# **01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

 **DIVISION OF REGULATIONS**

**Chapter 351: PACKAGED ICE MANUFACTURING AND PROCESSING**

**SUMMARY**: The purpose of this chapter is to set forth standards for licensing and regulations for the manufacturing, processing and packaging of ice.

**1. Definitions**

 For the purposes of this chapter and unless the context otherwise indicates, the following words shall have the following meanings.

A. "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

B. "Easily cleanable" means readily accessible and of such material and finish and so fabricated that residues may be completely removed by usual cleaning methods.

C. "Employee" means any person working in an ice plant or ice production area within any commercial establishment, who transports ice or ice containers, who engages in ice manufacture, processing, packaging, storage, or distribution, or who comes into contact with any ice equipment.

D. "Food Contact Surfaces" means any surface, including water lines, that contacts the product or ingredients, and those surfaces from which water may drain, drip, or splash back onto food or food contact surfaces.

E. "Department" means the Maine Department of Agriculture, Conservation and Forestry.

F. "Ice" means the product, in any form, obtained as a result of freezing water by mechanical or artificial means. It does not include product formed by the natural process of freezing of untreated surface waters, which shall be created separately in these regulations.

G. "Industrial Ice" means product which is not produced under sanitary conditions, and which is used in a non-food industrial process, such as cooling glue or concrete mix.

H. "Ice Plant" means any commercial establishment or production area within any commercial establishment, together with the necessary appurtenances, in which ice is manufactured, processed, or packaged.

I. "Processing" means grinding, crushing, flaking, cubing, or any other operation which changes the physical characteristics of ice packaged for human consumption.

J. "Sanitization" means effective bactericidal treatment by a process that effectively destroys microbes of public health significance, without adversely affecting the safety of the product.

**2.** Ice formed by the natural process of freezing of untreated surface waters shall be labeled "Not to be used for food purposes"

**3.** Ice used for purposes of cooling during transportation of raw foods to processing plants shall not be used as food, and shall not be manufactured from water that may in any way contaminate a raw food product.

**4. Premises**

 The grounds of the outer building or buildings shall be clean and well-drained, free from any materials or conditions that may create rodent, bird and/or insect harborages, and free from other nuisances and sources of contamination.

**5. Plant Construction and Design**

A. The manufacturing, processing or packaging of ice shall be conducted in an area which is adequately lighted and ventilated and of proper construction. This area shall be used for no other purpose than the manufacture, processing or packaging of ice, or for food storage or food preparation, and shall be physically separated from any other activity, in order to prevent cross-contamination such as bacteria, molds, toxic chemicals, and filth contamination.

B. The floor, walls, ceiling of all rooms in which ice is manufactured, processed, packaged, and stored, shall be of such material and so constructed that they can be maintained in a clean, sanitary condition.

C. Lighting of 50 foot candles in production areas and 20 foot candles in storage areas shall be provided where ice is manufactured, processed, packaged, stored, or examined. Light bulbs, fixtures, skylights or other glass suspended over product areas shall be of the safety type or shielded to prevent contamination. in case of breakage.

D. Adequate screening and tight fitting closures shall be provided to prevent entry of insects, rodents, or other vermin.

**6. Equipment and Utensils**

A. Filtering equipment must be designed to protect ice from contamination and must be subjected to periodic treatment and cleaning as required by food sanitation practice.

B. Equipment and utensils shall be adequate for their intended use.

C. Equipment and utensils shall be designed and constructed to enable easy cleaning and maintenance.

D. No ice product shall be contaminated by any equipment used in the manufacture, processing, or packaging of ice products. For purposes of this rule, contaminants may include, but not be limited to: lubricants, fuel, metal fragments, or contaminated water.

E. All product storage and holding areas are to be refrigerated, and shall be cleaned as often as necessary to keep them free from contamination.

**7. Cleaning and Sanitization**

A. All equipment and utensils shall be maintained in a sanitary condition through cleaning at frequent intervals to prevent contamination of product.

B. Suitable facilities for cleaning equipment and utensils shall be provided at convenient locations.

C. All food contact surfaces shall be cleaned and sanitized prior to use and following any interruption during which such utensils and food contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production operation, the food contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning and sanitizing. Sanitizing agents shall be effective and safe under conditions of use.

D. Sanitization shall be accomplished by one of the following methods: (1) immersion for at least one-half minute in clean, hot water at a temperature of at least 180 degrees F.; or (2) immersion for at least one minute in a clean solution containing at least 50 part per million available chlorine as hypochlorite and at a temperature of at least 75 degrees F., or immersion in a clean solution containing any other chemical sanitizing agent which has been approved by the Department, and that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as hypochlorite at a temperature of at least 75 degrees F. for I minute; (3) treatment with steam in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or (4) rinsing, spraying or swabbing with a chemical sanitizing solution of twice the strength required for that particular sanitizing solution in the case of equipment too large to sanitize by immersion. A chemical test kit or other device that measures the parts per million concentration of the chemical sanitizer shall be provided and used.

E. All cleaned and sanitized portable equipment and utensils shall be stored above the floor in a clean and dry location in such a manner that all food contact surfaces are protected from splash, dust, or other contamination.

**8. Sanitary Operations and Controls**

 A. The water supply shall be ample for all operations and shall be of safe and sanitary quality and drawn from an approved public or private water supply system which is constructed, protected, operated and maintained in conformance with State laws. Private water supplies shall be tested yearly, and a copy of the water analysis shall be available on the premises.

 B. Plumbing shall be of adequate size and design, and installed and maintained in compliance with *State Plumbing Code*, co carry sufficient quantities of water required to locations throughout the ice plant. Adequate floor drainage shall be provided in all areas where floors are subject to flood-type cleaning, or where normal operations release or discharge water or other liquid waste onto the floor, and floor drains shall be functional and properly trapped.

 C. The potable water system shall be installed to preclude the possibility of backflow or back-siphonage into the system.

 D. Sewage and waste water disposal shall be made into a public sewerage system or into an approved sewage disposal system which is constructed and operated in conformance with State and local laws, ordinances and regulations.

 E. Toilets shall be adequate for the number of employees, and toilet rooms shall have self-closing doors not opening directly into any rooms used for manufacturing, processing or packaging. Handwashing facilities with hot and cold water under pressure shall be adequate and conveniently located in relation to the toilet and food processing areas. Toilet tissue, soap or detergent, paper towel or other one-use drying devices shall be provided at all times. Toilets and all handwashing facilities shall be maintained in a clean and sanitary condition. Handwash signs shall be posted. The toilet room shall be ventilated to the outside, kept free of odors, and be in good repair. Washable receptacles shall be provided for disposal of hand drying articles or waste material. A covered waste receptacle must be provided in toilet rooms that are used by women.

 F. Rubbish shall be disposed of or stored in such a manner as to minimize odor, prevent waste from becoming an attractant, harborage or breeding place for vermin and insects and prevent contamination of food, food contact surfaces and water supply.

 G. Effective measures shall be taken to protect against contamination of ice, in or on the premises, by cats, dogs, birds, rodents or insects.

**9. Processes and Controls**

 A. All operations in the receiving, inspecting, transporting, packaging, segregating, preparing, processing and scoring of ice shall be conducted in accord with adequate sanitation principles. Precautions shall be taken to assure that production procedures do not contribute contamination such as filth, harmful chemicals, undesirable microorganisms, or any other objectionable material to the finished product. Frozen unpackaged ice blocks intended for sale for human consumption or for the refrigeration of food products shall be washed thoroughly with potable water. Hands shall not come into direct contact with ice products at any time during manufacturing, processing, packaging and storage.

B. Ice manufactured for industrial purposes and defined as "industrial ice" shall be handled and stored separately from ice intended for human consumption.

C. Equipment shall be maintained in a sanitary condition through frequent cleaning including sanitization where indicated. Insofar as possible, equipment shall be taken apart for thorough cleaning.

D Packaging processes or materials shall not transmit contaminants or objectionable substances to the product. Packaging materials shall be stored above the floor in a clean and dry location, and in such a manner chat they are protected from splash, dirt, or ocher contamination.

E. Chemical, microbiological or extraneous testing procedures shall be utilized where necessary to identify sanitation failures or food adulterants.

F. Manufacturers shall keep records and code products to enable them to identify specific lots affected by contamination or sanitation failure. All manufacturers and distributors of packaged ice shall maintain in writing a plan for the withdrawal or recall of problem ice.

G. Ice shall be stored and transported under conditions which will preclude all contamination and protect against deterioration of the product and the container.

H. Packaged ice must be tightly sealed and clearly labeled to show the name of the product, the net weight, the date code, and the name, address and zip code of the manufacturer or distributor. Staples are not permitted in the packaging of ice.

**10. Personnel**

A. Employees shall wear clean outer garments and maintain a high degree of personal cleanliness, and wear effective hair restraints in the processing, manufacturing and packaging areas.

B. Employees shall remove all insecure jewelry to prevent contamination of product or equipment.

C. Hands shall be washed thoroughly in an adequate handwashing facility before starting work, after each absence from work station, and after any other time when the hands have become sailed or contaminated.

D. Gloves used in product handling shall be maintained in an intact, clean, and sanitary condition.

E. No person shall use tobacco in any form in ice processing, ice handling/packaging, ice storage, and equipment/utensil washing areas.

**11. Licensing**

 A. **Application and Fee**. Application for approval of Ice Manufacturing and Processing establishments shall be filed annually with the Department of Agriculture, Conservation and Forestry. A license fee of $30.00 shall accompany each application. In order to allow for the staggering of license expiration dates, initial licenses may be issued for a period exceeding twelve months. In such cases, the initial license fee shall be increased in proportion to the length of the license period.

B. **Inspection and Issuance**. Before a license is issued or renewed the Department shall inspect the premises of the applicant.

 The Commissioner shall, within 30 days following receipt of application, issue a license to operate any food establishment which is found to comply with this chapter and any rules and regulations adopted by the Commissioner. When the Commissioner finds upon inspection that an applicant is not in compliance with the requirements set forth by law and by this regulation, the Commissioner may (a) deny a license; or (b) if the reasons for non-compliance may be readily rectified, may issue a temporary or conditional license; or (c) may proceed according to the provisions of the *Maine Administrative Procedure Act*, 5 M.R.S.A. §10051, to refuse to renew, suspend, or revoke the license.

 C. **Display**. Licenses issued shall be displayed in a place visible to consumers or other persons using a license establishment.

STATUTORY AUTHORITY: 10 MRSA §2625, 22 MRSA §§ 2153, 2167, 2168 and 2169

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