

Texas Administrative Code

<u>TITLE 25</u>	HEALTH SERVICES
<u>PART 1</u>	DEPARTMENT OF STATE HEALTH SERVICES
<u>CHAPTER 229</u>	FOOD AND DRUG
<u>SUBCHAPTER K</u>	TEXAS FOOD ESTABLISHMENTS
RULE §229.170	Temporary Food Establishments

(a) General. A temporary food establishment shall comply with the requirements of these rules except as otherwise provided in this section. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of these rules.

(b) Food temperatures. All food temperature requirements shall be met as contained in §229.164(k)-(n) of this title (relating to Food).

(c) Ice. Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of these rules. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. Ice for consumption shall be held in their bags until it is dispensed in a way that protects it from contamination.

(d) Equipment.

(1) Design and construction. Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(2) Location and installation. Equipment shall be located and installed and cleaned in a way that prevents food contamination and that also facilitates cleaning of the establishment.

(3) Hot and cold holding equipment. Equipment for cooling or heating food, and holding cold or hot food shall be adequate in number and capacity to provide food temperatures as specified under §229.164(k)-(n) of this title.

(4) Protection from contamination. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contamination sources. Where necessary to prevent contamination, effective shields for such equipment shall be provided.

(5) Alternative manual warewashing. Alternative manual warewashing equipment, such as receptacles that substitute for the compartments of a multi-compartment sink, may be used when there are special cleaning needs or constraints and the regulatory authority has approved the use of alternative equipment.

(e) Single-service articles. A temporary food establishment shall provide only single-service articles for use by the consumer.

(f) Water. Water from an approved source shall be made available in a temporary food establishment for food preparation, handwashing, and for cleaning and sanitizing utensils and equipment. Water need not be under pressure but shall come from approved sources which include: commercially bottled drinking water, closed portable water containers, enclosed vehicular water tanks, on-premise water storage tanks, or piping, tubing or

hoses connected to an approved source.

(g) Wet storage. Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(h) Sewage. All waste water and sewage generated from the establishment shall be disposed of through an approved sanitary sewage system that is constructed, maintained and operated according to law.

(i) Handwashing. Handwash facilities with water, soap and individual disposable towels shall be provided for employee handwashing. The handwash facility may consist of a container of water with spigot and catch pan or two separate basins, one for washing and one for rinsing. When food exposure is limited and handwash facilities are not available, the regulatory authority may permit the use of chemically treated towelettes for handwashing.

(j) Floors. If graded to drain, a floor may be concrete, machine-laid asphalt, dirt, or gravel if it is covered with mats, removable platforms, duckboards, or other suitable materials approved by the regulatory authority that are effectively treated to control dust and mud.

(k) Ceilings and outer openings of food preparation areas.

(1) Ceilings. Ceilings shall be made of wood, canvas, or other materials that protect the interior of the establishment from the weather, windblown dust, birds, and debris.

(2) Outer openings. The outer openings shall be protected against entry of insects and rodents by:

(A) 16 mesh to 25.4 millimeters (16 mesh to 1 inch) screens;

(B) properly designed and installed air curtains; or

(C) other effective means.

(3) Exclusion provision. Paragraph (2) of this subsection does not apply if flying insects and other pests are absent due to the location of the establishment or other limiting condition.

Source Note: The provisions of this §229.170 adopted to be effective October 6, 1998, 23 TexReg 9983.