



REFILLABLE REUSEABLES

Wednesday, September 1 • 1:00-2:00pm

Refilling Returnables: Industry provided & Consumer owned

- WAC 246-215-03348 allows options for refilling reusable containers owned by consumers
 - No restrictions for filling containers with water at vending
 - **Option 1** – Establishment provides reusable, cleaned container
 - No restrictions on the customer
 - **Option 2** – Consumer-owned multiuse beverage ware refilled with drink, **including TCS**, if contamination-free
 - **Option 3** – Under an **approved** plan
 - Consumer provides visibly clean container
 - Consumers may fill using contamination free process
 - ◆ Non RTE food, packaged, and nonTCS RTE food if gravity flow
 - Employees may fill with any food

03348 and 04650 are combined into one section: 03348

03348 Preventing contamination from equipment, utensils, and linens--Refilling returnables (2009 FDA Food Code 3-304.17).

- (1) A take-home food container returned to a FOOD ESTABLISHMENT may not be refilled at a FOOD ESTABLISHMENT with a POTENTIALLY HAZARDOUS FOOD.
- (2) Except as specified in subsection (3) of this section, a take-home food container refilled with food that is not POTENTIALLY HAZARDOUS FOOD must be cleaned as specified under 04650(2).
- (3) SINGLE-SERVICE cups and personal take out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the consumer if refilling is a contamination-free process as specified under 04230 (1), (2), and (4).

04650 Methods--Returnables, cleaning for refilling (2009 FDA Food Code 4-603.17).

- (1) Except as specified in subsections (2) and (3) of this section, returned empty containers intended for cleaning and refilling with FOOD must be cleaned and refilled in a regulated FOOD PROCESSING PLANT.
- (2) A FOOD-specific container for BEVERAGES may be refilled at a FOOD ESTABLISHMENT if:
 - (a) Only a BEVERAGE that is not a POTENTIALLY HAZARDOUS FOOD is used as specified under 03348(1);
 - (b) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;
 - (c) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
 - (d) The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and
 - (e) The container is refilled by:
 - (i) An EMPLOYEE of the FOOD ESTABLISHMENT; or
 - (ii) The owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.
- (3) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

03348 Preventing contamination from equipment, utensils, and linens--Refilling returnables (FDA Food Code 3-304.17).

- (1) Except as specified in subsections (2) through (6) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.
- (2) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:
 - (a) Designed and constructed for reuse and in accordance with the requirements specified in Part 4, Subparts A and B of this chapter;
 - (b) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;
 - (c) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;
 - (d) Subject to the following steps before being refilled with FOOD:
 - (i) Cleaned as specified under Part 4, Subpart F of this chapter;
 - (ii) Sanitized as specified under Part 4, Subpart G of this chapter; and
 - (iii) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4, Subparts A and B of this chapter.
- (3) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with a BEVERAGE if:
 - (a) The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
 - (b) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;
 - (c) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
 - (d) The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and
 - (e) The container is refilled by:
 - (i) An EMPLOYEE of the FOOD ESTABLISHMENT; or
 - (ii) The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under 04230 (1), (2), and (4) that cannot be bypassed by the container owner.
- (4) Consumer-owned multiuse BEVERAGE containers may be refilled, including TIME/TEMPERATURE CONTROL FOR SAFETY FOOD beverages, by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified in 04230 (1), (2), and (4).
- (5) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.
- (6) A FOOD ESTABLISHMENT under an APPROVED plan may allow CONSUMERS to:
 - (a) Refill a visibly clean CONSUMER-owned container with nonREADY-TO-EAT FOOD, bulk FOOD, and PACKAGED FOOD;
 - (b) Refill a visibly clean CONSUMER-owned container with READY-TO-EAT FOOD when dispensed from equipment, such as a gravity-flow unit, meeting standards for liquid food and ice in 04230; and
 - (c) Request a FOOD EMPLOYEE of the FOOD ESTABLISHMENT to refill a visually clean CONSUMER-owned container with FOOD using a contamination-free process.

03348(1): Refillable containers may be **washed and refilled in a regulated food processing plant**

- (1) Except as specified in subsections (2) through (6) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.

Allows empty containers to be refilled, if...

1. Container is washed and refilled at a food processing plant (defined as a commercial food processing facility – explicitly **not** a food establishment)

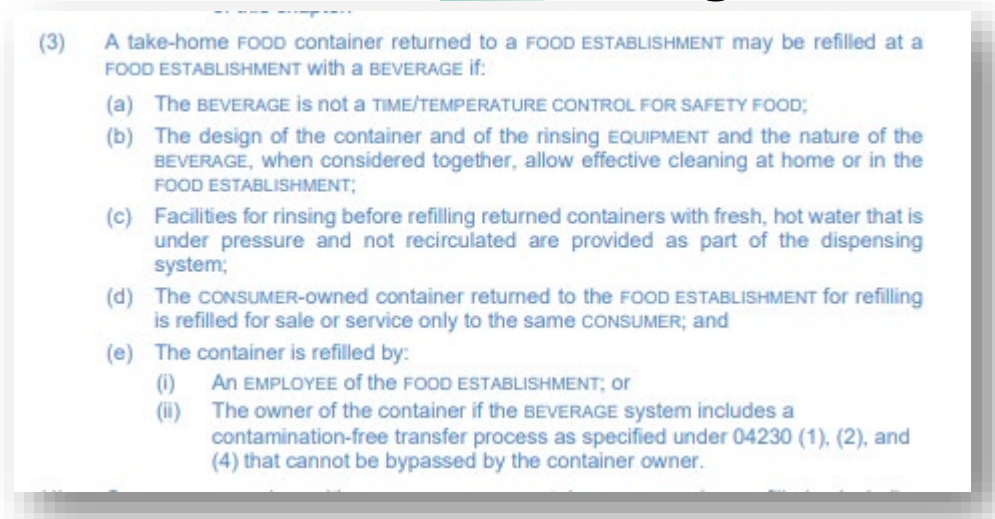
03348(2): Refilling take-home containers **provided and washed by the establishment** with food

- (2) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:
- (a) Designed and constructed for reuse and in accordance with the requirements specified in Part 4, Subparts A and B of this chapter;
 - (b) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;
 - (c) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;
 - (d) Subject to the following steps before being refilled with FOOD:
 - (i) Cleaned as specified under Part 4, Subpart F of this chapter;
 - (ii) Sanitized as specified under Part 4, Subpart G of this chapter; and
 - (iii) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4, Subparts A and B of this chapter.

Allows take home containers to be refilled, if container is...

1. Designed to be multi-use and durable
2. Provided by the establishment and intended to be returned for reuse
3. Washed, rinsed, and sanitized at the establishment
4. Visually inspected by the food worker to ensure it is still in good shape and appropriate for reuse

03348(3): Refilling consumer-owned container with **nonPHF beverages**



Allows nonPHF beverages to be refilled in a consumer owned container, if...

1. Container is designed to be effectively cleaned (either at home or the establishment)
 - Note: 03345 allows for refilling of single-service cups at dispensers
2. Facilities for rinsing returned containers with fresh hot water under pressure are available
3. Container is only used for that customer
4. Refilled by employee or customer (with a contamination-free process)

03348(4): Refilling consumer-owned container **at dispensing machine**

(4) Consumer-owned multiuse BEVERAGE containers may be refilled, including TIME/TEMPERATURE CONTROL FOR SAFETY FOOD beverages, by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified in 04230 (1), (2), and (4).

Allows multi-use beverage containers to be refilled by an employee or customer, if:

1. From equipment that dispenses liquid food or ice with a chute that is protected from contamination (with a contamination-free process)

Washington modification of FDA Food Code: Allows beverage container to be refilled with TCS beverages (not just nonTCS)

03348(5): Refilling **any** consumer-owned container **at** **water vending machine**

(5) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

Allows any consumer-owned container (even non food-specific) to be filled at a water vending machine

03348(6): Refilling **visibly-clean** consumer-owned containers when **approved**

- (6) A FOOD ESTABLISHMENT under an APPROVED plan may allow CONSUMERS to:
- (a) Refill a visibly clean CONSUMER-owned container with nonREADY-TO-EAT FOOD, bulk FOOD, and PACKAGED FOOD;
 - (b) Refill a visibly clean CONSUMER-owned container with READY-TO-EAT FOOD when dispensed from equipment, such as a gravity-flow unit, meeting standards for liquid food and ice in 04230; and
 - (c) Request a FOOD EMPLOYEE of the FOOD ESTABLISHMENT to refill a visually clean CONSUMER-owned container with FOOD using a contamination-free process.

With an **approved** plan, allows customer-owned containers

1. Refilling **non-RTE**, bulk, and packaged foods
2. Refilling with **RTE if dispensed via equipment** meeting the standards in 04230 (protected chute system)
3. Refilling with **any food if done by the food employee** using a contamination-free process

Food Safety Focus

- Significant desire from many wanting options to reuse containers
- Significant desire from many wanting practice to be explicitly curtailed, amplified by COVID-19 response
- National workgroup likely to be formed to review current practices and provide suggested changes to FDA Food Code
- Guidance to be reviewed with FSAC this month and expected to be available in November



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