













Refilling Returnable Containers at Retail Food Establishments

The [2023 ODA Retail Food Code](#) Part 3-304.17 provides the retail food industry and consumers with various options to use refillable food containers. However, it is up to each individual retail business whether they will permit consumer owned refillable food containers to be used and in what manner.



What is Allowed	Examples	Specific Requirements:
<p>Empty food container is returned to a food establishment for collection and is then refilled with food in a regulated food processing plant 3-304.17(A)</p>		<ul style="list-style-type: none"> • Food container is returned to the food establishment empty and clean • The container is cleaned and refilled with food by the food processor; not by the customer or employees of the retail food establishment
<p>Container provided by the food establishment for refilling that has been washed, rinsed, and sanitized in the food establishment prior to each reuse 3.304.17(B)</p>		<ul style="list-style-type: none"> • Container was initially provided to the consumer by the food establishment • Container is designed for repeated use (not single use/ disposable) • Container is washed, rinsed, and sanitized at the food establishment before refilling • Container may be refilled with any food by customers or employees provided the activity is permitted by the food establishment
<p>Refillable container that is washed, rinsed, and sanitized by a third-party company prior to reuse 3-304.17(B)</p>		<ul style="list-style-type: none"> • Container was initially provided to the consumer by the food establishment or third party cleaning company • Container is designed for repeated use (not single use/ disposable) • Container is washed, rinsed, and sanitized by the third-party before refilling

		<ul style="list-style-type: none"> • Container may be refilled with any food by customers or employees provided the activity is permitted by the food establishment
<p>Consumer owned beverage containers 3-304.17(C)</p>		<ul style="list-style-type: none"> • Container is designed to be easily cleanable • Container is only refilled with a beverage for the owner of the container • Container is refilled by an employee or, • Customer refills the container if the beverage system includes a contamination free transfer process
<p>Water Vending Machine 3-304.17(D)</p>		<ul style="list-style-type: none"> • A consumer owned container that is not food specific may be refilled at a water machine or system
<p>Whole Fruits and Vegetables and Nuts in the Shell 3-304.17(F)</p>		<ul style="list-style-type: none"> • A visibly clean consumer owned container may be refilled with whole fruits and vegetables and nuts in the shell • Laundered cloth, canvas, or mesh bags may be used
 <p>Activities that are prohibited with consumer owned refillable food containers</p>		
<p>Prohibited: Consumer owned food containers, not previously provided by the retail food establishment, that are <u>refilled by the consumer</u> with Time/ Temperature Control for Safety (TCS) foods commonly found</p>		<p>Consumer owned containers may not be used for self-service of TCS foods under any circumstances as a result of the increased risk to public health if containers are not properly designed or maintained clean and in good repair.</p>

<p>at self-service yogurt machines, salad bars, and buffets 3-304.17(E)</p>		
<p>Prohibited: Food containers that are</p> <ul style="list-style-type: none"> • In poor repair (i.e., rusted) • Not intended for reuse (i.e., Styrofoam) • Unclean • Not temperature appropriate 		<p>EXAMPLE: A clean, empty yogurt container may be an acceptable vessel for refilling with food. However, if the container is chipped, cracked, or soiled it would not be allowed to be used. The yogurt container may also not be appropriate for refilling by an employee with hot soup as the container may have been originally designed for cold food storage only.</p>

WRITTEN PLAN REQUIRED

The following refillable food container options are only permitted if the retail food establishment has developed a written plan in advance that is maintained onsite for review by the Oregon Department of Agriculture Food Safety Program.

What is Allowed	Examples	Specific Requirements:
<p><u>Self-service</u> of non-Time and Temperature Control (TCS) bulk foods, non-ready to eat foods, or TCS or non-TCS packaged food 3-304.17(E)</p>		<ul style="list-style-type: none"> • Containers must be designed for repeated use and must be in good repair • Containers must be visibly clean • Facility is required to have a written plan
<p>Consumer owned containers may be <u>refilled by employees</u> with any type of food 3-304.17 (E)</p>		<ul style="list-style-type: none"> • Containers must be designed for repeated use and must be in good repair • Containers must be visibly clean • Retail food establishment employees shall follow appropriate food safety procedures, such as hand-washing, when handling consumer owned containers • Facility is required to have a written plan

For more information, contact your local food safety inspector: <https://oda.direct/FindFoodInspector>