

**Indiana State Department of Health  
Division of Consumer Protection  
Food Protection Program**

**Final Guidance on Prepackaged Frozen Meat, Poultry & Rabbit  
for Retail Sale June 28, 2006**

**Purpose**

The following information is intended to provide guidance to producers on the storage of frozen meat, poultry and rabbit products. This guidance is intended to assist the industry in being able to produce and store these products in a safe manner for sale and for local health departments to use in the inspection of these operations.

**Background**

Frozen meat, poultry, and rabbit are products considered to be a low risk food as long as they remain frozen in an intact package from a state or federal inspected plant. They are also in a group known as “value-added” products. This guidance is intended for operations consisting solely of the storage, transportation and sale of uncooked raw prepackaged frozen meat, poultry and rabbit products. There shall be no open handling of these products at any time. Since many of these types of operations may have onsite retail sales and home delivery, the vehicle used as part of their operation also must be considered.

This guidance is intended for those operations selling retail only. This means selling to the final consumer. Any wholesaling or redistribution of meat and poultry products is regulated under state meat laws under the purview of the Indiana Board of Animal Health (BOAH) and is prohibited unless licensed under their program. Rabbit products are regulated under the Indiana State Department of Health Rule 410 IAC 7-24 which require that they be processed under a state or federal inspection process to be allowed to be sold at retail. State meat inspection laws permit BOAH to provide the required inspection for a fee upon request.

It is strongly recommended that persons engaged in these retail sales activities contact the local health department having jurisdiction to begin the process of obtaining inspections and permits. The health department may or may not conduct an inspection since this is a lower risk food.

## **Guidance**

The following is guidance for a retail food establishment that stores frozen meat, poultry or rabbit food products. These operations must be operated pursuant to Indiana Code 16-42-5 and applicable sections of 410 IAC 7-24. The following are statutory and rule provisions (*in italics*) followed by guidance specific to frozen storage areas. The non-italicized language that follows is the actual guidance for that section of the law.

### **Indiana Code 16-42-5, Sanitary Requirements for Food Establishments**

#### **IC 16-42-5-6 - Conditions of health and comfort**

*Sec. 6. A food establishment must meet the following conditions:*

- (1) Be adequately lighted, heated, drained, and ventilated.*
- (2) Be supplied with uncontaminated running water.*
- (3) Have adequate sanitary facilities.*

Adequately lighted, heated, drained and ventilated

- Lighting may be electrical, natural light coming through windows, artificial electrical lights or gas lanterns. Lighting must be placed as to avoid contamination of the frozen product if a fixture should break.
- Any form of heating is acceptable as long as it does not contaminate the product or cause harm to persons present. Heating may not be necessary if it does not affect the proper operation of the freezer equipment.
- Ventilation should be such as to minimize odors and vapors. Fans, screened windows or other effective means may be used to achieve adequate ventilation.
- Condensate waster from freezer units is not classified as “waste water,” but should be disposed of in a manner that does not create a safety or unsanitary condition for the food establishment

Supplied with uncontaminated running water

- If well water is used, a sample must be taken annually to determine that it is potable. A copy of the sample results shall be kept on site and available for review
- The only water requirements needed onsite will be for the restroom and any cleaning needs of the freezer and adjacent areas and the transport vehicle.

Adequate sanitary facilities

- Toilet facilities in a nearby farmstead, home or business may be used if they are located reasonably close to the operation.

#### **IC 16-42-5-7 – Construction to facilitate cleanliness**

*Sec. 7. Each food establishment and the machinery used in each food establishment must be constructed so as to be easily and thoroughly cleaned.*

Any equipment used must be able to be cleaned effectively. This could be done using a pressure washer, hose, broom, etc. Ideally, smooth surfaces should be used. Equipment should be very minimal based on the type of operation.

#### **IC 16-42-5-8 – Cleanliness and sanitation of premises and vehicles**

*Sec. 8. The floors, sidewalls, ceiling, furniture, receptacles, implements, and machinery of a food establishment and a vehicle used to transport food products must at all times be clean and sanitary.*

The floors, sidewalls, ceiling, furniture, receptacles, implements, and machinery of a food establishment and a vehicle used to transport food products must at all times be clean and sanitary.

- All non-food contact surfaces, such as floors, sidewalls, ceiling and vehicles, shall be cleaned as needed.
- All food contact equipment shall be stored off the floor.
- Food contact surfaces shall be in good repair, easily cleanable, food grade quality and not contain any chemicals or other hazardous materials.
- New equipment shall not contain any deleterious substances.

#### **IC 16-42-5-9 – Walls and ceilings; construction; washing**

*Sec. 9. (a) The sidewalls, woodwork, and ceiling of a food establishment must be made of an impervious material with a finish that is washable.*

*(b) The sidewalls, woodwork, and ceiling must be kept washed clean with detergent and water.*

The sidewalls, woodwork, ceiling and floor of a food establishment must be made of impervious/nonabsorbent material that can be washed clean with detergent and water.

- Walls and ceilings may be constructed of wood or other impervious material, but must be free from unnecessary dust or soil accumulations.
- The floor should be sealed concrete, treated or sealed wood or other material that is nonabsorbent and can be cleaned.

#### **IC 16-42-5-10 – Floors; construction; washing**

*Sec. 10. (a) The floor of a food establishment must be made of nonabsorbent material that can be flushed with water.*

*(b) The floor of a food establishment must be kept washed clean with detergent and water.*

The sidewalls, woodwork, ceiling and floor of a food establishment must be made of impervious/nonabsorbent material that can be washed clean with detergent and water.

- Walls and ceilings may be constructed of wood or other impervious material, but must be free from unnecessary dust or soil accumulations.
- The floor should be sealed concrete, treated or sealed wood or other material that is nonabsorbent and can be cleaned.
- Any type of cleaner, depending on the soil present, can be used for ensuring these areas are kept clean.

### **IC 16-42-5-11 – Domestic animals; rodents; insects**

*Sec. 11. A food establishment must be protected by all reasonable means against the presence of and entrance of domestic animals, rodents, flies, and other insects.*

- Openings should be protected as necessary against rodents, squirrels and other vermin. Domestic animals are not allowed in the food establishment.

### **IC 16-42-5-12 – Garbage removal**

*Sec. 12. Refuse, dirt, and waste products subject to decomposition and fermentation incident to food handling shall be removed daily from food establishments.*

- Refuse, dirt, and waste products subject to decomposition and fermentation incident to food handling shall be removed daily from food establishments. The facility must be kept free of trash and garbage and maintained in this condition at all times.

### **IC 16-42-5-13& 14 – Toilet room; Washroom**

*Sec. 13. (a) A food establishment must have a convenient toilet room separate and apart from and not opening directly into a room that is used for food handling.*

*(b) The floor of the toilet room must be made of a nonabsorbent material.*

*(c) The floor of the toilet room shall be washed and scoured daily.*

*(d) Each toilet fixture and each toilet room must be adequately ventilated.*

*Sec. 14. (a) A food establishment must have a washroom adjacent to each toilet room.*

*(b) The washroom shall be supplied with adequate lavatories, soap, hot and cold running water, and clean individual towels.*

*(c) The washroom shall be kept clean by washing with detergent and water.*

- A food establishment must have a convenient toilet room separate and apart from and not opening directly into a room that is used for food handling.
- If the facility does not have a toilet room provided, then one in a nearby home or business can be utilized as long as access is allowed at all times when the business is operating.
- The toilet must be reasonably convenient to the food establishment and have hot and cold potable running water; a floor made on nonabsorbent material; cleaned frequently; and adequately ventilated.
- Ventilation can be done by mechanical or passive (window) means.

### **IC 16-42-5-15 – Food handling rooms; exclusive use**

*Sec. 15. A room that is used for food handling or that is equipped for use for food handling may not be used for any other purpose.*

Whatever facility is used cannot be used for any other purpose other than for the storage of these food products. No other rooms can open directly into the this area that are used for living or sleeping purposes without at least a door that can minimize unauthorized entry.

- In the food establishment, no storage or handling of gasoline, oil, pesticides, or other hazardous materials shall be allowed.
- Unnecessary equipment is not allowed to be stored in this area.

#### **IC 16-42-5-16 – Dressing rooms**

- Sec. 16. (a) Rooms separate and apart from rooms used for food handling must be provided for the changing and hanging of wearing apparel.  
(b) The rooms for changing and hanging wearing apparel must be kept clean.*

Clothing and the changing of clothing must be stored in other rooms not used for any part of the food establishment. These areas must also be kept clean.

#### **IC 16-42-5-17 – Expecting**

- Sec. 17. A person may not expectorate in or on the machinery, equipment, floor, sidewalls, or other structure of a food establishment.*

In other words, there shall not be any spitting in the facility.

#### **IC 16-42-5-18 – Sleeping in food handling rooms**

- Sec. 18. A person may not live or sleep in a room used for food handling or in a room opening directly into a food establishment.*

If a home kitchen, or other room in the home, is used as a food establishment, there cannot be any rooms opening directly into the kitchen that are used for living or sleeping purposes. Therefore, a family or living room, den or bedrooms cannot open into the kitchen without at least a door that can minimize unauthorized entry.

#### **IC 16-42-5-19 – Diseases; employees**

- Sec. 19. A person who has a communicable or infectious disease may not work in a food establishment in any capacity in which epidemiological evidence indicates the person may spread the disease.*

It is best that any one who is experiencing symptoms of vomiting; diarrhea; fever; jaundice; or sore throat not participate in the handling of the food products. Although the risk has been greatly reduced with no open food, it is advisable to not work in the operation.

#### **IC 16-42-5-20 – Wearing apparel; employees**

- Sec. 20. A person shall wear clean outer garments while working in a food establishment.*

Any soiled clothing should not be worn while involved with activities of the food operation.

#### **IC 16-42-5-21 – Washing; employees**

- Sec. 21. A person who works in a food establishment shall wash the person's hands and arms thoroughly with soap and clean water before beginning work, before*

*resuming work after a rest period, and before resuming work after visiting a toilet room.*

Although the risk is reduced with prepackaged frozen food products, this is still recommended as a good retail practice. This may be done in the washroom area of a toilet room if one is not provided in the food establishment.

**IC 16-42-5-22 – Sitting or lying on food handling equipment**

*Sec. 22. A person may not sit or lie upon equipment used or installed for use in handling food.*

Persons working in the operation, such as guests, children or employees are not allowed to use equipment in this casual manner and restrictions must be in place to prevent this activity from occurring.

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**IC 16-42-1 and 16-42-2; Food, Drug & Cosmetic Act**

This statute is provided to ensure that foods are safe, wholesome and not adulterated. The following areas do apply to meat, poultry and rabbit products.

All uncooked raw frozen meat, poultry and rabbit food products shall be in a prepackaged form provided for retail sale and must have proper labeling on the outside of the package. This includes the name and address of the manufacturer, common name of the product, ingredient statement when made with multiple ingredients (listed in order of predominance) and the weight or volume of the package.

In addition, these products cannot contain any poisonous or deleterious substances that are harmful to human health. It cannot be adulterated as specified in IC 16-42-2-2.

Furthermore, under 21 CFR, Part 131-169, the final product cannot contain ingredients that are deceptive or fraudulent to the consumer. These products cannot have added ingredients, such as coloring or preservatives, and maintain the common name of the product. Ground beef, for example, cannot have added coloring without adding this to an ingredient list on the label. The final product cannot be misbranded as specified in IC 16-42-2-3, meaning the labeling must be accurate and contents safe.

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**410 IAC 7-24; Retail Food Establishment Sanitation Requirements**

As it pertains to the aforementioned rule, frozen meat and poultry operations must meet the following applicable requirements at all times:

- The owner/operator of the retail food establishments must apply or register for a permit with the local health department having jurisdiction over the facility. Any plans and specifications must be submitted in advance to the health department before any construction would begin. Sections 107, 110, 111
- Although food handler certification requirements do not apply, “demonstration of knowledge” and “duties of the person-in-charge” do apply, but only to only those areas of food safety specific to frozen meat, poultry and rabbit operation. Sections 118 & 119
- Procedures must be incorporated to ensure that persons diagnosed or presenting symptoms of illness that may be transmitted through the handling of foods are excluded or restricted. Sections 120-127
- Hand washing must be properly conducted at a hand washing sink provided with the toilet room. Hands must be washed and dried when they become contaminated. Sections 128-131
- Food employees shall maintain their arms and hands clean and maintained and prevent discharges from the eyes, nose and mouth. Sections 132, 133, 137
- Frozen meat, poultry and rabbit operations must only utilize product processed in a state or federally inspected processing plant after which the package will have a federal or state stamp. The meat or poultry cannot come from a “custom exempt” processing plant if the product is to be sold. Food must be honestly presented; wholesome; in sound condition; unadulterated and be properly labeled. Packaged meat and poultry that is not a ready-to-eat food when it is offered for sale shall be labeled to include safe handling instructions. (see Attachment A). Sections 139-146
- The food must be properly stored and protected from outside sources of contamination. Sections 177, 178
- An thermometer accurate to + or – 3 degrees Fahrenheit must be kept in the freezer and monitored frequently to ensure the product remains frozen at the proper temperature, preferably at 0 degrees F. or below. The food must remain frozen at all times and cannot be thawed; and further proportioning of open food is prohibited. This also includes during times of transportation and delivery. Sections 197, 255
- All equipment used in food storage must be properly designed to be easily cleanable; durable; corrosion resistant; nonabsorbent; maintained in good repair. Sections 205, 217, 218, 226
- Equipment should be cleaned as specified to preclude soil accumulations. Section 297

- The toilet room and related plumbing fixtures must be provided with potable water and be maintained in good repair at all times. Sections 320, 322-324, 327, 329, 330-332
- Hand washing sinks in the toilet room must be properly equipped with a mixer type faucet and hot (100 degrees F.) and cold running water under pressure. Sections 342, 344-347, 349
- The toilet room shall be provided with at least one (1) toilet; covered waste receptacle; complete enclosure; and be accessible at all times. Sections 350-353
- The freezer(s) used to store the prepackaged product cannot be used to store personal items (including personal foods), and must be located in an area separate from living or sleeping quarters. This area must not be used for any purpose other than for storage of the food product. Section 423
- The area(s) used to store the food product must be constructed so that it can be easily cleaned and be kept clean and free of debris and unnecessary clutter. Sections 399-408, 431, 426
- There must be sufficient lighting to provide at least 20 foot-candles of light in storage areas. Section 411
- The room or area used for food storage must be protected against insects, rodents, birds and other pests. Measures must be taken to minimize the exposure of food to presence of pests. These measures can be developed and used at the discretion of the owner/operator, but must be done to avoid any contamination of the food. Sections 413-416
- Areas that are for personal use must be separated from the areas used for food storage. Sections 417-424
- Pets and farm animals must be restricted from all areas used for storage of these products. Section 436
- Poisonous or toxic materials, must be labeled, stored and used according to the manufacturers use directions at all times. Sections 437-451
- Although not required, it is recommended that beef producers participate in the “Indiana Fresh From the Farm Beef “program sponsored by the Indiana Beef Cattle Association.
- Currently, the Indiana Poultry Association does not have a program to educate and assist poultry producers, but if this becomes available in the future, then it is recommended that poultry producers participate.



**Items that are not required under the rule:**

- Additional facilities, such as hand washing, three (3) compartment and utility sinks.
- Warewashing requirements
- Waste water requirements if the toilet room is in a private home
- Food handler certification

## Attachment A

### Safe Handling Instructions

*This product was prepared from inspected and passed meat and/or poultry. Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.*



Keep refrigerated or frozen.  
Thaw in refrigerator or microwave.



Keep raw meat and poultry separate from other foods.  
Wash working surfaces (including cutting boards),  
utensils, and hands after touching raw meat or poultry.



Cook thoroughly.



Keep hot foods hot. Refrigerate leftovers  
immediately or discard.