

SUBARTICLE 6.

SALVAGE OPERATIONS DEALING IN FOODS AND COSMETICS

5-360. Definitions.

The definitions and interpretations contained in Section 39-25-20 of the South Carolina Food and Cosmetic Act are applicable to such terms when used in these Regulations. The following definitions shall also apply:

- (1) "Act" means the South Carolina Food and Cosmetic Act.
- (2) "Department" shall mean the South Carolina Department of Agriculture.
- (3) "Commissioner" shall mean the Commissioner of Agriculture and/or his designated representative.
- (4) "Cosmetic" shall mean (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles, except that such term shall not include soap.
- (5) "Food" shall mean (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.
- (6) "Salvager" shall mean a person, firm or corporation engaged in the business of reconditioning, labeling, relabeling, sorting, cleaning, culling or by other means salvaging and who sells, offers for sale, or distributes for human or animal consumption any salvaged food any salvaged cosmetic or any other products of similar nature that may have been contaminated by fire, water, smoke, chemicals, transit, or by any other means.
- (7) "Salvage Auction Firm" means a person engaged in the business of selling salvaged food or salvaged cosmetics for his own account or for others, irrespective of the manner in which he is compensated or receives consideration with respect to such sale.
- (8) "Salvage Distributor" means a person engaged in the business of selling, storing, offering for sale, distributing, peddling, or otherwise trafficking in salvaged food or cosmetic or unsalvageable food or cosmetics.
- (9) "Hazardous substances" is a substance or mixture of substances which is toxic, corrosive, an irritant, flammable, or which generates pressure through heat, decomposition or other means; or which has been designated by the United States Product Safety Commission as a strong sensitizer, or a radioactive material or which "may cause substantial personal injury or substantial illness during or as a proximate result of any reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children."
- (10) "Perishable" shall mean any food or cosmetic of such type or in such condition or physical state as it may spoil or otherwise become unfit for human consumption or use.
- (11) "Potentially hazardous food" shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
- (12) "Safe temperatures" as applied to potentially hazardous food means an air temperature of 45° F. or below and 140° F. or above.
- (13) "Salvageable merchandise" is any food or cosmetic which can be reconditioned, labeled, relabeled, repackaged, recoopered, sorted, cleaned, culled, trimmed, or by any other means salvaged and which brings such item into compliance with requirements of the Act and Regulations under this Act and its amendments, to the satisfaction of the Commissioner, and which is not deleterious to the health of the consumer.

(14) "Salvaged merchandise" means any food item or cosmetic which (or the container or label of which) may have been subject to damage, contamination, deterioration, or other adverse effect by fire, water, smoke, chemicals, impact, exposure to the elements, temperature change, or any other forces or means which may cause the same to fail to be in compliance with the South Carolina Food and Cosmetic Act and its Regulations.

(15) "Wholesome" shall mean food or cosmetics in sound condition, clean, free from adulteration and otherwise suitable for human or animal consumption or use.

5-361. Permits.

(1) No person shall act as a salvager in South Carolina unless he has a permit as provided in these Regulations issued by the Commissioner.

(2) There shall be five permit classifications for salvagers. These shall be designated as follows:

(a) General Salvager--The General Salvager is required to have proper facilities for cleaning and sanitizing food and cosmetic containers that are salvageable.

(b) Railroad Salvager Only--The Railroad Salvager may segregate and clean soiled containers resulting from unit breakage or damage, which may be done with a cloth dampened with potable water.

(c) Out-of-State Salvager--The Out-of-State Salvager may do general salvaging provided adequate facilities are made available and the salvage work is done under the supervision of the Department.

(d) Salvage Distributor--The Salvage Distributor may only distribute and sell salvaged food and cosmetics after they have been reconditioned. In addition, the Salvage Distributor may do a minimal amount of segregating and cleaning soiled containers resulting from unit breakage or damage, which may be done with a cloth dampened with potable water.

(e) Salvage Auction Firm--The Salvage Auction Firm must have a business location and address from which business is conducted. An auction firm may not recondition or reprocess foods or cosmetics unless it also holds a General Salvager Permit.

(3) Applications for permits shall be made upon a form provided by the Commissioner. Application for permit renewal shall be made on or before June the first in each year for the permit year beginning the following July the first. There shall be no charge for this application.

(4) The applicant shall satisfy the Commissioner that he has adequate physical facilities for salvaging food and cosmetic products. If so satisfied, the Commissioner shall issue to the applicant a permit which shall be nontransferable. Where a person has more than one salvage operation, a separate permit is required for each location.

(5) The Commissioner may decline to grant a permit or may suspend or revoke a permit already granted, after due notice to the applicant by mail or otherwise, when it appears (1) that any statement in the application or upon which it was issued is or was false or misleading, (2) that the applicant or permit holder does not have adequate physical facilities for salvaging food and cosmetic products, or (3) that the applicant has failed to comply with any of the provisions of these Regulations.

(6) The permit shall be displayed conspicuously in the place of business.

5-362. Notification.

A permit holder shall immediately notify the Department of any purchase of salvageable or distressed foods or cosmetics. Such notification shall be made prior to the beginning of any salvage operations. Telephone numbers will be furnished to all salvagers upon request.

5-363. Records.

A record or receipt of damaged merchandise, merchandise found to be unfit, and salvaged merchandise shall be kept by salvagers and shall be kept open for inspection by the Commissioner. These records shall

be kept on the premises of the salvager for a period of not less than one year following the completion of transactions involving a lot of merchandise.

5-364. Movement of Seized Foods and Cosmetics.

- (1) It shall be unlawful for foods or cosmetics held under seizure or embargo by the Commissioner to be moved to a different location without prior permission by the Commissioner.
- (2) All movements of seized or embargoed foods or cosmetics are to be made only under the supervision of the Commissioner.
- (3) Food and cosmetic products shall be moved from the site of a fire, flood, wreck or other cause as expeditiously as possible so as not to become putrid, unwholesome, rodent or insect harborages, or otherwise a menace to public health.
- (4) All seized or quarantined foods or cosmetics, prior to reconditioning and release from seizure, shall be transported only in vehicles provided with devices to render them capable of being locked and sealed. Where highly perishable foods or cosmetics are transported, this is to be done in vehicles provided with adequate refrigeration for product maintenance.

5-365. Labeling and Relabeling.

- (1) All salvaged merchandise must display a proper label on the packaging unless otherwise exempted by the South Carolina Food and Cosmetic Act. Cans or packages without full labeling information shall not be sold individually or by any multiple can, package, or case sale.
- (2) All labels on a closed container or package of food, whether printed, embossed, or stamped thereon, shall be easily and clearly readable and legible and shall show all data or information required under the "General Regulations for the Enforcement of the South Carolina Food and Cosmetic Act, Article IV-FOOD." Cosmetics shall comply with "Article V-COSMETICS" of the Regulations.
- (3) Where original labels are removed from containers which are to be resold, salvager replacement labels must show the name of the salvager as the distributor.

5-366. Building Exterior and Grounds.

The grounds around a salvage operation under the control of the operator or owner shall be free from conditions which may result in the contamination of food including, but not limited to, the following:

- (1) Improperly stored equipment, litter, waste, refuse, and uncut weeds or grass within the immediate vicinity of the operation which may constitute an attractant breeding place, or harborage for rodents, insects, or other vermin.
- (2) Inadequately drained areas and excessively dusty roads, yards, or parking lots which may constitute a source of contamination to food products by providing a breeding place for insects, microorganisms, or other vermin.
- (3) Inadequate and open garbage bins, containers, pits, or cans used for disposal which may allow pilferage or which may be an attraction for insects, rodents, or other animals.

5-367. Building Construction.

All salvage operations shall be performed in buildings or structures with facilities, equipment and procedures which meet the following requirements:

- (1) The exterior shall be so designed, fabricated, and finished as to minimize the easy entrance of insects, birds, rodents, and other vermin.
- (2) All necessary ventilation openings shall be effectively screened against insects, rodents, and birds.

(3) All service connections through the exterior wall including water, gas, electrical, and refrigerator connections, shall be grommeted or sealed to prevent the entrance of insects, birds, and rodents.

5-368. Physical Layout Requirements.

All General Salvagers must have at least the following rooms for normal operation: (1) Receiving room, (2) Reconditioning (cleaning) room and (3) Storage room for reconditioned merchandise. If retail sales are made on the premises, a separate room shall be provided for this purpose. Where frozen or refrigerated foods are handled, refrigerators, freezer rooms and/or freezer cabinets shall be provided.

(1) The Salvage Receiving room shall be separated from other rooms by a solid wall divider. All foods and cosmetics which are known to be unsalvageable shall be disposed of and removed from the receiving room as soon as possible.

(2) The Reconditioning room shall be suitably arranged and equipped, providing for the actual cleaning and reworking of the salvageable merchandise. Effective bactericidal treatment of salvageable merchandise shall be done by a method approved by the Commissioner as being effective in destroying microorganisms.

(3) The Storage room shall be used only for storage of reconditioned and undamaged foods or cosmetics.

5-369. Sanitation Requirements for Receiving, Reconditioning, and Storage Areas.

(1) Floors shall be easily cleanable, smooth and of tight construction. Floors shall be of nonabsorbent material or shall be covered with a nonabsorbent coating.

(2) The joints at floor-wall junctures shall be tight and without cracks and tunnels.

(3) The floors shall be kept clean and in good repair.

(4) The surface of walls and ceilings shall be reasonably smooth and easily cleanable.

(5) All walls and ceilings shall be kept clean and in good repair.

(6) All openings to the outside shall have tight fitting doors and windows.

(7) If doors or windows are left open for ventilation, they shall be properly screened or protected to prevent easy entry of birds, rodents, insects, or other vermin.

(8) Reconditioning areas shall be adequately lighted so as to permit the activity for which the premises are used to be carried on safely and to permit effective cleaning and inspection of reconditioned goods.

(9) Light bulbs, fixtures, skylights, or other glass suspended over exposed foods shall be of safety type or otherwise protected to prevent food contamination in case of breakage.

(10) The water supply shall be adequate, of a safe and sanitary quality, and from a source approved by the Department.

(11) All apparatus, utensils and appurtenances used in the handling and reconditioning of salvage goods shall be so constructed and placed that they can be thoroughly cleaned. Such equipment shall be kept clean and sanitary and in good repair.

(12) No person shall live or sleep in any building used as a salvaging plant unless the salvaging plant or work room of such salvaging plant is separated by impervious walls without doors or windows or other openings from the parts of the building used for living or sleeping quarters.

(13) Vats, sinks and other washing equipment, provided with hot and cold running water and proper drains, shall be available for cleaning, rinsing, and bactericidal treatment of food containers to be reconditioned. Necessary equipment for drying, buffing, relabeling and repacking shall be provided where required.

(14) All employees shall be clean at all times and shall wear clean, washable clothing and hair restraints, where the operation requires. They shall not smoke or chew tobacco where unpackaged foods or cosmetics are handled.

(15) No person suffering from or afflicted with a contagious or infectious disease shall be employed in or about any part of a salvaging plant.

(16) The General Salvager shall provide a conveniently located toilet which shall be kept clean and in good repair. The toilet room shall be completely enclosed and well lighted. A hand washing facility shall be provided adjacent to or in the toilet room and shall be kept clean and in good repair. A sign directing employees to wash their hands before returning to work shall also be placed in all toilet rooms.

5-370. General Requirements for Sales Areas.

All foods and cosmetics displayed in the sales area (whether for sale on a retail basis or wholesale basis) shall be wholesome and unadulterated. The following shall also apply:

- (1) Packed foods for human consumption in cloth or paper containers and packages shall not be stored directly on the floor.
- (2) Canned and packaged food and cosmetic display racks and shelving shall be kept clean and in good repair.
- (3) All unwrapped cereal, bakery, meat and candy products shall be displayed in a sanitary container or showcase and protected from handling by the public.
- (4) Metal food containers shall be free of seam, rim, and severe distortions and body dents as well as leaks.
- (5) Cereal products, including but not limited to grits, flour, meal and breakfast cereals, as well as other food items packaged in paper or cloth containers, shall be free from open tears, rips, insects, and water damage.
- (6) Animal foods shall be displayed separately from human food products.
- (7) Any article of food normally used for human consumption but intended by the establishment to be used other than for human consumption shall be marked by the owner in accordance with methods described by the Department in such a way as to indicate plainly that the article is not to be sold as human food.
- (8) Perishable and potentially hazardous foods shall be stored and/or displayed at a safe temperature in keeping with good trade practices to insure that when the food reaches the consumer it is safe and fit for human consumption.
- (9) All refrigerated food display cases, food storage refrigerators and walk-in coolers shall be equipped with an accurate visible thermometer located in the warmest storage area. All coolers shall be kept clean and in good repair.
- (10) All frozen food shall be held at an air temperature of 0° F. or lower. The internal product temperature shall not exceed 10° F. at any time.
- (11) If both salvaged and nonsalvaged merchandise are offered for sale on the same premises, all salvaged merchandise must be displayed in a section separate and apart from nonsalvaged merchandise or the salvaged merchandise must be stamped or marked plainly to indicate to the consumer that it is salvaged. If salvaged merchandise is displayed in a separate section, such section must be designated by a placard or sign with the following wording "Salvaged Merchandise" of sufficient size and contrast to be readily seen by the consumer.

5-371. Waste Disposal.

- (1) All liquid wastes resulting from cleaning equipment and floors, toilets, hand washing facilities, refrigeration devices, and air conditioners, shall be disposed of in a public sewage system or other approved method.
- (2) All garbage and rubbish containing food wastes prior to disposal, shall be kept in leak-proof, nonabsorbent, easily cleanable containers so as to be inaccessible to rodents, insects, and other vermin.
- (3) All areas in a salvage operation shall be free from unnecessary litter, rubbish, paper, empty containers and other material which might serve as a harborage for rodents, insects, or other vermin.

(4) All garbage and rubbish shall be disposed of at regular intervals of sufficient frequency and in such a manner as to prevent objectionable conditions.

(5) All unsalvageable merchandise must be denatured or disposed of in a manner approved by the Commissioner.

5-372. Rodents, Insects, and Other Vermin.

(1) All reasonable measures shall be taken to protect against the entrance, breeding or presence of rodents, birds, flies, roaches, weevils, and other vermin in a salvage operation or establishment.

(2) Unwrapped foods or cosmetics shall be covered or adequately protected when using aerosol or fogging methods for applying approved pesticides for vermin control.

(3) Rodent control poisons shall be placed in covered bait boxes to prevent spillage or possible contamination of food and danger to employees. The bait boxes shall be properly labeled with a warning notice.

(4) Pesticides and rodenticides used shall be subject to approval by the Department and shall be applied in accordance with the manufacturer's labeled instructions.

5-373. Miscellaneous.

The provisions of these Regulations are in addition to and are not in lieu of the provisions of law or regulations which otherwise or also apply to a Salvager. The Department shall take any other action or procedure necessary to insure that only wholesome food and cosmetics are held for sale and are sold by such establishment.