

1 04 NCAC 02T .0309 is proposed for adoption as follows:

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3 **04 NCAC 02T .0309 GROWLERS: CLEANING, SANITIZING, FILLING AND SEALING**

4 (a) Filling and refilling growlers will only occur on demand by a customer.

5 (b) Growlers shall only be filled or refilled by a permittee or the permittee's employee.

6 (c) Prior to filling or refilling a growler, the growler and its cap shall be cleaned and sanitized by the permittee or the
7 permittee's employee using one of the following methods:

8 (1) Manual washing in a three compartment sink:

9 (A) Prior to starting, clean sinks and work area to remove any chemicals, oils or grease from other
10 cleaning activities;

11 (B) Empty residual liquid from the growler to a drain. Growlers shall not be emptied into the cleaning
12 water;

13 (C) Clean the growler and cap in water and detergent. Water temperature shall be at a minimum 110°F
14 or the temperature specified on the cleaning agent manufacturer's label instructions. Detergent
15 shall not be fat or oil based.

16 (D) Remove any residues on the interior and exterior of the growler and cap;

17 (E) Rinse the growler and cap in the middle compartment with water. Rinsing may be from the spigot
18 with a spray arm, from a spigot or from the tub as long as the water for rinsing shall not be
19 stagnant but shall be continually refreshed;

20 (F) Sanitize the growler and cap in the third compartment. Chemical sanitizer shall be used in
21 accordance with the EPA-registered label use instructions and shall meet the minimum water
22 temperature requirements of that chemical; and

23 (G) A test kit or other device that accurately measures the concentration in MG/L of chemical
24 sanitizing solutions shall be provided and be readily accessible for use; or

25 (2) Mechanical washing and sanitizing machine:

26 (A) Mechanical washing and sanitizing machines shall be provided with an easily accessible and
27 readable data plate affixed to the machine by the manufacturer and shall be used according to the
28 machine's design and operation specifications;

29 (B) Mechanical washing and sanitizing machines shall be equipped with chemical or hot water
30 sanitization;

31 (C) Concentration of the sanitizing solution or the water temperature shall be accurately determined
32 by using a test kit or other device; and

33 (D) The machine shall be regularly serviced based upon the manufacturer's or installer's guidelines;

34 (d) Notwithstanding Paragraph (b), a growler may be filled or refilled without cleaning and sanitizing the growler as follows:

35 (1) Filling or refilling a growler with a tube as referenced by Paragraph (e):

36 (A) Food grade sanitizer shall be used in accordance with the EPA-registered label use instructions;

- 1 (B) A container of liquid food grade sanitizer shall be maintained for no more than 10 malt beverage
- 2 taps that will be used for filling and refilling growlers;
- 3 (C) Each container shall contain no less than five tubes that will be used only for filling and refilling
- 4 growlers;
- 5 (D) The growler is inspected visually for contamination;
- 6 (E) The growler is filled or refilled with a tube as described in Paragraph (e);
- 7 (F) After each filling or refilling of a growler, the tube shall be immersed in the container with the
- 8 liquid food grade sanitizer; and
- 9 (G) A different tube from the container shall be used for each fill or refill of a growler; or
- 10 (2) Filling a growler with a contamination-free process:
- 11 (A) The growler is inspected visually for contamination;
- 12 (B) The growler shall only be filled or refilled by a permittee or the permittee's employee; and
- 13 (C) Is otherwise in compliance with the FDA Food Code 2009, Section 3-304.17(c).
- 14 (e) Growlers shall be filled or refilled from the bottom of the growler to the top with a tube that is attached to the malt
- 15 beverage faucet and extends to the bottom of the growler or with a commercial filling machine.
- 16 (f) When not in use, tubes to fill or refill growlers shall be immersed and stored in a container with liquid food grade
- 17 sanitizer.
- 18 (g) After filling or refilling a growler, the growler shall be sealed with a cap.

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20 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001(1), (2) and (16); FDA Food Code 2009, Section*

21 *3-304.17(c) and Section 4-204.13(a), (b) and (d);*

22 *Eff. October 1, 2014;*

23 *Temporary Adoption Eff. October 25, 2013.*