



**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NY 12235**

CIRCULAR 933

Rules and Regulations Relating to

**HUMAN FOODS:
CURRENT GOOD MANUFACTURING
PRACTICE**

Article 17-of the Agriculture and Markets Law
Part 261 Title 1 of the Official Compilation of
Codes, Rules and Regulations of the State of New York

Revised as of April 30, 2004

**RULES AND REGULATIONS RELATING TO
HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE**

(1NYCRR, PART 261)

Section

- 261.1 Definitions**
- 261.2 Current Good Manufacturing Practice (Sanitation)**
- 261.3 Plant and Grounds**
- 261.4 Equipment and Utensils**
- 261.5 Sanitary Facilities and Controls**
- 261.6 Sanitary Operations**
- 261.7 Processes and Controls**
- 261.8 Acidified Foods**
- 261.9 Shell eggs.**
- 261.10 Personnel**
- 261.11 Exclusions**

Section 261.1 Definitions. The definitions and interpretations contained in section 198 of the New York State Agriculture and Markets Law are applicable to such terms when used in this Part. The following definitions shall also apply:

(a) **Adequate** means that which is needed to accomplish the intended purpose in keeping good public health practice.

(b) **Plant** means the building or buildings or parts thereof used for or in connection with the manufacturing, processing, packaging, labeling or holding of human food.

(c) **Sanitize** means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other microorganisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.

261.2 Current good manufacturing practice (sanitation). The criteria in sections 261.3 through 261.8 shall apply in determining whether the facilities, methods, practices, and controls used in manufacture, processing, packing, or holding of food are in conformance with or are operated or administered in conformity with good manufacturing practices to assure that food for human consumption is safe and has been prepared, packed, and held under sanitary conditions.

261.3 Plant and grounds. (a) **Grounds.** The grounds about a food plant under the control of the operator shall be free from conditions which may result in the contamination of food, including but not limited to, the following:

(1) improperly stored equipment, litter, waste, refuse, and uncut weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place or harborage for rodents, insects and other pests;

(2) excessively dusty roads, yards, or parking lots that may constitute a source of

contamination in areas where food is exposed;

(3) inadequately drained areas that may contribute contamination to food products through seepage or foot-borne filth and by providing a breeding place for insects or microorganisms. If the plant grounds are bordered by grounds not under the operator's control of the kind described in paragraphs (1) through (3) of this subdivision, care must be exercised in the plant by inspection, extermination, or by other means to effect exclusion of pests, dirt, and other filth that may be a source of food contamination.

(b) **Plant construction and design.** Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food processing purposes. The plant and facilities shall:

(1) provide sufficient space for such placement of equipment and storage of materials as is necessary for sanitary operations and production of safe food. Floors, walls and ceilings in the plant shall be of such construction as to be adequately cleanable and shall be kept clean and in good repair. Fixtures, ducts and pipes shall not be so suspended over working areas that drip, or condensate may contaminate foods, raw materials, or food-contact surfaces. Aisles or working space between equipment, and between equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food-contact surfaces with clothing or personal contact;

(2) provide separation by partition, location, or other effective means for those operations which may cause contamination of food products with undesirable microorganisms, chemicals, filth, or other extraneous material;

(3) provide adequate lighting to hand-washing areas, dressing and locker rooms, and toilet rooms and to all areas where food or food ingredients are examined, processed, or stored and where equipment and utensils are cleaned. Light bulbs, fixtures, skylights or other glass suspended over exposed food in any step of preparation shall be of the safety type or otherwise protected to prevent food contamination in case of breakage;

(4) provide adequate ventilation or control equipment to minimize odors and noxious fumes or vapors (including steam) in areas where they may contaminate food. Such ventilation or control equipment shall not create conditions that may contribute to food contamination by airborne contaminants; and

(5) provide, where necessary, effective screening or other protection against birds, animals and vermin (including but not limited to insects and rodents).

261.4 Equipment and utensils. All plant equipment and utensils should be (a) suitable for their intended use, (b) so designed and of such material and workmanship as to be adequately cleanable, and (c) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of foods with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

261.5 Sanitary facilities and controls. Each plant shall be equipped with adequate sanitary facilities and accommodations, including but not limited to the following:

(a) **Water supply.** The water supply shall be sufficient for the operations intended and shall be derived from an adequate source. Any water that contacts foods or food-contact surfaces shall be safe and of adequate sanitary quality. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where the processing of food, the cleaning of equipment, utensils or containers, or employee sanitary facilities require.

(b) **Sewage disposal.** Sewage disposal shall be made into an adequate sewerage system or disposed of through other adequate means.

(c) **Plumbing.** Plumbing shall be of adequate size and design and adequately installed and maintained to:

(1) carry sufficient quantities of water to required locations throughout the plant;

(2) properly convey sewage and liquid disposable waste from the plant;

(3) not constitute a source of contamination to foods, food products or ingredients, water supplies, equipment, or utensils or create an unsanitary condition; and

(4) provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(d) **Toilet facilities.** Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. Toilet rooms shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.). Signs shall be posted directing employees to wash their hands with cleaning soap or detergents after using toilet.

(e) **Hand-washing facilities.** Adequate and convenient facilities for hand washing and, where appropriate, hand sanitizing shall be provided at each location in the plant where good sanitary practices require employees to wash or sanitize and dry their hands. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand-cleaning and sanitizing preparations, sanitary towel service or suitable drying devices, and, where appropriate, easily cleanable waste receptacles.

(f) **Rubbish and offal disposal.** Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces, and water supplies.

261.6 Sanitary operations. (a) **General maintenance.** Buildings, fixtures, and other physical facilities of the plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the plant. These materials shall be identified and used only in such manner and under conditions as will be safe for their intended use.

(b) **Animal and vermin control.** No animals or birds, other than those essential as raw material, shall be allowed in any area of a food plant. Effective measures shall be taken to exclude pests from the processing areas and to protect against contamination of foods in or on the premises by animals, birds and vermin (including, but not limited to, rodents and insects). The use of insecticides and rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues.

(c) **Sanitation of equipment and utensils.** All utensils and product-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Nonproduct-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris. Single-service articles (such as utensils intended for one-time use, paper cups, paper towels, etc.) should be stored in appropriate containers and handled, dispensed, used and disposed of in a manner that prevents contamination of food or food-contact surfaces. Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and product-contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production operation the contact surfaces of such equipment 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. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine or device will routinely render equipment and utensils clean and provide adequate sanitizing treatment.

(d) **Storage and handling of cleaned portable equipment and utensils.** Cleaned and sanitized portable equipment and utensils with product-contact surfaces should be stored in such a location and manner that product-contact surfaces are protected from splash, dust and other contamination.

261.7 Processes and controls. Operations in the receiving, inspecting, transporting, packaging, segregating, preparing, processing and storing of food shall be conducted in accord with adequate sanitation principles. Overall sanitation of the plant shall be under the supervision of an individual assigned responsibility for this function. All reasonable precautions, including the following, shall be taken to assure that procedures do not contribute contamination such as filth, harmful chemicals, undesirable microorganisms, or other objectionable material to the processed product:

(a) Raw material and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, and fit for processing into human food and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing or conveying of food products shall be of adequate quality, and water shall not be reused for washing, rinsing or conveying products in a manner that may result in contamination of food products.

(b) Containers and carriers of raw ingredients should be inspected on receipt to assure that their condition has not contributed to the contamination or deterioration of the products.

(c) When ice is used in contact with food products, it shall be made from potable water and shall be used only if it has been manufactured in accordance with adequate standards and stored, transported and handled in a sanitary manner.

(d) Food-processing areas and equipment used for processing human food should not be used to process nonhuman food-grade animal feed or inedible products unless there is no reasonable possibility for the contamination of the human food.

(e) Processing equipment shall be maintained in a sanitary condition through frequent cleaning including sanitization where indicated. Insofar as necessary, equipment shall be taken apart for thorough cleaning.

(f) All food processing, including packaging and storage, should be conducted under such conditions and controls as are necessary to minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product or ingredients. This may require careful monitoring of such physical factors as time, temperature, humidity, pressure, flow-rate and such processing operations as freezing, dehydration, heat processing, and refrigeration to assure that mechanical breakdowns, time delays, temperature fluctuations, and other factors do not contribute to the decomposition or contamination of the processed products.

(g) Chemical, microbiological, or extraneous-material testing procedures shall be utilized where necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be properly accomplished.

(h) Packaging processes and materials shall not transmit contaminants or objectionable substances to the products, shall conform to any applicable food additive regulation (1 NYCRR Part 251), and should provide adequate protection from contamination.

(i) Meaningful coding of products sold or otherwise distributed from a manufacturing, processing, packing, or repacking activity should be utilized to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records should be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than two years.

(j) Storage and transportation of finished products should be under such conditions as will prevent contamination, including development of pathogenic or toxigenic microorganisms, and will protect against undesirable deterioration of the product and the container.

261.8 Acidified foods.

(a) Except where in conflict with the statutes of this State or with rules and regulations promulgated by the commissioner, the commissioner hereby adopts the current Federal regulations as it appears in Title 21 of the *Code of Federal Regulations*, Part 114 (revised as of April 1, 2013; U.S. Government Printing Office, Washington, DC 20402), at pages 291-297, entitled *Acidified Foods*.

(b) Copies of this regulation, as published in Title 21 of the *Code of Federal Regulations*, are maintained in a file at the Department of Agriculture and Markets, Division of Food Safety and Inspection, 10B Airline Drive, Albany, NY 12235, and at the Department of State, 99 Washington Avenue, Suite 650, Albany, NY 12231, and are available for public inspection and copying during regular business hours.

261.9 Shell eggs.

(a) Except where in conflict with the statutes of this State or with rules and regulations promulgated by the commissioner, the commissioner hereby adopts the current Federal regulation as it appears in title 21 of the *Code of Federal Regulations*, part 118 (revised as of April 1, 2013; U.S. Government Printing Office, Washington, DC 20402), at pages 300-310, entitled *Production, Storage, and Transportation of Shell Eggs*.

(b) Copies of the *Code of Federal Regulations* may be obtained from the U.S. Government Printing Office, Washington, DC 20402. The material incorporated by reference herein is available for public inspection and copying at the Department of Agriculture and Markets, Division of Food Safety and Inspection, 10B Airline Drive, Albany, NY 12235, and at the Department of State, 99 Washington Avenue, Suite 650, Albany, NY 12231.

261.10 Personnel.

The plant management shall take all reasonable measures and precautions to assure the following:

(a) **Disease control.** No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plant in any capacity in which there is a reasonable possibility of food or food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) **Cleanliness.** all persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash their hands thoroughly (and sanitize if necessary to prevent contamination by undesirable microorganism) in an adequate hand-washing facility before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all insecure jewelry and, during periods where food is manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

(4) If gloves are used in food handling, maintain them in an intact, clean, and sanitary condition. Such gloves should be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

(5) Wear hair nets, headbands, caps, or other effective hair restraints.

(6) Not store clothing or other personal belongings, eat food or drink beverages, or use tobacco in any form in areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any necessary precautions to prevent contamination of foods with microorganisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals and medicants.

(c) **Education and training.** Personnel responsible for identifying sanitation failure or food contamination should have a background of education or experience or a combination thereof, to provide a level of competency necessary for production of clean and safe food. Food handlers and supervisors should receive appropriate training in proper food-handling techniques and food-protection principles and should be cognizant of the danger of poor personal hygiene and unsanitary practices.

(d) **Supervision.** Responsibility for assuring compliance by all personnel with all requirements of this section shall be clearly assigned to competent supervisory personnel.

261.11 Exclusions. (a) The following establishments, businesses and operations are excluded from coverage under this Part:

(1) Establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public.

(2) Those businesses operating subject to Federal or State meat and poultry inspection laws and/or the rules and regulations promulgated thereunder.

(3) Those establishments now or in the future to be covered by specific rules and regulations promulgated pursuant to the Agriculture and Markets Law of the State of New York, including but not limited to the following Parts of this Title: Parts 16, 32, 36, 240, 256, 258, 270 and 275.

(b) The commissioner, however, will promulgate and adopt special or specific rules and

regulations when he believes it necessary to cover or control the operations excluded by the provisions of subdivision (a) of this section.