



# COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY

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### AB 619 REUSABLE FOOD & DRINK CONTAINERS FAQ Guidance for Retail Food Facilities Multiservice Utensils- Guidance for Temporary Food Facilities

On July 12, 2019, California Governor Newsom signed Assembly Bill No. 619 into law. The new law amends portions of the Health and Safety Code Section 114121 - Returnables, Cleaning and Refilling at Retail Food Facilities and Section 114353 -Consumer Utensils at Temporary Food Facilities. This document is to provide a summary of the changes and serves as a guidance document for industry. These changes will go into effect on March 1, 2020 for all of Nevada County.

#### **Reusable Food and Drink Containers at Retail Food Facilities:**

AB 619 allows for the use of **CLEAN\*** consumer-owned containers that would be brought into the food facility for filling. Filling may include self-service buffet style operations located in many Supermarkets or at a Restaurant Style of Food Facility. The customer can fill the CLEAN container themselves, or as in the case with Restaurant Style operations, the facility employee or owner would fill the container. An example of this would be for carry-out type of food orders. If the facility employee or owner takes the container from the customer to fill, then any surface that the customer's container comes into contact with is required to be sanitized after each filling. In addition, the food facility employee or owner shall not comingle or place the customer's container near or on top of any food facility containers. Consumer-owned containers must be designed and constructed for reuse, this means that the container shall have non-absorbent surfaces and be able to be washed, rinsed and sanitized. The food facility shall prepare, maintain and adhere to written standard operating procedures to prevent cross-contamination. These procedures shall be made available at any time to the Nevada County Environmental Health Inspector and should include the following information:

- Consumer-owned containers brought to the facility for filling shall be clean.
- Food facilities shall not fill a container or allow a consumer to fill a container unless it is visibly clean.
- Retail Food Facilities shall not clean a consumer-owned container for the consumer.
- Consumer-owned containers brought to the facility for filling shall be returned to the same consumer.
- Consumer-owned containers shall be designed and constructed for reuse and exhibit the following characteristics:
  - Safe
  - Durable
  - Corrosion-Resistant
  - Nonabsorbent
  - Sufficient in weight and thickness to withstand repeated warewashing
  - Finished to have a smooth, easily cleanable surface
  - Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition
  - Lead free
  - Shall be constructed of a material that does not allow migration of deleterious substances or impart colors, odors, or tastes

- Free of breaks, cracks, chips and imperfections
- The food facility shall either isolate the consumer-owned containers from the serving surface or sanitize the surface after each filling.
- The food facility shall prepare, maintain, and adhere to written procedures to prevent cross-contamination as described in Health and Safety Code Section 113986 "Food and Ingredient Contamination". The food facility shall make these procedures available to the inspector upon request.
- The food facility shall ensure that the employee performing the refilling of the consumer-owned container shall wash their hands after **EACH** time a consumer-owned container is handled.
- Food facility employees shall actively monitor the area(s) where consumer refilling is taking place (bulk bins, salad bars) and take action to minimize cross contamination.
- Food facilities are not required to opt-in
- If a food facility does choose to opt-in, it shall follow the above requirements

### **Multiservice Utensils at Temporary Food Facilities (TFF):**

The NCDEH may allow a Temporary Food Facility (TFF) to implement a "multi-service utensil use" practice, **only after they have first contacted Nevada County Environmental Health indicating their intention to opt in and also after they have submitted their written standard operating procedures for review and approval.** The TFF will also need to demonstrate proper wash, rinse, sanitize, and air dry use and setup at their TFF operation if they intend on offering multi-service utensils to their patrons. Additional items that will be factored in the decision by the NCDEH will include: local environmental conditions, location, the type and number of utensils, the volume and storage of potable water for ware-washing (cleaning and sanitizing of utensils and food contact surfaces), and waste water capacity. It is imperative that the TFF operator understands and adheres to Chapter 5 commencing with Section 114095 (manual ware-washing), at either the TFF or an approved food facility. **The TFF shall ensure that during all hours of operation multi-use utensils are cleaned, rinsed, and sanitized, and stored in a clean, dry and sanitized area of the TFF.**

- Each TFF operator who chooses to opt in will need to discuss with Nevada County Environmental Health ahead of time their intention to opt in as well as details on whether they plan to offer multi-service utensils for use by their patrons or if they plan to offer refilling of consumer owned containers.
- Each TFF operator who chooses to opt in shall have a written operational plan describing which utensils they will offer to guests that are intended to be reused, how they will collect the dirty utensils after the guests have used them, how they will properly wash, sanitize and air dry them, and how they will prevent cross contamination.
- If a consumer provides a visibly clean cup or container for filling, the TFF operator will have a standard operating procedure describing how cross contamination will be prevented when filling.
- Each TFF operator who chooses to opt in will be responsible for their own process and their own multiservice utensils.
- The warewash set up shall be inside the TFF operator's booth.
- No communal warewashing
- No communal multiservice utensils

# Reusable Containers Operating Procedures Template Example

You may use this page to develop your written standard operating procedures

Facility Name: \_\_\_\_\_

Facility Address: \_\_\_\_\_

Owner: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Note: All reusable containers that will be filled with food or beverage must be designed and constructed for reuse in compliance with Section 3-304.17(B)(1) of the 2017 FDA Food Code.

1. Who will provide the reusable containers? Please check all that apply:

<input type="checkbox"/>	Facility
<input type="checkbox"/>	Consumer
<input type="checkbox"/>	Third Party Vendor

2. What kind of containers will be used? Be specific.

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3. Explain how you will determine that the reusable containers are approved?

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4. Who is responsible for inspecting / evaluating the containers (those brought by consumers / those provided by the facility / third party vendor)?

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5. Explain the process for inspecting / evaluating the containers.

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6. What type of food or beverage can be refilled at this facility?

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7. Explain the process for refilling the reusable containers.

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8. What type of protection will be provided to prevent contamination when refilling the reusable containers? If consumer-owned containers will be refilled, please indicate how the containers will be isolated from the serving surface OR how the serving surface will be sanitized after each filling.

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9. Can consumers refill their own food or beverage? If so, what food or beverage can they refill on their own? Explain the set-up of how consumers can refill their own food or beverage.

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**EQUIPMENT/UTENSILS - CLEANING AND SANITIZATION**

10. What are the procedures for cleaning and sanitizing the reusable containers?

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11. Indicate the specific sanitizer or sanitizing method that you will use by checking the box below:

Sanitizing Methods:

- Immersion for at least 30 seconds where the water temperature is maintained at 171 degrees Fahrenheit or above.

Manual Chemical Sanitization:

- Contact with a solution of 100 ppm available chlorine solution for at least 30 seconds.
- Contact with a solution of 25 ppm available iodine for at least one minute.
- Contact with a solution of 200 ppm quaternary ammonium for at least one minute.

Mechanical Chemical Sanitization (washing and sanitizing in a mechanical dishwashing machine):

- Contact with a solution of 50 ppm available chlorine for at least 30 seconds.
- Contact with a solution of 25 ppm available iodine for at least one minute.

12. Describe how you will air dry multi-service utensils/food contact surfaces after the sanitization step has taken place.

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Additional comments:

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The undersigned hereby certifies that the procedures indicated on this application will be implemented at the food facility. A copy of the written standard operational procedures will be kept on site for review by employees and Environmental Health Specialist upon request.

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>For Department Use Only</b>	
Date: _____	Received by: _____
Written Operational Procedures Reviewed by: _____	
Field Inspection Conducted by: _____	
Final Approval Date: _____	Supervisor: _____