

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HEALTH  
Jim Wood, Chair  
AB 254 (Quirk-Silva) – As Amended April 22, 2019

**SUBJECT:** Warewashing machines: water reuse.

**SUMMARY:** Permits water from a warewashing machine to be reused on the same warewashing machine if an attendant is onsite to control the reuse of the water and there is a written disclosure notice posted on the machine stating that the reused water is not for drinking.

**EXISTING LAW:**

- 1) Establishes the California Retail Food Code (CRFC) which, among other provisions, ensures that retail food facilities are designed so that equipment used on the premises adhere to acceptable levels of safety, sanitation, and cleanliness.
- 2) Requires mechanical sanitization to be accomplished in the final sanitizing rinse by specified methods, including:
  - a) Being cycled through equipment that is used in accordance with the manufacturer's specifications and achieving a utensil surface temperature of 160°F as measured by an irreversible registering temperature indicator;
  - b) The mechanical application of sanitizing chemicals by pressure spraying methods using specified solutions; and,
  - c) After being cleaned and sanitized, equipment and utensils cannot be rinsed before air drying or use unless:
    - i) The rinse is applied directly from a potable water supply by a warewashing machine that meets specified standards and is operated according to the manufacturer; and,
    - ii) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose United States Environmental Protection Agency-registered, label use instructions require rinsing off the sanitizer after it is applied in an approved commercial warewashing machine.
- 3) Requires mechanical machine warewashing to be accomplished by using an approved machine installed and operated in accordance with the manufacturer's specifications including the following provisions:
  - a) Requires soiled items to be cleaned in a warewashing machine to be loaded in racks, trays, or baskets or onto conveyors in a position that exposes the items to the unobstructed spray during all cycles and allows the items to drain; and,

- b) Requires the velocity, quantity, and distribution of the washwater, type, and concentration of detergent used therein, and the time the utensils are exposed to the water to be sufficient to clean the utensils.
- 4) Requires all warewashing equipment that discharge liquid waste to be drained by means of indirect waste pipes, and all wastes drained by them to discharge through an airgap into a floor sink or other approved type of receptor.
- 5) Requires warewashing machines to be connected directly to the sewer immediately downstream from a floor drain. Authorizes warewashing machines to be drained through an approved indirect connection.
- 6) Requires a potable water tank of sufficient capacity to furnish an adequate quantity of potable water for warewashing, and other specified purposes, to be provided for nonpermanent food facilities.

**FISCAL EFFECT:** This bill has not yet been analyzed by a fiscal committee.

**COMMENTS:**

- 1) **PURPOSE OF THIS BILL.** According to the author, California has a long history of droughts which has many in the state to be conscious of water conservation in our daily lives. Substantial progress has been made in the residential and public agency sectors, but given the diversity of our commercial and industrial sectors, many challenges and opportunities still remain for them to become more water efficient. The author concludes that this bill would allow for reuse of water during the pre-rinse process for dishes and utensils in restaurant and commercial kitchens.

- 2) **BACKGROUND.**

- a) **CRFC Regulation.** Food facilities, and their operations are governed by CRFC. According to the California Retail Food Safety Coalition (CRFSC), a broad-based coalition of federal, state, and local regulators and the retail food industry, the CRFC is modeled after the federal Model Food Code, developed by the federal Food and Drug Administration and updated every two years to reflect the latest scientific and evidence-based practices. Local environmental health directors have primacy in the enforcement of the CRFC and focus their food facility inspections on minimizing food-borne illness risk factors and maximizing public health interventions.

The CRFC, among other provisions, regulates the care and use of equipment used within a food facility. Warewashing machines, or dishwashers, are very commonly used in food facilities. The use of warewashing machines to wash and sanitize silverware, plates, and other equipment used in food facilities for preparing and serving food to the public must meet specific requirements which are typical in commercial dishwashing machines. There is a phase prior to the equipment being properly sanitized within the machine where dishes are 'pre-rinsed.' This phase is controlled by an employee and is also the phase at which, in this bill, water is intended to be reused in the warewashing process.

- b) **Water Reuse.** In California, droughts are prevalent, and thus it is favorable to reduce excess water use in any way possible. Restaurants and commercial kitchens use a

substantial amount of water, particularly during dish and utensil washing processes. There are currently innovative technologies in water efficiency for dishwashers that would allow for water to be filtered and reused for specified parts of the commercial/restaurant dishwashing methodologies. In Orange County, there has been an approved pilot project in 2016 to test a specific technology for reusing water in the manner specified in this bill. In the pilot project, the Orange County Environmental Health Director authorizes the emerging technology and monitored potential public health outcomes. In the year that the pilot project was running, there was demonstrated decrease in water and energy usage by the facilities re-using water during the pre-rinsing phase of warewashing. There were also no documented cases of harm to the public when water was re-used for this purpose.

- 3) **AUTHOR AMENDMENTS.** To clarify their intent, the author proposes to specific that existing law's requirements for warewashing machines continues to apply and limit the reuse of water only for pre-rinse.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file.

**Opposition**

None on file.

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