

#### **5K-4.023 Packaged Ice.**

(1) In addition to the requirements in the general food products statute, Chapter 500, F.S., and all applicable rules in Chapter 5K-4, F.A.C., packaged ice plant operators and packaged ice dealers shall comply with the following rules.

##### **(2) DEFINITIONS:**

(a) ICE means food intended for human consumption that is formed from drinking water by freezing to a solid state.

(b) IMPORTED means manufactured, processed, packaged, stored or distributed from a point outside of the state of Florida.

(c) MAXIMUM CONTAMINANT LEVEL (MCL) means the maximum permissible level of a contaminant as set forth in Chapter 403, F.S., and Chapter 64E-8, F.A.C. (1/93), titled "Drinking Water Systems", and Chapter 62-550, F.A.C. (5/94), titled "Drinking Water Standards, Monitoring and Reporting".

##### **(3) REQUIREMENTS:**

(a) Each person or public body that establishes, maintains, or operates a packaged ice plant must obtain a Packaged Ice Plant Operating/Food Permit from the department each year. Each packaged ice plant location must have a permit.

(b) Each packaged ice dealer must obtain a Packaged Ice Dealer/Food Permit from the department each year. Ice transported into the state and packaged either before or after importation into the state must meet all of the requirements of this section and must be packaged, labeled, handled, and otherwise processed and sold according to the provisions of this section.

(c) Any packaged ice plant operator who is also a packaged ice dealer shall be issued a combined Packaged Ice Plant Operating-Dealer/Food Permit by the department. Such permit shall be issued each year upon compliance with all statutory and rule requirements for the issuance of a Packaged Ice Plant Operating Permit and a Packaged Ice Dealer Permit. Each location must have a permit.

(d) Each packaged ice plant operator or packaged ice dealer who is engaged in the sale or distribution of any other food product and whose operation qualifies as a food establishment under Chapter 500, F.S., shall be issued a combined Food/Packaged Ice Permit by the department. Such permit shall be issued each year upon compliance with all statutory and rule requirements for the issuance of a Food Permit, a Packaged Ice Plant Operating Permit, a Packaged Ice Dealer Permit, or a combination thereof. Each location must have a permit as per Section 500.12(1)(a), F.S. and subsection 5K-4.020(2), F.A.C.

(e) All permits shall expire on December 31 of each year.

(f) Application for permits must be made in writing to the department on form IN-63, an Annual Food Permit Application, (Revised 10/94).

##### **(4) PERMIT FEES:**

(a) Each packaged ice plant operator must pay the department an annual non-refundable fee of \$250.00 for each permit.

(b) Each packaged ice dealer must pay the department an annual non-refundable fee of \$100.00 for each permit.

(c) Each packaged ice plant operator who is also a packaged ice dealer must pay the department an annual, non-refundable fee for each permit. Such fee shall be the greater of the Packaged Ice Plant Operating or the Packaged Ice Dealer permit fee required in this subsection.

(d) Each packaged ice plant operator or packaged ice dealer who is engaged in the sale or distribution of any other food product and whose operation qualifies as a food establishment under Chapter 500, F.S., must pay the department an annual, non-refundable fee for each permit. Such fee shall be the greater of the Food Permit fee required by Rule 5K-4.020, F.A.C., or the applicable permit fee required by this subsection.

(e) Fees charged to applicants for new permits shall be prorated with the applicant paying 1/12th of the applicable fee for each month remaining in the calendar year, including the month of application.

##### **(5) SOURCE WATER AND FINISHED PRODUCT QUALITY:**

(a) All water used for the manufacture of ice intended for human consumption and in preparation of brine solutions must be from an approved drinking water supply as described in Chapter 64E-8 or 62-550, F.A.C.

(b) Imported packaged ice product must be manufactured from source water that has been approved as a drinking water supply by the agency with jurisdiction in the state where the ice is manufactured and packaged.

(c) Packaged ice dealers importing product must submit to the department a copy of the current source certification or a letter from the agency with jurisdiction for approval of drinking water supplies. This information must be submitted to the department with each annual permit application.

(d) Packaged ice must be in conformance with maximum contaminant levels that have been established for drinking water supplies in Chapters 64E-8 and 62-550, F.A.C.

(e) All packaged ice plants shall submit to an approved laboratory, once every three months, a sample of each type of finished product for microbiological analysis. A copy of the quarterly analytical results shall be forwarded to the department by out-of-state packaged ice dealers. In-state packaged ice plants shall maintain these records as required by Section 500.509, F.S., and make them available to the department upon request.

(f) The quarterly laboratory analysis must include testing for fecal and total coliform organisms and Heterotrophic Plate Count (HPC). Total coliforms shall not be greater than 2.2 organisms/100 ml. using the Most Probable Number (MPN) method or not greater than 1 organism/100 ml. using the Membrane Filtration (MF) method. The HPC shall not exceed 500 colonies/ml. Packaged ice shall have no fecal coliform-positive samples.

(g) Should finished product samples exceed the standards outlined in paragraph (f) of this subsection, the plant shall submit samples to an approved laboratory, on a weekly basis, until two (2) consecutive acceptable samples are obtained. Copies of weekly sample analyses shall be submitted to the department upon receipt by the packaged ice plant or packaged ice dealer.

(h) The department shall collect and analyze samples of source water and finished product when necessary to determine if the source water and/or finished product meet quality standards established in this rule. When indicated by reason of complaint or illness, the department may obtain and analyze or require the ice plant to obtain and have analyzed, by an approved laboratory, samples of source water and/or finished product.

(i) All records of sampling and analyses of source water and finished product shall be maintained by the plant for a period of not less than 2 years and shall be made available to the department upon request.

(6) PROCESSING AND PACKAGING:

(a) Ice shall be processed and packaged using methods that preclude contamination of the product.

(b) Air used for water agitation shall be filtered or otherwise treated to render it free of oil, dust, dirt, insects and extraneous material.

(c) Manual packaging of product shall be performed in a manner that will preclude contamination of the packaging material and the product.

(d) Any spillage created during manufacture, packaging, transportation or storage shall be disposed of and shall not be packaged or re-packaged for sale for human consumption.

(e) Ice packaging material shall be of foodgrade quality and closures shall be designed to adequately protect its contents. Only pin holes or a butterfly vent that does not exceed 1/4 inch in diameter shall be used in ice packaging material. Pin holes or butterfly vents must be located in the upper 1/3 portion of the bag.

(f) Packaging material shall be protected from contamination during storage and handling.

(7) STORAGE AND TRANSPORTATION:

(a) Packaged ice plants producing product that is not to be used for human consumption shall store this product in a designated area that is clearly identified and separated from other packaged ice products.

(b) Packaged ice shall be stored above the floor protected from splash and shall not be located in areas susceptible to overhead dripping.

(c) Wooden platforms or pallets shall not be used for the purpose of transporting ice or storing ice above the floor unless platforms or pallets have been designed or covered with surfaces that protect the product from splintering. Such surfaces shall be easily cleaned and sanitized or shall be replaced between uses.

(d) Product shall be transported in an enclosed facility designed and equipped to protect the product from contamination and shall be maintained in a clean condition.

(e) Packaged ice shall be handled in such a manner to preclude contamination during transportation and delivery. At no time during transport or delivery shall the packaged ice product come into contact with the floor or ground.

(8) LABELING: Packaged ice plants producing product that is not to be sold for human consumption shall designate "NOT FOR HUMAN CONSUMPTION" on the package. This designation shall be clearly visible to the consumer.

(9) NOTIFICATION TO THE DEPARTMENT: The operator or manager of a packaged ice plant or dealer who knows or should know that a primary maximum contaminant level has been exceeded or believes or has reason to believe that circumstances exist such as source contamination, spills, accidents, natural disasters, breakdowns in the sanitary processing of ice or other similar problems that may adversely affect the safety of the packaged ice, shall immediately notify the department of the incident.

(10) PRODUCT RECALL PROCEDURES:

(a) If the department determines, based upon results of representative sample tests and risk analysis that an immediate hazard to

the health, safety and welfare of the public is present in any packaged ice product, the department shall order the packaged ice plant or dealer to initiate a product recall to effectively avoid or significantly minimize the threat to the public's health and if appropriate, issue a notification to customers. The plant or dealer shall be responsible for disseminating the notice in a manner designed to inform customers who may be affected by the problem.

(b) When a laboratory report reveals a maximum contaminant level (MCL) has been exceeded, but when investigation indicates that the condition causing the MCL to be exceeded was promptly corrected and that previously distributed product will not cause illness nor present any significant health hazard, a company recall and media notification shall not be necessary. In circumstances where a recall or media notification is not necessary but consumer complaints indicate problems regarding product taste or odor, the department shall order the plant to communicate the exceedence of the MCL and the implementation of corrective measures by direct mailings to affected customers.

(11) DEPARTMENT RESPONSIBILITIES AND DUTIES: Packaged ice plant operators and packaged ice dealers shall allow the department to examine records pertaining to the operation and maintenance of the plant or source water.

(12) FORMS: Form IN-63, an Annual Food Permit Application (Revised 10/94), is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Room 294, Tallahassee, Florida 32399-1650.

*Specific Authority 500.509, 500.12(1)(d), 570.07(23) FS. Law Implemented 500.453, 500.509 FS. History—New 1-19-95, Formerly 5E-6.023, Amended 8-8-95.*

DEPARTMENT OF PUBLIC HEALTH  
AND HUMAN SERVICES

CHAPTER 110

FOOD AND DRUG STANDARDS

Subchapter 8

Drinking Water and Ice

37.110.801 DRINKING WATER (1) Any person engaged in the production, packaging, manufacturing or processing of drinking water, culinary bottled water, or water otherwise processed and packaged for human consumption, is subject to the licensing requirements of 50-50-201, MCA, for food manufacturing establishments. Any manufacturing or bottling plant located in a state, territory, or nation other than Montana that prepares water in bottles or other containers for drinking or culinary purposes for sale in Montana must also be licensed by the department.

(2) Each food manufacturing establishment in Montana where water is prepared for sale in bottles or other containers for human consumption and the sources of all such water must be inspected at least once each year by the local health officer, sanitarian or sanitarian-in-training employed by or contracted with the local board of health having jurisdiction. A copy of each inspection must be submitted to the department within 30 days after the inspection occurs.

(3) Each food manufacturing establishment in Montana where water is prepared for sale in bottles or other containers for human consumption must:

(a) obtain its water from a community public water system approved by the water quality division of the department of environmental quality, or, if water is obtained from a separate or independent system, that system must comply with the statutes governing public water supplies, 75-6-101 et seq., MCA, the rules governing public water supplies, ARM 17.38.201 et seq., and the rule governing plans for public water supplies or wastewater systems, ARM 17.38.101.

(b) maintain sampling records demonstrating compliance with the bacteriologic, chemical and radiologic sampling requirements specified in (6)(b) of this rule for at least 12 months after the date of sampling.

(4) The operation of all food manufacturing establishments involved in producing, packaging, manufacturing, or processing drinking or bottled water and the products marketed must comply with these rules and with the Montana Food, Drug and Cosmetic Act, 50-31-101 et seq., MCA; the food manufacturing establishment rules, ARM 37.110.301 et seq.; the federal standards regarding food labeling, 21 CFR 101; the federal quality standards for foods with no identity standards, 21 CFR 103; the federal standards for processing and bottling of bottled drinking water, 21 CFR 129; and the Fair Packaging and Labeling Act, 15 USC 1451 et seq.

(5) Every food manufacturing establishment desiring to sell, market or distribute bottled water in Montana, whether located in Montana or not, must apply for a license on a form provided by the department, which must be signed by the owner or the owner's legal representative, and must submit the fee required by 50-50-206, MCA. Such fee must be payable to the department and the application must be postmarked no later than midnight on December 31 of each year. Submission of a renewal application and fee after this time will require the food manufacturing establishment to submit the late fee required by 50-50-206, MCA. The license year is January 1 through December 31.

(6) In addition to the fee, the late fee, if applicable, and the application form identified in (5) above, the food manufacturing establishment must submit the following to the department for review:

(a) A certification affidavit from the state or local health officer, sanitarian or sanitarian-in-training employed by or contracted with the local board of health having jurisdiction, affirming that the establishment meets the requirements of 21 CFR 103 and 129;

(b) If the source water is not mineral water, copies of the most recent inorganic, volatile organic, organic chemical and radiological analyses of the establishments water showing compliance of the source water with the maximum contaminant levels for regulated water systems as required by 40 CFR 141; or a certification affidavit from the state or local health officer, sanitarian, or sanitarian-in-training employed by or contracted with the local board of health having jurisdiction, affirming that the water source complies with these standards;

(c) Test results for pesticides and synthetic organic chemicals, if the department determines such tests are necessary or if random testing has shown there is or may be contaminants present at levels which may adversely affect public health;

(d) A copy, photocopy, or printer's proof of each label for each product to be marketed and for each size to be marketed;

(e) A description of the source of the water, water treatment used, all substances added to the water, and any other documentation required by the department to verify that labels and terminology used on the labeling conform with applicable law; and

(f) For products labeled "mineral water" or for a label containing the term "mineral water", copies of the results of laboratory testing of mineral content and total dissolved solids (TDS) of the product, obtained during the 12 months preceding the license year from an agency approved to test drinking water by the department or another public health agency.

(7)(a) The department hereby adopts by reference:

(i) ARM 37.110.301 et seq., setting standards for food manufacturing establishments;

(ii) ARM 37.110.201 et seq., setting standards for public water supplies;

(iii) ARM 17.38.101, governing plans for public water supplies;

(iv) 21 CFR 101, setting food labeling standards;

(v) 21 CFR 103, setting quality standards for foods with no identity standards;

(vi) 21 CFR 129, setting standards for processing and bottling bottled drinking water;

(vii) 40 CFR 141, containing maximum contaminant levels for drinking water, and

(viii) 15 USC 1451 et seq., containing federal law on packaging and labeling.

(b) Copies of these statutes and rules may be obtained, upon payment of copying costs, from the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-31-104, 50-31-201 and 50-50-103, MCA; IMP, Sec. 50-31-104, 50-31-201 and 50-50-103, MCA; NEW, 1994 MAR p. 2832, Eff. 10/28/94; AMD, 1995 MAR p. 368, Eff. 3/17/95; TRANS, from DHES, 2001 MAR p. 2423.)

37.110.802 ICE (1) This rule applies only to ice that is intended for human consumption and is sold in packaged form or in bulk form for food, drink or culinary purposes. This rule does not apply to persons, hotels, restaurants, inns, caterers, food service contractors, or theaters that manufacture or furnish ice solely to or for their customers in a manner that is incidental to the production, sale or dispensing of other goods and services.

(2) Natural ice that is cut from water on a stream, creek, river, lake, pond, or other body of surface water may not be used as ice for human consumption.

(3) Except as provided in (1) above, any person who manufactures, transports, distributes, sells or provides ice, with or without charge, to the public must obtain a food manufacturing license and must comply with these rules and with the statutes governing food manufacturing establishments, 50-50-101 et seq., MCA; the rules governing food manufacturing establishments, ARM 37.110.301, et seq.; and the rules governing public water systems, ARM 17.38.201 et seq.

(4) Ice plants must be operated in a clean and sanitary manner. The room in which ice production occurs may not be used for any purposes other than ice or food production and the storage and refrigeration of ice or food.

(5) Ice production facilities shall meet the provisions of 21 CFR 110, which provides standards for current good manufacturing practice in manufacturing, packing, or holding human food.

(6) Ice produced and packaged for sale to the public must be labeled in accordance with the Montana Food, Drug and Cosmetic Act, Title 50, chapter 31, MCA, and in accordance with 21 CFR 101, which establishes federal food labeling standards, and must display legible labeling including, but not limited to, the identity of the product, the net weight or contents of the package, and the name and place of business of the manufacturer, packer, distributor, seller, or provider.

(7) Packaged ice transportation, hauling vehicles, and bulk containers, including display or storage freezers, are regarded as a part of the licensed premises and are subject to review or inspection by the department or the local health officer, sanitarian, or sanitarian-in-training employed by or contracted with the local board of health having jurisdiction, prior to issuance or renewal of its license or on a regular annual inspection.

(8) The food manufacturing establishment must sample and have analyzed its manufactured ice products, and the waters from which the ice is made, at least once a month for compliance with the maximum microbiological contaminant levels contained in ARM 17.38.207, and send the results to the department. The food manufacturing establishment is also required to comply with the bacteriological quality sampling provisions of ARM 17.38.215 (3) through (7) for transient non-community water systems. The department may increase the required sampling frequency based upon sampling results or other conditions which indicate an increased risk to the health of the users of the product. The department may decrease the required sampling frequency to quarterly or biannually based on a showing that the source consistently does not contain the contaminant, is either a community water system or a groundwater source not under direct influence of surface water, and that the samples consistently meet the required sanitary standards, rendering the source and operation generally not vulnerable to microbiological contamination.

(9) The delivery of ice to the customer must be done under sanitary conditions. Ice must be packaged in durable freezable containers labeled in conformance with the labeling requirements as described in (6) above. Boxes or containers intended for non-food use or for use in packaging another food are not acceptable transport containers. All boxes, containers, cases or contact surfaces within bins or transport vehicles must be constructed of food grade materials.

(10) Natural or manufactured ice that does not conform to standards set forth in this rule must be conspicuously identified or labeled as unsafe or inedible and may not be sold or distributed for human consumption. Such ice may be used for cooling or refrigeration purposes only if such use does not permit it to come in direct contact with food or drink meant for human consumption. If such ice is sold or distributed for refrigeration purposes, the seller or distributor must notify the buyer or consumer that it is not safe for human consumption.

(11) The department hereby adopts by reference ARM 37.110.301 et seq., setting standards for food manufacturing establishments; ARM 17.38.201, et seq., setting standards for public water supply systems; 21 CFR 110, setting standards for packing, manufacturing, or holding human food; and 21 CFR 101, setting food labeling standards. Copies of these rules may be obtained, upon payment of copying costs, from the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-31-104, 50-31-201 and 50-50-103, MCA; IMP, Sec. 50-31-104, 50-31-201 and 50-50-103, MCA; NEW, 1994 MAR p. 2832, Eff. 10/28/94; TRANS, from DHES, 2001 MAR p. 2423.)

Rules 03 and 04 reserved

37.110.805 COMMON CARRIERS (1) Water and ice provided by common carriers for drinking or culinary purposes in railway trains, buses, or other public transportation conveyances and in all railway stations in Montana must be taken from supplies which conform to standards for drinking water contained in 40 CFR 141 and 40 CFR 142.

(2) The department hereby adopts by reference 40 CFR 141, setting maximum contaminant levels and other standards for drinking water, and 40 CFR 142, establishing procedures for implementing and enforcing drinking water standards. Copies of these rules may be obtained, upon payment of copying costs, from the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-50-103, MCA; IMP, Sec. 50-50-103, MCA; NEW, 1994 MAR p. 2832, Eff. 10/28/94; TRANS, from DHES, 2001 MAR p. 2423.)

Rules 06 through 09 reserved

37.110.810 MINIMUM PERFORMANCE REQUIREMENTS FOR LOCAL HEALTH AUTHORITIES (1) To qualify for reimbursement under 50-50-305, MCA, for regulation of sources of drinking water and ice, a local board of health must either enter into a written, signed cooperative agreement with the department that establishes the duties and responsibilities of the local board of health and the department consistent with this subchapter, or ensure that the following are done by the local health officer, sanitarian, or sanitarian-in-training:

(a) Ensure that, at least once per year, each plant or establishment within the jurisdiction of the local board of health where water is prepared for sale in bottles or other containers or artificial ice is manufactured, and the sources of all such water, are inspected, either by the foregoing individuals or by another government agency and, at the same time, that a sample of the water is submitted to a DEQ-approved laboratory for analysis for contaminants.

(b) Submit quarterly inspection reports to the department within 10 days following the close of each quarter of the fiscal year (1st quarter--September 30; 2nd quarter--December 31; 3rd quarter--March 31; 4th quarter--June 30) on forms approved by the department.

(c) Retain for 5 years all documentation of enforcement of this subchapter, including but not limited to inspection reports, consumer complaints, illness investigations, plans of correction, and enforcement actions, and, upon request, submit copies of the documentation to the department or otherwise make it available to the department.

(2) A failure by the local board of health to meet all of its responsibilities under the cooperative agreement or under (1)(a) through (d) above shall result in the withholding of funds from the local board reimbursement fund in an amount to be determined by the department. (History: Sec. 50-50-305, MCA; IMP, Sec. 50-50-305, MCA; NEW, 1994 MAR p. 2941, Eff. 11/11/94; AMD, 1995 MAR p. 26, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2423.)

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# Fast-Food Ice Dirtier Than Toilet Water

Seventh-Grader's Science Project Turns Up Some Disturbing Results

Feb. 20, 2006



Jasmine Roberts never expected her award-winning middle school science project to get so much attention. But the project produced some disturbing results: 70 percent of the time, ice from fast food restaurants was dirtier than toilet water.

The 12-year-old collected ice samples from five restaurants in South Florida -- from both self-serve machines inside the restaurant and from drive-thru windows. She then collected toilet water samples from the same restaurants and tested all of them for bacteria at the University of South Florida.

In several cases, the ice tested positive for E. coli bacteria, which comes from human waste and has been linked to several illness outbreaks across the country.

"These [bacteria] don't belong there," said Dr. David Katz, medical contributor to "Good Morning America." "It's not cause for panic, although it is alarming because what she found is nothing new. You're not more likely to get sick now. But she's done us a favor by sounding the alarm."

Both Roberts and Katz said that the ice is likely dirtier because machines aren't cleaned and people use unwashed hands to scoop ice. Toilet water is also surprisingly bacteria-free, because it comes from sanitized city water supplies.

## Support from Big Brother

Roberts got interested in the project after reading a newspaper article about bacteria in airplane water and decided to do something similar. Plus, she said, all of her friends chew on ice, and it drives her crazy.

"I just picked the not-obvious choice," the seventh-grader said of her project. Her 18-year-old brother, Justus, is also an award-winning science fair veteran who said he has encouraged his little sister's interest in science.

**Anderson Cooper 360**  
**Tuesday, June 21, 2005**  
**7:00 – 8:00 p.m.**  
**Transcript**

HEIDI COLLINS, CNN CORRESPONDENT: It's cold, refreshing and oh- so-good on a hot summer day, but did you ever think about what's in your ice?

JENNIFER BERG, NEW YORK UNIVERSITY: Fecal matter in ice is a serious problem.

COLLINS: Jennifer Berg is the head of the graduate department at the Food Science and Nutrition program at New York University. She says ice can hold bacteria that makes you just as sick as anything else you eat.

BERG: Tainted ice is usually a result of having e.coli, fecal matter inside the ice.

COLLINS (on camera): How worried should people be about something like this?

BERG: You know, we don't want to make the American public completely neurotic and so scared of our food supply, when in reality we have a safer food supply than most countries, but we do need to be careful.

COLLINS (voice-over): Ice can become contaminated in many ways, like microorganisms in the water supply. But according to the experts CNN consulted, the most common causes of ice contamination are poor handling and storage.

Take Denton, Texas, 1999. Fifty-eight members of a high school drill team were infected with various levels of gastrointestinal illnesses at a camp. The ice got contaminated with e.coli after campers used their bare hands to scoop ice out of the machine. And recently, a British government study surveyed clubs, bars and pubs in London, and found half the ice they used was full of bugs and bacteria that can make people sick.

(on camera): So that got us thinking, what would we find if we bought ice just like you would on any given day at any given restaurant across the country?

(voice-over): We took our ice samples in Chicago, Dallas, Atlanta, New York and Los Angeles, at a combination of fast food chains and local establishments in each town, a total of 23 samples. In each location, we walked in and ordered our drinks with our ice on the side, and then carefully, without touching the ice, poured it into sterile bags, and then set the samples off to a certified food laboratory, Microbac Laboratories in Warrendale, Pennsylvania.

(on camera): Now, our study didn't follow all EPA protocol. That would mean we would have had to have gone to each restaurant four or five times, tested the city water, and then made sure that our sample ice touched nothing before it went into our sample bags. But

our results were tested against the most basic EPA standards, and what we found was disturbing.

(voice-over): In every city but one, there was a restaurant that failed those EPA standards.

This McDonalds in Atlanta failed. This Dunkin Donuts in Chicago failed. This 7-Eleven in Dallas failed, and so did this Burger King in Los Angeles.

On the day we tested, according to Microbac Laboratories, each ice sample from these four establishments was contaminated with fecal matter.

(on camera): That's disgusting.

BERG: It's so easy to spread. It's very easy to prevent, very easy to prevent. It's a matter of washing in very warm water, really washing not just the hands but up until, you know, through the forearm, with soap, very hot water, drying it off, training employees to all do that.

COLLINS (voice-over): And the one city that got a clean bill of ice? Well, that surprised even us.

(on camera): When you think of New York, you think horribly dirty city, but yet when we did our little ice samples, not a single place failed. Why?

BERG: New York City has much more stringent laws and regulations in place inspecting food. The other thing is, in a city like New York, and if you're talking about the fast food places that you've looked at, they have very high volume. By the end of the evening, that ice machine has emptied out. They've completely depleted their supply.

COLLINS (voice-over): We then contacted the establishments that failed our single tests. In every case, after hearing the results of our test, the owner/operator said they shut down their ice machines and cleaned them thoroughly, and also retrained their employees.

All four restaurants said they retested their ice after cleaning the machines and found no trace of bacteria.

7-Eleven sent us this: "The safety of 7-11 customers is of the utmost importance to us." And from Dunkin Donuts: "Dunkin Donuts strives to endure adherence to food safety standards." McDonald's issued this statement from the franchise owner: "My restaurant has an excellent track record with our local health department. My last inspection score was 99 out of 100." Burger King responded by telling us: "The particular restaurant has consistently achieved high health and safety results from both our internal and external audits, as well as those of the local health department."

However, health departments in Atlanta and in Los Angeles told us they do not test water

in ice machines during health inspections.

To be fair, none of the other locations of these establishments failed our tests in other cities, and we only tested the failed establishments once. But clearly, there is contaminated ice out there. So, will it make you sick?

BERG: You personally, Heidi, probably not, but chances are people did. Young children, older people, anybody who was sick to begin with.

COLLINS: Most common complaints: Nausea, vomiting and diarrhea.

So what can you do to protect yourself? If you are lucky enough to live in one of the handful of states that have food safety officers, look for the sign telling you that one is on duty. Otherwise, if you see the server filling your cup, make sure they are wearing gloves, and they don't touch the ice.

Or you could do what Jennifer Berg does.

(on camera): Do you get ice in any of your drinks when you're out to eat?

BERG: I just decided it's OK to just have beverages room temperature.

(END VIDEOTAPE)

COLLINS: So whether you drink your drink with or without ice, you should know dirty hands in the ice bin is only half the problem. The other culprit for the contaminated ice is the ice machine itself. These dispensers need to be cleaned on a daily basis to prevent that buildup of water and bacteria in the very bottom of the bin and in the water lines.

COOPER: So are there any actual numbers on how many people get sick from ice?

COLLINS: Not really. There are not exact numbers. In fact, the CDC has been tracking the outbreaks of illnesses since about 1968 caused by contaminated ice, but they don't have precise figures, because people usually think they're getting sick from the food they eat, and hardly anybody really thinks of ice as a food.

COOPER: All right. Heidi Collins, thanks.

AFDO\* GUIDELINES  
FOR THE INSPECTION AND ENFORCEMENT  
OF GMP REGULATIONS  
FOR HANDLING AND MANUFACTURING PACKAGED ICE

#### INTRODUCTION

This nation has established very comprehensive standards governing the sanitary processing of food and the safety of food. Ice is a food and is subject to these same standards. It makes sense to prepare beverages under strict sanitary and safety standards and to pour these beverages over ice subjected to the same standards.

Ice is a manufactured food and as such is subject to the Good Manufacturing Practices Regulations for Foods contained in the Code of Federal Regulations, Title 21, Chapter 1, Part 110. Additionally, many states have passed the model Food and Drug Act which contains the same language as the federal statute. Therefore, ice is also defined as a food under most state laws and regulations.

#### PURPOSE

These guidelines provide information to uniformly apply the Good Manufacturing Regulations to packaged ice manufacturing and handling operations. This information should be used as guidance during inspections of packaged ice manufacturing and handling operations and should be taken into consideration when violations of Good Manufacturing Practices are evaluated for regulatory follow-up.

These guidelines have been prepared as an adjunct to the GMP Regulations and do not replace or supersede them. In addition, the Packaged Ice Association has developed specific guidance for ice manufacturing and handling operations which, if followed, will result in general compliance with the GMP regulations and these guidelines.

Many inspections are being conducted by state and local governments which cover convenience stores and other types of establishments that also house a small ice manufacturing operation. These inspections should evaluate the packaged ice manufacturing and handling processes for compliance with the GMP Regulations and these guidelines.

Inspections of large ice manufacturing plants must be inspected using these same standards to evaluate compliance.

#### PERSONNEL-MANAGEMENT

Evaluate the cleanliness of employee's clothing. If it is heavily soiled, immediate correction is required. Clothing that contains grease, oil, dirt, or other material must not be permitted for an employee who handles ice or food contact surfaces.

\*Association of Food & Drug Officials, P.O. Box 3425, York, PA 17402 (717) 757-2888

Employees must wash and sanitize hands after handling objects that are not clean or sanitized. Frequent handling of unsanitized objects and returning to handling ice or food contact surfaces represents a serious violation of GMP Regulations.

#### PACKAGED ICE GUIDELINES

Where ice is manufactured in facilities housing more than one operation and employees are engaged in both operations assessments must be made about the potential for cross-contamination of the ice. Therefore, it may be necessary for health officials to prohibit the housing of two operations in the same area. For example, housing ice manufacturing operations in garages and gas stations is unacceptable unless very carefully controlled conditions are met.

Employees must not be allowed to consume food, drink beverages, smoke, etc. in the ice manufacturing area. Also, employees must wear hair restraints.

Management is responsible for a sanitation training program that promotes continual awareness and adherence to high sanitary standards. This can be evaluated through and observation of employee's personal cleanliness and practices. When good sanitary practices are violated, management must take appropriate action to correct them.

When good sanitary practices are violated, discuss them with the owner and recommend changes that will solve the problems. Serious deficiencies in good sanitary practices cannot be solved without management's commitment.

#### ICE PLANT ENVIRONMENT

The area surrounding the ice manufacturing area must be free of debris that will harbor rodents, insects, and other pests. Thus, the inspection should evaluate the environment. Old equipment must be removed, tall grass and weeds must be cut frequently, and pools of water in the yard area must be eliminated.

The sewer system must function properly and never constitute a problem with back-ups or overflows that have the potential of contaminating equipment or ice.

Generally, plant environments can be easily controlled, and there should be no reason for harborage to exist. These violations may become more significant when the ice plant is infested with rodents, insects, or other pests. When this occurs, health officials must insist that the plant environment be improved as part of the plant clean up process. Live infestations by pests require that the plant be closed until the animals and insects are removed.

### PLANT CONSTRUCTION AND DESIGN

There are several ice manufacturing systems sandwiched into other operations which are not compatible with food manufacturing processes. When this situation occurs, health officials have a responsibility to require that the ice processing area be separated by an enclosure within these buildings or other suitable separation to prevent the potential for contamination.

The enclosed area must be large enough to permit employees to work within the enclosure and to perform all the manufacturing and packaging steps within the enclosure. The enclosure must be well constructed, clean, and prevent potential for contamination.

Health officials must insist that holes in walls be repaired, that ill fitting doors, windows, and screens be repaired, and that the construction itself permit easy cleaning of the walls, floors, and equipment.

### SANITARY OPERATION AND CONTROLS

Equipment must be cleaned on a schedule of frequency that prevents accumulation of mold, fungus, and bacteria. A formal cleaning program and schedule which includes the use of sanitizers to eliminate micro-organisms must be developed and used. Inspections must include an evaluation of the cleaning schedules and an evaluation of the status of all equipment and the plant environment.

Health officials must insist that cleaning of the plant and equipment be frequent enough to prevent contamination. At the least, equipment must be cleaned and sanitized before the beginning of operations when the operation or plant has been shut down. Other cleaning schedules will be based on the needs of individual plants and must cover cleaning following processing interruptions.

Ice cannot be packaged on platforms open to the environment; nor can it be processed in a truck, unless the truck is specifically dedicated to the packaging of ice and meets the same standards set forth in these guidelines.

Live animals and birds must not be permitted in the plant. Infestations by live animals and bird require immediate correction. Therefore, the facility must be closed until these pests are eliminated.

Single service supplies, such as bags and other containers, must not be reused. Single service containers must be stored in an area free from potential contamination with non food items such as toxic substances, and dirt. These containers must be free from potential contamination from pests such as insects, rodents, and animals.

## WATER

Water used in the entire plant must be potable water unless the health authority authorizes the use of non-potable water for certain operations. Water from an approved city water supply is considered potable water and needs no testing for quality.

A plant may use a private water supply provided the following conditions are met:

--The water must be tested under worst case environmental conditions to establish a water quality profile. This research should demonstrate that worst case environmental conditions have no adverse impact on water quality or reveal those conditions which do impact on quality.

--Plans must be established to suspend use of private water supplies under those conditions which have been shown to adversely affect the quality of the water without regard to further testing before suspension of use. Water tests must be conducted before the private supply is again used.

For example, private well water must be assessed following periods of heavy rainfall producing heavy rainfall run off. These assessments will produce a profile that establishes the impact of such events. This data provides guidance to control the quality of water without conducting laboratory analysis to establish water quality following these events.

It is not enough to simply test water from private wells randomly according to an arbitrary schedule. Rather, evaluations must be performed in relationship to events that may adversely affect water quality as mentioned above.

Water quality is one of the highest priorities in an ice plant. Health officials must carefully evaluate water quality control programs during every inspection.

Private well water must be tested monthly in addition to the tests specified above. This will detect changes in water quality which are not triggered by environmental events. Pesticide and chemical contamination should be part of any periodic test program.

## ENFORCEMENT GUIDELINES

Public health officials must insist on high standards and compliance with the Good Manufacturing Practices for Food Regulations.

1. When employees are dressed in clothing that is heavily soiled with grease, dirt, or other debris, immediate correction must be made. This can be corrected by the pant owner providing clean outerwear when these employees handle ice, or other suitable alternatives. It is a serious violation of GMPs when employees clad in filthy garments handle ice or food contact surfaces. Failure to correct these conditions should result in suspension of operating permits or closure until corrections are made.

2. It is a serious violation of GMPs to manufacture or process ice in a building infested with rodents, insects, or wild or domestic animals. Plants so infested must be closed until a permanent correction has been made.
3. Water from private wells must be tested under worst case environmental conditions. Failure to develop appropriate profiles for private wells represents a serious public health problem. Public health officials should help develop a plan to test private wells and to develop an acceptable overall water control program. Once a plan is developed, it must be implemented immediately. Failure to implement and adhere to this plan should result in closure until correction is made.
4. Ice must be tested periodically for the presence of bacteria. This should be done each 90 to 120 days. These tests must be more frequent when internal conditions do not conform to Good Manufacturing Practices Guidelines. Failure to perform this key step should result in immediate sampling by the health authority. Also, licenses should be suspended until an appropriate product testing program is implemented or other action appropriate to local standards may be taken. Under no circumstances should the public be expected to consume ice that has not been subjected to an effective quality control program, and periodic testing is a cornerstone of all public health and Good Manufacturing Practices programs.
5. The ice manufacturing area must be in a facility housing a food plant providing barriers to a potential contamination of the ice, be in a facility dedicated to the manufacture of ice, or be within an enclosure in another facility. Failure to follow these guidelines should result in closure and license suspension until permanent correction is made.
6. Cross connections between potable water and non-potable water lines are cause for immediate closure until the plumbing has been corrected. This requires permanent correction before ice can be manufactured.

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