

# TEXAS DEPARTMENT OF STATE HEALTH SERVICES



## DIVISION FOR REGULATORY SERVICES ENVIRONMENTAL AND CONSUMER SAFETY SECTION POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP

### PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP REGULATORY CLARIFICATIONS

October 10, 2000 (Revised: January 4, 2016)

PSRFSGRC - No. 1

**SUBJECT: HOT WATER AT VEGETABLE/PREP SINKS**

#### **Applicable Texas Food Establishment Rules (TFER) Sections:**

§228.66 Preventing food and ingredient contamination

§228.68 Preventing contamination from equipment, utensils, and linens

§228.115(d) Methods of cleaning, wet cleaning

#### Section 228.2: Definitions

§228.2(100) Plumbing fixture.

§228.2(101) Plumbing system.

§228.2(130) Sewage.

#### Subchapter E: Water, Plumbing, and Waste

§228.143(b) Water quantity and availability, pressure.

§228.143(c) Water quantity and availability, hot water.

§228.146 Plumbing design, construction, and installation.

#### **Question:**

Does TFER specify whether a vegetable/prep sink needs to have hot and cold water?

#### **Response:**

The TFER does not specify that fruits and vegetables have to be washed in hot water, however the TFER does state that the sink used for washing fruits and vegetables does have to be equipped with hot and cold water under pressure.

#### **Support:**

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§228.66(e) states that “Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready to eat form.” The provision does not state any temperature requirements of the water. The water is being used to remove soil or other particulate substances, so either cold or hot water would meet the objective.

According to the FDA’s website entitled: “Produce: Selecting and Serving it Safely,” the FDA recommends cutting away any damaged or bruised areas on the fresh fruits and vegetables, washing all produce thoroughly under running water, scrubbing firm produce such as melons and cucumbers with a clean produce brush, and after washing, drying produce with a clean cloth towel or paper towel. The FDA further states that “washing fruits and vegetables with soap, detergent, or commercial produce wash is not recommended.”

The other issue that is raised is whether or not the vegetable preparation sink must be equipped to provide hot water because the sink is a piece of food-contact equipment. §228.68 states that food may not contact “...surfaces of utensils and equipment that are not cleaned and specified under §§228.113, 228.114, and 228.115 of this title and sanitized as specified in §§228.116, 228.117, and 228.118 of this title.”

A review of three definitions in Section 228.2 and several portions of Subchapter E titled “Water, Plumbing, and Waste,” support the conclusion that a retail food establishment is required to provide the following at all sinks:

- 1) lawfully plumbed with hot and cold water;
- 2) under pressure; and
- 3) with drainage that provides for proper sewage disposal.

Section 228.147(c)(2) requires that “Water under pressure” be “provided to all fixtures” that use water. Section 228.143(c) states that “Hot water generation and distribution systems” in a retail food establishment must be “sufficient to meet the peak hot water demands throughout the food establishment.”

Furthermore, the produce washing sink is considered a food contact surface that must be cleaned in place before and after use. Section 228.115(d) states that “Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.”

In conclusion, a sink used to wash and rinse fruits and vegetables is required to provide hot water. Cold water can be used to wash the fruits and vegetables.

Reference Material:

<http://www.fda.gov/Food/FoodborneIllnessContaminants/BuyStoreServeSafeFood/ucm114299.htm#prep>

Agree to form and substance:

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<sup>1</sup> §228.2(100) defines a “plumbing fixture” as a “receptacle or device” that either “is temporarily or permanently connected to the water distribution system of the premises and demands a supply of water from the system” or that “discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises”.

<sup>2</sup> §228.2(101) defines a “plumbing system” as “[t]he water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment”.

<sup>3</sup> §228.2(130) defines “sewage” as “[l]iquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution”.