

## DISTRESSED FOODS & RELATED ITEMS

as the result of

FLOOD, FIRE, TORNADO OR OTHER DISASTER

SURVEILLANCE and INVESTIGATION, QUARANTINE, VOLUNTARY DESTRUCTION

and CONDEMNATION\*

For the purposes of this section, the term FOODS AND RELATED ITEMS shall include all foods, beverages (including alcoholic beverages), and related items, including plastic plates, knives, forks, single use drink cups, facial napkins, toothpicks, straws, etc.; OTC drugs, cosmetics, and oral hygiene products.

### A. Power Outage:

Quarantine all foods held in hot or cold storage units if the power energy source is interrupted - do not open refrigerator or freezer doors as accelerated temperature rise will occur. The use of plastic tarps, blankets, or other insulating coverings on open cases will delay cooling loss. If power can be restored before potentially hazardous food temperatures reach the danger zone (between 45°F and 140°F; if frozen, above 20°F), the food may be released from quarantine. If not, document the food product temperature and obtain written agreement from the owner of the property for prompt voluntary destruction (using Form DFS 222), in accordance with KRS 217.115 (2).

### B. Flood:

Comprehensive, or blanket quarantine shall be issued for any food establishment that has been flooded. When it is determined that power to temperature controlled storage units for potentially hazardous foods has been interrupted, apply procedures specified in A. above. All foods and related articles including packaged foods or beverages, which have been submerged in flood water, shall be considered "non-saleable" except for hermetically sealed canned foods which require a can opener to open. Such canned items may only be salvaged in accordance with the procedures specified in the State Food and Cosmetic Salvage Regulation described below. Foods in non-absorbent containers which have been exposed to flood water, but the lid or closure portion of the container was clearly above the high water level, may be considered saleable, provided the containers are cleaned and sanitized in a way which protects the area beneath the lid or closure from becoming wet or contaminated in any way. *Baby food or infant formula* containers which have been in contact with flood water in any way shall be quarantined and disposed of in a way that assures that the product will be rendered unfit for human use.

After thorough examination of all regulated foods and related items, products considered saleable may be released from quarantine, provided the establishment is in sound, sanitary condition and ready to resume normal operations. If the establishment is damaged to the extent that a safe, sanitary storage environment is questionable, the items considered saleable shall be removed from the establishment to a sanitary storage facility until inspection by the cabinet's agent determines that the establishment is in compliance with applicable state food laws and regulations. All merchandise designated "Non-saleable" shall be promptly disposed of as described in A. above. Foods and related items, which require reconditioning or cleaning before sale, shall be reconditioned by an approved food salvage processor in accordance with the State Food and Cosmetic

Salvage Regulation (902 KAR 45:080), Section 7. Distressed, salvageable merchandise may only be sold to permitted salvage processors within the state of Kentucky, or, to authorized salvage firms outside Kentucky subject to acceptance by the FDA and the receiving state health authorities prior to the interstate movement of such distressed merchandise.

**C. Fire or Explosion Damage:**

Comprehensive, or blanket quarantine of the entire food establishment should be the first step. Determine how the fire was extinguished - water only, chemicals (toxic or non-toxic), and etc. As soon as possible, examine foods and related items to determine if there is visual evidence of heat damage or splash from water used in extinguishing the fire. All unprotected foods and related items directly exposed to smoke and toxic gases shall be declared "non-salable". When there are visible or otherwise detectable residues on unprotected foods and related items including fresh produce, fruits, and vegetables, these shall be declared "non-salable". All foods and related items in packages that can breathe (that are not hermetically sealed), where smoke and toxic gases from fire may have entered, shall be declared "non-salable". Where there is evidence that heat was intense, and where the fire was quickly extinguished with water (abrupt cooling with water results in rapid contraction of container contents which may pull smoke, toxic gases into the container), all hermetically sealed foods and related items shall be declared "non-salable". Where there is evidence that water or other contaminants from drip or splash have made contact with screw-on, press-on, pull tab, or similar type container closures; or when foods and related items packaged in porous or soft plastic have been in contact with water or other liquid splash or dripping, the items shall be considered "non-salable".

**Note:** Foods and related items that are considered by the cabinet to be salable, may be released from quarantine according to procedures described in A and B. above.

**D. Tornado:**

If power outage is indicated, with regards to foods and related items, follow procedures specified in A. above. When structural damage has occurred, follow procedures specified in A., B., and C. above.

**E. Earth Quake:**

If power outage is indicated, with regards to foods and related items, follow procedures in A. above. If fire or explosion occurred, follow procedures in B. above. If water damage occurs from flooding, water line break, over head leakage or other sources, follow procedures in C. above.

**F. Power Blackout:**

For power outages, with regards to foods and related items, follow procedures in A. above.

**G. Truck/Train Wreck:**

For refrigeration failure, with regards to foods and related items, follow applicable procedures in A. and C. above. Examine all foods and related items to determine if free from evidence of any fuel leakage or other sources of contamination.

H. War, Storms Chemical Spills/Releases:

For power outages, water or air-borne contaminants, with regards to foods and related items, follow applicable procedures indicated under A., B., and C. above.

I. Biological, Plague:

\*CONDEMNATION: The cabinet or its authorized agents, after a state of emergency has been declared (KRS 217.115 (4)), shall be authorized to condemn any food or related item that contains any filthy, decomposed, or putrid substance, or which otherwise may present a potential health threat, and shall witness the destruction of the items in a sanitary land fill or by other means not in conflict with applicable state waste disposal laws.