

**MODEL  
CONSUMER COMMODITY  
SALVAGE CODE  
2002**

2002 Recommendation of the:

**ASSOCIATION OF FOOD AND DRUG OFFICIALS**  
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**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
Public Health Service  
Food and Drug Administration  
Washington, DC 20204

**U.S. DEPARTMENT OF AGRICULTURE**  
Food Safety and Inspection Service  
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## **INTRODUCTION**

Exposure of food products, drugs and other consumer commodities to adverse environmental conditions, or shipping and handling damage does not necessarily mean that the products could not be reconditioned for use by consumers. The salvage of distressed consumer commodities prevents unnecessary waste and expense. Consumer commodity salvaging should be done in a manner consistent with public health practices and eliminate products that pose an unacceptable health risk or misrepresent their history and quality. Consumer commodity salvaging requires knowledge, training, and regulatory oversight.

This Model Salvage Code is provided to assist state and local health agencies that regulate the salvage and reconditioning of distressed consumer commodities. If fully implemented, it can prevent many conditions and activities that could lead to unsafe, deceptive, and quality-compromised products from being offered for sale. The Association of Food and Drug Officials (AFDO) recognizes that salvage of these products occurs on a routine basis and there is a need to regulate salvage to protect public health and maintain consumer trust. This Model Code is based upon the Federal Good Manufacturing Practice Regulations and the cumulative experience of AFDO's membership and with guidance from the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture, Food Safety and Inspection Service (FSIS).

## **SECTION ONE GENERAL PROVISIONS**

### ***1-101 Intent and Scope***

- (A) The State of Florida hereby finds and declares that a uniform statewide salvage code is needed to regulate all distressed consumer commodity processing facilities, distributors of salvaged or distressed consumer commodities and salvage dealers and processors conducting business within the State of Florida, to provide for uniformity of inspections of such establishments and to protect the health of consumers by preventing the sale and/or distribution of distressed consumer commodities until such time that distressed consumer commodities can be reconditioned for sale and/or distribution as salvaged consumer commodities in a condition which satisfies all requirements of Chapter 500, Florida Statutes.

The requirements of this code are in addition to the current Good Manufacturing Practices for foods as set forth in Title 21, Code of Federal Regulations, Part 110 and all related regulations under this or other agency jurisdiction (e.g. USDA, EPA) and any appropriate State authority and law.

This code does not apply to USDA and State inspected plants that produce meat, poultry, and related USDA-inspected products. Distressed meat, poultry and processed egg products, governed by the Federal Meat Inspection Act, Poultry Product Inspection Act and Egg Product Inspection Act and applicable FSIS regulations, may be reconditioned and/or relabeled only at official establishments under the supervision of an inspector.<sup>1</sup>

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<sup>1</sup> Inquiries for these products should go to the closest FSIS District Office, which can be found on FSIS' Website: [www.fsis.usda.gov](http://www.fsis.usda.gov) or by calling USDA's Intergovernmental Regulatory Information Line at 1-800-233-3935.

This code does not apply to medical device and drug manufacturing facilities registered with the FDA.

- (B) This code shall also apply to those situations wherein the courts have decided that detained or embargoed articles found to be adulterated or misbranded can be corrected by reconditioning or proper labeling.

### **1-102 Definitions**

For the purpose of this ordinance:

- (A) "Commodity-contact surface" means:
  - (1) A surface of equipment or utensil with which a consumer commodity normally comes into contact; or
  - (2) A surface of equipment, structure or a utensil which may drain, drip, or splash into consumer commodity or a surface normally in contact with a consumer commodity.
- (B) ~~"Consumer commodity" means any food, beverage, dietary supplement, animal food (pet food), single service food containers or utensils, soda straws, paper napkins, or any other product of a similar nature. It also may include animal feed when handled by the safe person and at the same facility as other consumer commodities. This definition includes salvage caused by disasters which could include animal feeds which are handled differently than "animal food" which is destined for consumption by pets (e.g., cans of cat food, broken bags of dry dog food)".~~
- (C) "Distressed consumer commodity" means any consumer commodity that has had its contents or container subjected to damage or contamination or its label removed or obliterated due to an accident, prolonged storage, fire, flood, adverse weather condition, chemical exposure or other

natural or man-made disaster. "Distressed consumer commodity" shall not include consumer commodities that are rejected due to a failure to meet regulatory standards of manufacturer, packer, or customer specifications.

- (D) "Employee" means any person employed by a salvage processing facility or distributor who handles or otherwise contacts distressed consumer commodities or salvaged consumer commodities in any manner including selling, sorting, reconditioning, packaging, storing, and transporting.
- (E) "Enforcement Agency" means State and/or local authority or authorities having responsibility for enforcing this code.
- (F) "Food" means any of the following:
  - (1) Any article used or intended for use for food, drink, confection, condiment, or chewing gum for human consumption, animal food or animal feed.
  - (2) Any article used or intended for use as a component of any article designated in subdivision (1).
- (G) "Non-salvageable consumer commodity" means a "distressed consumer commodity" as defined in paragraph (B) of this section that has been damaged or contaminated to such a state that it cannot be safely or practically reconditioned by routine means of washing, sanitizing, sorting, labeling or other types of reconditioning.
- (H) "Perishable" means that there exists a significant risk of spoilage or unacceptable deterioration when the distressed consumer commodities have not been properly stored or handled.
- (I) "Person" means any individual, or a firm, partnership, company, corporation, trustee, association, agency or any public or private entity.

- (J) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
- (1) The rapid and progressive growth of infectious or toxigenic microorganisms;
  - (2) The growth and toxin production of *Clostridium botulinum*; or
  - (3) In raw shell eggs, the growth of *Salmonella enteritidis*.
- (K) "Reconditioning" means any appropriate process or procedure by which distressed consumer commodities can be brought into compliance with all Federal and Enforcement Agency requirements making it suitable for consumption or use as human food or animal feed. It does not mean the dilution of a distressed consumer commodity with a like acceptable consumer commodity to meet a minimum acceptable level of safety or quality.
- (L) "Salvageable consumer commodities" means any "distressed consumer commodities," defined in paragraph (a) of this section, which can be reconditioned to the satisfaction of the Enforcement Agency.
- (M) "Salvage dealer" means a facility that stores or holds for sale salvaged consumer commodities.
- (N) "Salvaged consumer commodities" means previously "distressed consumer commodities," as defined in paragraph (a) of Section 1 - 102 which when reconditioned meets all Federal and Enforcement Agency requirements.
- (O) "Salvage processing facility" means an establishment engaged in the business of reconditioning or by other means salvaging distressed consumer commodities for human or animal consumption or use.

- (P) "Salvager" means any salvage processing facility or any facility operated by a salvage dealer, salvage distributor, or salvage processor where there are any distressed, salvageable, or salvaged consumer commodities.
- (Q) "Sanitize" or "sanitizing" means the application of cumulative heat or chemicals to the surface of consumer commodities packaging that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.99% reduction, of representative disease microorganisms of public health importance.
- (R) "Salvage distributor" means any person who is engaged in selling or distributing salvageable consumer commodities.
- (S) "Salvage processor" means any person who prepares distressed food for sale or further distribution at a facility operated by another person.
- (T) "Supplier" means any person who transfers distressed consumer commodities to a salvage processor.
- (U) "Time-dated consumer commodities" means any food, drug, or device that has a "Use-by Date", "Sell-by Date", or "Expiration Date".
- (V) "Vehicle" means any truck, car, bus, railcar, aircraft, boat, ship or other means by which distressed, salvageable or salvaged consumer commodities is transported from one location to another.

## **SECTION TWO SALVAGER PERSONNEL**

### **2-101 Employee Health**

The operator of a salvager shall exclude any employee whose duties require contact with distressed or salvaged consumer commodities or close proximity to commodity-contact surfaces, distressed or salvaged consumer commodities, or employees handling distressed or salvaged consumer commodities from a facility if the employee:

- (A) Has been recently (last 90 days) diagnosed with, or lives in the same household with a person diagnosed with or exposed to *Salmonella typhi*, *Shigella* spp., *Escherichia coli* 0157:H7, or Hepatitis A Virus; or
- (B) Suspected of causing or being exposed to a confirmed disease outbreak caused by *Salmonella typhi*, *Shigella* spp., *Escherichia coli* 0157:H7, or Hepatitis A Virus; or
- (C) Has symptoms of illness such as diarrhea, fever, vomiting, sore throat with fever, or jaundice; or
- (D) Has a lesion containing pus, such as a boil or infected wound that is open or draining, that may be exposed to distressed consumer commodities, salvaged consumer commodities, or commodity-contact surfaces unless it can be adequately protected and covered by an impermeable cover.

### **2-102 Personal Cleanliness**

All consumer commodities-handling employees shall practice hygienic practices necessary to protect the consumer commodities from contamination and cross-contamination.

- (A) Employees, while working in direct contact with distressed consumer commodities, salvaged consumer commodities,



or commodity-contact surfaces, shall maintain a high degree of personal cleanliness, wear clean outer garments, keep their fingernails trimmed and clean; wear hair restraints such as hair nets, headbands, caps or snoods.

- (B) Employees shall wash their hands and exposed portion of their arms thoroughly in an adequate hand-washing facility utilizing warm running potable water, hand soap, and clean, single-use disposable towels before starting work, and as often as may be necessary to remove soil, and after any activity that may contaminate hands or gloves.
- (C) Employees shall not resume work after visiting the toilet room without first washing their hands.
- (D) No person shall eat food, drink beverages, or use tobacco in any form in areas where salvaged or salvageable consumer commodities are exposed or in areas used for washing equipment or utensils.
- (E) When gloves are used in any activity where the consumer commodity or its immediate container is directly contacted, they shall be clean and of a non-contaminating design. They shall be single-use or durable enough to be adequately washed. They shall be replaced or washed anytime they contact an insanitary surface or develop holes or tears.

### ***2-103 Employee Training and Supervision***

- (A) Personnel responsible for identifying sorting and reconditioning distressed consumer commodities 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 products.
  - (1) Employees shall be given appropriate training in proper food handling techniques, food protection

principles and other procedures to adequately process consumer commodities to be salvaged.

- (2) Employees shall be informed of the danger of poor personal hygiene and insanitary practices.
- (B) Responsibility for assuring compliance by all personnel with all requirements of this Code shall be clearly assigned to competent supervisory personnel.

**SECTION THREE**  
**SALVAGER RESPONSIBILITIES FOR THE PROTECTION FROM**  
**CONTAMINATION OF SALVAGEABLE AND SALVAGED**  
**CONSUMER COMMODITIES**

***3-101 Contamination Protection***

All salvageable and salvaged consumer commodities, while being stored, reconditioned, or transported shall be protected from contamination.

- (A) All potentially hazardous foods and any drug that requires refrigeration shall be held and handled such that the temperature of the product does not exceed 5°C (41°F) at anytime or other temperature requirement as stated upon the label of the food or drug.
- (B) Foods that are highly perishable such as fresh produce shall be refrigerated to prevent spoilage while being stored.
- (C) Frozen Food shall be maintained in a frozen state and held at a temperature of -18°C (0°F) or below.
- (D) When separating intermingled distressed consumer commodities, reasonable care shall be taken at all times to prevent cross-contamination by removing any container suspected of leaking, isolating any container that may have

been cross-contaminated and ensuring that unsalvageable or contaminated commodities are safely disposed.

- (E) Poisonous and toxic materials shall be identified and handled in a manner to prevent contamination to any salvageable or salvaged consumer commodities and be stored separately from any area where salvageable and salvaged consumer commodities are handled or stored.
- (F) Toxic cleaning compounds, sanitizing agents, and pesticide chemicals shall be identified, held and stored in a manner that protects against contamination of commodities, commodity-contact surfaces, or commodity-packaging materials. All relevant regulations promulgated by other Federal, State and local government agencies for the application, use, or holding of these products should be followed.

### ***3-102 Segregation of Distressed Consumer Commodities***

All distressed consumer commodities shall be segregated from salvaged consumer commodities until sorted and shall be sorted as soon as is practical to reduce the risk of cross-contamination.

- (A) Pending consumer commodity sorting, care shall be taken to not increase the possibility of contamination of distressed consumer commodities by combining separate lots or loads.
- (B) Non-salvageable consumer commodities and containers shall be removed and stored separately from other consumer commodities and in isolated and identified areas of the salvage facility.
- (C) Pending destruction, stored non-salvageable consumer commodities shall be handled in such a manner that they do not attract or harbor pests or become a source of contamination by airborne particle cross-contamination, dripping or direct contact with other commodities.

- (D) After sorting, salvageable consumer commodities shall be removed from the sorting area and stored in separate area from the distressed consumer commodity area and non-salvageable consumer commodities

## **SECTION FOUR SALVAGER EQUIPMENT AND UTENSILS**

### ***4-101 Design and Fabrication***

- (A) Commodity-contact surfaces of equipment and utensils contacting salvageable consumer commodities shall be made of non-toxic, non-corrosive materials and cleanable materials. Exceptions may be made to the above materials requirements if approved by the Enforcement Agency.
- (B) Equipment shall be designed, installed and maintained to ensure adequate cleaning. Commodity-contact surfaces shall be durable such that they do not deteriorate after repeated cleaning and sanitizing.
- (C) Equipment in use at the time when this code becomes effective and which does not fully meet the above requirements may be continued in use only if:
  - (1) maintained in good repair;
  - (2) capable of being maintained in a sanitary condition;
  - and(3)designed so that surfaces that come in contact with salvageable or salvaged consumer commodities are non-toxic and non-contaminating.

**SECTION FIVE  
CLEANING, SANITIZATION, AND STORAGE OF  
SALVAGER EQUIPMENT AND UTENSILS**

***5-101 Salvager Equipment and Utensil Cleaning and Sanitizing***

- (A) Utensils and commodity-contact surfaces shall be thoroughly cleaned and sanitized prior to use.
- (B) Surfaces of equipment and utensils that contact non-food items shall be cleaned to prevent contamination of the salvageable consumer commodities shall not cause loss of sterility if labeled as "sterile" and shall not chemically react with commodities contacted.
- (C) All other surfaces or equipment shall be cleaned and sanitized after use.

***5-102 Salvager Equipment and Utensil Handling and Storage***

- (A) During processing, commodity-contact and other salvageable commodity contact surfaces shall not be exposed to contamination from other process lines via drift, dripping, splash or other airborne methods of contamination.
- (B) Due care shall be taken to not contaminate consumer commodity contact surfaces and consumer commodities during the application of water, detergent, or sanitizing compound as part of any washing activity.
- (C) Cleaned and sanitized food contact surfaces, equipment surfaces and utensils shall be used to prevent contamination of commodities being salvaged.
- (D) Employee personal items including medications, food, cosmetics and tobacco products shall not be utilized or stored where consumer commodities processing equipment is handled or stored.

- (E) All single-service articles shall be used only once and shall not be cleaned or reconditioned for the purpose of being offered for sale for additional use.

### **5-103 Storage**

- (A) Cleaned and sanitized equipment and utensils shall be stored in a manner that protects them from contamination when not in use.
- (B) Unused single-service articles used in processing distressed consumer commodities, such as cleaning cloths, paper cups and paper towels, shall be handled and stored in a manner that will protect them against contamination.

## **SECTION SIX SALVAGER SANITARY FACILITIES AND CONTROLS**

### **6-101 Water Supply**

The water supply shall be adequate, of a safe, sanitary quality, and from a source constructed and operated in accordance with specifications approved by the Enforcement Agency.

- (A) Warm water [approximately 43°C (110°F)] shall be provided to all handwashing stations through a mixing valve or combination faucet.
- (B) Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water.
- (C) No cross-connections shall exist between the water supply and any source of non-potable water, cleaning material, sewage plumbing or other source of contamination.
- (D) If hoses or other equipment are attached directly to the water supply system, there shall also either be a suitable

backflow prevention device or air gap installed to protect the water system.

### **6-102 Sewage Disposal**

All sewage, including liquid waste shall be disposed through the plumbing system, which shall discharge into an approved sewage system or in a manner approved by the Enforcement Agency.

### **6-103 Plumbing**

Plumbing shall be sized, installed and maintained in compliance with applicable State and local plumbing codes.

### **6-104 Toilet Facilities**

Each salvager shall provide its employees with properly installed and conveniently located toilet facilities in numbers and equipped as required by law.

- (A) Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair at all times.
- (B) The doors of all toilet rooms shall be self-closing and shall not open directly into any room or area where consumer commodities are processed or unpackaged.
- (C) Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet rooms shall be covered.

### **6-105 Handwashing Facilities**

Each salvager shall provide adequate handwashing facilities conveniently located to the processing area for its employees, including a lavatory or lavatories equipped with hand-cleansing soap or detergent dispensed from a suitable wall or sink-mounted dispenser and suitable single-use sanitary towels or approved hand-drying devices.

- (A) Such facilities shall be kept clean and in good repair.
- (B) Signs shall be posted directing all employees to wash their hands immediately after using the toilet and before starting or resuming work.

### **6-106 *Garbage and Refuse***

- (A) All organic or organic-containing refuse shall be kept in leak proof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use. Such containers shall be covered when stored and stored in either a vermin-proofed room or enclosure or in a waste refrigerator. Paper, cardboard, unused equipment, and non-organic refuse shall be stored in containers, rooms, or areas in such a manner to prevent it from becoming a source of contamination or pest harborage.
- (B) Refuse shall be stored in suitable containers and each container and any room or area where refuse is stored shall be thoroughly cleaned after the emptying or removal of refuse.
- (C) All refuse shall be disposed of with sufficient frequency and in a manner to prevent contamination of salvaged product and surrounding processing areas.
- (D) A separate area with suitable sewage disposal sink with hot and cold running water under pressure shall be provided for cleaning garbage containers and mops, as well as disposing of used mop water.

### **6-107 *Insect and Rodent Control***

No pests, rodents, birds or other animals shall be allowed in any area where consumer commodities are stored or processed. Patrol



dogs accompanying security or police officers are permitted. Guide dogs accompanying blind persons shall be permitted in sales areas.

- (A) Effective measures shall be taken to exclude pests, rodents, birds or other animals from the processing and storage areas and to protect against the contamination of consumer commodities on the premises.
- (B) The use of insecticides or rodenticides is permitted only under precautions and restrictions that will protect against the contamination of consumer commodities, commodity-contacting surfaces, and packaging materials. Application of insecticides and rodenticides as well as the use of traps and other pest control devices shall either follow a written procedure that is appropriate and effective for its intended purpose or be directed and maintained by a professional pest control service.

## **SECTION SEVEN CONSTRUCTION AND MAINTENANCE OF SALVAGER FACILITIES**

### ***7-101 Separation of Reconditioning Activities***

The area used for the purpose of reconditioning distressed consumer commodities shall be a separate and enclosed room that does not open directly to receiving or storage areas. This room shall be equipped with a handwash sink and a separate three-compartment cleaning sink with hot and cold running water under pressure for reconditioning distressed consumer commodities.

### ***7-102 Floor Construction***

- (A) The floor surfaces in all rooms and areas in which salvageable or salvaged consumer commodities are stored or processed and in which utensils are washed, and walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be constructed to be easily cleanable.

- (B) All floors shall be kept clean and in good repair.
- (C) Any floor that is exposed to water or liquids shall be constructed and maintained to be impermeable.
- (D) Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste onto the floor. Floors in these areas shall be graded to the floor drain.

### **7-103 Walls and Ceilings**

Walls and ceilings of all rooms where consumer commodities are stored or processed shall be clean, smooth, and maintained in good repair.

- (A) Where walls and floors are exposed to water or other liquids, the juncture between the wall and floor shall be coved and sealed.
- (B) Where walls and floors are not exposed to water or other liquids, the juncture shall not exceed 1 mm (1/32 inch).

### **7-104 Salvager Lighting**

Adequate lighting shall be provided in handwashing areas, dressing/ locker rooms and toilet rooms and in all areas where consumer commodities are examined, processed, stored or where equipment or utensils are cleaned.

- (A) Where an employee is inspecting, sorting, or reconditioning distressed consumer commodities, at least 540 lux (50 foot candles) of light shall be provided at the work surface.
- (B) At all other areas of the facility where light is required, at least 110 lux (10 foot candles) of light shall be provided when measured at 75 cm (30 inches) above the floor.

- (C) Light bulbs, fixtures, skylights, or other glass suspended over exposed consumer commodities in any step of preparation shall be designed to prevent contamination in case of glass breakage.

### ***7-105 Heat Lamp Protective Shielding***

Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

### ***7-106 Ventilation***

All consumer commodity storage rooms and processing areas in the salvage processing facility or distributor shall be well ventilated. Ventilation hoods and devices when used shall be designed to prevent condensation from dripping into exposed distressed consumer commodities. Filters, when used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable Federal, State and local codes as well as fire prevention and air pollution prevention requirements.

### ***7-107 Clothing and Personal Belongings***

Adequate facilities shall be provided by the salvager operator for the orderly storage of employee clothing and personal belongings.

### ***7-108 Housekeeping***

- (A) All rooms, areas, and premises of a salvager shall be kept clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to prevent contamination of salvageable and salvaged consumer commodities.
- (B) No area used to store or sort consumer commodities shall be utilized as an employee lounge, living area or sleeping quarters. Soiled coats and aprons shall be kept in suitable containers until removed for laundering.

### ***7-109 Transportation***

Vehicles used to transport distressed, salvageable, or salvaged consumer commodities shall be maintained in a clean and sanitary condition to protect consumer commodities from contamination.

## **SECTION EIGHT HANDLING AND MOVEMENT OF DISTRESSED CONSUMER COMMODITIES**

### ***8-101 Notice to Enforcement Agency***

It shall be the duty of any salvager to keep the Enforcement Agency aware of what source, from where, and when distressed consumer commodities are provided for salvage processing, storage, and distribution.

- (A) When the source of distressed consumer commodities is the result of a natural disaster, accident, power failure or other emergency, the salvage processing facility operator shall make personal contact with the Enforcement Agency within 24 hours after their initial awareness of the emergency and prior to any commodities removal from the place at which it was located when it became distressed.
- (B) If emergency removal of distressed consumer commodities is required, notice to the Enforcement Agency shall be made as soon thereafter as possible. It shall be the duty of the salvager operator to make contact with the Enforcement Agency within forty-eight (48) hours whenever distressed consumer commodities subject to the provisions of this section are obtained.
- (C) When distressed consumer commodities are received as a periodic delivery from a warehouse, retailer, shipper, or manufacturer as a normal course of business, the salvager operator shall notify the Enforcement Agency of the nature

of commodities received, source, and frequency of deliveries prior to receipt of the first delivery and annually thereafter.

### ***8-102 Transporting of Distressed Consumer Commodities***

Distressed consumer commodities shall be moved from the site where it became distressed to a suitable holding or processing facility as expeditiously as possible after notice complying with Section 8-101 has been given. All distressed and salvageable consumer commodities of a perishable nature shall, prior to reconditioning, be transported only in vehicles provided with sufficient refrigeration and freezing capabilities as necessary for product maintenance. No interstate movement of known distressed or salvaged consumer commodities shall be made without the prior approval of the Enforcement Agency and after notification of the responsible Enforcement Agency in the state to which distressed or salvaged consumer commodities shall be moved. Concurrence shall also be obtained from the FDA prior to interstate movement.

### ***8-103 Handling of Distressed Consumer Commodities***

When processing areas or equipment are to be used to recondition several types of distressed consumer commodities and there is a potential for cross-contamination, commodities shall be isolated from the source of contamination either by time or space. If isolated by time, the reconditioning equipment and area shall be cleaned and sanitized as necessary to prevent cross-contamination.

### ***8-104 Processing Animal Feed and Animal Food (Pet Food)***

Animal food shall be processed in separate areas on separate equipment from human food and other consumer commodities to prevent cross-contamination. Packaged animal feed and pet food can be stored in the same area as consumer commodities provided there is no spillage or leakage. Containers of animal food shall not be stacked on, in, with, or above containers of other consumer commodities.

**SECTION NINE  
RECONDITIONING DISTRESSED  
CONSUMER COMMODITIES**

***9-101 General***

All distressed consumer commodities shall be reconditioned prior to sale or distribution except when sold to a salvager holding a valid salvage-processing permit for salvage processing.

***9-102 Food and Other Consumer Commodity Containers***

Distressed consumer commodities shall be sorted and/or reconditioned to ensure that they are fit for sale and meet the requirements of this Code and all applicable laws and regulations.

- (A) All metal cans food and animal food shall be sorted to remove and destroy any cans that are of questionable safety. Cans salvaged for sale or distribution shall not leak or appear to be abnormal ("swells", "flippers", and "springers").
  - (1) Salvaged cans shall not be offered for sale in a pitted or rusty condition. Cans shall be considered "pitted" if surface rust cannot easily and completely be removed by rubbing the can's surface with a cloth.
  - (2) Salvaged cans shall have no severe, sharp dents that could fracture the can's interior coating or the container itself. Sharp dents to the side-seam or any end double-seam are not acceptable. Cans unable to be opened by a normal can opener are not salvageable.
- (B) Containers, including metal, retort pouches and glass containers with press caps, screw caps, pull rings or other types of openings which have been in contact with water, liquid foam, or other deleterious substances, as a result of

fire fighting efforts, flood, sewer backups or similar mishaps, shall be removed and destroyed.

- (1) Salvaged containers shall have lids, caps, and closures that are intact and appear to never have been opened.
  - (2) Salvaged containers shall appear to have maintained their full contents.
  - (3) Salvaged containers, if glass, shall be viewed with light ("candled") to view contents and detect, if possible, any glass fragments or foreign materials such as mold.
- (C) ~~Alcoholic beverages such as wine and liquors that show evidence of container failure or lid contamination may be distilled if after a risk analysis, distillation is approved by the Enforcement Agency.~~
- (D) Salvageable metal containers (cans) of food that have been partially or totally submerged in water, liquid foam, or other container contaminating substance shall be thoroughly cleaned and then sanitized. The sanitizing solution shall either contain 100 ppm available chlorine and be applied for a minimum period of one minute or shall be sanitized by a method approved by the Enforcement Agency. After sanitizing, the metal containers shall then be treated to inhibit rust formation.
- (E) When the distressed commodity is a non-potentially hazardous food such as flour, rice, cereal, salt, pepper, or dry pet food or it is a single-use product such as straws, napkins, paper cups, or plastic silverware, it may be repackaged into clean containers.
- (1) Unpackaging and repackaging shall not contaminate the commodity being salvaged.

- (2) Packaging used must be clean and suitable for the commodity to be packaged.
  - (3) Different products or lots shall not be combined without the approval of the Enforcement Agency.
  - (4) Repackaged salvage commodities shall be labeled per this Code.
- (F) ~~When salvaging time-dated consumer commodities that are dated to ensure safety or nutrient accuracy such as for over-the-counter drugs and devices, infant formula, meal replacement products, and dietary supplements, these products shall be inspected to see if the date has passed. If passed, the product container shall be removed by sorting and either destroyed or fully tested to verify safety and label accuracy of declared nutrients or active ingredients prior to sale or distribution.~~
- (G) ~~When prescription drugs and devices are obtained as distressed consumer commodities, they shall either be destroyed or, with permission of the Enforcement Agency, returned to an FDA-registered manufacturer or importer. With approval of the Enforcement Agency, some prescription devices may be sold as scrap.~~

## **SECTION TEN SALVAGED COMMODITY LABELING**

Salvaged commodities shall be truthfully and accurately labeled and such labels shall comply with all applicable labeling requirements.

### ***10-101 Label Removal***

Labels for containers may be removed prior to cleaning if adequate precautions are taken to ensure that the same labels or same complete label information are reapplied to the containers. Pallets or other containers of unlabeled consumer commodity containers



shall only be stored if traceability to the actual label is maintained. Each container of unlabeled consumer commodity shall only contain identical products from the same manufacturer's lot or date code. Unlabeled containers of consumer commodities may not be sold or distributed without the advanced approval of the Enforcement Agency.

### **10-102 Relabeling**

- (A) All salvaged consumer commodities shall have added to any otherwise required original labeling on the principal display panel of each individual retail package a statement indicating that the container or product has been salvaged. The name and address of the salvager shall be printed legibly on the label in indelible ink or other permanent manner.
- (B) All salvaged consumer commodities in containers are to be provided with labels meeting the requirements of (insert appropriate sections of State law, and the Federal Food, Drug, and Cosmetic Act, Fair Packaging and Labeling Act, and regulations promulgated under these Acts for products in interstate commerce). Where original labels are removed from containers that are to be resold or redistributed, the replacement labels must show as the distributor the name and address of the salvage processing facility as well as the date of reconditioning for sale or distribution.
- (C) Time-dated commodities shall not have their sell-by, use-by, expiration date, or other date removed, obliterated, altered, extended, or obscured.
- (D) Salvaged human food, animal feed or animal food may contain prohibited animal proteins. Any salvaged food product intended for animal feed or animal food shall prominently and conspicuously notify on the principal display panel of each individual retail package or on a sign when sold from bulk notification that the container or product has been salvaged and may contain prohibited animal proteins.

In addition to labeling which meets the requirements of (insert appropriate sections of state law, Federal Food, Drug and Cosmetic Act, Fair Packaging and Labeling Act and regulations promulgated under these Acts), the name and address of the salvager, the word "salvage" and the warning statement: "Do not feed to cattle or other ruminants" shall be prominently and legibly printed on the principle display panel in indelible ink or other permanent manner.

## **SECTION ELEVEN HANDLING OF NON-SALVAGEABLE CONSUMER COMMODITIES**

### ***11-101 General***

Consumer commodities distressed by deterioration, filth, insects, rodents, pesticides or other chemicals; potentially hazardous foods and temperature sensitive drugs which have been exposed to temperatures above 5°C (41°F) for a period exceeding 4 hours or which indicates spoilage by appearance or smell; frozen foods which have not been maintained at a temperature of 18 C (0 F); containers showing evidence of partial usage, unauthorized opening or tampering; containers found unfit for salvage upon examination; and products packaged in paper or other porous materials which have been subject to contamination by absorption shall be deemed to be non-salvageable consumer commodities, as defined in Section 1-102(G) of this code.

### ***11-102 Distribution of Nonsalvageable Consumer Commodities***

Non-salvageable consumer commodities shall not be sold or distributed, and shall be disposed of in a manner approved by the Enforcement Agency.

## **SECTION TWELVE RECORDS**

### ***12-101 General***

A written record or receipt of distressed, salvageable, destroyed non-salvageable consumer commodities and salvaged consumer commodities shall be kept by the salvage processing facility for inspection by the Enforcement Agency. Records documenting relabeling, repackaging and distribution shall also be maintained such that traceability of lots, ingredients and expiration dates are recorded and such records can be used to verify adequate handling and for purposes of recall should that become necessary.

- (A) Records shall be available for review at the salvage processing facility during normal business hours.
- (B) Records shall include the name of the product, the name and address of the manufacturer or distributor, the production code, container sizes, source of the distressed consumer commodities, the date received, the type of damage, and the salvage process conducted.
- (C) Records shall be kept on the premises of the salvage processing facility for a period of one year following the completion of transactions involving each lot of a consumer commodity.

## **~~SECTION THIRTEEN SALVAGER PERMITS~~**

### **~~*13-101 General*~~**

~~It shall be unlawful for any person to operate a Salvage Processing Facility, Salvage Distributor, Salvage Processor, or Salvage Distributor within the State of \_\_\_\_\_ who does not possess a valid permit issued by the Enforcement Agency. Only a person who complies with the requirements of this code shall be entitled to~~

~~receive and retain such a permit. Permits shall be specific to the type of operation except that a Salvage Processing Facility may act as a Salvage Distributor or Salvage Dealer.~~

- ~~(A) A permit shall be issued only upon determination of compliance with this Code by inspection and shall be good for one year upon issuance.~~
- ~~(B) Renewal permit shall be issued after determination of compliance with this Code by inspection and shall be good for one year upon issuance.~~
- ~~(C) Each permit shall indicate the firm name, the operator, address of the salvager, permit number, and date of expiration.~~
- ~~(D) Permits shall not be transferable from one person to another person and are valid only for the location indicated except that a Salvage Processor may operate a remote location with approval of the Enforcement Agency.~~
- ~~(E) The permit shall be posted at the Salvager facility where it can be publicly viewed and at any remote site utilized by a Salvage Processor. A facsimile may be posted in lieu of the original. Any vehicle used to convey distressed, salvageable, salvaged, and non-salvageable consumer commodities shall carry a copy of the valid permit when transporting consumer commodities.~~
- ~~(F) The name and address of the salvager and the permit number shall be conspicuously displayed on the outside of all vehicles being used for consumer commodity salvage operations.~~

### **~~13-102 Issuance of permits~~**

- ~~(A) Any person desiring to operate as a salvager shall make written application for a permit on forms provided by the Enforcement Agency. Such application shall include: the~~

~~applicant's full name and complete address; whether such applicant is an individual, firm, or corporation; and, if a partnership, the name of the partners together with their address, the location and type of the proposed business; and the signature of the applicant or applicants. All new salvagers operating within the State of \_\_\_\_\_ after the Enforcement Agency has adopted this code shall be required to have permits before they commence operations. Salvagers already established shall apply for permits within thirty days. Pending permit receipt, their operations may continue unless the permit is denied. Should a permit be denied, the Enforcement Agency shall cite the reasons for denial.~~

- ~~(B) Upon receipt of an application, the Enforcement Agency shall make such inspections of the salvager as is necessary to determine compliance with the provisions of this Code. When any inspection reveals that the applicable requirements have been met, the Enforcement Agency shall issue the permit.~~

### ~~**13-103 Suspension of Permits**~~

- ~~(A) When the Enforcement Agency has reason to believe that the salvager has created or is responsible for an imminent public health hazard, the permit may be suspended or revoked and the concerned consumer commodities seized immediately upon notice to the permit holder without a hearing. In such event, the permit holder may request a hearing which shall be granted in accordance with applicable administrative procedures.~~
- ~~(B) In all other instances of violation of the provisions of this code, the Enforcement Agency shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder or operator has failed to comply with any written notice issued under the provisions of this code, the permit holder or operator shall~~

~~be notified in writing that the permit shall be suspended at the end of 15 days following the serving of such notice, unless a written request for a hearing is filed with the Enforcement Agency by the permit holder within such 15 day period. If no request for a hearing is filed within such 15 days the suspension is sustained. If a written request for a hearing is received by the Enforcement Agency, a hearing shall be conducted in accordance with applicable administrative procedures.~~

### ***~~13-104 Reinstatement of Suspended Permits~~***

~~Any person whose permit has been suspended may, at any time, within 15 days following receipt of a written request, make application for a reinspection for the purpose of reinstatement of the permit. The request shall include a statement signed by the applicant that in his or her opinion the conditions causing suspension of the permit have been corrected. The Enforcement Agency shall make a reinspection. If the applicant is in compliance with the requirements of this code, the permit shall be reinstated. Summaries of the findings of reinspection shall be provided to the facility at the conclusion of the inspection.~~

### ***~~13-105 Revocation of Permits~~***

~~For serious or repeated violations of any of the requirements of this code, or for interference with the Enforcement Agency in the performance of its duties, the permit may be revoked after an opportunity for hearing has been provided by the Enforcement Agency. Prior to such action, the Enforcement Agency shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder that the permit shall be permanently revoked at the end of 15 days following servicing of such notice, unless a request for a hearing is filed with the Enforcement Agency by the permit holder within such 15-day period. If no written request for a hearing is filed within the 15-day period, the revocation of the permit becomes final. A permit may be suspended for cause pending its revocation or a hearing relative thereto.~~

### ~~13-106 *Serving of Notices*~~

~~A notice provided for in this code is properly served when it is delivered to the permit holder or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of any such notice shall be filed in the records of the Enforcement Agency.~~

## **SECTION FOURTEEN SALVAGER INSPECTIONS AND ENFORCEMENT**

### ~~14-101 *General*~~

~~The Enforcement Agency shall inspect each salvager at least once every 3 months and shall make as many additional inspections as necessary to insure compliance with this code.~~

### ~~14-102 *Access to Salvager Facilities, Operations, and Vehicles*~~

~~Authorized representatives of the Enforcement Agency, after proper identification, shall be permitted to enter at any reasonable time any salvager facility, any remote storage or processing facility being used by a salvage processor, or any salvager vehicle for the purpose of making inspections to determine compliance with this code. The Enforcement Agency's designated representatives shall be permitted to examine the records of the salvage processing facility or distributor to obtain information pertaining to distressed, salvageable, non-salvageable, and salvaged consumer commodities purchased, received, used, sold, destroyed and/or distributed~~

### ~~14-103 *Hearings*~~

~~After prior notice to a salvager permit holder suspected of a violation, the hearings provided for in this section shall be conducted by the Enforcement Agency at a time and place designated by it or as provided by the State administrative~~

~~procedures act. Based upon the recorded evidence of such hearings, the Enforcement Agency shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request is made therefor at the time a hearing is requested.~~

#### ~~**14-104 Remedies**~~

~~In addition to the provisions herein for suspension or revocation Of operating permits, the Enforcement Agency may, at its discretion, institute civil or criminal proceedings against any person who violates any provision of this code and the regulations thereunder.~~

#### ~~**14-105 Injunctions**~~

~~The Enforcement Agency may seek to enjoin violators of this code.~~

#### ~~**14-106 Salvagers and Sources of Distressed Consumer Commodities Outside the Jurisdiction of the Enforcement Agency**~~

~~Salvaged consumer commodities from salvagers and other sources located outside the jurisdiction of the State of \_\_\_\_\_, may be sold or distributed within the State, if such facilities and distributors conform to the provisions of this code or substantially equivalent provisions and have a valid permit from the Enforcement Agency.~~

~~To determine the extent of compliance with such provisions, the Enforcement Agency may accept reports from responsible authorities in other jurisdictions where such facilities and distributor's operations are located.~~

#### ~~**14-107 Review of Plans**~~

~~(A) When a salvager is hereafter constructed or extensively remodeled, or when an existing structure is converted for~~



~~use as a salvager, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangements, and construction materials of work areas and the location, size, and type of fixed equipment and facilities, and a plumbing riser diagram shall be submitted to the Enforcement Agency for approval before such construction, remodeling, etc., is begun.~~

- ~~(B) — The plans shall be approved or rejected within 10 working days after receipt by the Enforcing Agency and the applicant shall be notified in writing or electronically of the decision. This review period may be extended if the Enforcing Agency and applicant agree that additional time is warranted due to the need to complete a site inspection, review land use or other permits, or complete other actions that are pending. If the plans are rejected, the Enforcing Agency shall advise the applicant the reason or reasons why the plans were not acceptable.~~

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***For additional copies of the Model Consumer Commodity  
Salvage Code contact:***

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