

Chapter 7

Poisonous or Toxic Materials

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7-1 Labeling and Identification

Subparts

- 7-101 Original Containers
- 7-102 Working Containers

7-101 Original Containers

7-101.11 Identifying Information, Prominence

Containers of POISONOUS OR TOXIC MATERIALS, and PERSONAL CARE ITEMS shall bear a legible manufacturer's label.

7-102 Working Containers

7-102.11 Labeling of Working Containers

Working containers used for storing POISONOUS OR TOXIC MATERIALS, including but not limited to cleaners and sanitizers taken from bulk supplies, shall be clearly and durably labeled in English with the common name of the material. Other applicable languages may be used in addition to the English name.

- (A) Those products that, due to chemical composition or concentration, require removal or rinsing from a FOOD-CONTACT SURFACE shall be labeled with directions for proper use.
- (B) The concentration of a chemical sanitizing solution shall be frequently and accurately determined by using sanitizer test strips, a test kit, or other device.
- (C) Applicable precautionary or danger statements from the original container shall be transcribed to the working container.

7-2 Operational Supplies and Applications

Subparts

- 7-201 Storage
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- 7-203 Container Prohibitions
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- 7-205 Lubricants
- 7-206 Pesticides
- 7-207 Medicines
- 7-208 First Aid Supplies
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7-201 Storage

7-201.11 Separation

POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES by:

- (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning.
- (B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES. This paragraph does not apply to EQUIPMENT, UTENSILS, and cleaners and sanitizers that are stored in ware washing areas for availability and convenience, if the materials are stored to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.
- (C) Grouping POISONOUS OR TOXIC MATERIALS by the following categories:
 - (1) Pesticides, including insecticides and rodenticides.
 - (2) Detergents, sanitizers, related cleaning and drying agents, caustics, acids, polishes, and other chemicals.
- (D) Pesticides shall be stored in locked cabinets which do not contain FOOD, FOOD UTENSILS, FOOD EQUIPMENT, SINGLE-SERVICE ARTICLES, etc., except as specified in Section 7-301.11 of this Chapter.

- (E) Chemicals that are directly used in the cleaning and operation of the FOOD ESTABLISHMENT shall be stored in a manner that will not contaminate FOOD or FOOD-CONTACT SURFACES.

7-202 Presence and Use

7-202.11 RESTRICTION

- (A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of the FOOD ESTABLISHMENT, including but not limited to the cleaning and sanitizing of EQUIPMENT and UTENSILS, and for the control of insects and rodents shall be allowed in a FOOD ESTABLISHMENT.
- (B) Paragraph (A) of this Section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS, which are for retail sale as specified in Section 7-301.11 of this Chapter.

7-202.12 Conditions of Use

POISONOUS OR TOXIC MATERIALS shall be:

- (A) Used according to:
- (1) LAW and these Regulations.
 - (2) Manufacturer's use directions included in labeling, and for a pesticide manufacturer's statement that use is allowed in a FOOD ESTABLISHMENT.
 - (3) The conditions of certification, if certification is required, for use of the pest control materials.
 - (4) Additional conditions that may be established by the REGULATORY AUTHORITY.
- (B) Applied so that:
- (1) A HAZARD to employees or other PERSONS is not constituted.
 - (2) CONTAMINATION, including the presence of toxic residues due to drip, drain, fog, splash, or spray on FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES is prevented. For a RESTRICTED USE PESTICIDE, this may be achieved by:
 - (a) Removing the items.
 - (b) Protecting the items with impermeable covers.
 - (c) Taking other appropriate preventive measures.
 - (d) Cleaning and sanitizing EQUIPMENT, and UTENSILS, after pesticide application.
- (C) If a RESTRICTED USE PESTICIDE is used, it shall be applied by a certified applicator as required in NAC 555, or a PERSON under the direct supervision of a certified applicator.

7-203 Container Prohibitions

7-203.11 POISONOUS OR TOXIC MATERIAL Containers

- (A) A container previously used to store POISONOUS OR TOXIC MATERIAL shall not be used to store, transport, or dispense FOOD.
- (B) A FOOD container shall not be used to store, transport or dispense POISONOUS OR TOXIC MATERIALS.

7-204 Chemicals

7-204.11 Sanitizers, Criteria

Chemical sanitizers, and other chemical antimicrobials, applied to FOOD-CONTACT SURFACES shall meet the requirements as specified in *40 CFR 180.940, Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions)*.

7-204.12 Chemicals for Washing Fruits and Vegetables, Criteria

- (A) Chemicals used to wash or peel raw, and whole fruits and vegetables, shall meet the requirements specified in *21 CFR 173.315, Chemicals Used in Washing or to Assist in the Peeling of Fruits and Vegetables*.
- (B) Ozone as an antimicrobial agent used in the treatment, storage and processing of fruits and vegetables in a FOOD ESTABLISHMENT shall meet the requirements specified in *21 CFR 173.368 Ozone*.

7-204.13 Boiler Water ADDITIVES, Criteria

Chemicals used as boiler water ADDITIVES shall meet the requirements specified in *21 CFR 173.310, Boiler Water Additives*.

7-204.14 Drying Agents, Criteria

Drying agents used in conjunction with SANITIZATION shall:

- (A) Contain only components that are listed as one of the following:
- (1) Generally recognized as safe for use in FOOD as specified in *21 CFR 182 - Substances Generally Recognized as Safe*, or *21 CFR 184, Direct Food Substances Affirmed as Generally Recognized as Safe*.
 - (2) Generally recognized as safe for the intended use as specified in *21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe*.
 - (3) APPROVED for use as a drying agent under a prior sanction specified in *21 CFR 181, Prior-Sanctioned Food Ingredients*.

- (4) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in *21 CFR Parts 175-178*.
 - (5) APPROVED for use as a drying agent under the threshold of the regulation process as specified in *21 CFR 170.39, Threshold of Regulation for Substances Used in Food Contact Articles*.
- (B) When SANITIZATION is with chemicals, the approval required under Paragraph (A) (3) or (A) (5) of this Section, or the Regulation as an indirect FOOD ADDITIVE required under Paragraph (A) (4) of this Section, shall be specifically for use with chemical sanitizing solutions.

7-205 Lubricants

7-205.11 Incidental FOOD Contact, Criteria

Lubricants shall meet the requirements specified in *21 CFR 178.3570 Lubricants with Incidental Food Contact*, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

7-206 Pesticides

7-206.11 RESTRICTED USE PESTICIDES, Criteria

- (A) RESTRICTED USE PESTICIDES, as specified in Section 7-202.12 (C) of this Chapter, shall meet the requirements specified in *40 CFR 152 Subpart I, Classification of Pesticides*.
- (B) Only pesticides APPROVED by the *Nevada State Department of Agriculture* for use in a FOOD ESTABLISHMENT shall be used.
- (C) If a general-use pesticide is used:
 - (1) Automatic spray dispensers shall be installed pursuant to the manufacturer's instructions, but in no case directly above FOOD, and at least 15 linear feet from any PACKAGED or unPACKAGED FOOD, or from any surface which may come into contact with FOOD or UTENSILS.
 - (2) The active material dispersed through the automatic spray dispenser shall be limited to pyrethrins, piperonyl butoxide, and *MGK-264* (N-octylbicycloheptene dicarboximide).
 - (3) Pesticides may not be applied as a component of paint in an area where FOOD is exposed or an area which is subject to drips, drains, or splashes.
- (D) The operator of a FOOD ESTABLISHMENT, or a Certified Pest Operator, who engages in the regular application of pesticides at the ESTABLISHMENT shall maintain a record of application. Such records shall be kept for 2 years and made available upon the request of the HEALTH AUTHORITY. A copy of each record shall include:
 - (1) The name of the applicator.
 - (2) The name of the chemical(s) used, and the purpose for the application.
 - (3) The dates of application.
 - (4) The method(s) used for the protection of FOOD, EQUIPMENT, and PERSONS.
 - (5) The method used for cleaning the ESTABLISHMENT after the application of the pesticide.
 - (6) Keeping a copy of each report for 2 years.

7-206.12 Rodent Bait Stations

Rodent bait shall be contained in a covered, tamper-resistant bait station.

7-206.13 Tracking Powders, Pest Control and Monitoring

As specified in *NAC 446.490*, a tracking powder, toxic or nontoxic, shall not be used in a FOOD ESTABLISHMENT,

7-207 Medicines

7-207.11 RESTRICTION and Storage

- (A) Except for medicines that are stored, or displayed for retail sale, only those medicines that are necessary for the health of employees shall be allowed in a FOOD ESTABLISHMENT.
- (B) Medicines present in a FOOD ESTABLISHMENT, for the employees' use shall be labeled, as specified in Section 7-101.11 of this Chapter, and located to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

7-207.12 Refrigerated Medicines, Storage

Medicines belonging to employees, or to children in a day care center, which require refrigeration and are stored in a FOOD refrigerator shall be:

- (A) Stored in a package or container and kept inside a covered, leak-proof container that is identified as a container for the storage of medicines.
- (B) In a container that is labeled as a medication for an employees' use.
- (C) Stored on the bottom shelf of the refrigerator.

7-208 First Aid Supplies

7-208.11 Storage

First aid supplies present in a FOOD ESTABLISHMENT, for the employees' use, shall be:

- (A) Labeled as specified in Section 7-101.11 of this Chapter.
- (B) Stored in a kit, or a container, that is located to prevent the CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.

7-209 Other PERSONAL CARE ITEMS

7-209.11 Storage

Employees shall store their PERSONAL CARE ITEMS in facilities physically separate from all FOOD and FOOD-CONTACT SURFACES, except as specified in Chapter 6-401.11 of these Regulations.

7-3 Stock and Retail Sale

Subpart

7-301 Storage

7-301 Storage

7-301.11 Separation

POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale to prevent CONTAMINATION of FOOD, EQUIPMENT, UTENSILS, LINEN, and SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES by:

- (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning.
- (B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINEN, SINGLE-SERVICE ARTICLES and SINGLE-USE ARTICLES.