorandum of Commissary or Warehouse Usage/ Verification

A Memorandum of Commissary or Warehouse Usage/ Verification shall be on file with the Assistant Director for mobile units using a licensed food service facility as a commissary or warehouse. This memorandum shall be on a form approved by the Division, and be updated at least once per year.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0960

Servicing Operations

(1) Potable water servicing equipment shall be installed according to [ORS 448](#), OAR 333-061-0005 to 333-061-0098 and the **Oregon State Plumbing Specialty Code** and shall be stored and handled in a way that protects the water and equipment from contamination.

(2) All liquid waste shall be discharged in an approved manner and in compliance with OAR 333-162-0590 and 333-162-0600.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0970

Licensing of Commissaries and Warehouses

All procedures shall be in accordance with ORS Chapter 624 in the licensure of commissaries and warehouses. Any license issued by the Division pursuant to [ORS 624.320](#) shall terminate and is renewable on December 31 of each year.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0980

Inspection Form Procedures

(1) Violations which are observed during any sanitation inspection shall be described in the space provided on a form approved by the Division by citing the number of the related item on the Inspection Form, the OAR/ORS number violated, and by giving a brief statement of the specific problem and required corrections.

(2) Critical Violations shall result in closure of the commissary or warehouse if the Assistant Director determines that an imminent danger to public health exists, and that the violation cannot be corrected immediately or an approved alternative procedure has not been implemented. For Critical Violations not resulting in closure, the time limit by which the correction must be made shall be within but not to exceed 14 days.

(3) Violations other than those specified in section (2) of this rule shall be corrected by the next Semi-annual Inspection.

(4) If a commissary or warehouse is ordered Closed, the reason for closure shall be stated on the Inspection Form and signed by the Assistant Director.

Stat. Auth.: [ORS 624.370](#)
Stats. Implemented: [ORS 624.370](#) & [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-0990

Posting of Inspection Report

One copy of the inspection report shall be posted by the Assistant Director upon an inside wall of the commissary or warehouse. The inspection report shall not be defaced or removed by any person except the Assistant Director.

Stat. Auth.: [ORS 624.370](#)
Stats. Implemented: [ORS 624.370](#) & [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-1000

Closure of Commissaries or Warehouses

- (1) If the Assistant Director closes a commissary or warehouse, a statement by the Division shall be made on the Inspection Form specifying the reasons for closure. The Inspection Form must be signed and delivered to the operator or person in charge within 24 hours.
- (2) When a commissary or warehouse is Closed, the Assistant Director shall post the inspection report inside the facility. No person except the Assistant Director shall remove or alter this inspection report, or operate a commissary or warehouse which has been Closed.
- (3) If a Critical Violation presenting an imminent danger to public health is not corrected immediately or an approved alternative procedure has not been implemented, the commissary or warehouse shall be Closed.
- (4) If a Critical Violation that does not result in immediate closure at the time of the Semi-annual Inspection has not been corrected within the designated time limit, the commissary or warehouse shall be Closed.
- (5) When a commissary or warehouse has been Closed because a Critical Violation has not been corrected, it may be reopened if a Recheck Inspection by the Assistant Director confirms that all Critical Violations have been corrected.
- (6) The Assistant Director shall, if requested, hold a hearing in accordance with [ORS 183](#).

Stat. Auth.: [ORS 624.370](#)
Stats. Implemented: [ORS 624.370](#) & [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-1005

Civil Penalties

- (1) The Department or a delegate county may impose civil penalties on any person for the following willful violations:
 - (a) Operation of a mobile food unit, commissary, or warehouse without a current license to do so from the Department or delegate county;
 - (b) Failure to cease operation of a mobile food unit, commissary, or warehouse that has been closed due to uncorrected critical violations. This authority shall be limited to those critical violations identified as creating an imminent or present danger to public health and defined in OAR 333-162-0000(12).
- (2) For the purposes of section (1) of this rule, the term 'willful' means intentional or deliberate.
- (3) The maximum civil penalty for each of the violations listed in section (1) of this rule is \$500 per day of violation.
- (4) Civil penalties shall be imposed in the manner provided by ORS 183.090 or the equivalent.

Stat. Auth.: ORS 624.992
Stats. Implemented: ORS 624.992
Hist.: OHD 18-2002, f. 12-4-02, cert. ef. 1-1-03; PH 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-162-1010

Plan Review

Newly constructed or extensively remodeled commissaries and warehouses must undergo plan review and a pre-operational inspection as required in OAR 333-161-0000 and 333-161-0010.

Stat. Auth.: [ORS 624.390](#)
Stats. Implemented: [ORS 624.390](#)
Hist.: HD 10-1997, f. & cert. ef. 7-8-97

333-162-1020

Food Handler Training

All food handlers employed in a mobile food unit or base of operation shall obtain a food handler certificate of program completion in accordance with OAR 333-175-0000 through 333-175-0030.

Stat. Auth.: [ORS 624.390](#)

Stats. Implemented: [ORS 624.390](#) & [ORS 624.570](#)

Hist.: HD 10-1997, f. & cert. ef. 7-8-97

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